

Legacy & Evolution

200 YEARS OF THE NSW
LEGISLATIVE COUNCIL



Bicentenary Exhibition

October 2024 - January 2025



A message from the President of the Legislative Council

It is with great pleasure that I welcome you to our Bicentenary Exhibition: *Legacy & Evolution – 200 Years of the NSW Legislative Council*. And what an extraordinary 200 years it has been!

Together we have commemorated the Bicentenary of the NSW Legislative Council through a diverse program of events including conferences, seminars, concerts, regional roadshows, exhibitions and more. Each of these events has given us the opportunity to consider the history and legacy of Australia's oldest legislature. *Legacy & Evolution* is a true highlight of the program.

This exhibition is one of many ways we have told the story of the NSW Upper House, sharing how the Council works and how it has evolved to reflect the very people it represents. Dynamic displays extend across all five walls of our much-loved Fountain Court exhibition space, encapsulating the Bicentenary theme of '*Reflect, Celebrate, Imagine*'.

Pivotal moments in both parliamentary and State history, prominent people, important legislation and hitherto-untold anecdotes are all spotlighted, with an assemblage of fascinating artefacts bringing the stories to life. Together, the five walls chronicle our story of growth over two centuries — and attest, I believe, to the endurance of the Parliament of New South Wales and the possibilities that it represents into the future.

This exhibition would not have been possible without the hard work, creativity and dedication of many people. The project team of Rebel Neary, Jenelle Moore, Jane Kelso and Nathan Stein were assisted in research, the acquisition of items and installation support by Brittany Allen, Joy Smith, Alex Carr, Susan Want, Joe Stewart, Darren Smith, Dan Collins, Luke Hollands and Katinka Bracker. David Blunt, Steven Reynolds and Beverly Duffy provided editorial support.

The vision for the exhibition was brought to life by the talented team of Jisuk Han and Haimeng Zhao at X2 Design and Look Print, with additional graphic design provided by the Legislative Council's Rachael Ho.

Particular mention is due to Tess Evans for her outstanding conservation work. We are also grateful to the NSW Parliament's Property Management and Security teams for providing valued advice and assisting the installation process.

Thank you to the Chau Chak Wing Museum for facilitating the loan of the Nicholson centrepiece; to Dr Meredith Burgmann, Mr Armon Hicks and Dr Karin Sowada, Revd Fred and Mrs Silvana Nile, and Mr Alex Greenwich MP for their loan of memorabilia and photographs; to Lua Pellegrini and Elaine Syron for authorising the use of their artwork; and to Brett Leavy for providing the fantastic interactive metaverse that is featured on the Reconciliation Wall.

Finally, can I extend my sincere appreciation to the members of the Legislative Council past and present – their work, achievements and stories provided the backdrop to tell the story of the Legislative Council's incredible 200-year journey from advisory Council to the robust and respected House of Review that it is today.

The Bicentenary of the Legislative Council has provided a unique opportunity to reflect on our past; celebrate our achievements; and imagine how our democracy can continue to evolve in its representation and advocacy for the people of New South Wales into the future.

As we conclude this Bicentenary year with a new appreciation for all that the Legislative Council and the Parliament as a whole represents, we look forward with hope and anticipation for the next chapter that awaits.



THE HON BEN FRANKLIN MLC
President
NSW Legislative Council

Legacy & Evolution

200 YEARS OF THE NSW
LEGISLATIVE COUNCIL

The Evolution of the Legislative Council

The Legislative Council has come a long way since it first met in August 1824 – from an advisory council of five members appointed by the Governor to the robust and representative 42-member House of Review we know today.

Australia's first legislature

On 19 August 1824, the first meeting of the Legislative Council was held in the Old Government House, Sydney.

The Council was initially an advisory body to the Governor, with five members appointed by the Governor.

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- ▶ PART 1 — **The Evolution of the Legislative Council**
- ▶ PART 2 — **Powers and Privileges**
- ▶ PART 3 — **Swords, Sovereigns, and Secret Ballots: The Extraordinary Traditions of the Upper House**
- ▶ PART 4 — **Representation Matters**
- ▶ PART 5 — **Reconciliation Wall**

Aboriginal and Torres Strait Islander people are advised that this exhibition contains names, images and words of deceased persons and other content that might be culturally sensitive. Please be advised that the exhibition also contains references to committee inquiries that may be sensitive to some visitors.

The Parliament of New South Wales acknowledges and respects the traditional lands of all Aboriginal people, and pays respects to all Elders past and present. We acknowledge the Gadigal people as the traditional custodians of the land on which the Parliament of New South Wales stands, and on which this exhibition takes place.

The Evolution of the Legislative Council

Australia's oldest legislature

Did you know that the Legislative Council is Australia's oldest legislature?

It all began in 1823 with the *New South Wales Act* – an Act of the British Parliament which established the first Legislative Council comprised of five appointed members. The Council's first members were appointed to advise the Governor, rather than have a direct role in decision-making and law-making.

However, the Council's birth signalled the beginning of a check on executive power – the first step in an incredible journey to parliamentary democracy and representation both in NSW and for Australia.



A year of firsts

The Legislative Council has come a long way since it first met in August 1824 – from an advisory council of five members appointed by the Governor to the robust and representative 42-member House of Review we know today.

The Council held its first meeting at the then Government House in August 1824 and passed its first Act – the *Currency Act* – in September that year. Early the following year, the Council established its first committee inquiry.

The first five members

The Council's first members were appointed to formalise the making of laws for the colony and advise the Governor. The founding appointees to the Council were all key officials of the colony: the Lieutenant-Governor (Stewart), the Chief Justice (Forbes), the Colonial Secretary (Goulburn), the Surveyor-General (Oxley) and the Principal Surgeon (Bowman).



General Sir Thomas Makdougall Brisbane

James Faed engraver, W Wilding printer, after John Watson Gordon, 1850. NATIONAL PORTRAIT GALLERY. PURCHASED WITH FUNDS PROVIDED BY ROSS A FIELD 2008



**Chief Justice
Francis Forbes**

Artist and date unknown
MITCHELL LIBRARY, STATE
LIBRARY OF NSW: ML 14



**Colonial Secretary
Frederick Goulburn**

Augustus Earle, c1825
NSW PARLIAMENT
COLLECTION



**Surveyor-General
John Oxley**

Artist and date unknown
NATIONAL LIBRARY OF AUSTRALIA:
nla.obj-137044418



**Lieutenant-Governor
William Stewart**

Artist and date unknown,
photograph T F Chuck, 1874
STATE LIBRARY VICTORIA



**Principal Surgeon
James Bowman**

No portrait is known
to exist

The first Act

The *Currency Act* formalised the British Sterling as the official currency of the colony, in place of other circulating currencies such as Holey Dollars – a Spanish dollar with the centre removed, producing two coins: a ring or 'holey dollar' and a dump or core.

These had been invented by Governor Lachlan Macquarie in an attempt to introduce one currency to replace numerous other currencies in circulation, and to reduce the use of IOU's, promissory notes, barter and squatter's cheques. British Sterling remained NSW's official currency until 1966!



Holey dollar and dump 1812
WESTPAC GROUP ARCHIVE

The first committee inquiry

The Council's first Select Committee investigated the Parramatta Female Factory, a destination for many convict women in the colony who were put to work in the Factory's manufacture of cloth.

The Committee reported 'great irregularities' at the Factory, including in relation to the classification of prisoners and the provision of food and hospital supplies. As a result, the Factory was 'placed under the immediate protection' of the Governor and Council.

DID YOU KNOW?

Committees investigate matters of policy or government administration or performance. Committees may take evidence directly from individuals and organisations, providing everyone an opportunity to participate in policy making, have their views placed on the record and contribute to decision making.

A new home on Macquarie Street

Just a few years later in 1829, the Council moved to a new home – a humble room in the ‘Rum Hospital’ on Macquarie Street. In the decades to come, the building was transformed into what we know as Parliament House today.



Elevation of the new General Hospital at Sydney A.D. 1811 (details)
Artist unknown
THE NATIONAL ARCHIVES OF THE UK: MPG 1/1248 (1)

1842-43

Election

The first direct elections in New South Wales

It wasn't long until people in the colony pushed for a more representative Council – one that included elected, not just appointed, members. In response to agitation for reform, the *New South Wales Act* was passed in 1842, allowing for an increased Council that included 24 members (representing two-thirds of the Council) directly elected by those who were allowed to vote.

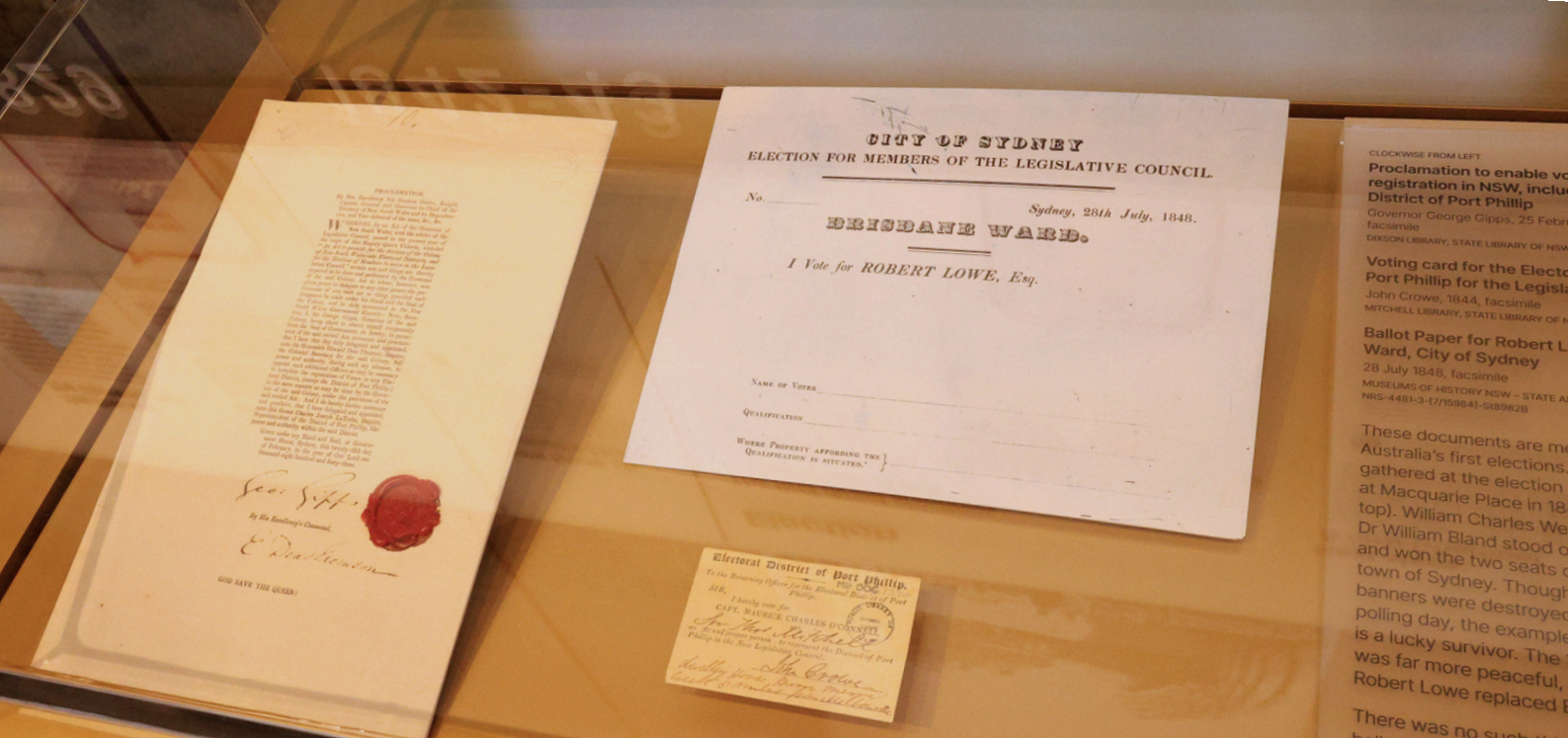
In 1843, the first elections were held, with 9,179 votes cast for 24 seats. The elections were not without drama, with one man killed in Sydney and brawls occurring elsewhere. Despite that, this was the first example of representative government in Australia – the Governor no longer presided over the Council and decisions were now made by a Council predominantly elected by the people!



DID YOU KNOW?

While the *New South Wales Act* 1842 signalled reform and a new era of representation, only men who owned land worth £200 or more, or who rented a dwelling for £20 or more a year could vote!

LEFT: '*Wentworth and Bland, Australia's hope and Sydney's pride*', election banner
Maker unknown, 1843
STATE LIBRARY OF NSW: LR 3a



CLOCKWISE FROM LEFT: **Proclamation to enable voter registration in NSW, including the District of Port Phillip**, Governor George Gipps, 25 February 1843, facsimile, DIXSON LIBRARY, STATE LIBRARY OF NSW: Q84/194

Ballot Paper for Robert Lowe, Brisbane Ward, City of Sydney, 28 July 1848, facsimile, MUSEUMS OF HISTORY NSW – STATE ARCHIVES COLLECTION: NRS-4481-3-[7/15984]-St8982B

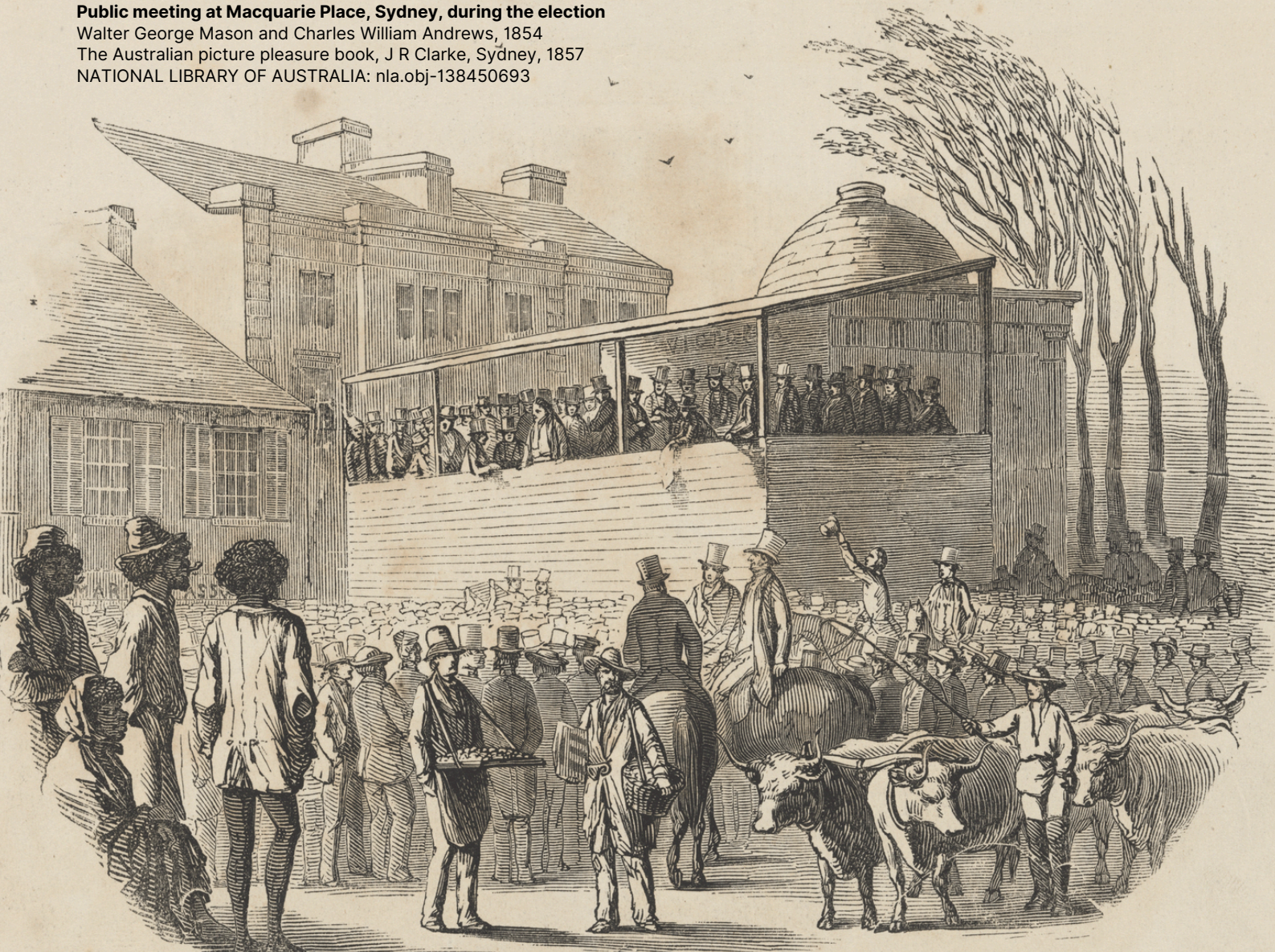
Voting card for the Electoral District of Port Phillip for the Legislative Council, John Crowe, 1844, facsimile, MITCHELL LIBRARY, STATE LIBRARY OF NSW: MLDOC 1370

Public meeting at Macquarie Place, Sydney, during the election

Walter George Mason and Charles William Andrews, 1854

The Australian picture pleasure book, J R Clarke, Sydney, 1857

NATIONAL LIBRARY OF AUSTRALIA: nla.obj-138450693



Next steps: a new chamber

The Council's growth following the 1843 elections prompted the need for a bigger meeting place. A large chamber was constructed for the Council as an annexe to the northern end of the Rum Hospital site. But today, this chamber is used by the Legislative Assembly!



Dr Lang addressing the NSW Legislative Council

Jacob Janssen, June 1844

NATIONAL LIBRARY OF AUSTRALIA: nla.obj-135229419

The introduction of representative government in 1842 was the catalyst for increasing demands for self-government in the colony, creating tensions with the Colonial Office in London and between the elected portion of the Legislative Council and the Governor.



LEFT: Mr. Wentworth departing from Sydney

[for London to lobby for the Constitution Bill]

Walter George Mason, 1854

The Australian picture pleasure book, J R Clarke, Sydney, 1857.
NATIONAL LIBRARY OF AUSTRALIA: nla.obj-138449244

'It is not to be wondered at that the people should have felt so deeply interested in a measure so intimately connected with their rights as the New Constitution Bill'

— *The Illustrated Sydney News*, following a protest that took place at Circular Quay in September 1853.

This sparked a period of struggle for independence through to the early 1850s, with advocates arguing for legislative power to be held by a local legislature, and for limitations on the Crown's power in Great Britain to refuse assent to NSW laws concerning local matters.

The models proposed were the subject of considerable public debate and agitation – as pictured here, when a protest meeting gathered at Circular Quay to protest against the Constitutional model proposed by William Charles Wentworth, who was a leading figure in the struggle for independence. Ultimately, the bill passed with some amendments.



A public meeting near the Circular Quay, Sydney

Walter George Mason, 1854; *The Australian picture pleasure book*, J R Clarke, Sydney, 1857
NATIONAL LIBRARY OF AUSTRALIA: nla.obj-138449399

1855

A 'bicameral' (two-House) system of Responsible Government

The passage of NSW's first Constitution Act in 1855 signalled the introduction of independence, with legislative power held by a local legislature and limitations on London's power to refuse assent to NSW laws concerning local matters.

In 1856, the Legislative Assembly was formed to represent electorates across NSW. This signalled a landmark moment: the introduction of Responsible Government, where the Executive must retain the confidence of the 'Lower House' to retain government, and a bicameral parliament in which all bills must pass two Houses.

The Legislative Council took on a new role as the Upper House – the 'House of Review' to examine proposed laws and scrutinise government. The Council also returned to being appointed, rather than elected. So began the bicameral Parliament of NSW.

DID YOU KNOW?

NSW Parliament is comprised of two Houses – the Legislative Assembly, whose members represent a local electorate, and the Legislative Council whose members represent the entire state. The Council has, over time, been appointed, partially elected, appointed again, partially elected again, and finally – fully elected.

**Silver centrepiece presented to Sir Charles Nicholson
by the Legislative Council on his retirement as Speaker**

Smith & Nicholson, London, 1855

ON LOAN FROM CHAU CHAK WING MUSEUM, THE
UNIVERSITY OF SYDNEY DONATED BY SIR CHARLES
ARCHIBALD NICHOLSON 1924



1856

There's no place like (a pre-fab) home: The Council's new and final chamber

The newly established Assembly made its home in the Council's first chamber, so a new chamber was constructed for the Council at the southern end of the Rum Hospital site. Owing to the urgency of the project an iron building originally destined for the goldfields was purchased for £1,835 and transported from Melbourne to Sydney, post haste! It remains the Council's chamber today.



Reconstruction of the Parliament House facade in 1856 based on historic images
Artist and date unknown
NSW PARLIAMENTARY ARCHIVES

An evolving legislative body

Over the next decades, the Council developed its role in scrutinising legislation, such as bills dealing with land, immigration and federation. The Council also extended its scrutiny role by expanding its committee system.

1920s

From abolition?... to reform

While the early Council generally used its power to amend or defeat legislation with moderation, conflict with governments was inevitable. And sometimes these tensions threatened the Council's very existence!

In the 1920s and 30s, newspaper headlines rang out with the Lang Government's calls to abolish the Council. While these attempts to do away with the Upper House were unsuccessful, debate in Parliament and the media about the Council's role triggered crucial reforms. This included the indirect election of members from 1932.



Politician Jack Lang addressing a crowd (detail)
Photographer unknown, c1930
FAIRFAX ARCHIVE, NATIONAL LIBRARY OF AUSTRALIA:
nla.obj-162289696

First women members in the Council



Catherine Green

Photographer unknown, c1932.
FAIRFAX ARCHIVE,
NATIONAL LIBRARY OF
AUSTRALIA: nla.obj-161744763

The year 1931 signalled another important development – the Council welcomed its very first female members, Catherine Green and Ellen Webster.

Catherine used her time in the Upper House to advocate on issues including maternal care, equal guardianship of children and equal wages for women.

Ellen was also a champion for the community, showing particular concern for the plight of farmers during the Depression.



Ellen Webster

Photographer unknown, c1934
FAIRFAX ARCHIVE,
NATIONAL LIBRARY OF
AUSTRALIA: nla.obj-161755010

The votes are in: the people choose to keep the Legislative Council!



Fast forward to 1961 and a final attempt by the Government to abolish the Council. But when the question was put to the people via a referendum, NSW resoundingly voted to keep the Council. The Council was here to stay!

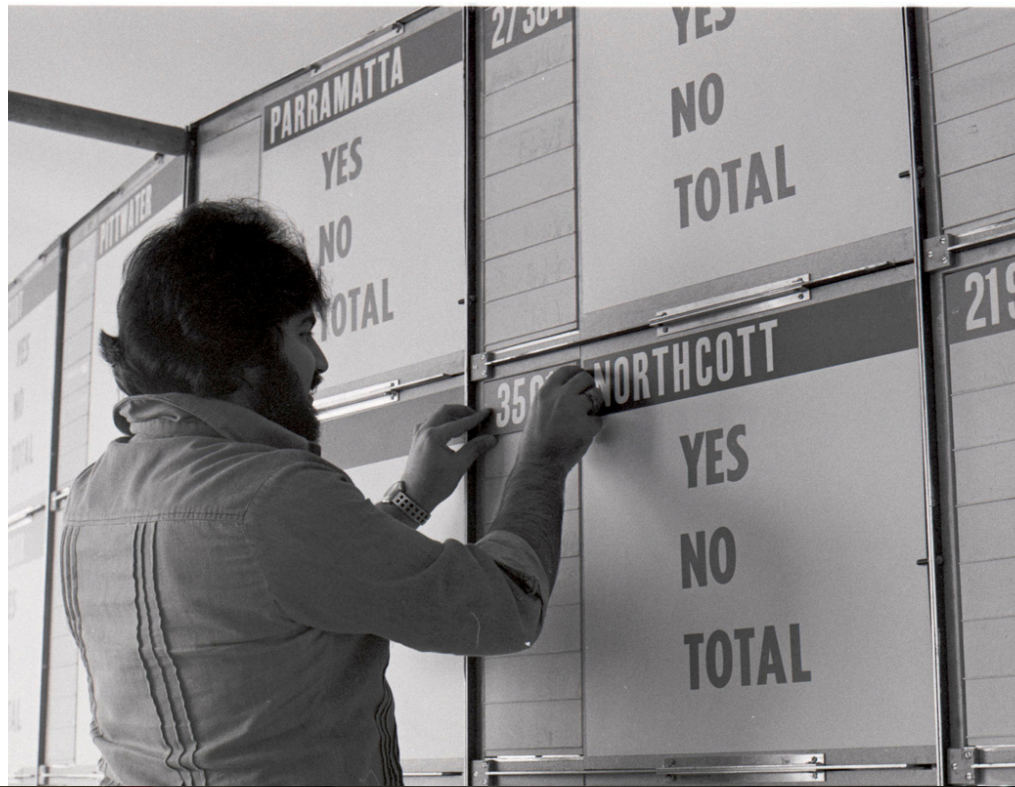
Cumberland Argus, 3 May 1961
STATE LIBRARY OF NSW: BN181

1978

A fully elected, representative democracy

Change was on the horizon, though! In 1978, NSW voters returned to the polling booths for another referendum. This time they voted overwhelmingly in support of a Legislative Council fully elected by the people of NSW and the first direct elections were held. It was a watershed moment for our democracy.

RIGHT: **Tally boards for referendum**
NSW Government Printing Office,
17 June 1978
MUSEUMS OF HISTORY NSW –
STATE ARCHIVES COLLECTION:
NRS-21689-1-32-GPO3_45336



LEFT TO RIGHT: **The Trade Unions say vote yes on April 29th**
Labor Council of NSW, The Worker Print, Sydney, 1961, facsimile
STATE LIBRARY OF NSW: H 2013/35

Democratic Labor Party advertisement
The Daily Mirror, 28 April 1961, facsimile

Liberal Party of Australia advertisement
The Sydney Morning Herald, 24 April 1961, facsimile
NSW PARLIAMENTARY LIBRARY

The first minor parties: a new era of representation

With the Council now elected by the people, the evolution of the House continued from strength to strength. A directly elected Council paved the way for the entry of minor parties into the House. The representation of minor parties has continued to grow and has had a pivotal role in shaping the scrutiny role of the Upper House, through to the present day.

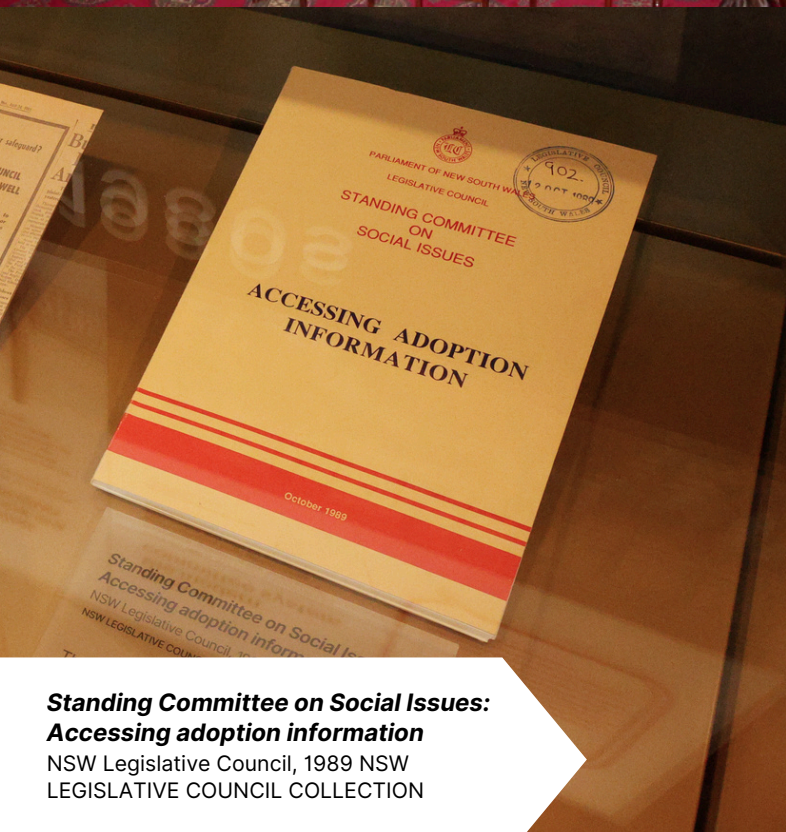
1980s

Birth of the modern committee system



From the 1980s the Council expanded its committee system – a key tool through which members keep governments accountable and calls for social reform are progressed.

LEFT: **Standing Committee on Social Issues hearing 12 September 2002**
NSW LEGISLATIVE COUNCIL COLLECTION



**Standing Committee on Social Issues:
Accessing adoption information**
NSW Legislative Council, 1989 NSW
LEGISLATIVE COUNCIL COLLECTION

DID YOU KNOW?

A key committee in this era was the Standing Committee on Social Issues, whose first inquiry into access to adoption information was groundbreaking and led to sweeping legislative and policy reform. The Committee set the standard for the Council's future inquiries which proposed reform and change across crucial social issues from health and environment, to homelessness and juvenile justice.

Powers and Privileges

A robust House of Review

While the NSW Legislative Council has a long tradition of asserting its power in support of its constitutional role in overseeing the actions of the government, this has been bolstered by non-government parties having held the balance of power since 1988 – almost 40 years.

In recent decades, the Legislative Council has made bold strides in testing its powers of scrutiny, whether by compelling evidence before its committees or challenging resistance to orders for government papers.



The crossbench holds the balance of power

A directly elected Council meant members increasingly reflected diverse community voices and pressing social issues – and these voices were strong.

In fact, in 1988 a crossbench of minority parties held the balance of power for the first time. Since then, no government has held a majority in the Legislative Council – a mark of a true House of Review that has required successive governments to negotiate with other parties to pass new laws.

1995-99

Orders for papers: The Council's scrutiny powers are confirmed by the Courts

In 1996, questions over the Council's power to call for government papers came to a dramatic head in the chamber when the Treasurer and Leader of the Government in the House, the Hon Michael Egan, refused to table papers ordered by the Council.

Mr Egan argued that the Council did not have the power to make the order. After refusing to comply with a succession of orders, then President the Hon Max Willis directed the Usher of the Black Rod to remove Mr Egan from the chamber and escort him to the footpath outside Parliament House.

Mr Egan initiated legal proceedings which ultimately led to the Court of Appeal, and later the High Court, upholding the Council's power to order documents from the Government and to take action if the Government refused to comply.

Since the 'Egan Cases', the Council has made extensive use of its powers, ordering the production of thousands of documents and shedding light on the government's actions and decisions relating to a range of infrastructure projects, public policy and the delivery of public services.

**The Hon Michael Egan
being escorted from the
Chamber by the Usher of
the Black Rod**

Robert Pearce, *The Sydney Morning Herald*, 2 May 1996
FAIRFAX SYNDICATION



Parliamentary Committees: Oversight and accountability

Committees are a vital mechanism for members to inquire into and oversee the operation of government. On occasions this can lead to tensions with governments, and committees have used these opportunities to test their powers.

The following pages feature two such key cases that were used to confirm fundamental powers of inquiry.



Stenograph shorthand machine

Illinois, USA, c1970s

NSW PARLIAMENT COLLECTION

Budget estimates hearing held by Portfolio Committee No. 7

2 November 2023

NSW LEGISLATIVE COUNCIL
COLLECTION



Prorogation and principle

A contested area had been the ability of standing committees to meet and conduct business after the prorogation of the House – that is, after the government advises the Governor to end a parliamentary 'session'. Prorogation halts all business before the House, preventing it from meeting until a new session is proclaimed.

While it had long been the view of the Council that committees had the power to operate after the prorogation of the House (though not after the dissolution of the Assembly), successive governments had held a conflicting view. Tactically, proroguing meant that governments could 'wipe' the business agenda clean – a particularly useful tool if a bill was proving problematic, or a committee inquiry into a controversial issue was underway.

The effect of prorogation was tested prior to the 2011 State Election. On 15 December 2010, the Government announced the sale of the state's electricity generators (the 'Gentrader Transactions'). On 22 December 2010, Parliament was prorogued, several months before the election scheduled for 26 March 2011.

Democracy's last line of defence



The Daily Telegraph, 24 December 2010
Photographer Cameron Richardson
NEWSPIX

MPs defend democracy – and your right to the truth
FOUR WISE MEN

But on 23 December 2010, General Purpose Standing Committee No. 1 launched an inquiry into the Gentrader Transactions. The government quickly challenged the committee's power to undertake its inquiry.

However, while legal advice supporting the conflicting positions of the government and the committee was tendered, ultimately the committee prevailed.

In 2011 the government moved amendments to the Constitution Act 1902 to limit the period in which the government can advise the Governor to prorogue the Parliament in the leadup to an election. Committees now routinely table reports right up to the conclusion of the parliamentary term, only weeks before the election.

Scrutiny trumps secrecy

Sometimes there are good reasons to keep something secret. Other times, it is in the public interest to reveal the truth. 'Statutory secrecy' refers to laws that prevent the disclosure of information by making that disclosure a criminal offence.

The position of the Legislative Council is that these provisions have no application to Parliament, except where that law specifically states that it applies to Parliament.

However, successive governments had relied on statutory secrecy provisions to refuse to provide evidence to committees, frustrating and obstructing their inquiries.

Governments had said the secrecy was necessary to protect highly sensitive information, while the Council had argued that it had the power to seek whatever information was necessary for the exercise of its scrutiny function.

In 2014 the government's legal advisors finally accepted the Council's view. This was over a dispute between the NSW Ombudsman and a committee seeking to inquire into a long-running Ombudsman investigation into the conduct of officers of the NSW Police Force, the NSW Crime Commission and the Police Integrity Commission, known as 'Operation Prospect'.

This inquiry set a powerful precedent.



CLOCKWISE FROM TOP LEFT: News headlines drawn from *The Sydney Morning Herald*, 13 May 2015; *The Sun-Herald*, 1 February 2015; *The Sydney Morning Herald*, 13 April 2002, Fairfax Syndication; *ABC News*, 20 December 2016, Australian Broadcasting Corporation

Commenting on the challenge to statutory secrecy in its final report, the Committee concluded:

'This inquiry is one of the most significant in any Australian parliamentary jurisdiction in its use of committee powers to obtain evidence under privilege that is subject to statutory secrecy provisions. The Legislative Council will not accept attempts by future state governments and their agencies to hide behind statutory secrecy when the Council or its committees are seeking to comply with the key role of scrutiny of the executive.'

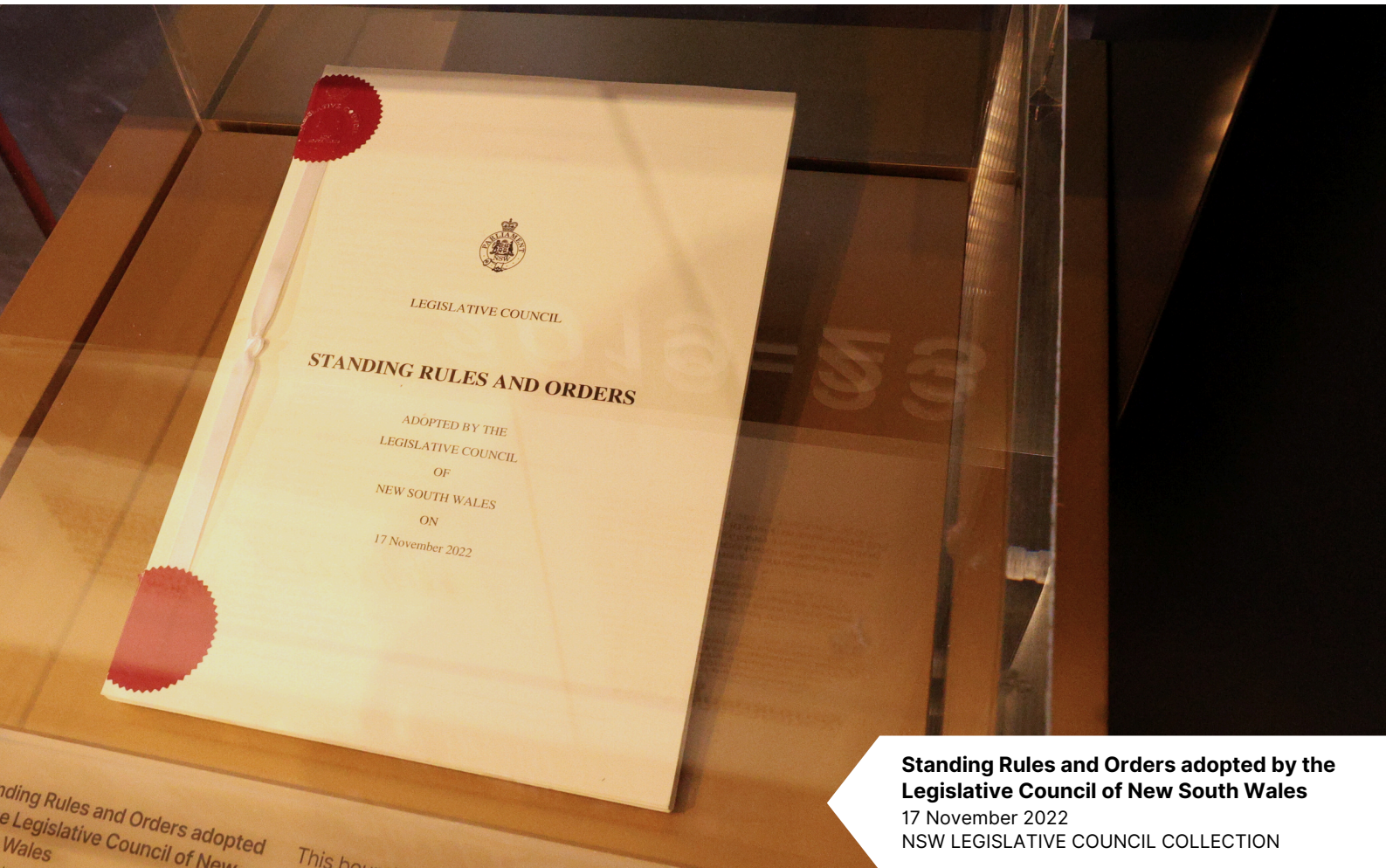
It is powers such as these that preserve the Council's independence and ultimately strengthen its ability to keep the government of the day accountable. In fact, the wielding of these powers is why today's Council is often considered the most robust Upper House in the country – perhaps even the Commonwealth!

The transparency agenda

The 2019 to 2023 parliamentary term saw members of the opposition and crossbench working together to reform the procedures of the Legislative Council to empower ‘private members’ who are not ministers, and to hold the Government to account.

They utilised the power of the Council to order the production of documents and committee inquiries in tandem to explore key government decision-making and government administration.

The parliamentary term culminated in the new procedures being incorporated into a new set of Standing Orders – the ongoing rules of procedure – in only the second full review of those rules since the late 1800s.



Standing Rules and Orders adopted by the Legislative Council of New South Wales

17 November 2022

NSW LEGISLATIVE COUNCIL COLLECTION

‘The [Legislative] Council has reaped the reward of being more courageous than its federal counterpart and, indeed, than any comparable House. It is a world leader in this area: in some respects ahead even of the United States Congress, which has not found a satisfactory solution to claims of executive privilege, except its power to impose political penalties if it dares.’

— Former Clerk of the Australian Senate Harry Evans

‘LIVELY, ANALYTICAL HISTORY OF THE NSW PARLIAMENT’, CONSTITUTIONAL LAW AND POLICY REVIEW, (2006) 9(1) CLPR, PP 17-20

Swords, Sovereigns, and Secret Ballots: The Extraordinary Traditions of the Upper House

As the oldest legislature in Australia, the Parliament of NSW has retained many traditions inherited from Westminster in the United Kingdom. However, over time the Houses have also modernised and evolved, dispensing with conventions that felt antiquated or out of step, and adopting new traditions and ceremonies that reflect who we are today as a Parliament and as a people.

Other customs have been preserved as members have come to appreciate how new and old practices have been woven together to form a unique brand of ceremony that reflects the arc of the Parliament's evolution to now, while retaining room for further invention and ingenuity into the future.

This balance of tradition and innovation is a hallmark of the NSW Parliament. Welcome to the colourful and curious protocols and pageantry of the Legislative Council...



Traditional ceremonial uniform of the Usher of the Black Rod
NSW LEGISLATIVE COUNCIL COLLECTION

Secret ballots and the Council's very own 'sorting hat'

Each of the positions of authority in the Council and its committees is determined by members voting for their preferred candidate. This ensures that positions such as President of the Legislative Council, the Deputy President, the Assistant President and the Chairs of committees reflect the choice of the majority of all members.

If only one person is proposed to hold the position and everyone agrees, the member proposed is declared elected without the need for a formal vote. However if two or more members are proposed to hold the same position, a special ballot is required.

First, the members proposed to hold the position are invited to address other members. Then, the bells are rung to summon all members to the chamber and the doors are locked. The name of each candidate is announced and a ballot paper is given to each member, on which the member casts their vote.



Before the ballot papers are collected, the clerks hold open the ballot boxes for all members to see, so that all members present can be confident there are no other papers already inside the box.

Votes are cast, and the ballots are collected by the clerks. The clerks count the ballots while the nominators of the candidates act as scrutineers. For a candidate to succeed they must receive votes of an absolute majority of the members present. If no one achieves this, the candidate with the lowest number of votes is withdrawn and the process is repeated.

LEFT TO RIGHT: **Brushed silk top hat**

The Cork Hat Company, London, c1880s, NSW LEGISLATIVE COUNCIL COLLECTION

Handheld ballot boxes

Montague Cabinet Makers, date unknown, NSW LEGISLATIVE COUNCIL COLLECTION

However, in the case of a tie that cannot be broken by repeated votes during the election of a President or a committee Chair, an even more unique procedure is required. The names of the candidates are put into a special top hat – or 'sorting hat' – reserved for just this purpose, and the Clerk draws a name out to determine which candidate is eliminated. The Clerk will then continue the ballot process until a final result is achieved.

It is believed that the top hat in use today dates back to the turn of the last century.

The President: First among equals

The President of the Legislative Council is the independent and impartial mediator of the House. As the title 'President' suggests, their role is to preside over sittings and, like the Speaker in the Legislative Assembly, they are responsible for upholding the rules of the House.

With the assistance of the Clerk and their officers, the President ensures proceedings are run in an orderly and respectful manner. Outside the sittings of the House the President's responsibilities are extensive, including acting as the representative of the Parliament for visiting dignitaries and administering the Parliamentary precinct with the Speaker.

Presidents were originally appointed directly by the Governor until 1934. The term of the President usually lasted until they resigned or until their death.

However, since the Council was reconstituted in 1934, the House has elected its own President from amongst its members. On being appointed the Council's first President, Sir Alfred Stephen observed that he considered the position *primus inter pares* (meaning 'first among equals') and that his role was not to direct or control the House, but to impartially regulate debates.

The President sits on a chair on the dais, from which they can see the whole chamber.



CLOCKWISE FROM TOP LEFT:
**Sir Francis Suttor, [former]
President Legislative Council
(1903-15)**

NSW Government Printing
Office, August 1913. NSW
PARLIAMENTARY ARCHIVES

**The Hon Ben Franklin,
current President of the
Legislative Council**

25 May 2023
NSW LEGISLATIVE COUNCIL
COLLECTION

**Sir Harry Budd, former
President of the Legislative
Council (1966-78)**

Robert Pearce, 25 February
1969
FAIRFAX SYNDICATION

**The Hon Virginia Chadwick,
first female President of the
Legislative Council (1998-
99)**

Andrew Taylor, The
Sydney Morning Herald, 29
June 1998
FAIRFAX SYNDICATION

The Clerk

The Clerk of the Legislative Council is responsible for providing expert advice on parliamentary law, practice and procedure to the President, Deputy President, ministers and members of the Council and its committees.

A Clerk was first appointed in 1824, and the title 'Clerk of the Parliaments' was additionally conferred on the Clerk in 1864 by the Governor, drawing on the title conferred on the Clerk of the House of Lords in the United Kingdom.

The Clerk is also responsible to the President for the administration of the Department of the Legislative Council. The Clerk works collaboratively with the Clerk of the Legislative Assembly and the Chief Executive of the Department of Parliamentary Services to administer matters relating to the Parliament as a whole.

When the House is sitting, the Clerk sits at the head of the Table, to the President's right.



The Clerk and Deputy Clerk at the head of the table, with the Usher at the opposite end facing the President

25 May 2023

NSW LEGISLATIVE COUNCIL COLLECTION

The Deputy Clerk

To the Clerk's left sits the Deputy Clerk, who supports the Clerk in providing advice on House and committee proceedings and leading and managing the Department of the Legislative Council.

The Deputy Clerk assists the Clerk to manage the planning, development and performance of the Department to ensure its effective operation, within budgetary constraints, as well as managing the Office of the Clerk. The Deputy Clerk is also the clerk to the Privileges Committee.

The Usher of the Black Rod

At the foot of the table, directly in front of the President, sits the Usher of the Black Rod.

When the Council is sitting, the Usher's main responsibility in the chamber is to assist the President to maintain order in the House. This includes removing members from the chamber when ordered to do so by the President. The Usher of the Black Rod also has a ceremonial role that includes attending the President at official functions and delegation visits and making arrangements for the Opening of Parliament.

The name Usher of the Black Rod comes from the ebony cane they carry as a symbol of authority. On important ceremonial occasions, such as the Opening of Parliament, the Usher of the Black Rod leads the ceremony while carrying the Black Rod.

The title originated in 14th century England, as an officer of the Most Noble Order of the Garter. The 1522 Statutes for the Dignity of the Order of the Garter made the Usher 'Chief of all the Ushers of this Kingdom'. Historically they were a senior member of the Royal Household and provided assistance in the administration of the palace and the House of Lords. Over time, the primary responsibility of the role shifted to maintaining the security and protocols of the House of Lords. Modelling its structure in the Westminster style, in the NSW Parliament the Usher of the Black Rod is an officer of the Legislative Council staff, with the position appointed by the Governor of NSW.

The Regalia

Wigs, robes and other regalia have been worn to ensure that the Presiding Officers and clerks were visibly distinct from other members and parliamentary officers.

Wig

Up until 1998, Presidents in the Legislative Council wore full-bottomed wigs and robes. The clerks wore bob wigs – a shorter style with a plait positioned at the centre rear, made of horse hair. The wigs worn by the clerks denoted that, like lawyers, theirs is a learned profession.

The practice of wearing wigs ended in the Legislative Council with the election of President the Hon Virginia Chadwick in 1998, in response to a perceived disenchantment among the general public toward politicians and, in particular, some of the symbols and traditions that set them apart from other people.

While clerks in the UK House of Commons continued to wear wigs until as recently as 2017, most other parliaments dispensed with the practice around the same time as NSW, with the general consensus being considerable relief that these itchy adornments were to be retired to their wig stands!



Full-bottomed wig worn by the President
NSW LEGISLATIVE COUNCIL COLLECTION

The President's Robe

Until 1998, Presiding Officers wore a robe to denote their office. Since then, each President has adopted their own preference. Some have followed the practice of President Chadwick and dispensed with the robe, while others have favoured it as a means of denoting their official role in the chamber.

The current President of the Legislative Council, the Hon Ben Franklin MLC, wears the robe for official occasions such as Openings of Parliament but otherwise opts for standard business attire whilst in the Chair.



**Traditional regalia worn by the President
of the Legislative Council until 1998**
NSW LEGISLATIVE COUNCIL COLLECTION

'In order to appreciate the value of parliamentary procedures it is necessary to understand their rationale, and the fact that procedures are extremely old does not decrease their value, though it may obscure their importance.'

— Former Clerk of the Australian Senate Harry Evans

The Usher of the Black Rod's uniform

The uniform traditionally worn by the Usher of the Black Rod on ceremonial occasions was distinctive. It included a black cloth tailed coat; stand collar; gauntlet cuffs with three notched or false holes and buttons and three-pointed pocket flaps complete with a button beneath each point; a black waistcoat; black knee breeches with marcasite buckles; black silk stockings and buckled shoes. A sword was also worn for ceremonial dress.

Like the President and the clerks, the Usher of the Black Rod ceased to wear the uniform and the sword in 1998 at the direction of former President Chadwick and today the Usher wears a simple dark suit. However, the Usher continues to carry the symbol of the President's authority, the Black Rod.



Accessories from the uniform of the Usher of the Black Rod
NSW LEGISLATIVE COUNCIL AND NSW PARLIAMENTARY COLLECTIONS

The Black Rod

The Black Rod is a symbol of the authority of the President vested in the holder of the Office – the Usher of the Black Rod. It is placed on the table by the Usher when the Legislative Council is in session and carried by the Usher at the beginning of each sitting day and for ceremonial occasions.

The collection of the Legislative Council contains three Black Rods. The first dates from 1856 and was presented to the Council in conjunction with the first sitting of Parliament under Responsible Government. The second, displayed here, dates from c1901 and was presented to Parliament in recognition of the Federation of Australia and the changing role of the NSW Parliament.

The third, which is currently in use, dates from 1974 and was presented to the Council to commemorate its 150th anniversary. It was purchased by the Bank of NSW (now Westpac Bank) and presented to the Parliament by His Royal Highness Prince Charles. Prince Charles later gave permission for his heraldic symbol, the Princes of Wales' Feathers, to be added to the shaft. You can view this Black Rod and the 1856 Black Rod in the display case next to the Legislative Council Reception Desk.



The Black Rod, c1900s
NSW LEGISLATIVE COUNCIL COLLECTION

Royals in the House

A Royal Address is a rare occurrence usually accompanied by significant ceremony.

Members of the Royal family have Addressed the Council on three occasions. Her Late Majesty Queen Elizabeth II Addressed the Parliament in both 1954 and 1992, while His Majesty King Charles III attended the Parliament in 1974 as the then Prince of Wales to Address members on the Queen's behalf on the occasion of the Legislative Council's sesquicentenary (150th anniversary).

Her Late Majesty the Queen's Address to the NSW Legislative Council in 1954 was the first occasion on which the Sovereign had opened the Parliament of any Australian jurisdiction, including the Federal Parliament.

In the absence of the King or Queen, the Crown is represented by the Governor of NSW.



LEFT: **Her Majesty Awaiting the Arrival of the Legislative Assembly**

Australian Photographic Agency, 4 February 1954
NSW PARLIAMENTARY ARCHIVES

BELOW: **The Vice-Regal Address by Her Excellency The Hon Margaret Beazley AC KC, Governor of NSW at the Opening of the 57th Parliament**

7 May 2019
NSW LEGISLATIVE COUNCIL COLLECTION



The role of the Crown

Much like the Federal system of Parliament, in NSW the Parliament is made up of the Crown, represented by the Governor of NSW, and two Houses of Parliament: the Legislative Council and the Legislative Assembly.

After legislation passes the two Houses of Parliament it is presented to the Governor for assent, at which time it becomes law.

The Governor does not sit in the Parliament, make speeches or vote on proposed laws, but they Address the Parliament periodically, most often to open a new parliamentary session and announce the government's legislative and policy agenda for the coming years.



Collection of 1992 Royal Opening of Parliament ephemera
NSW LEGISLATIVE COUNCIL COLLECTION AND NSW
PARLIAMENTARY ARCHIVES



A chair and a constitutional crisis

The Legislative Council chamber features a special Vice-Regal Chair, placed at the back of the dais, that only the King or Queen or their representative, the Governor of NSW, may sit in. The origins of the chair date back to 1843, when the House found itself in an odd quandary.

The Opening of a newly constituted Legislative Council in 1843 saw the first elected members join the Legislature, and the election of the very first Speaker to preside over the sittings of the Council instead of the Governor. Alexander Macleay was chosen to be Speaker by the Council and was presented to Governor Gipps at his residence. During the presentation, Gipps stated his intention to return and address the Council the following day.

This presented a problem. Where would he sit? How would the House preserve the authority of its newly elected Speaker, who had just replaced the Governor presiding over the sitting, if the Governor came to join the sitting?



Upon returning to the Council chamber, a debate broke out as members sought to resolve this dilemma. Some members argued that as the Monarch's representative the Governor must take the seat of honour in whichever room they were in. Others disputed this, arguing were the Governor to sit in the Speaker's Chair it would be tantamount to overthrowing the elected Speaker of the House!

After much discussion a proposal by the Colonial Secretary that a special 'Vice-Regal Chair' be reserved for visits by the Governor was agreed to. As reported in *The Sydney Morning Herald*:

About twelve o'clock His Excellency arrived, and the Speaker left his chair, met His Excellency at the entrance door, and conducted him to a handsome seat which had been placed on a raised platform on the left of the Speaker's chair.

The tradition of the Vice-Regal Chair remains in the Council today, although the chair in use today was made in 1856 by Robert Hill of Hill & Sons from 350-year-old Tasmanian red cedar. It now permanently sits behind the President's Chair on its own raised dais. To this day, only the Monarch themselves or their appointed Vice-Regal representative can sit in this chair, and they cannot touch the President's Chair.

ABOVE: **Governor's chair and Mr. President's chair, Legislative Council Chamber, May 1919**
NSW Government Printing Office
NSW PARLIAMENTARY ARCHIVES

DID YOU KNOW?

Between 1843 and 1856, the Legislative Council had a Speaker rather than a President. When the Parliament moved to a two-House system from 1856, there was a need for two Presiding Officers so the Legislative Assembly elected a Speaker and the Legislative Council elected a President.

Why the Serjeant slams the door as the Usher approaches: He's not just having a bad day

When the Sovereign – or the Governor as their representative – attends Parliament to Address members, they are conducted into the Upper House by the President and they take a seat in the Vice-Regal Chair. The Sovereign then orders the Usher of the Black Rod to summon the members of the Lower House to a joint sitting of members to hear their Address.

As the Usher of the Black Rod approaches the Legislative Assembly, the Serjeant-at-Arms slams and bars the doors to the chamber. The Usher bangs on the door three times with the Black Rod, after which they are permitted entry by the Speaker. The Usher then conveys the summons and escorts the Assembly members to the Council chamber to hear the Address.

The barring of the Lower House doors to the Usher of the Black Rod draws from a convention that is also still practiced in the United Kingdom Parliament today, in recognition of a well-known incident that took place in 1642 in the months before the English Civil War broke out.

Charles I entered the House of Commons, accompanied by armed soldiers, in an attempt to arrest five members of the House for alleged treason including on the basis of the 'Grand Remonstrance', a catalogue of grievances against the King. When the King entered the Commons and called for each member, he was met with silence. The Speaker then responded:

May it please Your Majesty, I have neither eyes to see nor tongue to speak in this place but as this House is pleased to direct me whose servant I am here; and I humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me.

King Charles' entry into the House of Commons remains the first and last time a Monarch has ever done so and, indignant at this breach of privilege and in defence of their rights, Lower Houses have barred their doors to the Monarchy ever since.

Through this nod to tradition during the Opening of Parliament, the Council and the Assembly express the independence of the people's representatives from the Crown, celebrating the freedoms inherited from the centuries of struggle between the Westminster Parliament and the Crown.

Openings of Parliament

Following an election, it is usual for a new parliamentary session to commence with an Opening of Parliament. Over the Parliament's history, Openings have taken a variety of forms.

An 'Official Opening' provides an opportunity for the Governor to Address all members to announce the Government's legislative agenda, and a formal ceremonial occasion to which members and their families and prominent people connected with the Parliament, such as the judiciary, the consular corps, religious leaders, the heads of public sector agencies and representatives of the Aboriginal community can come together to mark the commencement of a new legislative program.

The Usher escorting the Legislative Assembly procession to the Council chamber

Byron Campbell (attrib), 7 August 1968



Official Openings have traditionally been accompanied by considerable pomp and ceremony. The Governor arrives at the Parliament under mounted police escort and the Vice-Regal Standard (flag) is broken as the President formally receives the Governor. The Governor receives the Vice-Regal salute and inspects a Guard of Honour, which could include the Military, the Mounted Police Troop or representatives of the Emergency Services.



LEFT: **Dame Marie Bashir AD CVO FTSE, former Governor of NSW**, receiving the Vice-Regal Salute during the Opening of Parliament
3 May 2011
NSW LEGISLATIVE COUNCIL COLLECTION



RIGHT: **His Excellency The Hon James Spiegelman AC KC, former Lieutenant-Governor of NSW**, inspecting the mounted Guard of Honour during the Opening of Parliament
22 May 2006
NSW LEGISLATIVE COUNCIL COLLECTION

On some occasions the Parliament holds a 'Commission Opening', in which the Governor appoints Commissioners drawn from the ministry authorised to open Parliament on their behalf. This is most common when there has not been a change in government following an election.

On other occasions, a hybrid Opening takes place, in which Commissioners open the Parliament but the Governor attends the Parliament later in the day to Address members and speak to the Government's legislative agenda. As society has changed and evolved, so too have the Parliament's ceremonies and traditions. Some of the protocols and pageantry remain, while others have been modernised.



The appointed Commissioners seated on the dais during the Opening of Parliament
9 May 2023
NSW LEGISLATIVE COUNCIL COLLECTION

The first Welcome to Country in any Australian parliament

In 1999, under President the Hon Dr Meredith Burgmann, the NSW Parliament became the first Australian Parliament to commence the Opening of Parliament with a Welcome to Country, provided by Aunty Sylvia Scott, a Wiradjuri Elder who lived in Redfern-Waterloo for many years.

Since then, a Welcome to Country and smoking ceremony has become an integral part of the Opening ceremony and an important acknowledgement of the traditional owners of the land on which Parliament meets.



CLOCKWISE FROM TOP LEFT:

Aunty Sylvia Scott greeting Dame Marie Bashir, AD CVO FTSE, former Governor of NSW, at the Opening of Parliament

26 February 2002

COURTESY OF THE HON DR MEREDITH BURGMANN

Aunty Sylvia Scott and Legislative Council Officer John Ferguson at the Opening of Parliament

26 February 2002

COURTESY OF THE HON DR MEREDITH BURGMANN

The official procession moving through the smoking ceremony during the Opening of Parliament

3 May 2011

NSW LEGISLATIVE COUNCIL COLLECTION

Aunty Sylvia Scott (left) gave the Welcome to Country at the Opening of Parliament

11 May 1999

COURTESY OF THE HON DR MEREDITH BURGMANN



In 2018, the Parliament also adopted a new procedure that arose from the passage of the *Aboriginal Languages Act 2017* and the presentation of a message stick to the Parliament. You can find more about the presentation of the message stick on the Reconciliation Wall.

An Aboriginal Elder nominated by a NSW Aboriginal languages group now Addresses members and the Governor in language during the formal Opening proceedings in the Legislative Council chamber. The Elder presents the message stick to the Usher of the Black Rod, who places the message stick on the dais next to the Governor.

Two Openings have been held since 2019, at which Donna McLaren, Aunty Maureen and Keith Munro of the Gamilaraay nation, and Ray Ingrey of Dharawal country Addressed members in language.

CLOCKWISE FROM TOP LEFT:
Keith Munro presenting the message stick to the Usher during the Opening of Parliament
 7 May 2019
 NSW LEGISLATIVE COUNCIL COLLECTION

Ray Ingrey presenting the message stick to the Usher during the Opening of Parliament
 9 May 2023
 NSW LEGISLATIVE COUNCIL COLLECTION

The Hon Jacqui Munro MLC participates in a smoking ceremony on the Parliament's rooftop garden during the Opening of Parliament
 9 May 2023
 NSW LEGISLATIVE COUNCIL COLLECTION

Smoking ceremony in the Parliament's forecourt during the Opening of Parliament
 7 May 2019
 NSW LEGISLATIVE COUNCIL COLLECTION

Representation Matters

While the Legislative Council has been forged in tradition, it is also a dynamic Upper House whose evolution has reflected the people and communities it represents.

Political parties as a force for change

In the Upper House, political parties have been a driving force for change. In the modern era following the reform of the Council in 1978, this has been seen through the election of parties representing a wide range of issues, including religion, animal justice, the legalisation of cannabis, the environment and personal liberties. But even before 1978, when the House was dominated by the major parties, the parties used the Upper House as a platform to drive change.

Between 1934 and 1978, Legislative Council members were elected indirectly at a joint sitting of the members of both Houses, rather than directly by the people. While this system lacked the representative rigour that direct elections would later bring, the parties were able to utilise this system to drive change that might otherwise not have been possible or been made at a slower pace had they needed the support of the entire populace. This was none more so the case than in the election of women to the Parliament.

Politicians boycott abortion debate

Bruce Miller, *The Sydney Morning Herald*,
13 September 1991
FAIRFAX SYNDICATION



In 1991, 13 of 15 women members representing all major parties left the chamber during debate on an anti-abortion bill in an act of cross-party unity.

Women in the House

Between 1934 and 1978, only three women were elected to the Legislative Assembly. By contrast, **four times as many women** were indirectly elected to the Council over the same period, where they advocated effectively on key issues affecting women and were appointed into the first women's leadership positions. Here are some examples.



The Hon Gertrude Melville
Photographer and date unknown
NSW PARLIAMENTARY ARCHIVES

In 1952 Gertrude Melville became the **first woman indirectly elected to fill a casual vacancy** in the Legislative Council – that is, chosen by other members to fill a seat that had become vacant. A self-proclaimed 'staunch advocate of women's rights', she committed herself to being a 'parliamentary spokesperson for the women' and fought for housing, hospitals, child welfare and equal pay. Her passion and poise are said to have earned her the title 'the grand old lady of the Labor Party'.



The Hon Edna Roper
Photographer unknown, 1961
NSW PARLIAMENTARY ARCHIVES

Edna Roper joined the Council in 1957 and was the **first woman to be appointed Temporary Chairman of Committees** (a temporary Presiding Officer who exercises the same authority and holds the same powers as the President when in the Chair), and later became the **first woman to be Deputy Leader of the Government and later the Opposition** in the Legislative Council.



The Hon Mabel Furley
Photographer and date unknown
NSW PARLIAMENTARY ARCHIVES

In 1968 Eileen (Mabel) Furley was the **first woman to establish and later chair a Select Committee** on Violent Sex Crimes, joined by three of the by then six women members of the Council: Anne Press, Evelyn Barron and Edna Roper.

The inquiry focused on 'mass rape offences' and considered the factors that influence such acts and how they might be reduced. The report lifted the lid on subjects rarely discussed at the time, and influenced reforms that followed in 1974 to enable victims of sex crime to give court evidence in camera (in private).



The Hon Kathleen Anderson
Photographer unknown, 1967
NSW PARLIAMENTARY ARCHIVES

In 1973, Kathleen Anderson joined the Council, having risen to prominence as the capable President of the Labor Women's Committee. By 1976, Kath had become the **first woman to hold the position of Whip** in the Parliament of NSW.

DID YOU KNOW?

The 'Whip' is a member of a political party whose task is to ensure that members of the party attend the chamber and support their party when a vote is taken. When appointed as a 'teller' during a vote, the Whip also counts the members who vote in a division and gives the numbers to the President or Speaker, so they can determine the outcome.

The 1978 Election: Top of the ticket

When the parties finally had the opportunity to put forward their candidates for election by the people in 1978, they again were able to drive progress for women.



GROUP A



GROUP B

Virginia Chadwick topped the Liberal Party's ticket in 1978 – guaranteeing her a winnable seat – and later went on to be elected the **first female President of the Legislative Council in 1998.**



CHADWICK, VIRGINIA
LIBERAL PARTY



GRUSOVIN, DEIDRE
LABOR PARTY



ISAKSEN, DOROTHY
LABOR PARTY



FISHER, MARIE
LABOR PARTY

Three women were also elected on the Labor Party's ticket, including Deidre Grusovin, who was later appointed the **first female Minister in the Legislative Council**, and Dorothy Isaksen, who later was appointed Government Whip.

Women in leadership

Since 1978, the Legislative Council's members have gone on to be the first women to hold other leadership positions including:

Amanda Fazio
First female Deputy President of the Legislative Council

Penny Sharpe
First female Leader of the Government in the Legislative Council and first female Leader of the Opposition in the Legislative Council

Bronnie Taylor
First female Deputy Leader of The Nationals

Natalie Ward
First female Deputy Leader of the Liberal Party



As of 2024, a total of 68 women have been members of the Legislative Council.

And today, 19 of the Council's 42 members are women, a total of 45%.

The rise of the crossbench

The reconstitution of the Legislative Council in 1978 provided for the direct election of members for the first time. Now that the people of NSW could directly elect their representatives in the Council, the party composition of the House quickly changed as voters began to split their votes for a major party in the Assembly, and minor party in the Council.

At the next election in 1981, support for minor parties jumped from 8.8% of the primary vote to 14.4% and the first two minor party members were elected to the Council: Elisabeth Kirkby for the Australian Democrats, and Reverend Fred Nile for the Call to Australia Party.

At the next election in 1984 Jim Cameron from the Call to Australia Party was elected, and then in 1988 another two minor party members were elected: Elaine Nile for Call to Australia and Richard Jones for the Australian Democrats. In just three elections, the balance of power had tipped to the crossbench – and no government has held a majority in the Upper House since that time!



LEFT: **The Hon Elisabeth Kirkby**
Photographer and date unknown
NSW PARLIAMENTARY ARCHIVES



RIGHT: **Revd the Hon Fred Nile**
Photographer and date unknown
NSW PARLIAMENTARY ARCHIVES

Minority voices drive fundamental reform

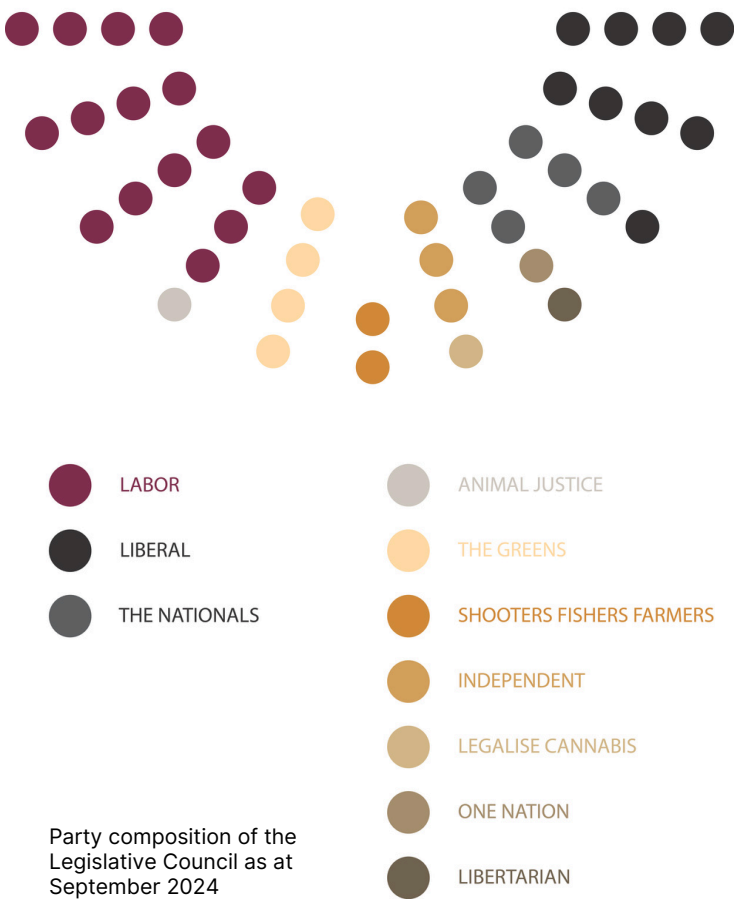
Over the ensuing years the crossbench ebbed and flowed, reaching 7 members in 1995 and peaking at 13 members in 1999. Since then the crossbench has generally sat at between 9 and 11 members, though it has once again reached 13 members in the current parliament.

This diverse representation ensures that Parliament debates a range of different issues, not just the legislative agenda of the government of the day.

This enduring and unique feature strengthens the Council’s role as a House of Review, and requires governments to negotiate to secure the support of other parties to achieve their legislative program.

In the Upper House of today hundreds of amendments are made to bills, large volumes of committee inquiries are established, hundreds of orders for papers have been passed, and groundbreaking procedural reforms have been agreed to, ensuring that the Council can continue to effectively legislate, represent, scrutinise government actions and hold the Government to account.

Legislative Council Party Representation



Party composition of the
Legislative Council as at
September 2024



Call to Australia ephemera and election material
COURTESY OF MRS SILVANA NILE



Australian Democrats promotional and election material, 1980s
COURTESY OF DR KARIN SOWADA AND ARMON HICKS



Call to Australia ephemera and election material
COURTESY OF MRS SILVANA NILE

A call to prayer and action
Fred Nile CTA Legislative Council Election Campaign, 1991

Australian Democrats promotional and election material, 1980s
COURTESY OF DR KARIN SOWADA AND ARMON HICKS

Australian Democrats election corflute
Scale reproduction
Collection of election badges

LGBTIQ+ voices for change

Voices for change from the community can prompt action that transcends party lines, often leading to groundbreaking reform and a Council that remains responsive to an evolving society in all its diversity. This has particularly been the case in the representation of LGBTIQ+ voices.

Taking it to the streets

In the early 1990s, the Hon Paul O'Grady MLC – NSW Parliament's first openly gay member – was joined by three of his Council colleagues at Mardi Gras for the first 'Pollies on Parade'. It was a powerful moment of camaraderie and political support amidst a groundswell of calls for LGBTIQ+ reform. The tide was turning – just a few years later anti-discrimination laws were passed to protect transgender persons and those living with HIV/AIDS, and NSW was on the path to being the first state to legally recognise same sex couples.



LEFT: MPs supporting the community – Clover Moore (left), the Hon Jan Burnswoods and the Hon Paul O'Grady at the annual Sydney Gay and Lesbian Mardi Gras parade in Sydney
News Ltd, 1 March 1993
NEWSPIX

BELOW: 'Same Sex Adoption Rights' marchers, Sydney Gay and Lesbian Mardi Gras
Photographer unknown,
5 March 2011
CITY OF SYDNEY ARCHIVES: A-01201359

'One Step Closer': same sex parents and adoption

A bold new step in recognising same sex families came in 2009 with an Upper House inquiry recommending landmark legislative changes that made same sex couples eligible to adopt. The Hon Penny Sharpe MLC took carriage of the subsequent bill through the Council, and during debate the Hon Helen Westwood MLC delivered a moving speech to the House sharing her own experiences as a same sex parent. Diverse representation helped the Council respond to the changing face of families in the community.



A vow for marriage equality

In what was then the biggest community response to an Upper House inquiry to date, over 7,500 people and organisations responded to a 2012 inquiry into same sex marriage laws for NSW. The following year, the Same Sex Marriage Bill 2013 was introduced into the House. It was the product of a rare cross-party working group, testifying to bipartisan support for marriage equality. The bill was defeated by just one vote, but it gave expression to a growing community demanding change. Just four years later, the nation said 'Yes' to marriage equality.

In his introduction to the report, the Chair of the inquiry, the Hon Niall Blair MLC, observed that the inquiry had 'generated a public response greater than any other previously received by a committee of the Legislative Council'.



EXCLUSIVE Kirsty Needham

NSW could become the first Australian state to legalise same-sex marriage after an inquiry on Friday paved the way for fresh legislation that is supported by MPs across the political spectrum.

With Premier Barry O'Farrell promising a conscience vote on the issue, a cross-party working group of MPs has told Fairfax Media it has made key changes to the Same Sex Marriage 2013 Bill, which will be introduced in the next term of Parliament.

to legalise same-sex marriage. I hope these historic steps in NSW will encourage others campaigning for equality, at both the state and federal level, to keep up the fight and make Australia the seventh."

The chairman of the parliamentary inquiry, Niall Blair, said the volume of responses, with an unprecedented 7500 public submissions made, both in favour and against, highlighted "the strength of feeling in the community about same-sex marriage".

The inquiry found the best

NSW has joined Tasmania and the ACT in calling for the legalisation of gay marriage. Greens MP Kate Furlong said the inquiry would be an "essential feature of marriage".

The Liberal MP Matthew Murren said same-sex marriage could lead to polygamy.

"Indeed, if we were to take the notion of equality of marriage to its logical conclusion, then there would be no reason to stand in the way of polygamy, or other variations," he said.

"This is the so-called slippery slope in this debate which has maintained itself over the years in some jurisdictions where same-sex marriage has been allowed."

Follow Liberal Catherine Connolly, however, said denying gay people the right to marriage would "undermine, harm and hurt" and was a "19th century approach to relationships".

"The rights that we have all been able to take for granted... ought to be reserved to all citizens," she said.

The upper house passed an amendment from the National Union Church for religious groups to be exempted from having to perform gay marriage ceremonies.

But the Legislative Council rejected amendments from the Christian Churches and the Liberal Party's Greg Connolly, which would have allowed the High Court to allow religious groups to be exempted from having to perform gay marriage ceremonies.

The Australian Christian Lobby's NSW director, David Hart, said he was disappointed the NSW Parliament had allowed gay marriage to be introduced.

"I do believe that homosexual

LEFT: The Sydney Morning Herald, 27 July 2013
FAIRFAX SYNDICATION

RIGHT: The Sydney Morning Herald, 1 June 2012
AAP NEWS WIRE

An inquiry that launched a world-first investigation into LGBTIQ+ hate crimes

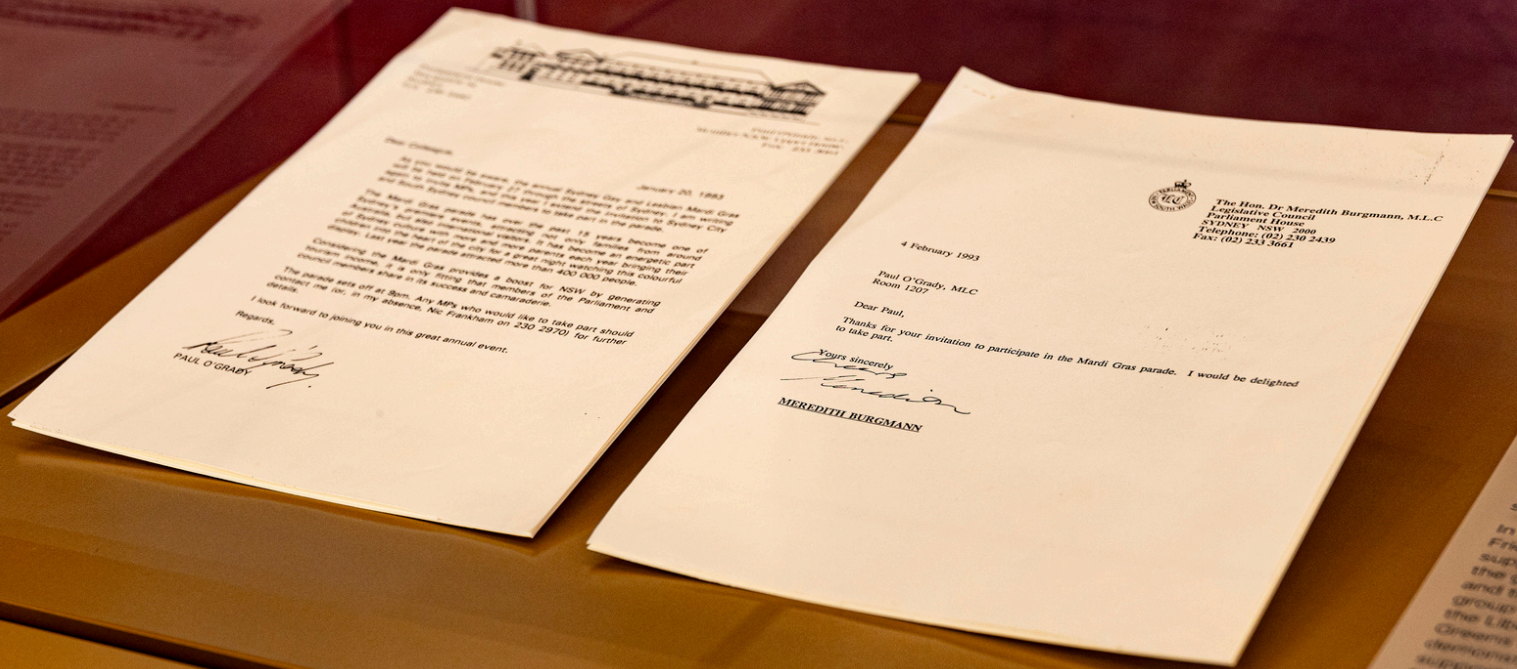
For the historic 2018 parliamentary inquiry into gay and transgender hate crimes, important changes were made to standard inquiry practice to support members of the community who were giving often sensitive evidence. Community health services ACON and Everymind were brought on as advisors, members and committee staff were provided with specialised training, and the hearing room layout was adapted to foster a more inclusive environment for witnesses. The inquiry's first recommendation led to the establishment of a world-first Special Commission of Inquiry, headed by the Hon Justice John Sackar, that investigated the deaths of 32 people and gave those with lived experience the chance to share their story.



LEFT: Members of the Standing Committee on Social Issues view the site of a proposed memorial to commemorate victims of gay and transgender hate crimes at Marks Park, Tamarama 30 November 2020
NSW LEGISLATIVE COUNCIL COLLECTION

'While decades have passed since the brutality and tragedy of history's gay and transgender hate crimes, this committee has come to know all too well that the hurt from these crimes has not. Indeed, the continued pursuit of justice by victims and their families, loved ones and advocates, tells of a journey towards healing that for some has barely begun.'

— Chair of the Standing Committee on Social Issues, the Hon Shayne Mallard MLC



Letter from the Hon Paul O'Grady MLC to parliamentary colleagues inviting them to participate in the Sydney Gay and Lesbian Mardi Gras, and letter in response from the Hon Dr Meredith Burgmann MLC confirming her participation
COURTESY OF THE HON DR MEREDITH BURGMANN



Members of the Parliamentary Friends Group in the 58th Parliament
MR ALEX GREENWICH MP, INSTAGRAM

Talking about: Pride in diversity

Since the 1990s, the experience of the LGBTIQ+ community in NSW has transformed profoundly, evolving across over 40 years of momentous change from a position of marginalisation and discrimination to bipartisan support and landmark law reform.

In July 2024, a panel of current and former Legislative Council members and judges of the Supreme Court shared powerful stories and personal insights that explored how this journey has unfolded in the NSW Upper House and the Supreme Court of NSW.

The thought-provoking discussion canvassed events from 1978, the year of the first Mardi Gras, through to the ground-breaking legal reforms of the 80s, 90s and early 2000s; and more recent reforms in a seminar themed *Pride & Precedent: Law, Representation, Reform*.



The Hon Trevor Khan, the Hon Penny Sharpe and the Hon Justice Richard Weinstein participate in the *Pride & Precedent* Bicentenary Seminar
19 July 2024
NSW LEGISLATIVE COUNCIL COLLECTION

Access to democracy

A representative Upper House needs to be an accessible one, ensuring every community across NSW can fully participate in our democracy.

Making the Upper House more accessible

Since the Hon Helen Westwood MLC delivered the first inaugural speech in the Legislative Council to use an Auslan interpreter on the floor in 2007, significant steps have been made in recent years to improve access for the Deaf community to Upper House proceedings.

In 2022, an Upper House inquiry into the use of Auslan in parliamentary proceedings provided NSW's nearly 4,000-strong Auslan community access to Auslan interpreters within the chamber. For the first time, the Deaf community could engage with the Council in improving accessibility.

Following the inquiry, arrangements were made for interpreters to be present on the dais for the Vice-Regal Address at the 2023 Opening of Parliament. The Council also introduced Auslan bulletin videos summarising Upper House proceedings and established procedures to improve accessibility for future inquiries.



Witness Darlene Thornton gives evidence at the Procedure Committee's inquiry into Auslan interpretation for broadcasting

14 October 2022

NSW LEGISLATIVE COUNCIL COLLECTION

Although a heritage building such as Parliament provides significant challenges, the Parliament is always working to improve access for people with physical disabilities. In recent years works have been undertaken to improve accessibility to the Hospital Road entry, cafeterias and gymnasium, and over the coming years works will be undertaken to make accessibility improvements across the precinct.

There is still much to be done to ensure that both Houses of Parliament are accessible to all, particularly for those with physical disabilities. However each of the steps above have been vital in continuing to shape and innovate a Council that reflects the very community it represents.

Representing a culturally diverse community

The Council has sought innovative ways to reflect the ever-changing fabric of the community and people it represents.

Bold steps in engaging culturally diverse communities

In the early 2000s, several inquiries employed new techniques to better engage with culturally diverse communities.

In 2000, the Upper House launched an inquiry into multiculturalism that set NSW on the path as a leading model of multicultural policy in Australia, and even internationally.

The inquiry's engagement with culturally and linguistically diverse communities across the state was unprecedented, with promotion in 23 community newspapers reflecting a total of 19 languages including Arabic, Chinese, Hindi, Italian, Korean, Serbian, Turkish and Vietnamese. It was a bold step to ensure lived experience and voices were heard across diverse cultural communities.

The inquiry led to NSW being the first state in Australia to enshrine multicultural principles in law.

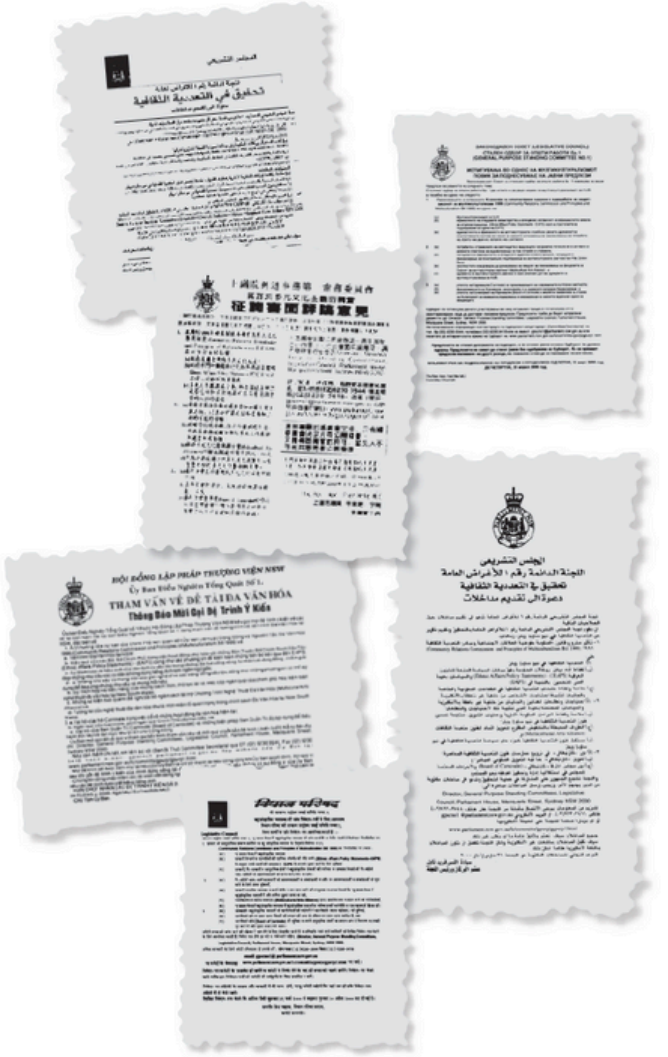
In 2002, an inquiry into policing in Cabramatta chaired by the Hon Dr Helen Sham-Ho MLC, Australia's first Chinese-born parliamentarian, employed Vietnamese and Chinese interpreters to ensure the views of residents were effectively represented. At the conclusion of the inquiry, Dr Sham-Ho stated:

'I congratulate the Cabramatta community for fighting for their right to be heard and to live and work without fear.'

'The victory is yours.'

TOP RIGHT: **Examples of advertisements** placed by the Committee inquiring into multiculturalism calling for submissions in community newspapers in 2000, clockwise from top left: Lebanese, Macedonian, Arabic, Hindi, Vietnamese, Chinese

BOTTOM RIGHT: **The Hon Dr Helen Sham-Ho**
9 August 2024
NSW LEGISLATIVE COUNCIL COLLECTION



Tradition evolves

The *Constitution Act 1902* requires that a member take the pledge of loyalty or oath of allegiance, or an affirmation of allegiance, before the Governor or another authorised person before they can sit or vote in the House to which they have been elected. In doing so, members have the option of swearing on a Holy Book.

Over the decades, as Council membership has changed to reflect the community's growing cultural and faith diversity, so too has this important tradition. Traditionally, members opted to swear on the Holy Bible, but this has changed as members from different cultural and faith backgrounds have joined the House. You can see various examples in the display case.



Members have the option of being sworn holding a Holy Book, but are not obliged to do so. Members must take the pledge of loyalty or oath of allegiance, or an affirmation of allegiance.

TOP LEFT: **The Hon Daniel Mookhey** being sworn holding the Bhagavad Gita
1 May 2019

BOTTOM LEFT: **The Hon Walt Secord** being sworn holding a piece of native Canadian sweetgrass and the Bible
5 May 2015

TOP RIGHT: **The Hon Shaoquett Moselmane**, the first Muslim member of the Parliament of NSW, being sworn holding the Quran
5 May 2015

BOTTOM RIGHT: **Dr Mehreen Faruqi**, the first Muslim woman member of Parliament in Australia, taking the pledge of loyalty
5 May 2015

ALL IMAGES: NSW LEGISLATIVE COUNCIL COLLECTION

Most recently, in 2015, the Hon Daniel Mookhey MLC became the first politician to be sworn in to an Australian parliament on the Hindu religious text, the Bhagavad Gita.

Other members have used this opportunity to reflect the diversity of their heritage – for example, in 2011, when the Hon Walt Secord MLC was sworn, he held both the Bible and a stock of sweet grass, the religious sacrament of his Mohawk-Ojibway status treaty Indian ancestors.

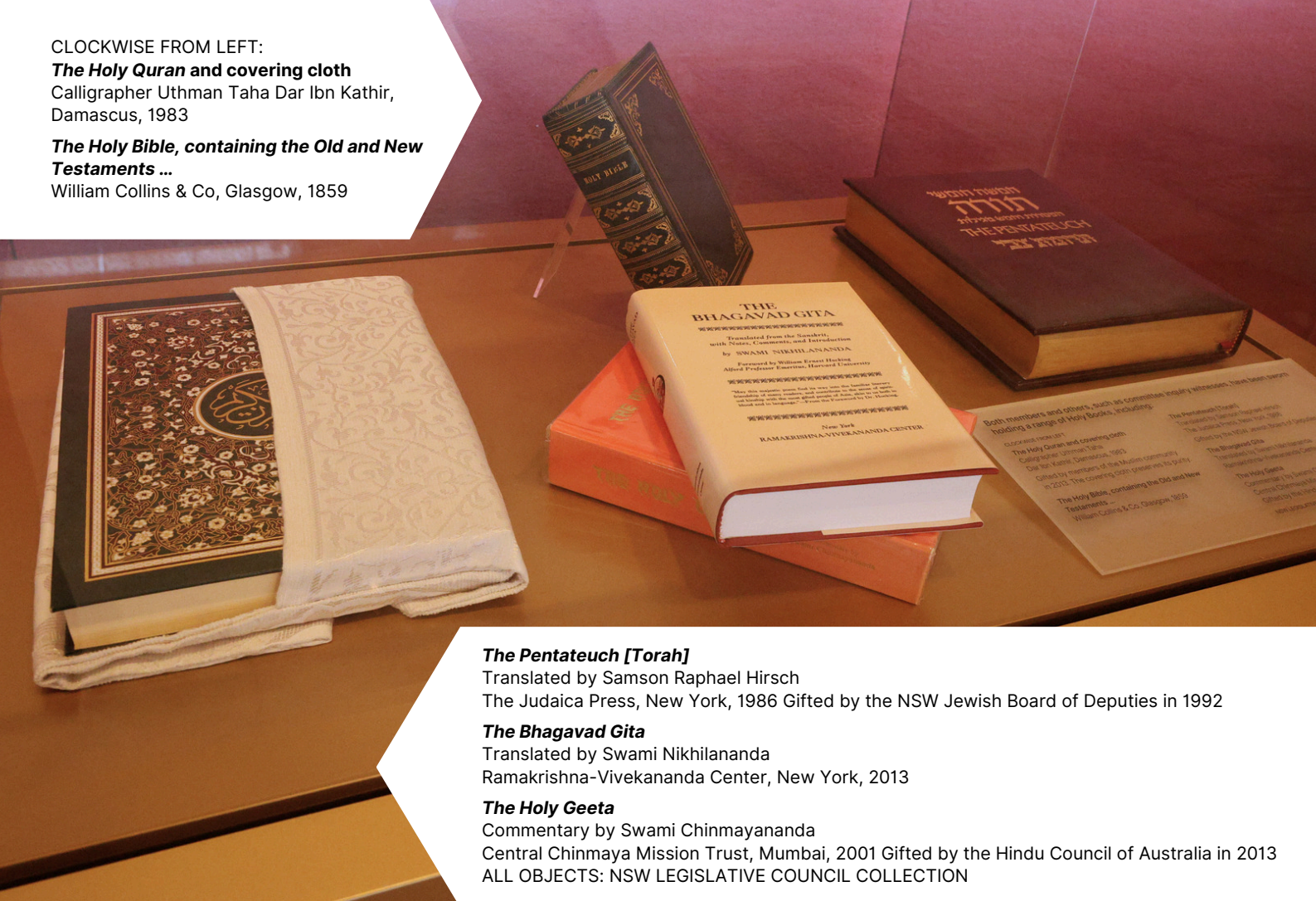
CLOCKWISE FROM LEFT:

The Holy Quran and covering cloth

Calligrapher Uthman Taha Dar Ibn Kathir,
Damascus, 1983

The Holy Bible, containing the Old and New Testaments ...

William Collins & Co, Glasgow, 1859



The Pentateuch [Torah]

Translated by Samson Raphael Hirsch

The Judaica Press, New York, 1986 Gifted by the NSW Jewish Board of Deputies in 1992

The Bhagavad Gita

Translated by Swami Nikhilananda

Ramakrishna-Vivekananda Center, New York, 2013

The Holy Geeta

Commentary by Swami Chinmayananda

Central Chinmaya Mission Trust, Mumbai, 2001 Gifted by the Hindu Council of Australia in 2013

ALL OBJECTS: NSW LEGISLATIVE COUNCIL COLLECTION

Contemporary issues, diverse voices

Committees have a key role in keeping pace with the issues that most impact everyday people, and understanding how governments can best protect the people that they represent. Here's two particularly noteworthy examples.

A 2022 committee report focused on the gig economy highlighted the vulnerability experienced by foreign nationals working as food delivery and other riders owing to poor safety standards for gig economy workers. The inquiry placed a spotlight on the deaths of four workers, a number of whom were repatriating their wages to help their families overseas.

The 2024 report of the Select Committee on Birth Trauma highlighted the unique challenges faced by culturally and linguistically diverse women within the maternity healthcare system in NSW. These included language barriers and a lack of culturally safe care, leading to increased incidences of birth trauma. The inquiry recommended that the Government address the diverse needs of various demographics in the maternity care system through measures that included education, tailored programs and services, increased access to interpretation services and proactive investigation of allegations of racism and discrimination.

Talking about: Representation

In August 2024, a panel of current and former Legislative Council members shared their fascinating experiences and insights as members from culturally and linguistically diverse backgrounds, or as people charged with responsibility for supporting those communities in government in a seminar themed *Representation Matters*.

The panel discussed the landmark Upper House inquiries that helped shape the nation's first multicultural policy, improve justice outcomes for communities, and address racism. The panel also discussed the challenging experience of the COVID-19 pandemic and how members worked with communities to build stronger networks, share information, and ultimately work together to protect the community.



TOP: **Guests at the Representation Matters Bicentenary seminar**

9 August 2024

NSW LEGISLATIVE COUNCIL COLLECTION

BOTTOM: **Representation Matters panellists** (from left) Treasurer the Hon Daniel Mookhey, the Hon Natalie Ward, the Hon Ben Franklin, former member the Hon Dr Helen Sham-Ho, former member the Hon John Ajaka and the Hon Bob Nanva

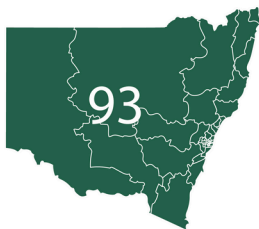
9 August 2024

NSW LEGISLATIVE COUNCIL COLLECTION

How voting works

Electing the Parliament that represents you

The NSW Parliament is elected by you. How can you use your vote to ensure that members represent you?



The NSW Parliament is comprised of two Houses – the Legislative Assembly and the Legislative Council. Members meet in two different chambers to debate issues and pass legislation.

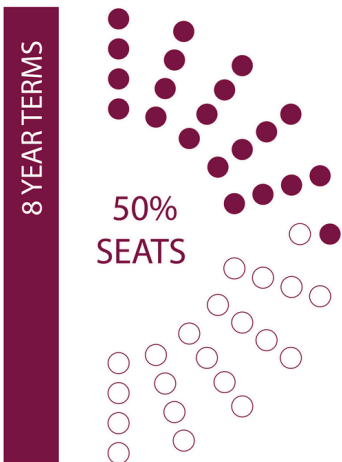


Legislative Assembly members are your local members who represent 93 different electorates across NSW. In contrast, Legislative Council members represent the whole state as one electorate.



Under the *Constitution Act 1902*, a State Election is held every four years. Members of the Legislative Assembly have a four-year term, so each election there are 93 seats to be filled.

Legislative Council members have an eight-year term. At each State Election, 21 seats are up for election, while the other half remains until the next election. This ensures continuity and expertise, which is particularly important for the Council's role as a House of Review.



The ballot papers

On election day, the elections for both Houses happen at the same time so you will be handed two ballot papers.

BALLOT PAPER
Legislative Assembly Election
Electoral District of
Beachville

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote. You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.
Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

CANDIDATES

- ☐ SANDS, Barbara
- ☐ TAN, Emily
- ☐ WAXMAN, Nigel
- ☐ SHIELDS, Ray
- ☐ BURN, Ben

BALLOT PAPER

You may vote in one of two ways

either

GROUP A
NO FIRM PARTY

GROUP B
FIRM PARTY

GROUP C
1

GROUP D
GROSS PARTY

GROUP A
NO FIRM PARTY

GROUP B
FIRM PARTY

GROUP C
GROSS PARTY

GROUP D
GROSS PARTY

GROUP A
NO FIRM PARTY

GROUP B
FIRM PARTY

GROUP C
GROSS PARTY

GROUP D
GROSS PARTY

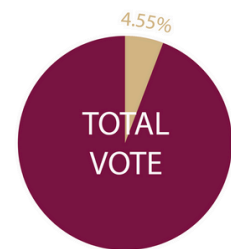
The first, smaller ballot will determine your Legislative Assembly member. The Assembly is elected according to a system of optional preferential voting, which will result in a single candidate being successfully chosen by each electorate.

The Legislative Council is much larger with many more options than the Assembly paper. This is because the Assembly ballot will elect one representative for one local electorate, whereas the Council ballot will elect 21 members representing the whole state, so there are many people and parties vying for seats in the Council.

The Council is elected according to a system of proportional representation, which will result in a party being allocated a number of seats in proportion to the number of people who voted for that party. A member or party must attain 4.55% of the vote to be allocated a seat in the Legislative Council, although the last few seats will often be filled by parties with a smaller vote. This results in a very diverse membership representing a range of political parties.

ONE
SEAT

=



Representation Your Way

Parliament isn't just for politicians. Here are some of the key ways that you can have your say directly to members of both the Legislative Council and the Legislative Assembly.

1. Petitions

A petition is a direct request to the Parliament that it take some particular course of action. For example, a petition might request that the House change legislation relating to a health issue, or support changes to a system of roads. If the subject of concern is a matter involving legislation or state government administration, it can form the subject of a petition. The Parliament now accepts both printed petitions and e-petitions, which can be created on the Parliament's website.



2. Committee inquiries

When you make a submission to a committee inquiry your submission will be provided direct to the members of the committee. This way, members can hear from individuals about the issues that impact them in each individual's own words. Sometimes, committees may invite someone to meet with them directly to expand on the themes they have raised in their submission. All submissions form a part of the formal evidence that the committee reports on and responds to at the end of the inquiry.



3. Contact a member

You can call or write to any member of Parliament – the contact details for all members are available on the Parliament's website. You might like to raise an issue of concern, explain why you believe a member should vote a certain way on a bill, or even suggest a question that a member could pose to a minister in Question Time.



4. Participate in our public programs

The Parliament hosts a range of different public programs that provide the opportunity to engage directly with members. These include public talks, education programs, youth parliaments and regional roadshows. These programs are available to a range of different groups, from students through to adults, and are hosted both in Sydney and in regional areas.

A Parliament for all of NSW

In 2024 members of the Legislative Council travelled across six regional areas to host a public speaking competitions, youth forums, community forums and workshops.

Scan this QR code to watch a video featuring some of our youth forum participants:



Youth forum participants at Wagga Wagga Bicentenary Regional Roadshow, 31 July 2024
NSW LEGISLATIVE COUNCIL COLLECTION



IMAGES ON PAGE 53 CLOCKWISE FROM TOP LEFT: Member of the Legislative Council **Ms Sue Higginson MLC**; **Naomi Moran**, Chief Executive Officer of Koori Mail and local Indigenous leader; and **Craig Foster**, soccer legend, broadcaster and Lismore local participate in a panel **chaired by the Hon Ben Franklin MLC** during the Lismore Regional Roadshow, 4 April 2024

Youth forum participants and members of the Legislative Council in Lismore during the Bicentenary Regional Roadshow, 3 April 2024

The Regional Public Speaking Competition finalists in the Legislative Council chamber at the Open House event on the day of the Bicentenary, 25 August 2024

Youth forum participants in Port Macquarie during the Bicentenary Regional Roadshows, 11 April 2024

Members of the community participate in a forum during the Port Macquarie Bicentenary Regional Roadshow, 10 April 2024

Youth forum participants in Armidale during the Bicentenary Regional Roadshow, 15 July 2024
NSW LEGISLATIVE COUNCIL COLLECTION



Reconciliation Wall

We meet on Gadigal land

The Parliament of NSW borders a site on which ceremonies and gatherings took place prior to colonisation and during the early colonial period.

We invite you to pause on the ridgeline on which we stand today and reflect on the landscape, waters and generations that existed before settlement.

ARTWORK: ***Our Past, Her Future***

Lua Pellegrini, 2019

acrylic on canvas, 130 × 90cm



Immersive artwork: *Warrane*

Warrane is a shortened rendition of Brett Leavy's *Virtual Songlines*, specifically honouring the Gadigal people's connection to the Sydney CBD and the lands upon which the Parliament of NSW currently sits.

This project exemplifies Leavy's dedication to preserving and sharing First Nations culture through photorealistic animations, interactive games, and augmented and virtual reality experiences. These digital realms transport audiences into immersive representations of ancestral homelands, offering an engaging way to experience and connect with Indigenous Australian culture.



ARTWORK: *Warrane* (still)
Brett Leavy

About the Artist: Brett Leavy

Brett Leavy, a Kooma artist from south-west Queensland, masterfully bridges the gap between ancient traditions and modern technology through his innovative digital art. His work deeply reflects his cultural heritage, drawing from 65,000 years of Kooma wisdom, stories, and practices. By integrating contemporary digital tools with traditional narratives, Leavy creates virtual landscapes that honour his ancestors.

Leavy's art is more than a visual representation; it is a dynamic celebration and a call to action. In a world facing social, political, and ecological challenges, his work serves as a reminder of the environmental stewardship and cultural resilience inherent in First Nations wisdom. Through interactive experiences, Leavy seeks to inspire reflection, recognition, and respect for Indigenous knowledge and its invaluable lessons for sustainable living and coexistence with the natural world.

CULTURAL DISCLAIMER Leavy's work draws on cultural knowledge shared by various Eora Nation's clans through the Metropolitan Local Aboriginal Land Council and other Local Aboriginal Land Councils. All attempts have been made to represent these traditions with respect and accuracy, however this piece does not capture the full complexity of First Nations' cultures. Viewers are encouraged to engage with respect and an understanding of the cultural sensitivities and intellectual property involved.

Listening, learning and evolving our relationship with Aboriginal people

The Parliament has had a complex and varied relationship with the Aboriginal people of NSW. Some of the decisions made at the Parliament have had serious ramifications for Aboriginal communities, while others have signalled positive change and ensured that Aboriginal voices have been heard.



Dhuluny Gudiyiwagagirri Corroboree held at Wahluu on 14 August 2024, image used with the permission of Pat Greer and Wiradyuri Traditional Owners Central West Aboriginal Corporation. This type of ceremonial activity has not occurred in this location for over 200 years.

The Gudyarra

In response to a directive from Governor Lachlan Macquarie to expand the colony west past the Blue Mountains to access prime agricultural land to feed and grow the colony, by May 1824 a period of Gudyarra ('war' in the Wiradyuri language) had begun between colonists and the Wiradyuri people who sought to resist the occupation and dispossession of their land.

On 14 August 1824 Governor Sir Thomas Brisbane declared martial law in the region, prompting the further dispossession of land from Aboriginal people and punitive action taken against Aboriginal people who sought to resist it. One of the first members of the Council, Lieutenant-Governor Colonel William Stewart arrived in the colony in 1825. He was a British soldier charged with establishing the mounted police in Central West NSW.

In September 2024, the Parliament hosted a seminar with Wiradyuri Elders to discuss the Gudyarra. The seminar provided powerful testimony of the experience of dispossession and the Wiradyuri's pride in resisting colonisation and acknowledged a period of resistance-warfare, violence and massacres.

The sharing of these accounts is an important part of the truth-telling process to progress reconciliation.

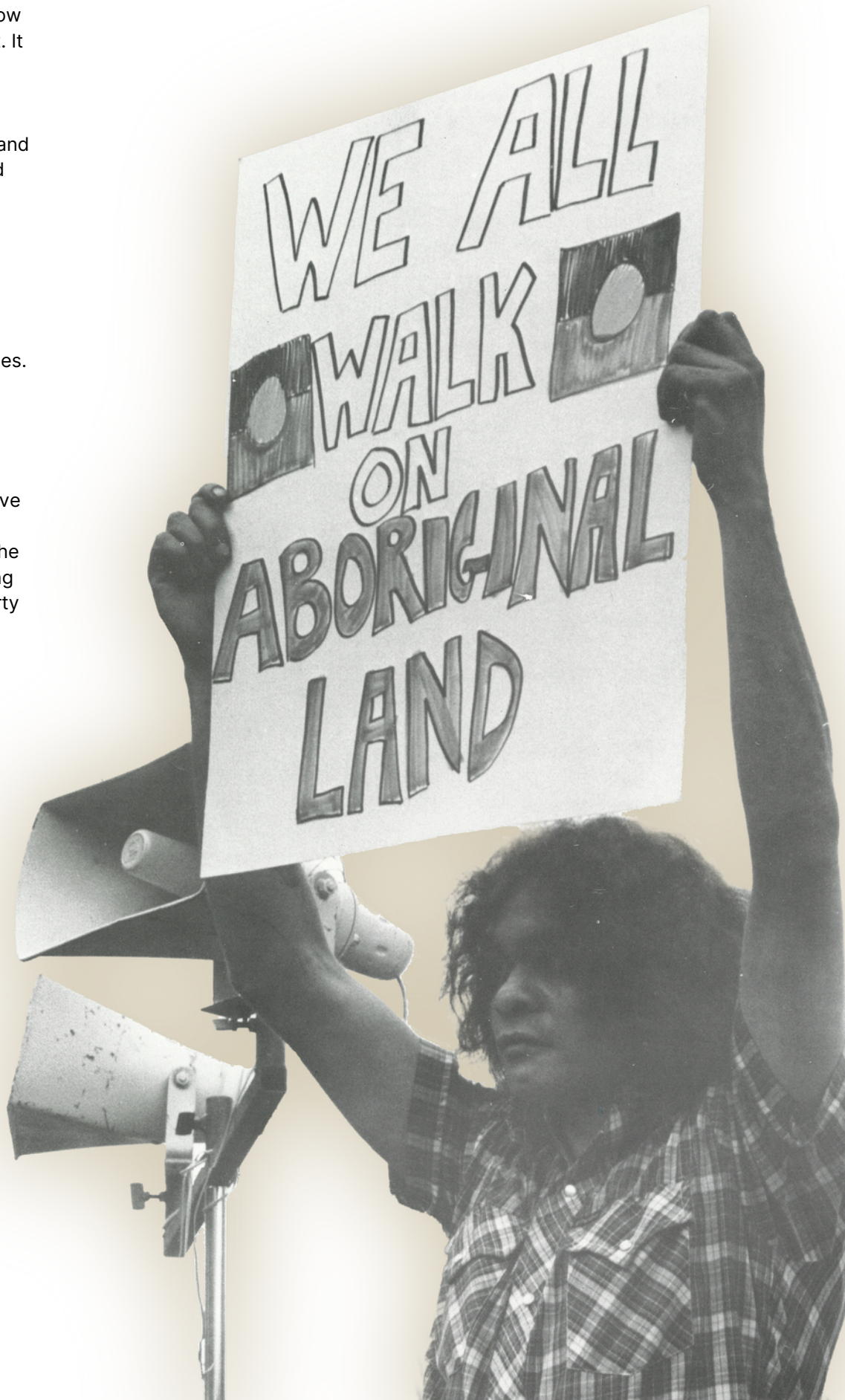
Passage of the *Aboriginal Land Rights Act 1983*

When the NSW *Aboriginal Land Rights Act* was agreed to in 1983 it was one of the first legislative acknowledgements of Aboriginal land rights in Australia.

This Act allowed Aboriginal communities to claim unused Crown land if they could show a traditional connection to it. It also established Local and Regional Aboriginal Land Councils, as well as a state body, the NSW Aboriginal Land Council, to manage land and resources.

The Act aimed to redress historical injustices by returning land to Aboriginal communities and promoting economic development, housing, and cultural activities. It was a crucial step toward reconciliation and self-determination for Aboriginal people.

The bill passed the Legislative Council with the support of crossbench member Revd the Hon Fred Nile, demonstrating the importance of cross-party political support to achieve reconciliation.



Land Rights Rally, Sydney
Elaine Pelot Syron, 1980
ARTIST'S COLLECTION

Apologies to the Stolen Generations

On 18 June 1997 then Premier, the Hon Bob Carr, issued an unreserved apology to the Aboriginal people of NSW for the policies and practices that led to the removal of generations of Aboriginal children from their families.

This was the first response by an Australian state government to the *Bringing Them Home* report, which revealed the magnitude of the separation of Aboriginal and Torres Strait Islander children from their families in the 20th century. The Australian Capital Territory Government had issued its apology a day previously, on 17 June 1997.



'NSW Parliament apologises',
Koori Mail, 2 July 1997
STATE LIBRARY OF NSW:
F305.89915/12

In 2022, the Parliament held a second event, *after Sorry*. During special proceedings in both chambers, the Parliament acknowledged the 25 years since the NSW apology to the Stolen Generations, including an event for survivors.

Statements marking the 25th anniversary and reaffirming their commitment to the Apology and ongoing reconciliation were led by then Premier the Hon Dominic Perrottet and then Leader of the Opposition Mr Chris Minns in the Legislative Assembly, and by then Minister for Aboriginal Affairs the Hon Ben Franklin and then Leader of the Opposition in the Legislative Council the Hon Penny Sharpe in the Legislative Council.

Aboriginal Elder Aunty Nancy de Vries meets with Premier Bob Carr

Reuters Photographer, 18 June 1997
REUTERS/BRIDGEMAN IMAGES



Premier Dominic Perrottet with young Aboriginal dancers during the *after Sorry* commemorations

NSW Premier's Department, 7 June 2022
NSW PARLIAMENT COLLECTION



The Reconciliation Wall is established

In 1998, the Parliament of NSW's Reconciliation Wall was dedicated as a unique space to showcase the works of Aboriginal artists and curators from across NSW.

Since then, the space has hosted an ever-engaging program of bold, challenging and thought-provoking exhibitions for all members of the community to enjoy.

In 2023, to commemorate its 25th anniversary, the Parliament welcomed back the Reconciliation Wall's very first exhibitors, Boomalli Aboriginal Artists Co-operative, with the powerful exhibition *Restoration of Truth*.

The exhibition featured more than 40 works by Boomalli's founders and current artist members, representing the talent and diversity of Aboriginal artists across NSW – from Coonamble to Byron Bay and Wollongong to Murwillumbah.

The Reconciliation Wall is a visible part of the NSW Parliament's enduring commitment to reconciliation with Aboriginal and Torres Strait Islander people.

CLOCKWISE FROM LEFT: **Uncle Jeffrey Samuels**, a founding member of the Boomalli Aboriginal Artists Co-operative; **An artwork on display in the *Restoration of Truth* exhibition**; **Launch of the *Restoration of Truth* exhibition 24 November 2023**
NSW LEGISLATIVE COUNCIL COLLECTION



BACKDROP:

Our Past, Her Future

Lua Pellegrini, 2019

acrylic on canvas, 130 × 90cm



Lua Pellegrini is a proud Wiradjuri Woman who grew up on Darug Country in Western Sydney. Her artwork *Our Past, Her Future* depicts her familial story as an act of preservation for her three nieces. Lua's work was exhibited here on the Parliament's Reconciliation Wall in 2020. Lua holds a B Fine Art/B Arts majoring in Indigenous Studies and is currently studying for her Honours degree at UNSW. She is also Artist in Residence at St Andrew's College, University of Sydney.

Lua has designed the Sydney Swans Marngrook Guernsey and the Sydney Sixers BBL and WBBL First Nations Shirts; exhibited in several eminent galleries; and received highly commended in the Jenny Birt Painting Prize in 2023. Lua is the Inaugural Co-Chair of the NSW Health Mental Health Youth Advisory Group and is a former Chair of the NSW Youth Advisory Council. In 2023 Lua was a finalist for the NSW Young Woman of the Year Award for her work supporting Indigenous education initiatives.

Explore more of Lua's artwork on Instagram: [@lua.pellegrini](https://www.instagram.com/lua.pellegrini)

For enquiries, reach out via email at lua_pellegrini@outlook.com

Committees take groundbreaking steps to advocate for change

Committees provide an invaluable opportunity for members of Parliament to speak directly to the people affected by an issue, and for the community to have input into decision-making.

The Parliament's records show that a First Nations person met with a committee as early as 1845, during an inquiry established by Richard Windeyer into the condition of Aboriginal people. This was notable because it took place at a time when Aboriginal people were not allowed to give evidence in court.

More recent examples of committee work demonstrate the value of members working closely with Aboriginal communities to listen, learn and together identify ways to represent and advocate for Aboriginal people in NSW.

The inquiry into the family response to the murders in Bowraville

In the early 1990s, three Aboriginal children were murdered in the small northern NSW town of Bowraville. No one has ever been successfully prosecuted for their murders.

The Bowraville inquiry was established to provide an opportunity for the families of the three children to speak to the committee about the impact of the murders and the subsequent related events with police and the courts.

The report was developed in extensive consultation with the families. The report was tabled in the Legislative Council in November 2014 in the presence of family members and their supporters, after which a lunch was held with the families so that they could ask questions of the committee.

The report contributed to a permanent memorial being built in Bowraville, and to steps being taken by the then Attorney General to refer an application for retrial to the Court of Criminal Appeal.



The tabling of Bowraville inquiry report in the presence of the family of the victims

6 November 2014

NSW LEGISLATIVE COUNCIL COLLECTION

Inquiry into reparations for the Stolen Generations

The inquiry into reparations for the Stolen Generations sought to consider the implementation of the NSW Government's response to the *Bringing Them Home* report, and whether additional reparations were required by those who were forcibly removed from their families and communities between the late 1800s and 1970s.

The report was tabled in June 2016 in the presence of Stolen Generation survivors, their families and the then Minister for Aboriginal Affairs the Hon Leslie Williams. The report recommended that various measures of reparation be provided to those who were forcibly removed under the government's past policies and practices, including monetary payments, healing and memorials.

In an unprecedented step, the Committee resolved to commission an original Aboriginal artwork for the cover of the report, to capture the unique nature of the inquiry.



LEFT: **Reparations for the Stolen Generations in New South Wales: Unfinished business**

NSW Legislative Council General Purpose Standing Committee No. 3, 2016

COVER ART: *TREES OF HOME*, KIM HEALEY

BELOW: **The Committee with representatives from the Kinchela Boys Home Aboriginal Corporation on a site visit**

7 December 2015

NSW LEGISLATIVE COUNCIL COLLECTION



Report on protections for Aboriginal cultural fishing

In 2022 an inquiry into the commencement of the *Fisheries Management Amendment Act 2009* recommended that the NSW Government immediately stop all surveillance, compliance actions and prosecutions against Aboriginal cultural fishers. The committee also recommended that penalty notices issued to Aboriginal people on the South Coast who were practising cultural fishing be withdrawn, and for education and training for fisheries compliance officers.

During the course of the inquiry the committee worked closely with Aboriginal stakeholders to ensure that people giving evidence to the committee felt culturally safe, including by providing the assistance of the Parliament's Aboriginal Liaison Officers.

The Message Stick: Preserving language in NSW

Message sticks have been used in Aboriginal societies to communicate over large distances and across boundaries between clans or nations. The messages engraved or painted on the sticks can be understood across different languages and share information through time when they are passed on through generations.

The Legislative Council chamber is home to this particular message stick, which was presented by Aboriginal language practitioners during the ceremonies surrounding the introduction of the *Aboriginal Languages Bill 2017*. The bill acknowledged that Aboriginal languages are part of an Aboriginal person's culture and identity and established an Aboriginal Languages Trust to coordinate and resource Aboriginal language activities to 'reawaken, nurture and grow Aboriginal languages'. This legislation was the first of its kind in Australia.

To mark the significance of this occasion, a number of unique and unprecedented procedures were adopted, including a smoking ceremony in the forecourt and a message stick ceremony in the chamber, conducted by a number of elders and representatives of different Aboriginal language groups. The message stick was passed from speaker to speaker before being given to then Minister for Aboriginal Affairs, the Hon Sarah Mitchell. Elders Uncle Gary Williams and Aunty Irene Harrington were invited to take seats on the dais next to the President.

During her speech on the bill, Minister Mitchell invited Dr Ray Kelly to speak, the first time a non-member was invited to address the House during formal proceedings, or speak in language.

The message stick was created by Sheldon Harrington of the Bundjalung Nation. The message stick accompanied the bill on its journey through both Houses and was placed on the Table every time the bill was debated.

After the bill passed both Houses, the message stick remained with the Legislative Council and members resolved that it be displayed permanently in the chamber. They also agreed that during special occasions such as the opening of Parliament, the message stick be removed by an Aboriginal elder who will address the House in language before the message stick is placed on the Table.

The message stick serves as a physical reminder of the aims of the legislation, symbolising Aboriginal languages spoken in NSW.



Aunty Diane McNaboe singing in the Legislative Council chamber during the presentation of the message stick
Joseph Mayers, 11 October 2017
NSW PARLIAMENTARY ARCHIVES



ABOVE:
Message stick
NSW PARLIAMENTARY ARCHIVES

BELOW: **The Hon Sarah Mitchell** receiving the message stick during the proceedings on the *Aboriginal Languages Bill*
11 October 2017
NSW LEGISLATIVE COUNCIL COLLECTION



Imagining the future

The Parliament proudly acknowledges and respects the traditional lands of all Aboriginal people, and acknowledges the Gadigal people as the traditional custodians of the land on which the Parliament of NSW stands.

Each day in both Houses, the Presiding Officers commence proceedings by acknowledging that members meet on Gadigal land. And in the Legislative Council as members move through the doorway to the chamber, the message stick is the first thing that members see as they enter the chamber, and the last thing they see as they leave.

To mark the Bicentenary of the Legislative Council, the Parliament commissioned an Aboriginal artwork from artist Kim Healey. *Ngurra Jagun* was unveiled in September at a special ceremony and takes pride of place in the entrance to the Fountain Court, where members, staff and all visitors to Parliament can explore its beauty and themes. *Ngurra Jagun* sits adjacent to the Reconciliation Wall, which continues to bring the work of a diverse breadth of NSW Aboriginal artists into the Parliament as they explore themes that speak to the experience of communities across the state.

The Parliament is also developing a Young Aboriginal Leaders Program to ensure that the themes of the Bicentenary – *Reflect, Celebrate, Imagine* – are captured in a lasting legacy that will see young people access networks and opportunities that will empower them to lead change for their families and communities.

Since 2021, the Parliament has been guided and informed by dedicated Aboriginal Liaison Officers who have assisted to break down some of the barriers that have traditionally been in place for Aboriginal people seeking to access and engage with the Parliament of NSW.

These are only some of the steps the Parliament is taking to build its relationship with NSW Aboriginal communities. And we look with hope and anticipation to what lies ahead.



Artist Kim Healey (left) with the President of the Legislative Council
7 July 2023
NSW LEGISLATIVE COUNCIL
COLLECTION

Acknowledgement of Country Sculpture

In August 2024, Her Excellency, the Honourable Margaret Beazley AC KC, Governor of NSW, unveiled an Acknowledgement of Country Sculpture at the entry to the Parliament. It reads:



The Parliament of New South Wales stands on the traditional lands of the Gadigal people. We pay our respects to their Elders past and present. We proudly acknowledge all the Aboriginal peoples of New South Wales and honour their enduring connection to the lands, waters and sky of the State.

The representatives of the people of New South Wales gather from various Aboriginal lands across the State to meet in this Parliament. May the decisions made within these walls reflect our commitment to fostering a spirit of reconciliation and respect.

Acknowledgement of Country ceramic sculpture and plaque

Alison Page, Rowena Welsh-Jarret and Simon Reece, 2024
earth, stone, ochre, shell, ash and brass
PHOTOGRAPH: NSW LEGISLATIVE COUNCIL



Thank you for visiting NSW Parliament

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200 YEARS OF THE NSW
LEGISLATIVE COUNCIL

The Evolution of
the Legislative
Council

A year
of firsts

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13 October 2024 - 24 January 2025

Celebrating 200 *years* of democracy

2024 marks the Bicentenary of the NSW Legislative Council.

Scan the QR code below to learn more about how we've commemorated the 200th anniversary of Australia's oldest legislature.



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