A VOICE FOR THE REGIONS
PROPOSALS FOR A RESTORED UPPER HOUSE IN QUEENSLAND

Morgan Begg, Research Fellow
Daniel Wild, Director of Research
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Introduction

Next year will mark the 100th anniversary of the Queensland Labor government’s successful campaign to abolish Queensland’s upper house in 1921.

Abolition was overwhelmingly against the will of the broader Queensland population, with some 61% of Queenslanders voting against abolition in a referendum held in 1917.

While periodic attempts have been made to revive an upper house, Queensland today remains the only state in Australia with a unicameral parliament—that is, without an upper house.

Queenslanders may be proud of this unique feature, but the absence of an upper house has led to three significant structural deficits in Queensland politics and public policy which present an existential threat to the Queensland way of life.

1. “Accountability deficit” which arises from parliament’s diminished ability to review and scrutinise laws and actions of the government of the day.

2. “Democratic deficit” which reflects the diminished representative capacity of the Queensland parliament and is expressed in the relatively high number of Queensland residents per member of parliament.

3. “Regional representation deficit” which reflects the substantial geographic disparities in the distribution of electoral districts in the lower house—the Legislative Assembly—where only one region, South East Queensland, accounts for over two-thirds of seats in parliament.

The purpose of this research report is to analyse the best available domestic and international evidence on the costs and benefits of unicameralism (a parliament with only one house) and bicameralism (a parliament with two houses), the history of unicameralism in Queensland, provide an assessment of the different models of bicameralism in Australia and internationally, assess the implications of Queensland’s unicameral parliament, such as through the three aforementioned “deficits”, and to provide different options for how an upper house could be re-established in Queensland.

Queensland’s Unicameral Parliament Has Created An Accountability Deficit

Upper houses are critical mechanisms for holding the government of the day to account and ensuring that proposed laws are subject to proper oversight and scrutiny.
Without an upper house the executive branch of government—the ministers, government departments and agencies—can push through its agenda in parliament through the control of backbenchers and parliamentary procedure. This results in what former UK Conservative Party Lord Chancellor Lord Hailsham famously described in the 1970s as an “elective dictatorship.”

The problem of executive domination is compounded by the strict discipline of the party system. In Queensland for instance, there are currently 23 members of the government cabinet, and 22 members in the opposition frontbench. In sum, 45 of 93 members of the Legislative Assembly—almost half—are bound by the rules of cabinet and are compelled to support the agenda of the government or the official opposition position.

As Figure 1 illustrates, the Queensland parliament is the second most executive dominated parliament in Australia, where legislation is “frequently railroaded by the Premier and cabinet with little serious debate or reflection.”

Figure 1: Proportion of parliamentarians in frontbench positions in Australian state parliaments.

An upper house is essential for holding the government of the day to account through the performance of parliament’s review function.

Requiring laws to pass through and be debated in a second chamber by different lawmakers with different perspectives who represent different constituencies fosters a culture of improving the quality of legislative output. A second chamber is also essential to detecting mistakes and improving on the work of the house initiating the legislation.

The review characteristics can be described broadly as positive redundancy, the power to delay, and the responsibility to scrutinise legislative proposals.

1 Scott Prasser, J.R. Nethercote and Nicholas Aroney, ‘Upper Houses and the problem of elective dictatorship,’ in Prasser, Aroney and Nethercote (eds.) Restraining Elective Dictatorship: The Upper House Solution (University of Western Australia, 2008) 1.

Positive Redundancy

Positive redundancy refers to the idea that a bicameral parliament institutes a mechanism for a “second look” at a bill by a different set of eyes before it is passed. Where activities such as lawmaking, which have serious consequences or where certainty is demanded and false starts undesirable, it is valuable to have a means of eliminating error before its effects are experienced.

This is what Canada’s first prime minister, Sir John A. Macdonald, was referring to when he described Canada’s upper house as a body of “sober second thought” that would curb the “democratic excesses” of the elected House of Commons.3 In other words, bicameralism fosters quality in lawmaking by requiring hearings in both chambers, by more people, and by creating multiple opportunities for debate, reflection and a “sober second thought.”

Delay

The power to delay the passage of legislation in an upper house (either deliberately or as a matter of design of parliamentary process) improves the overall lawmaking process by allowing time for the formation of public opinion.

While interest groups may be involved in discussion with government in the phase of policy development prior to a bill’s introduction in parliament, debate in the wider community will generally be prompted only after legislation enters parliament. Accordingly, extending the timeframe of the lawmaking process by requiring a bill to go to an upper house, which can propose amendments and send proposed legislation back to the lower house to consider amendments, delays the legislative process so that the community has a greater opportunity to engage in public debate and influence parliamentary outcomes.

Scrutiny

The role of parliament is not limited to procedural matters but to scrutinise the substance of the legislation that is generated by the lower house or to challenge decisions or activities of government ministers.

Parliament carries out its scrutiny activities through direct questions to ministers and through the parliamentary committee system, where parliamentarians can launch inquiries into special topics or policies. These inquiries invite submissions from the public and in upper houses are an institutional mechanism for parliament to make a detailed case for a specific legislative or procedural change even where it is not consistent with the policies or objectives of the government in the lower house.

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3 Canada, Parliamentary Debates, Senate, 29 May 2018, 5642 (Leo Housakos).
Queensland’s Unicameral Parliament Has Created A Democratic Deficit

Queensland suffers from a democratic deficit due to its low “population-per-MP” ratio. The 93-member lower house is arguably too small especially when measured against its population.

“Population-per-MP” is a measure of the representative capacity of a parliament. The concept is simple: the fewer parliamentarians there are, the more people those parliamentarians are supposed to represent.

At a point, a member of parliament is supposed to represent so many different communities of interest that advocating for any local interest will be impossible and the parliamentarians goal will be reduced to representing the line of the political party.

As Figure 2 illustrates, the Queensland parliament scores poorly when compared to other states in Australia. Specifically, Queenslanders have the second highest population-per-MP ranking, with around 55,000 Queenslanders receiving representation from a given MP, compared with 60,000 New South Wales, 52,000 in Victoria, 28,000 in Western Australia, 26,000 in South Australia, and 13,000 in Tasmania.

Figure 2: Population-per-member of state parliament (March 2020).

Some would argue that fewer politicians is almost always something to be welcomed, and that an upper house for Queensland is a suspect proposition simply because it would result in more members of parliament. This is not an entirely unreasonable point of view.

It could be argued, for example, that more politicians will necessarily lead to bigger government, with higher taxes, more regulation and red tape, and more bureaucrats.

However, this conjecture misses a key point: decentralisation and better, more local representation is not possible without their being more elected politicians in parliament to be dispersed across more electorates.
As the Institute of Public Affairs argued in the IPA Review in 2018, and in a parliamentary research brief in April 2019, larger parliaments are a way to get representatives closer to the people they are elected to represent. More elected representatives enhance the capacity for members of parliament to represent local interests in their constituencies, and to reflect their views and preferences more accurately.

An upper house which increases the overall size of parliament would allow for a greater range of voices and more debate. However, to unlock these benefits means ensuring that the increase in the number of representatives of the Queensland parliament does not simply result in a larger cabinet and shadow cabinet. In other words, it requires a larger backbench.

A large and robust backbench has traditionally not been a feature of Australian governments either at the federal or state level as it has been in the United Kingdom and the United States' equivalent. Political discourse is typically dominated by cabinet and shadow cabinets, and usually by a small number of figures within those cabinets.

The numerical dominance of the parliamentary political party leadership occurs in the context of the modern Australian political tradition of strict party discipline.

Political parties in Australia rigorously enforce adherence to party policy, and backbenchers are no less expected to demonstrate support for those policies in their public comments and parliamentary voting. This is reinforced by the process of candidate selection: members of parliament in the major political parties typically owe their preselection as candidates to the machinations of the political party, usually in coordination with the leadership of the party in parliament.

There is a great deal of risk for a backbench parliamentarian to develop a unique policy programme tailored to their electorate, when there is a threat from party leaders to deny opportunities for elevation to the frontbench or to deny preselection altogether.

Since the party leadership can impose strong discipline on backbench parliamentarians, and determine the composition of the executive, the parliament is thus rendered a tool of the executive.

The effect is to diminish debate and dampen the spread of ideas.

Queensland’s Unicameral Parliament Has Created A Regional Representation Deficit

Regional Queensland embodies the unique Queensland way of life, which is driven by small business, a strong mining and resources sector, private enterprise, and freedom of speech.

Queenslanders have a long and proud history of regionalism and decentralisation.

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4 Simon Breheny et al., ‘Five Ideas to Fix Australia’ (May 2018) 70(1) IPA Review 16, 19.
5 John Roskam, ‘20 Policies to Fix Australia: 15 policies the Coalition should implement but will not and 5 policies they should not implement but will’ (Institute of Public Affairs Parliamentary Research Brief, 12 April 2019).
Sir Samuel Griffith as premier led the effort in the 1890s to create a Queensland federation, which would have created three sub-colonial entities and turn the colonial Queensland government into a federal government. The proposal passed the Legislative Assembly but failed in the Legislative Council.  

In 1899 it was decided that the Australian Constitution would allow “the Parliament of the State of Queensland... [to] make laws dividing the State into divisions and determining the number of Senators to be chosen for each division.”

In 1910, the Legislative Assembly passed a resolution that Queensland be divided into Northern Queensland, Central Queensland, and Southern Queensland, although no further action was taken.

And in 1955, the New State for North Queensland Movement launched at a highly popular convention near Cairns in 1955.

Advocacy for regional autonomy through the creation of a new state or states is still alive: according to a report in The Courier Mail in 2010, all but two mayors in North Queensland supported the proposal for a separate North Queensland state.

A separate state for North Queensland has also been supported by current federal Queensland MPs Bob Katter, Matthew Canavan and George Christensen.

However, this uniquely Queensland way of life based on regionalism and decentralisation is under threat.

Policymaking and politics in Queensland have become increasingly dominated by an inner-city elite concentrated in the South East Queensland corridor of the Sunshine Coast-Brisbane-Gold Coast.

Of the 93 seats in Queensland’s Legislative Assembly, 64, or 69%, are located in the South East region.

To illustrate how this has changed over time, 61% of seats were in the South East when the current parliamentary system was introduced in 1991.

By contrast, just 5 seats (5%) are in both of the Far North Queensland and Darling Downs and South West regions, six seats (6%) are in both the North Queensland and Wide Bay Burnett regions, 4 seats (4%) are in the Central Queensland region, and 3 seats (3%) are in the Mackay, Isaac, and Whitsunday region.

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9 Ibid.
It is true that the concentration of seats in the Legislative Assembly located in South East Queensland is roughly comparable to that region’s share of the total population.

However, this has led to a self-fulfilling prophecy where centralisation begets centralisation. The concentration of parliamentary seats representing South East Queensland is a structural incentive to focus on the concerns and interests of South East Queensland, which in turn diverts more government resources to the same area. This in turn makes South East Queensland a more attractive place to live, making the area even more important as an electoral base.

Queenslanders are particularly vulnerable to ongoing centralisation because of Queensland’s unicameral system of government: there is no in-built institutional limitation on the extent to which the South East is able to exert dominance over the rest of the state.

In other words, the absence of an upper house has meant that there is no check on the metropolitan dominance of the lower house.
Potential Upper House Models For Queensland

There are many different models upon which an upper house in Queensland could be based.

For instance, members of the Legislative Council in South Australia and New South Wales are elected from a single state-wide electorate.

In Victoria and Western Australia, the members of the Legislative Council are elected from a small number of large, multi-member electorates.

In Tasmanian, the members of its Legislative Council are elected from 15 single-member electorates by a preferential ballot. The electorates in the Tasmanian Legislative Council are apportioned to have equal numbers of electors, subject to a 10% variance from the target number of electors.

Broadly speaking, however, there are two bases upon which electoral authority for an upper house can be derived. One is from population-based representation, and the other is from geographic-based representation.

Simply stated, population-based representation means electoral authority is based on the voting outcomes of individuals in a given state. Alternatively, geographic-based representation means electoral authority is based on the voting outcomes in a given geographic location (such as a region or shire).

As such, this research report outlines three potential models for an upper house in Queensland:

1. Queensland Upper House Model #1: Population-based Representation
2. Queensland Upper House Model #2: Geographic-based Representation
3. Queensland Upper House Model #3: Mixed Model

Queensland Upper House Model #1: Population-based Representation

The first potential model for a restored upper house in Queensland is the single state-wide electorate model, similar to that used in New South Wales and South Australia.

Under this model, a portion—for instance, half—of the chamber would be up for election at every general election, where all Queenslanders voting across the state would decide the composition of the upper house.

The election of candidates would be based on proportional representation, where candidates must meet a quota after the distribution of preferences to be declared elected. This model could be adapted: for instance, a smaller portion of the chamber could be up for election more often, similar to the Tasmanian Legislative Council which holds elections every year for two or three members of its 15-member upper house.

State-wide proportional elections are successful at electing minor parties into parliament, ensuring a wider range of voices are heard and debated among lawmakers.
Additionally, such a system will usually not produce majorities for any single major party, so can be a reliable scrutineer of the governing party in the lower house.

The population-based model would help resolve the accountability deficit by being a house to review government legislation and bills, and it would partially resolve the democratic deficit by providing for a lower population-to-MP ratio.

However, this model would not resolve Queensland’s regional representation deficit as state-wide voting will tend to favour the high population centres, in this case the South East.

Additionally the nature of the state-wide electorate model is that elected members are not responsible to a discrete region or subset of the electorate, and in representing the entire state such members can risk representing their political party first and foremost, which ensure their placement in an electable position on the election ballot.

**Queensland Upper House Model #2: Geographic-based Representation**

The second model which this paper evaluates is an upper house based on geographic representation.

There are many ways to give effect to geographic representation.

One approach explored in this report is based on utilising the existing governing infrastructure of Queensland through the Local Government Areas (LGAs).

There are currently 77 LGAs across Queensland comprised of Cities, Shires, Regions, and Indigenous Shires which have direct responsibility for the administration of local law, public services and utilities.

Under this model, voters in each LGA could elect one representative to the upper house.

The upper house could be referred to as the Regional Council, and those who are elected to the Regional Council could be referred to as regional representatives to reflect the impetus this model gives to regional representation.

As Table 1 demonstrates, the proposed Regional Council would lead to a dramatic rebalancing of democratic representation away from Brisbane and the state’s South East toward the regions, correcting the regional representation deficit in Queensland’s parliament.
Table 1: Composition of the Legislative Assembly (LA) and the proposed Regional Council (RC) by region.

<table>
<thead>
<tr>
<th>Region</th>
<th>Seats in the LA (% of seats)</th>
<th>Seats in the RC (% of seats)</th>
<th>Seats in Both Houses (% of total seats)</th>
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<tr>
<td>Far North Queensland</td>
<td>5 (5%)</td>
<td>24 (31%)</td>
<td>29 (17%)</td>
</tr>
<tr>
<td>North Queensland</td>
<td>6 (6%)</td>
<td>10 (13%)</td>
<td>16 (9%)</td>
</tr>
<tr>
<td>Mackay, Isaac, and Whitsunday</td>
<td>3 (3%)</td>
<td>3 (4%)</td>
<td>6 (4%)</td>
</tr>
<tr>
<td>Central Queensland</td>
<td>4 (4%)</td>
<td>13 (17%)</td>
<td>17 (10%)</td>
</tr>
<tr>
<td>Wide Bay Burnett</td>
<td>6 (6%)</td>
<td>6 (8%)</td>
<td>12 (7%)</td>
</tr>
<tr>
<td>Darling Downs and South West</td>
<td>5 (5%)</td>
<td>10 (13%)</td>
<td>15 (9%)</td>
</tr>
<tr>
<td>South East Queensland</td>
<td>64 (69%)</td>
<td>11 (14%)</td>
<td>75 (44%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>93</td>
<td>77</td>
<td>170</td>
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Note: South East Queensland is comprised of the Brisbane Metropolitan area, the Sunshine Coast, the Gold Coast, and Ipswich.

While the South East is home to some 69% of seats in Queensland’s Legislative Assembly, it would contain just 14% of seats in the proposed upper house. This means that across the two houses combined, the South East would lose its majority and instead account for 44% of all seats. Conversely, 56% of all seats would be located outside of the state’s South East.

The biggest beneficiaries would be Queenslanders living in the state’s Far North region who would gain 24 seats in the new 77-seat upper house chamber. This would see their representation increase close to six-fold, from 5 to 29 seats, and the total percentage of seats in the Far North would increase from 5% to 17%.

By contrast those living in the Brisbane metropolitan region would gain just five new seats, which would see their total representation in the Queensland Parliament drop from 43% to just 26% of all seats.11

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11 According to categorisation by the Queensland Redistribution Commission, there are 40 Legislative Assembly districts in the Brisbane-Gold Coast, Brisbane South, Brisbane North, and Brisbane-Sunshine Coast areas, which would be represented in the proposed Regional Council in seats based on the boundaries of The City of Brisbane, Moreton Bay Region, Logan City, Redland City and the Scenic Rim Region: Queensland Redistribution Commission, ‘Notification under Section 51(1) of the Electoral Act 1992—Determination of Queensland’s Legislative Assembly Electoral Districts’ in Queensland, Queensland Government Gazette, Vol. 375, No. 20, 26 May 2017, 148, 175-194.
The other major beneficiaries would be:

- Queenslanders living in the North Queensland region whose representation would increase from 6% to 9% of all seats.
- Queenslanders living in the Central Queensland region whose representation would increase from 4% to 10% of all seats.
- Queenslanders living in Darling Downs and South West region whose representation would increase from 5% to 9% of all seats.

Conversely,

- Queenslanders living in the Sunshine Coast would see their representation decline from 9% to 6% of all seats.
- Queenslanders living in the Gold Coast would see their representation decline from 12% to 7% of all seats.
- Queenslanders living in Ipswich would see their representation decline slightly from 3% to 2% of all seats.

**Figure 4: Distribution of electoral districts in Legislative Assembly and proposed Regional Council, by region.**
The geographic representation model would: help to resolve the accountability deficit through its review and scrutiny functions, resolve the democratic deficit by providing for a lower population-to-MP ratio, and resolve the regional representation deficit by devolving significant electoral power to the regions.

One criticism of this proposed model, however, is that it arguably goes too far in shifting the balance back to the regions. For instance, under this model the Longreach Regional LGA area has a population of around 4,300, while the Brisbane City LGA has a population of around 1.2 million, yet the populations of both LGAs would receive the same upper house representation.

As explained in further detail in the report, it is important to note that for an upper house to be effective it ought not derive its electoral authority from the same source as the lower house. The fact that an upper house which is based on geographic rather than population considerations would give a heavier electoral weighting to less populated regions is a feature rather than a bug. Indeed, this feature is categorically similar to the composition of the Commonwealth Senate, where Tasmania, with a population of approximately 600,000 has the same number of Senators as New South Wales which has a population of approximately eight million.

Nonetheless, there are various permutations of a regionally representative upper house which can produce less stark regional weightings, such as the mixed model considered below.

**Queensland Upper House Model #3: Mixed Model**

The third model this paper considers is a mixed model, which combines aspects of both population and geographical-based representation.

The mixed model, used with some variation in Victoria and Western Australia, elects members to the upper house from a small number of large, multi-member electorates. Victoria’s eight regions elect five candidates to its Legislative Council, while Western Australia’s five regions elect five candidates to its Legislative Council.

The election of candidates in each region could be on the basis of proportional representation, where candidates must meet a quota after the distribution of preferences in order to be declared elected.

While all members of the Victorian and Western Australian Legislative Councils must stand for election every four years, there is no requirement that this be the case if the model was used in Queensland. For instance, regions could hold elections in different years, similar to the Tasmanian Legislative Council which holds elections every year for two or three members of its 15-member upper house.

As with state-wide electorates, regional-based proportional electorates are successful at electing minor parties into parliament, ensuring a wider range of voices are heard and debated among lawmakers.
Additionally, and again as with state-wide electorates, such a system will usually not produce majorities for any single major party, so can be a reliable scrutineer of the governing party in the lower house.

The population-based aspect of the mixed model would help resolve the accountability deficit by being a house to review government legislation and bills, and it partially resolve the democratic deficit by providing for a lower population-to-MP ratio.

This model could also partially address Queensland’s regional representation deficit. A model based on the Legislative Council of Western Australia—which divides its six multi-member electorates into three metropolitan and three rural—could address the parliamentary imbalance in favour of the South East.

However, the mixed model would not achieve the level of localism that would be possible under model #2. While members would be responsible to discrete areas of the state, these areas are usually vast in size and elected members are not responsible to any local area or communities of interest.
Bicameralism Results in More Accountable Government

“Bicameralism” has been a feature of parliament for almost as long as there have been parliaments. The first instance of dividing a parliament into an Upper Chamber and Lower Chamber occurred in 1341, when the house of commoners sat separately from the nobility and clergy for the first time, the predecessor to the House of Commons and the House of Lords respectively in the United Kingdom.

Given its long history, it is unsurprising that a body of theory and philosophy has developed over time to explain why this is the case and why it is preferable to have two houses of parliament rather than one.

The traditional explanation for bicameralism is in its support for the separation of powers. Under the Westminster model, the executive branch of the government is intimately comingled with the legislative branch. The executive—being the ministers who advise the Queen and execute the laws of parliament—are appointed from the parliament, and the danger that the executive would overpower the legislature—being the lower house of parliament—has long been recognised.

Montesquieu, the French political philosopher and principal source of the theory of the separation of powers, put forward the classic proposition in the 1748 treatise The Spirit of the Laws that “when the legislative and executive powers are united... there can be no liberty”. Montesquieu went on to argue that the prospect of domination is addressed by bicameralism, since the “legislative body being composed of two parts, they check one another by the mutual privilege of rejecting.”

United States Founding Fathers Alexander Hamilton, James Madison, and John Jay adapted Montesquieu’s proposition in The Federalist papers, warning that a second chamber “must be in all cases a salutary check on the government” which would double “the security to the people, by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one, would otherwise be sufficient.”

English philosopher John Stuart Mill gave close attention to the question of bicameralism in his 1861 book Consideration on Representative Government, also believing that bicameralism was necessary due to the prospect of “evil effect produced upon the mind of any holder of power, whether an individual or an assembly, by the consciousness of having only themselves to consult.”


The great British journalist Walter Bagehot laid out the powerful case for an upper house in the classic work *English Constitution* when he remarked that a “formidable sinister interest may always obtain the complete command of a dominant assembly by some chance and for a moment, and it is therefore of great use to have a second chamber of an opposite sort, differently composed, in which that interest in all likelihood will not rule.”

It is not surprising then that given the history of bicameralism in Westminster parliaments, that most parliaments based on the Westminster model retain the division of the legislature into two chambers. Although these take many different forms—from mostly by hereditary right as in the United Kingdom’s House of Lords prior to 1997, to fully appointed like the Canadian Senate, or by election in Australia and most Australian states—an upper house is seen as an important chamber of review and scrutiny of the activities of the government-of-the-day, which is formed in the lower house.

At the time of Australian Federation, all state Legislative Councils (the upper houses of state parliaments) with the exception of New South Wales and Queensland were elective houses—however they derived their authority from a different measure of the electorate than in the lower house. This is common of bicameral systems, in that upper houses are not designed to be an accurate representation of the aggregated population, which itself is usually a design of lower houses which allocate the seats in parliament to districts of similar population levels, also known as one-vote-one-value principles. The composition of the upper house in federal systems is usually to provide representation for sub-national or regional jurisdictions.

For this reason during the formation of the Congress of the United States, an agreement between delegates, known as the “Connecticut Compromise,” was made so that each state would be entitled to send two representatives to the United States senate, regardless of the size or population of each state. Likewise, the original four provinces of Canada were each allocated 24 representatives in the Canadian Senate, while the Australian Constitution expressly provides that while the parliament can amend the size of the Senate, each state must have equal representation in the Senate. The rationale for such a model is to ensure that the smaller or less populated regions are not dominated in the national parliament by the larger jurisdictions, and this rationale can apply equally to non-federated political systems or the parliaments of the Australian states.

With the exception of Queensland (discussed below), all Australian states have retained Legislative Councils as a core institution in their parliamentary systems. New South Wales and South Australia elect members to the Legislative Council from a single, state-wide electorate, where candidates must exceed a “quota” of votes in order to be elected. Victoria and Western Australia elect members from a small number of multi-member electorates, which are upper house electorates represented by more than one Member of Parliament: Victoria’s five metropolitan and three regional electorates each elect five members to its Legislative Council, while WA’s Legislative Council is comprised of members from three metropolitan and three rural electorates, each electing six candidates at every election.

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The Tasmanian Legislative Council is unique in Australia due to its use of preferential voting (the candidate who receives over 50% of the total vote after the distribution of preferences) to elect one member each from 15.

Although the specific design of state upper houses vary, each is viewed as an essential feature of Australian democracy and constitutional government.

Australia has been relatively successful in retaining Legislative Councils, opting instead to reform upper houses instead of outright abolition. The exception to this is the abolition of the Legislative Council in Queensland.
History of Queensland’s Upper House

Between 1 May 1860 and 23 March 1922, Queensland had a fully appointed Legislative Council. The members of the Queensland Legislative Council were nominated by the government and appointed by the Governor of Queensland for life-terms. Early criticism by the Moreton Bay Courier in 1861 was given in the following terms: “... 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.”

The Labor party was opposed to the Legislative Council from its inception and the first long-term Labor government in 1915 advocated strongly for its abolition. Labor Premier Thomas Joseph Ryan was frustrated by his dealings with a hostile Legislative Council, where approximately 800 bills were rejected or drastically amended by the Legislative Council during the first term of his premiership (1915-1918). It should be noted that the act of a bill being rejected or amended by an upper house is not necessarily evidence of a dysfunctional or improperly functioning parliamentary system—this is the role of upper houses.

On 12 November 1915, Premier Ryan introduced a bill into the Legislative Assembly to abolish the Legislative Council by abolishing the office of Member of the Legislative Council and all offices constituted in connection with it. The bill passed in the Legislative Assembly but was rejected by the Legislative Council where it was argued 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 drafted and rejected in the 1916-17 session of parliament.

The second rejection of the identical bill triggered a referendum under the Parliamentary Bills Referendum Act 1908. This mechanism ensured that in any event where the upper house obstructed the same piece of legislation twice the legislation could be put to a state-wide vote and if approved, presented to the Governor for Royal Assent. Consequently, a referendum to abolish the Legislative Council was held on 5 May 1917, to coincide with a federal election, but the proposal was defeated.

Explanations have been put forward to say that people were confused by the federal election or that confusion was caused by asking people to vote against the Council by voting “for” the bill to abolish it. This is a peculiar explanation, since the strongly anti-Legislative Council Labor government set up the referendum and set the date. Even if these factors had an effect on voters in marginal cases it would be unlikely to

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17 Ibid.  
18 Queensland, Parliamentary Debates, Legislative Council, 2748 (Andrew Joseph Thynne).
account for why the proposal was defeated so heavily: 39.3% of voters supported the abolition of the Legislative Council, while 60.7% were opposed.19

Despite the referendum result, the government made two further attempts to abolish the Legislative Council in 1918 and 1919. Rather than exercise the right to hold another referendum, the Labor government adopted the strategy of simply appointing Labor loyalists to the Legislative Council to ensure it had the numbers to pass any legislation presented to it. Governor Sir Hamilton Goold-Adams complied by appointing 18 members to the Legislative Council in 1918 and three more in 1919, but refused to make any further appointments. When the Governor retired in early 1920, the government of Labor Premier Edward Theodore took advantage of the time before the new Governor arrived by appointing the Speaker of the Legislative Assembly, William Lennon, to be Lieutenant-Governor. On advice from the government, Lennon made 14 appointments to the Legislative Council in February 1921, giving the Labor government the numbers to pass its abolition legislation.

The government introduced the Constitution Act Amendment Bill on 24 October 1921 which days later was passed by the Legislative Council. Abolition of the Legislative Council took effect on 23 March 1922. Notably, while the abolition of the upper house proceeded despite a failed referendum, the later Labor government led by William Forgan Smith in 1934 amended the Constitution Act to provide that the Legislative Council could not be reintroduced without the approval of the Queensland electors at a referendum.20

The decision to abolish the Queensland Legislative Council was not unreasonably seen at the time as being motivated by partisan expediency to avoid scrutiny of government actions or the need for any compromise in the implementation of government programmes. An editorial in the Courier in March 1922 speculated that the government would now have little institutional resistance to enacting any measure it pleased, noting that a “Parliament of one Chamber could, under existing circumstances, pass inequitable and confiscatory legislation; could indefinitely prolong its existence; fix members’ salaries at any sum that might be desired, and do anything it wished regardless of the country’s welfare.”21

Premier Theodore argued in parliament that the upper house was an undemocratic institution which had “never been a mere check on hasty legislation or a revising Chamber, but always an obstruction upon progress.”22 In the Premier’s view, as long as the upper house could act as restraint on the progressive politics of the Labor-controlled legislative assembly it could serve no “beneficial purpose.”23

20 Constitution Act Amendment Act 1934 (Qld).
21 Editorial, Courier Mail, 20 March 1922.
History of Upper Houses in New Zealand and Canada

The history is not too different in New Zealand, where its wholly appointed Legislative Council was abolished just three decades after Queensland did the same. In contrast to Queensland’s lifetime appointments, New Zealand’s Legislative Council was term limited to seven years. Because the terms of Legislative Council members were a relatively short seven years, the composition of the Legislative Council tended to replicate that of the elected lower house, since a new government was able to routinely appoint members who were supportive of its programme. Some have observed that the Legislative Council was of little value since its ability to effectively scrutinise bills was compromised. Like Queensland, the National Party government of New Zealand introduced the Legislative Council Abolition Act and appointed a “suicide squad” of 20 members to the Legislative Council to vote for its abolition.

The abolition of upper houses in Canadian provinces has been quite common in its history, although the causes for this have varied.

- In Newfoundland in 1934, a crisis in public finances led to the parliament surrendering self-government and accepting direct administration from the United Kingdom. Upon its admission as a province of Canada the Legislative Council was not reintroduced.

- Financial troubles in Manitoba led the government to appeal to the federal government in Ottawa for aid. Prime Minister Alexander Mackenzie demanded the legislative council be abolished as a cost-cutting measure.

- In 1893 the Legislative Council of Prince Edward Island was amalgamated with the House of Assembly to form the Legislative Assembly, comprising an assemblyman and councillor from each electoral district.

- The Legislative Council of Nova Scotia was abolished in 1928 after much wrangling by the premier for assurances from the provincial supreme court and the Judicial Committee of the House of Lords that the government had the power to appoint a necessary number of councillors to vote for abolition. When the Lords declared that there was not a limit to the number of Legislative Councillors that could be appointed and that Legislative Councillors served at the pleasure of His Majesty, Premier Rhodes dismissed 17 of the 18 Councillors and appointed 21 in their place, giving the government more than enough votes to abolish the council.

- The legislative council of Quebec was abolished in 1968, after a bill was introduced which would give to the last members of the Legislative Council a lifetime $10,000 annual salary if they voted to abolish themselves. Opposition was based in part on anti-English sentiment: one francophone newspaper wrote of the upper house “it’s a fortress placed on our territory in which an English garrison keeps our forces in check.”

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While issues of design and composition were commonly identified, no coherent philosophy has emerged to justify unicameralism as a form of parliament. Alleged problems in the upper houses of Queensland, New Zealand, and the Canadian provinces could just as easily have been improved by reformation, rather than the more drastic and democratically illegitimate abolition. Indeed, upper houses carry a number of benefits to accountability and the lawmaking process that make their retention fundamental to good parliamentary government. This paper will explore the benefits of an effective upper house in parliamentary democracies, and from these criteria develop a model specifically for the geographic and demographic needs of Queensland.
The Consequences of Unicameralism in Queensland

Queensland’s adoption of a one-house parliament has resulted in decades of poorly conceived laws with insufficient review and scrutiny mechanisms. Variously, the lawmaking and governance problems have been described by the “Queensland Malaise,”\(^\text{25}\) where according to William Isdale and Graeme Orr, all power is entrusted to a shallow form of political constitutionalism which pretends that “voting once every three years is a sufficient form of democratic accountability” and disguises a fundamentally “infirm institutional structure.”\(^\text{26}\)

Central to the Queensland Malaise is the abolition of the Legislative Council, which manifests itself in three kinds of institutional deficits:

1. “Accountability deficit” which arises from parliament’s diminished ability to review and scrutinise laws and actions of the executive government.
2. “Democratic deficit” which reflects the diminished representative capacity of the Queensland parliament and is expressed in the relatively high number of Queensland residents per member of parliament.
3. “Regional representation deficit” which reflects the substantial geographic disparities in the division and distribution of electoral districts in the Legislative Assembly where only one region, South East Queensland, accounts for over two-thirds of seats in parliament.

Reintroducing a second chamber of parliament will help to address these three deficits by providing for a larger parliament and the benefits of dual representation, rebalancing the disparity in favour of the South East and entrenching procedures of delay, positive redundancy and scrutiny which is fundamental to the upper houses’ role as a chamber of review. While an upper house is by no means a panacea for bad government, it is a necessary condition for good government and representative parliamentary advocacy to take place.

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\(^{26}\) Ibid.
Accountability Deficit

Upper houses are essential mechanisms for holding the government of the day to account and ensuring that proposed laws are subject to proper oversight and scrutiny. Without an upper house, the executive branch of government—meaning the ministers, government departments and agencies—can push through its agenda in parliament through the control of backbenchers and procedures of a weakened parliament. This results in what former UK Conservative Party Lord Chancellor Lord Hailsham famously described in the 1970s as an “elective dictatorship.”

In the Queensland context, this has been described by Dr Scott Prasser, Senior Fellow at the Centre for Independent Studies, and Nicholas Aroney, Professor of Constitutional Law at The University of Queensland, as a “democratic accountability gap,” characterised by the state’s weak parliamentary system which has encouraged a lack of ministerial responsibility, secrecy in government decision-making and a failure to attribute responsibility when scandal or mismanagement occur.

The problem of executive domination has been a cause for concern in Australia for several decades, when as far back as the 1950s Frank Green, the former Clerk of the House of Representatives, warned of the “tyranny of cabinet.” Australian political scientist LF Crisp concluded in the 1960s that the situation in Australia was in fact comparatively worse than Westminster systems elsewhere:

> Among British Parliaments around the world the Australian has perhaps suffered a more substantial eclipse than most... Today great and far reaching decisions for the welfare and security of every day citizens are taken and applied every day by the executive... The initiative and the power of decisions are with the government... most decisions of consequence are effectively made elsewhere – in the Prime Minister’s suite, or in Cabinet, in caucus rooms or in party executives and conferences; in the departments... the commissions... and boards; in the interest group executive meetings and... major banks, businesses and industrial concerns.

The problem of executive domination is compounded by the strict discipline of the party system. Lower houses in Australia are particularly prone to this. The relatively small size of Australian parliaments and the large and growing number of ministers means that there is a very real cost to not towing the party line. In Queensland for instance, there are currently 23 members of the government cabinet, and 22 members in the opposition frontbench. In sum, 45 of 93 members of the Legislative Assembly—almost half—are bound by the rules of cabinet and are compelled to support the agenda of the government or the official opposition position. As Figure 5 illustrates,

27 Scott Prasser, J.R. Nethercote and Nicholas Aroney, ‘Upper Houses and the problem of elective dictatorship,’ in Prasser, Aroney and Nethercote (eds.) Restraining Elective Dictatorship: The Upper House Solution (University of Western Australia, 2008) 1.


the Queensland parliament is the most executive dominated parliament in Australia, with the exception of Tasmania, which has an exceptionally small parliament of 40 members and in which the Labor party has inexplicably appointed 12 of its 15 members to be shadow ministers.

Figure 5: Proportion of parliamentarians in frontbench positions in Australian state parliaments.

Given this, it is unsurprising that Queensland is regarded as having the most executive dominated parliament in Australia, where legislation is “frequently railroaded by the Premier and Cabinet with little serious debate or reflection.”\(^\text{31}\) Efforts to strengthen the role of parliamentary committees as mechanisms for holding the government to account is hobbled in its capacity to scrutinise the government because of its controlling majority in the lone house of parliament.\(^\text{32}\) The government can even declare that a bill is urgent and unable to be referred to a parliamentary committee for review or debate.\(^\text{33}\)

Moreover, the problem of executive domination crosses the political spectrum over time: while much criticism is reserved for the long-term National Party government led by Sir Johannes Bjelke-Petersen (1968-1987), executive dominance was a feature of Queensland politics before and after Sir Joh’s premiership.\(^\text{34}\)


Benefit of upper houses #1: Constrain the executive branch of government

The numerical dominance of the parliamentary political party leadership occurs in the context of the modern Australian political tradition of strict party discipline. Political parties in Australia rigorously enforce adherence to party policy, and backbenchers are no less expected to demonstrate support for those policies in their public comments and parliamentary voting. This is reinforced by the process of candidate selection: members of parliament in the major political parties typically owe their preselection as candidates to the machinations of the political party, usually in coordination with the leadership of the party in parliament. There is a great deal of risk for a backbench parliamentarian to develop a unique policy programme tailored to their electorate, when there is a threat from party leaders to deny opportunities for elevation to the frontbench or to deny preselection altogether.

Since the party leadership can impose strong discipline on backbench parliamentarians, and determine the composition of the executive, the parliament is thus rendered a tool of the executive. This is especially the case in unicameral governments since the only chamber—the lower house—is the chamber controlled by the executive. In a system with a second chamber and where the government is formed in the lower house, controlling the upper house is not a prerequisite to holding government, and for this reason the upper house enjoys a greater prospect of autonomy relative to the executive than the lower house does.

Consequently, an upper house with substantial power is necessary for significant separation of legislative and executive power—that is, for there to be strong and independent parliamentary functions of review of the executive’s legislative proposals and scrutiny of executive action. This can be illustrated at the Commonwealth level in how the Senate scrutinises laws that are made by the executive under the delegated authority of parliament, known as delegated legislation. Both houses of parliament have the power to disallow delegated legislation but in practice this can only by performed by the Senate through the Senate Standing Committee on the Scrutiny of Delegated Legislation: a vote to disallow a law made by a minister in the lower house would risk being perceived as a rebuke of the minister himself. An effective vote of no confidence could never be allowed to occur.35

Benefit of upper houses #2: House of review

The ability of parliament to review the legislative proposals is an important mechanism for controlling the quality of laws. The operation of parliamentary committees and debate in parliament are essential to ensuring that, as much as possible, the laws that are passed are in line with community expectations about what the parliament should do, and are free of unintended consequences and errors.

A second chamber is essential for the performance of parliament’s review function. A unicameral parliament is limited in the number of committees it has the capacity to operate or the inquiries it can run. Requiring laws to pass through and be debated in a second chamber by different lawmakers with different perspectives who represent different constituencies fosters a culture of amending government proposals to improve the quality of legislative output. A second chamber is essential to detecting mistakes and improving on the work of the house initiating the legislation. An upper house which is dedicated to the role of scrutiny and review will rely on a system of committees. This forces parliamentarians to question, and listen to the critics of legislative proposals progressing through the parliament. Through this, members of the public are also able to participate in the lawmaking process.

These review characteristics can be described broadly as positive redundancy, the power to delay, and the responsibility to scrutinise legislative proposals.

**Positive redundancy**

Positive redundancy refers to the idea that a bicameral parliament institutes a mechanism for a “second look” at a bill by a different set of eyes before it is passed. With activities such as lawmaking, which have serious consequences or where certainty is demanded and false starts undesirable, it is valuable to have a means of eliminating error before its effects are experienced. This is what Canada’s first prime minister, Sir John A. Macdonald, was referring to when he described Canada’s upper house as a body of “sober second thought” that would curb the “democratic excesses” of the elected House of Commons. In other words, bicameralism should foster quality in lawmaking by requiring hearings in both chambers, by more people, and by creating multiple opportunities for debate, reflection and a “sober second thought.”

This should not be confused with what this paper will refer to as ‘negative redundancy’. Negative redundancy occurs where the composition of the upper house is designed to be similar or compliant to the lower house. The New Zealand parliament arguably suffered from negative redundancy prior to the abolition of its Legislative Council. Because of the relatively short terms of seven years of its members, the power of the government in the Legislative Assembly to appoint new Legislative Council members effectively meant that the Legislative Council often reflected the preferences of the Legislative Assembly, leading to criticisms that the Legislative Council was ineffective and unnecessary.

**Delay**

The power to delay the passage of legislation in an upper house (either deliberately or as a matter of design of parliamentary process) improves the overall lawmaking process by allowing time for the formation of public opinion. While interest groups may be involved in discussion with government in the phase of policy development prior to a bill’s introduction in parliament, debate in the wider community will generally be prompted only after legislation is introduced or drafted. Accordingly, extending the
timeframe of the lawmaking process by requiring a bill to go to an upper house, which
can propose amendments and send proposed legislation back to the lower house
to consider amendments, delays the legislative process so that the community has a
greater opportunity to engage in public debate and influence parliamentary outcomes.

The delaying process can also halt government when it would rather just make drastic
changes in a hurry. For instance, in 2002, an assortment of five anti-terrorism bills
passed the House of Representatives only one day after they were introduced. Making
laws should be difficult but the prospect that any legislation could pass a house of
parliament in such a short period of time is dangerous. In the case of the anti-terrorism
legislation, the Senate wisely held an inquiry which had the effect of slowing passage
of the laws, and which received more than 400 submissions from the public. The
government-controlled Senate Legal Affairs and Constitutional Affairs Committee
proposed extensive amendments, all of which were accepted when the bill was sent
back to the House of Representatives for reconsideration.

Scrutiny

The role of parliament is not limited to procedural matters but to scrutinise the substance
of the legislation that is generated by the lower house. For instance, the Australian
Senate has a storied history of improving legislation or placing a handbrake on
unorthodox government actions. James Paterson, a Senator for Victoria, presented the
following examples in a speech to the Samuel Griffith Society in 2017:

• In 1967, the Senate compelled disclosure of the misuse of VIP flights at the
time of the Holt government. Today details of government expenditure like this
are routinely tabled in and scrutinised by the Senate as an important public
accountability measure.

• In 1975 the Senate used its powers to summon officials to answer questions about
the Loans Affair which was a key scandal leading to the events of the dismissal of
Gough Whitlam as Prime Minister. The process helped draw attention to the crisis
and demonstrated that there were serious questions to be answered.

• In 2016 a senate committee revealed publicly the previously secret salary of the
Chief Executive Officer of Australia Post, a statutory corporation, which led to
policy changes for executive remuneration in government business enterprises.

At a state level, the Legislative Council of Western Australia in the 1980s played a
prominent role in pressuring the state government to call a Royal Commission into the
“WA Inc,” which was a series of scandals involving the Labor government led by Brian
Burke and involving dealings between the premier and several ministers and prominent
businessmen. Political scientist Bruce Stone has argued that this event in Western
Australia has made a positive difference to the political culture in the state and has
improved the reputation of upper houses in general. 36

36 Bruce Stone, ‘Australian Bicameralism: Potential and Performance in State Upper Houses’ in Kay Walsh (Ed.)
Bicameralism and Accountability: Lectures in the Senate Occasional Lecture Series, 2002-2003 (Department of the
Senate, Canberra, 2003) 33-4.
Democratic Deficit

Queensland suffers from a democratic deficit due to its low “population per MP” ratio. The 93-member lower house, or Legislative Assembly, is arguably too small especially when measured against its population. “Population-per-MP” is a measure of the representative capacity of a parliament.

The explanation for why this measure is important is simple: the fewer parliamentarians there are, the more people those parliamentarians are supposed to represent. At a point, a member of parliament is supposed to represent so many different, and sometimes competing, localities and communities of interest that advocating for any local interest will be more difficult than simply representing the line of the political party. As Table 2 illustrates, the Queensland parliament scores poorly when compared to other states in Australia. Specifically, Queenslanders have the second highest population per MP ranking, behind only New South Wales, with around 55,000 Queenslanders receiving representation from a given MP, compared with 60,000 New South Wales, 52,000 in Victoria, 28,000 in Western Australia, 26,000 in South Australia, and 13,000 in Tasmania.

Table 2: More MPs means more representation per capita.

<table>
<thead>
<tr>
<th>State</th>
<th>Population (Mar 2020)</th>
<th>Size of Parliaments</th>
<th>Population per MP</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>8,157,700</td>
<td>135</td>
<td>60,427</td>
</tr>
<tr>
<td>Queensland</td>
<td>5,160,000</td>
<td>93</td>
<td>55,484</td>
</tr>
<tr>
<td>Victoria</td>
<td>6,689,400</td>
<td>128</td>
<td>52,261</td>
</tr>
<tr>
<td>Western Australia</td>
<td>2,656,200</td>
<td>95</td>
<td>27,960</td>
</tr>
<tr>
<td>South Australia</td>
<td>1,767,200</td>
<td>69</td>
<td>25,612</td>
</tr>
<tr>
<td>Tasmania</td>
<td>539,600</td>
<td>40</td>
<td>13,490</td>
</tr>
</tbody>
</table>

The existence of an upper house can address this deficit by expanding the number of parliamentarians which decreases the number of people represented by a single politician. Additionally, by expanding parliament through bicameralism the benefits of “dual representation” become available to electors.

Benefit of upper house #3: More elected representatives can enable localism and decentralisation

Increasing the size of parliament by allowing for more representatives should not be assumed to be a bad thing. As Isdale and Orr note, the Queensland sickness is not due to the number of politicians, but the “infirm institutional structure in which they operate.”37 By addressing the infirmities in the political system by way of an appropriately designed Legislative Council, more elected representatives can be a positive force in Queensland’s political system.

As the Institute of Public Affairs argued in the *IPA Review* in 2018, and in a parliamentary research brief in April 2019, larger parliaments are a way to get representatives closer to the people they are elected to represent. More elected representatives enhance the capacity for members of Parliament to represent local interests in their constituencies, and to more accurately reflect their views and preferences. In a party-room dominated by a larger backbench, which is likely to occur with the larger parliament which would result from an upper house, parliamentarians will be in a better position to develop a specific policy platform tailored to the views and preferences of their electorates.

Significantly, more backbenches in parliament would dilute the power of the executive, and would thus allow for more debate and a greater diversity of views to be freely expressed in parliament. It could also mean that backbenchers would band together to influence policy-making through the meaningful threat of backbench revolts. The greater opportunity for debate with and criticism of party leaders means that laws will not be rushed through parliament as often, and that requiring leaders to answer questions about their actions or policy programme can improve legislative outcomes.

**Benefit of upper house #4: Dual representation**

In a unicameral system such as Queensland, each Queenslander only has one representative in parliament. However, if Queensland was to adopt a second chamber, Queenslanders would receive the benefits of “dual representation” in both the lower and upper house of parliament. The benefits of dual representation are quite simple: the presence of more parliamentary representatives in a given geographic area increases the probability that a constituent will have access to a parliamentary representative and that individuals or communities petitioning for legislative action will be heard. Additionally, dual representation can provide a useful variation in representation: for instance, parliamentarians in one house may represent smaller, more cohesive constituencies, while representatives in the other house may represent larger, more diverse districts.

Also, where the representative is likely to be more bound by party discipline in the lower house, upper house members may have more freedom to develop their own policy platform. Representatives in different parliamentary chambers also serve different roles by sitting on different committees and in many instances will be members of different political parties, particularly where the voters engage in the practice of ticket-splitting, which refers to situations where an elector votes for one party in one house of parliament but another party in the other house.

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39 John Roskam, ‘20 Policies to Fix Australia: 15 policies the Coalition should implement but will not and 5 policies they should not implement but will’ (Institute of Public Affairs Parliamentary Research Brief, 12 April 2019).

40 However, this may be more difficult in systems which have statewide proportional voting or large multi-member districts for elections to the upper house. In both cases, the elected member will not be tied to a specific area, hampering the responsibility and responsiveness of the MP to the electorate.
Regional Representation Deficit

Queensland suffers from a severe regional representation deficit due to the high proportion of the parliament representing electorates in South East Queensland. Because of this, politics and policymaking in Queensland have become increasingly dominated by the South East Queensland corridor of Sunshine Coast-Brisbane-Gold Coast. Of the 93 seats in Queensland’s Legislative Assembly, 64 – or 69% of all Assembly seats – are located in South East Queensland. This is an increase from the measure of 61% recorded in 1991, when the present electoral system was introduced. By contrast, just five seats (5%) are within each of the Far North Queensland and Darling Down and South West Regions, six (6%) are in each of the North Queensland and Wide Bay Burnett regions, four seats (4%) are in Central Queensland and three seats (3%) are in the Mackay, Isaac and Whitsunday region.

Figure 6: Distribution of electoral districts of the Legislative Assembly by region.

It is true that the concentration of seats in the Legislative Assembly located in South East Queensland is roughly comparable to that region’s share of the total population. However, this has led to a self-fulfilling prophecy where centralisation begets centralisation. Specifically, the concentration of parliamentary seats representing South East Queensland is a structural incentive to focus on the concerns and interests of South East Queensland, which in turn diverts more government resources to the same area. This in turn makes South East Queensland a more attractive place to live, making the area even more important as an electoral base.

Queenslanders are particularly vulnerable to ongoing centralisation because of Queensland’s unicameral system of government. The absence of an upper house has meant that there is no institutional check on the metropolitical dominance of the lower house in the way that equal representation of the states checks the dominance of New South Wales and Victoria in the Commonwealth parliament.

**Benefit of upper house #5: Better representation of regional areas**

In most Westminster-style bicameral parliamentary systems, the lower house is intended to be an accurate representation of the aggregated political preferences of population, equally divided into electorates of approximately equal numbers of voters along one-vote-one-value principles. To be an effective house of review, the upper house must have a different composition than the lower house so that the will of one house does not become that of the other house.

In other words the upper house must derive its electoral authority from a source that is distinct from that of the lower house: for instance, the Legislative Councils of New South Wales and South Australia are composed of members elected from a single state-wide electorate using a proportionate ballot system. Victoria and Western Australia also use proportional voting, but divide the state into large, multi-member electorates, which helps to build in a measure of decentralised representation.

A common source of electoral authority is to represent voters according to particular regions. The rationale is that the lower house, in representing the popular will of an entire state will tend to prioritise the interests and concerns of the areas where most of the votes are, such as the densely populated inner suburbs of large cities. The geographical distribution of the legislative majority makes it more unlikely that the parliament will be dominated by one well populated region and that majority rule will not impose rules without a minority being heard on issues that affect them.

The strict discipline of the party system has not completely extinguished the pursuit of decentralised interests where less populated regions are over-represented in the upper house, such as the Australian Senate. One explanation for this is that over-representation of smaller regions in parliaments also means that smaller regions would be over-represented in the party rooms of both major parties, which arguably has the most significant influence on policy outcomes.\(^{42}\)

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Australian political scientist Brian Galligan noted in the context of the Australian Senate that both houses of the Commonwealth Parliament have roles that are part federal and part national. The Senate is not intended to represent state interests but to overrepresent smaller state populations in national decision-making. States parliaments can similarly over-represent local interests in decision-making by equalising representation across the entire state.

Potential Models For A Queensland Upper House

It is not a sufficient condition of good government that an upper house merely exists. The achievement of strong and effective bicameralism will depend on an upper house’s specific design and institutional features which achieve the goals of democratic accountability and representation. Specifically, an upper house should seek to achieve the five goals listed in the above section:

1. Constrain the executive level of government by increasing the power of backbenchers.
2. Be an effective house of review and scrutineer of government laws and actions.
3. Encourage localism and backbench activism through increased number of parliamentarians.
4. Provide for dual representation of voters.
5. Rebalance the structural bias of Queensland parliament towards the South East region.

Every Legislative Council currently in use in Australian states have their own strengths and weaknesses but reformers should not necessarily be bound to consider what is currently in usage elsewhere as being appropriate for Queensland. As explained above, Queensland has specific problems, especially in the context of its democratic deficit and regional representation deficit, which will require specific design to ameliorate.

Distinguished British-Australian political scientist Colin A. Hughes has devised a set of seven questions for parliamentary reformers to answer when considering how to design an upper house.44

1. Should an upper house be a mirror image of the lower house?
2. Should overall numbers of parliament be increased, decreased, or stay the same?
3. Should all upper house members be elected at the same time? And should this be tied to lower house elections or be fixed terms as the Senate was originally designed?
4. Should electorates be districts or whole of the state?
5. Should election involve single-transferable vote or other forms of proportional representation?
6. Should ministers sit in upper houses or be required to appear?
7. Is there a need for special machinery?

This paper will only briefly answer questions 1, 6, and 7. The upper house should have a different composition to the lower house but the answer to how the composition will differ will be answered by the answers to questions 2-5. Questions 6 and 7 concern matters of procedure rather than structural design, and can and should be addressed.

after an upper house is restored. The other questions will be answered to explain the strengths and weaknesses of the present upper house models currently used by the other Australians states, and to build the case for the design of the proposed restored Legislative Council in Queensland.

1. **Should overall numbers of parliament be increased, decreased, or stay the same?**

Queensland suffers from a democratic deficit due to its low population-per-MP ratio. The present 93-member Legislative Assembly is arguably too small when measured against its population, and is a measure which compares poorly to the other states.

Larger parliaments can have a positive impact on lawmaking and parliamentary debate. More elected representatives would mean a larger backbench and a dilution of the power of the executive in parliament. This would allow for more debate and a greater diversity of viewpoints to be aired. Representatives would be closer to the people they are elected to represent, and enhance their capacity to advocate for local interests and to more accurately reflect the views and preferences of their constituents.

2. **Should all upper house members be elected at the same time? and 3. And should this be tied to lower house elections or be fixed terms as the Senate was originally designed?**

The timing of elections may have significant consequences for the composition of the upper house. The first part of the question is whether the entire upper house should be vacated every election, or whether only part of the chamber should be up for election, through a process known as staggered elections. Staggered elections are the current model of the Australian and US Senates, as well as the New South Wales, South Australian and Tasmanian Legislative Councils.

The second part of the question relates to the date of elections. In other words, whether the date for upper house elections should coincide with the election of the lower house members. This is not unreasonable or impractical: the election of the Tasmanian Legislative Council is not tied to general elections, instead holding elections every year to elect a portion of the upper house.

Bruce Stone has noted that the joining of upper house elections to the date of lower house elections has produced a situation where the “intense partisanship which characterises lower house elections” (which is necessary because the lower house is where the government is formed) is carried over to the upper house. Former Member of the Victorian Legislative Council James Guest (Member for Monash Province, 1976-1996) has observed that he “had come to believe very strongly that cojoint elections were, and are so far, the biggest single factor in swamping the Council with party politics and rigid control.”

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Colin A. Hughes observes that “there is sufficient evidence from federal experience to believe that upper house elections held by themselves will magnify the non-major party vote, which may be a good thing if the objective is to differentiate the upper house from the lower house.” Because of this, mechanism such as staggered elections and separate election dates should be preferred so as to increase the diversity of opinion and views in parliament.

4. **Should electorates be districts or whole of the state?**

The unicameral model as practiced in contemporary Queensland politics has caused a severe regional representation deficit. Almost 70% of the Legislative Assembly is comprised of members representing the South East region of the state, while the number of seats representing the other areas of the state has declined in total seats and as a proportion of the parliament.

A single state-wide electorate across Queensland would likely only entrench this deficit. This is because state-wide Legislative Council elections would be especially competitive and candidates would be incentivised to appeal to voters in the largest population areas—which in the case of Queensland would be the South East region of the state.

Districts or regional models should be the preferred in any new upper house model. Whether by single-member electorates or a smaller number of electorates with multiple members, a properly designed district system can ensure that decentralised representation is built into the parliamentary system.

5. **Should upper house elections involve the use of single-transferable vote or other forms of proportional representation?**

Proportional representation has become a standard among upper houses in Australia. The Commonwealth Senate, as the Legislative Councils of New South Wales, Victoria, Western Australia and South Australia each use a voting method known as the single transferable vote (STV) to determine the proportional preferences of the electors.

The STV is a voting system whereby a voter casts a single ballot in a district which elects multiple members for their preferred candidates, in order of their preference. In practice, this means that candidates are grouped according to their political party affiliation, and is divided into “above the line” voting, where a voter can cast a vote for the political party, and “below the line” voting where a voter can vote instead for specific candidates.

The order of candidates is largely controlled by the political parties, so even where voters elect to fill out the ballot “below the line” it is influenced by the political parties. In some cases, such as in New South Wales and South Australia and in the Australian Senate prior to 2016, voting above the line delegated to the political parties themselves the right to control how the voter’s preferences are distributed. This is known as a Group Voting Ticket. As upper house members in this type of system are elected from a “party list”, it is advantageous for a candidate to participate in the machinations

of internal party politics to ensure they are placed in an electable position on the ballot paper, rather than to primarily appeal to voters to secure their election or re-election to parliament. The strong role of the political parties in such a system raises doubts about the effectiveness of the upper house to be an effective house of review.

Analysis of three potential upper house models

There are many different models upon which an upper house in Queensland could be based. For instance, in New South Wales and South Australia, the members of the Legislative Council are elected from a single state-wide electorate using proportional representation. In Victoria and Western Australia, the members of the Legislative Council are elected from a small number of large, multi-member electorates, also using proportional representation. The Tasmanian Legislative Council elects members from single member electorates.

Broadly speaking, this paper considers two bases upon which electoral authority for an upper house can be derived. The first is population-based representation, where electoral authority is based on the voting outcomes of individuals in a given jurisdiction. The second is geographic representation, where electoral authority is based on the voting outcomes in a given geographic location. As such, this report outlines three potential models for an upper house in Queensland:

2. Queensland upper house model #2: Geographic-based representation (Regional Council).
3. Queensland upper house model #3: Mixed model (Several multi-member electorate model).

Queensland upper house model #1: Population-based representation

The first potential model for a restored upper house in Queensland is the single state-wide electorate model, similar to that used in New South Wales and South Australia.

In New South Wales and South Australia, the members of the Legislative Council are elected from a single state-wide electorate using the Single Transferable Vote (STV). Voters in New South Wales elect 21 members who obtain a quota of votes, being 4.55% of the total vote after preferences are distributed. Voters in South Australia elect 11 members who obtain a quota of 8.33% of the total vote after preferences. The elections are staggered, so that half of the members of each Legislative Council must stand for election every four years, and every member is elected for an eight-year term.

This model could be adapted to increase the frequency of elections so that Legislative Council elections do not always coincide with the general election, which are primarily held to decide the composition of the Legislative Assembly. For instance, smaller portions of the restored Legislative Council—for instance, a quarter—could face election every two years.
The population-based model would help resolve the democratic deficit by providing for a lower population-to-MP ratio. Additionally, state-wide proportional elections can be successful at electing minor parties into parliament, ensuring a wider range of voices are heard and debated among lawmakers.

However the extent of this minor party representation will depend on the number of candidates that are up for election: in other words, requiring fewer or more members to be elected will increase or reduce the necessary “quota” of votes candidates would be required to receive. A lower quota will make it easier for minor parties to be elected but if too low will result in numerous minor parties wielding disproportionate power relative to their low vote share.

The population-based model would also help resolve the accountability deficit by being a house to review government legislation and bills. The proportional election model will usually not produce majorities for any single party, so can be a reliable scrutineer of the governing party in the lower house.

However, the use of STV still gives the political parties power over the composition of parliament. Although New South Wales and South Australia have removed the Group Voting Ticket (where the parties control the distribution of preferences of “above the line” voters) the parties still have influence over the selection of candidates and the order in which they appear on the ballot.

State-wide proportional representation would fail to address the severe regional representation deficit in Queensland. Being representative of a state-wide electorate, upper house members are not bound to a particular geographic area, and hence their distribution to regional areas cannot be controlled. To illustrate this, the parliament websites of New South Wales and South Australia, which include contact details for all members of parliament, do not provide any contact details for Legislative Council members beyond an address at parliament house. Moreover, since candidates are not required to represent or be responsible to any voters in any particular area, votes can be sought in the high population centres, leading to greater levels of political centralisation.

**Queensland upper house model #2: Geographic-based representation**

The pursuit of greater regionalism and decentralisation has been a feature of Queensland politics since before its establishment as a colony in 1860.48 Between 1890 and 1892, Sir Samuel Griffith as the Premier of Queensland led the effort to create a Queensland federation, which would have created three sub-colonial provinces in the North, Central and South Queensland, and to turn the colonial Queensland government into a federal government. The proposal passed the Legislative Assembly but failed in the Legislative Council. The intent of this policy was to abolish

48 For instance see John Dunmore Lang’s proposed partition of New South Wales from the 30th parallel of latitude to the Tropic of Capricorn (which he proposed to call Cookstown) and for the remainder of the territory from the Tropic of Capricorn to the northern extent of the colony to form two additional colonies (proposed names Leichartsland and Flindersland): John Dunmore Lang, *Freedom and Independence for the Golden Lands of Australia and the Interest of Britain and of the World* (F. Cunninghame, Sydney, 2nd ed, 1857) 41-45.
the Queensland government and retain the sub-colonial governments as the states that would enter the Australian Federation.49

In 1899 it was decided at a secret Premiers’ Conference that the Australian Constitution would allow “the Parliament of the State of Queensland… [to] make laws dividing the State into divisions and determining the number of Senators to be chosen for each division.”50 In 1910, the Legislative Assembly passed a resolution that Queensland be divided into Northern Queensland, Central Queensland, and Southern Queensland, although no further action was taken.51

In 1948 the then Governor of Queensland, John Lavarack, declared in his Speech opening the Queensland parliament that his advisers were “prepared to recommend the establishment of additional States in Queensland, when as a result of their developmental policy, the new States will have a reasonable degree of financial and economic stability.”52

The Governor’s speech preceded a renewed push for new states in the 1950s, with the New State for North Queensland Movement launched at a popular convention near Cairns in 1955.53 Advocacy for a new state or new states is still alive: according to a report in The Courier Mail in 2010, all but two mayors in North Queensland supported the proposal for a separate North Queensland state,54 and has been supported by current federal Queensland MPs Bob Katter, Matthew Canavan and George Christensen.

This tradition of regionalism and decentralisation should inform the design Queensland’s upper house.

The challenge of how to apportion the seats of the proposed Legislative Council at first glance invites some complexity. In Tasmania, the distribution of upper house electorates is reviewed every nine years to maintain a population variation of less than 10% between the divisions. The redistribution process is technical, arduous and in some respects an impossible task, as the arbitrary population targets can result in communities of interest being broken up into multiple electorates, or to create massive electorates which cover a significant portion of the geography of the state: for instance Queensland is approximately 25 times larger than Tasmania, and a requirement to have electorates of equal size would merely result in the same problem of the current Legislative Assembly, which features several divisions whose size rivals the entirely of Victoria or Tasmania and which are impractical for any single member to adequately represent.

52 Queensland, Parliamentary Debates, Legislative Assembly, 17 August 1948, 3 (John Lavarack, Governor of Queensland).
54 Sarah Vogler, ‘North Queensland mayors want to break free from the high-growth areas of the state,’ The Courier Mail (online, 10 August 2010).
Some inequality of electors is necessary if the genuine concern of the representation of regional electors is to be addressed. Fortunately, the challenge which at first glance is complex has a simple solution, as there is already a structure in place to represent decentralised government in Queensland: namely, the 77 local government areas comprising Cities, Shires, Regions, and Indigenous Shires across the state which have direct responsibility for the administration of local law, public services and utilities. These areas are more tied to specific communities of interest, are not impractically large, and are a concept which many voters will be familiar with so could be readily adopted without much confusion.

This paper proposes a simple solution to the design for a new Legislative Council in Queensland: that each member of the proposed Legislative Council should be elected from a division whose boundaries are those of a local government area.

The Legislative Council would be referred to as the Regional Council to reflect the impetus that is to be given to regional, as opposed to party or political, affiliation.

And representatives of the Regional Council would be called “Regional Representatives”.

The benefits of this would be to substantially enhance of the representative capacity of parliament. Firstly, it would achieve a desirable measure of decentralisation in political representation. For instance, as Figure 7 illustrates, the size of the electorates in the proposed Regional Council would be a more manageable size and would be spread throughout the state.
The proposed model would also invite other benefits. The prospect of having a member in the Regional Council may even prompt more activism for the reversal of past council amalgamations. Additionally, this removes the need for periodic electoral boundary redistributions as the boundaries are effectively independent of the electoral process, instead being a matter for local governments and local communities. Another benefit is that the presence of Indigenous Shires will likely improve indigenous representation in parliament without the need for controversial reforms such as Maori-style reserved seats in parliament or an Indigenous Voice to Parliament which has been proposed at the Commonwealth level.
The proposed model would balance the South East dominance in the Legislative Assembly. As Table 3 illustrates, the Regional Council would lead to a dramatic and necessary rebalancing of democratic representation away from Brisbane and the state’s South East towards the regions:

**Table 3: Composition of the Legislative Assembly and the proposed Regional Council by region**

<table>
<thead>
<tr>
<th>Region</th>
<th>Seats in the LA (% of seats)</th>
<th>Seats in the RC (% of seats)</th>
<th>Seats in Both Houses (% of total seats)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Far North Queensland</td>
<td>5 (5%)</td>
<td>24 (31%)</td>
<td>29 (17%)</td>
</tr>
<tr>
<td>North Queensland</td>
<td>6 (6%)</td>
<td>10 (13%)</td>
<td>16 (9%)</td>
</tr>
<tr>
<td>Mackay, Isaac, and Whitsunday</td>
<td>3 (3%)</td>
<td>3 (4%)</td>
<td>6 (4%)</td>
</tr>
<tr>
<td>Central Queensland</td>
<td>4 (4%)</td>
<td>13 (17%)</td>
<td>17 (10%)</td>
</tr>
<tr>
<td>Wide Bay Burnett</td>
<td>6 (6%)</td>
<td>6 (8%)</td>
<td>12 (7%)</td>
</tr>
<tr>
<td>Darling Downs and South West</td>
<td>5 (5%)</td>
<td>10 (13%)</td>
<td>15 (9%)</td>
</tr>
<tr>
<td>South East Queensland</td>
<td>64 (69%)</td>
<td>11 (14%)</td>
<td>75 (44%)</td>
</tr>
<tr>
<td></td>
<td>93</td>
<td>77</td>
<td>170</td>
</tr>
</tbody>
</table>

Note: South East Queensland includes the Brisbane Metropolitan Region, the Sunshine Coast, the Gold Coast, and Ipswich.

While the South East is home to some 69% of seats in Queensland’s Legislative Assembly, it would contain just 14% of seats in the proposed upper house. This means that across the two houses combined, the South East would lose its majority and instead account for 44% of all seats. Conversely, 56% of all seats would be located outside of the state’s South East.

The biggest beneficiaries would be Queenslanders living in the state’s Far North region who would gain 24 seats in the new 77-seat upper house chamber. This would see their representation increase close to six-fold, from 5 to 29 seats, and the total percentage of seats in the Far North would increase from 5% to 17%.

By contrast those living in or close to Brisbane would gain just five new seats, which would see their total representation in the Queensland Parliament drop from 43% to just 26% of all seats.55

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55 According to categorisation by the Queensland Redistribution Commission, there are 40 Legislative Assembly districts in the Brisbane-Gold Coast, Brisbane South, Brisbane North, and Brisbane-Sunshine Coast areas, which would be represented in the proposed Regional Council in seats based on the boundaries of The City of Brisbane, Moreton Bay Region, Logan City, Redland City and the Scenic Rim Region. Queensland Redistribution Commission, ‘Notification under Section 51(1) of the Electoral Act 1992—Determination of Queensland’s Legislative Assembly Electoral Districts’ in Queensland, Queensland Government Gazette, Vol. 375, No. 20, 26 May 2017, 148, 175-194.
The other major beneficiaries would be:

- Queenslanders living in the North region whose representation would increase from 6% to 9% of all seats.
- Queenslanders living in the Central region whose representation would increase from 4% to 10% of all seats.
- Queenslanders living in Darling Downs and South West region whose representation would increase from 5% to 9% of all seats.

Conversely,

- Queenslanders living in the Sunshine Coast would see their representation decline from 9% to 6% of all seats.
- Queenslanders living in the Gold Coast would see their representation decline from 12% to 7% of all seats.
- Queenslanders living in Ipswich would see their representation decline slightly from 3% to 2% of all seats.

There is not likely to be a permanent majority for one political party in the proposed Regional Council. While the Australian Labor Party tends to be more successful in the Northern Queensland region, and would potentially benefit greatly from the creation of 36 new Legislative Council seats representing those regions, it would likely be offset by the condensing of the ALP-dominated metropolitan Brisbane electorates into one Regional Council seat, representing the local government area of the City of Brisbane.

Regardless, the argument that some political parties tend to be more successful in some areas rather than others is not a reasonable rationale for redesigning an electoral system: the fact that a major political party is not successful in one area is better resolved by the political party broadening their appeal and winning support in less successful regions, rather than designing a system which gives them the seats in parliament as a matter of design.

In any case, it is not unreasonable to make provision for the resolution of deadlock in special circumstances. The Australian Constitution makes provision for this under section 57, which provides for the dissolution of both houses of parliament in scenarios where the Senate rejects or fails to pass the same government bill twice in a period separated by at least three months. If the same bill is introduced and rejected in the Senate following a “double dissolution election” then the Governor-General may convene a joint sitting of the House of Representatives and the Senate and vote on the bill together. A modified version of the section 57 procedure could simply be adopted in Queensland to mitigate concerns that the proposed Regional Council would be unreasonably obstructive.

Finally, the proposed system will address a key flaw in the unicameral model, which is the high number of electors per member of parliament. A parliamentary model which has an enhanced representative capacity requires MPs to represent fewer people, rather than more. In addition to providing for dual representation, the proposed model would also reduce the state population-per-MP from New South Wales levels to a level equivalent to Western Australia.
Having expanded the size of the parliament, it may also be necessary to impose a limit on the number of parliamentarians a party can appoint to the frontbench to ensure that parliament creates and retains a solid majority of backbenchers. The introduction of the Regional Council would increase the total number of representatives in the Queensland Parliament from 93 to 170. As discussed, currently 45 members of the Legislative Assembly are in government or opposition front bench positions, which means 48% of all members of parliament are in a frontbench position. If the number of frontbenchers were held constant with the introduction of the Regional Assembly, then the percentage of frontbenchers would drop to approximately 26%.

Capping the number of frontbenchers avoids the prospects of the government and opposition parties simply funnelling a larger number of backbenchers into frontbench positions. Such a proposal is not without precedent but has only been entrenched as a rule at the first Commonwealth parliament, which was constitutionally limited to only appointing seven ministers until the parliament otherwise provided.

This paper recommends that a provision should be inserted into the Queensland Constitution limiting all political parties to cap the appointment of frontbenchers in a single political party to not exceed one-quarter of the entire number of members of parliament from that party.

This would be a modest proposal to reduce the number of ministers and opposition frontbenchers in parliament and increase the power of the backbenchers to represent their local constituents. Indeed, as Figure 8 illustrates, Queensland would be altered from one of the most executive dominated states in Australia, to the least executive dominated state in Australia, and by a wide margin.

56 See for instance Bruce Stone, ‘Size and Executive-Legislative Relations in Australian Parliaments’ (1998) 33(1) *Australian Journal of Political Science* 37, 53, which proposed limiting government parties in Australian parliaments to appoint no more than 10% of parliament to ministry and parliamentary secretary positions.
Queensland upper house model #3: Mixed model

The mixed model combines aspects of both population and geographical-based representation by dividing the state into several large, geographical based districts, but with each electing multiple members to the Legislative Council through methods similar to the population-based representation model.

The mixed model is used in Victoria and Western Australia. Victorians across eight regions elect five candidates who obtain a quote of 16.7% after preferences are distributed. In contrast, Western Australia is divided into six regions, which each elect six candidates to that states Legislative Council.

While all members of the Victorian and Western Australian Legislative Councils must stand for election every four years, there is no requirement that this be the case if the model was adapted for use in Queensland. For instance, separate regions could hold elections in different years, similar to the Tasmanian Legislative Council which holds elections year for two or three members of its 15-member upper house.

The population-based model would help resolve the democratic deficit by providing for a lower population-to-MP ratio. Additionally, regional-based proportional elections can be successful at electing minor parties into parliament, ensuring a wider range of voices are heard and debated among lawmakers.

The population-based model would also help resolve the accountability deficit by being a house to review government legislation and bills. The proportional election model will usually not produce majorities for any single party, so can be a reliable scrutineer of the governing party in the lower house.
However, as with NSW and SA, the use of STV gives the political parties power over the composition of parliament. Moreover, Victoria and Western Australia are also the last two jurisdictions to use the Group Voting Ticket in its upper house elections. Under this system any person who casts their vote for the party “above the line” on the ballot rather than for candidates directly gives to the party the right to control how the preferences of that vote flow. This can have anti-democratic consequences, where candidates from marginal parties or candidates who receive a negligible proportion of the vote benefit from opaque preference sharing deals and practices known as preference harvesting. For instance in Victoria, although the quota for winning a seat is given as 16.7% of the vote within a region, candidates from the following parties were elected at the state election in 2018 with the following votes in their respective region:

**Table 4: Minor party representation in Victoria’s Legislative Council**

<table>
<thead>
<tr>
<th>Region</th>
<th>Party</th>
<th>Primary Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern Metropolitan Region</td>
<td>Transport Matters Party</td>
<td>0.62%</td>
</tr>
<tr>
<td>Southern Metropolitan Region</td>
<td>Sustainable Australia Party</td>
<td>1.32%</td>
</tr>
<tr>
<td>Western Victoria Region</td>
<td>Animal Justice Party</td>
<td>2.77%</td>
</tr>
<tr>
<td>Northern Metropolitan Region</td>
<td>Reason Party</td>
<td>3.37%</td>
</tr>
</tbody>
</table>

Dividing the state into regions can be effective in addressing aspects of the regional representation deficit. However, this is dependent on the specific design and apportionment of the regions. The division of Western Australia into three metropolitan and three rural regions, for example, compares favourably to the Victorian design, which divides the state into five metropolitan regions and three rural regions. A mixed model based on the design used in Western Australia could address the present parliamentary imbalance in favour of the South East of Queensland.

However, the mixed model is an imperfect mechanism for regional representation. While members would be responsible to discrete geographical areas of the state, these areas are usually vast in size and elected members are not responsible to any local area or communities of interest, undermining the capacity or potential for localism the restored Legislative Council could achieve.
Conclusion

The institutional weaknesses of unicameralism in Queensland is manifested in several deficits in parliamentary outcomes. The concentration of parliamentary seats in the South East of the state is a self-sustaining problem which will continue to drown out regional voices in parliament over time. The small size of the single-chamber parliament and the absence of a house of review has given the executive government substantial power over the parliament generating pervasive democratic and accountability deficits.

Structural problems require a structural solution. The reintroduction of an upper house in the form of a ‘Regional Council’ will spread the geographic distribution of the parliamentary majority, ensuring that voices outside the state’s South East will be heard on issues that affect them when they would otherwise lack the political clout to defend their interests.

This would be consistent with Queensland’s long and proud history of regionalism and decentralisation. A voice for Regional Queensland would be a voice for the unique Queensland way of life, which is driven by small business, a strong mining and resources sector, private enterprise, and freedom of speech.

The expansion of parliament will provide for a greater pool of representation ensuring more debate and local advocacy will take place in parliament.

A properly designed house of review will apply scrutiny to the actions and decisions of government, providing greater levels of oversight and accountability to the executive government, who in turn will make up a lesser proportion the entire parliament, lessening their dominance over the legislature.

Constraining the executive has never been more important. The next general election, which will take place on 31 October 2020, is the last before the electoral system for Legislative Assembly changes over to “fixed terms”. This means that the government is not required to answer to the voters for four years when the fixed parliamentary term expires. Given the numerical dominance of the executive over the parliament, it is the executive government which will benefit from the entrenchment of fixed terms in parliament.

The legislation to abolish the Legislative Council passed in 1921 was made in defiance of a state referendum supporting its retention and has left a permanent stain on Queensland’s democracy. The forthcoming 100th anniversary of the state government’s decision to abolish the upper house against the will of the people of Queensland is an opportunity to reflect on the consequences of this democratically illegitimate decision and to finally address a central problem in parliamentary representation and accountability in Queensland.
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About the authors

Morgan Begg is a Research Fellow at the Institute of Public Affairs. He specialises in legal rights, freedom of speech and religion, the rule of law, and the constitution and constitutional issues. Morgan has authored research papers on the GST and federalism, red tape and centralisation, religious liberty, and section 18C.

Daniel Wild is the Director of Research at the Institute of Public Affairs. Daniel has extensive public policy experience, having previously worked for the Commonwealth Department of Finance and the Department of the Prime Minister and Cabinet under both Coalition and Labor governments. Daniel holds an honours qualification in economics and a degree in international studies from the University of Adelaide.