

# Unicameralism: The Strange Eventful Death of the Legislative Council of New Zealand

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Though not generally appreciated at the time, the abolition in 1951 of New Zealand's upper house, the Legislative Council, exemplified the personalist and extensive powers available to the New Zealand political executive. New Zealand like other settler colonies was determined to transplant British parliamentary institutions to its nascent polity. Crown, Lords and Commons would find homes in New Zealand though not as they knew them in Britain. Like many British colonial legislatures, the Legislative Council that came to life in 1854 suffered the delusional expectation of replicating the hereditary and ancient House of Lords. Not that the hereditary principle could be transposed to the settler colonies, but the principle of having a permanent upper chamber that could and would independently defend the tenets of the constitution and British traditions, and be less swayed by the populist pressures of the elected lower chamber was clearly in mind and aimed for. Instead of peers New Zealand would have life appointments to the Legislative Council appointed by the Crown on advice of the Prime Minister to provide permanence compared to the changing membership of the House of Representatives and Government House.

However, from the onset the upper chamber (like many elsewhere) became more of a convenient storage house of political patronage than a place of independent views, which was extended further when in 1862 all limits on its membership were removed, allowing the elected executive even more power to impose its views upstairs, further eroding the independence and effectiveness of bicameralism as a check on the executive. Thirty years later in 1892 this political fact was further emphasised when life appointments were abolished and replaced by seven-year terms, which gave an ability to reward party figures (or exile them) by keeping Councillors even more ensnared with the power to reappoint or allow their membership to lapse. The House's powers were surrounded, like the House of Lords, by ambiguity and grandiose false expectation.

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Bicameralism was long held to be the accepted governing practice in the Empire and later the Commonwealth and beyond. However the Legislative Council had long ceased to be an effective part of the New Zealand Parliament. Attempts at reform had floundered, including a proposal for an elected upper house, due to apathy and political disinclination. New Zealand, a state that claimed to be the loyalist of the loyal to Britain did not feel the need to copy Imperial Westminster by maintaining the traditional Westminster parliamentary trinity of the crown and two houses of parliament.

### *An Expedient Institutional Target for Party Games*

Since the late 1800s, there had been calls to abolish the Legislative Council with its unpalatable elements of political 'nomineeism' that destabilised any institutional independence and publicised cost for a chamber that did not seem to function even as a revising chamber. In the period 1936 to 1950 the Council only amended just over nine per cent of bills from the lower house and could not claim a single bill that originated in its chamber becoming an Act. The fact was that by the 1940s the limited efficacy of the Legislative Council made it a dumping ground for party supporters rather than a vigorous upholder or contributor of parliamentary government.

Labour, first elected in 1935, did as its predecessors had and commandeered the Council as a place of party patronage. In fact its diligence with 'nomineeism' was more pronounced than earlier governments since Labour held office continuously for fourteen years 1935–49. National Party policy papers show that the Opposition thought 'the Labour Party came to regard the institution as a superannuation scheme for party supporters, and during its term of office, it packed the Chamber with Labour supporters. The Council lost its character as an impartial body whose purpose was to consider legislation and to improve it where possible. Bluntly, it became a useless appendage'.<sup>1</sup> The credibility and impartiality of the Legislative Council was suspect according to Holland when in the late 1940s of the 37 members 22 were miners, watersiders, Union Secretaries or ex-officials of the Labour Party and nine defeated Labour MPs.

As an easy target to strike at and embarrass an elderly government, Holland cleverly used the Legislative Council as a convenient example to portray to the electorate Labour's profligacy, inefficiency and bias. Labour had only just returned to the Treasury Benches with a four seat majority in the 1946 election. The National Party used the issue of abolition 'as a convenient stick with which to hit a flagging government',<sup>2</sup> especially when the maintenance of the Legislative Council as constituted carried little public support and Labour was hardly ideologically committed or enamoured with its existence anyway with many Labour MPs sympathising with the Opposition's fervour, increasing tension with the Government's tight majority.

Conservative parties could normally be relied upon as ardent defenders of traditional institutions, especially ones like the Legislative Council which was, though inadequately, modelled on that most uniquely English of parliamentary institutions the House of Lords. Yet Holland, who like Churchill preferred Empire to Commonwealth, wanted abolition not reform. Holland had decided to press the issue by producing a Private Members Bill that advocated complete abolition. Abolition of second chambers of that era usually were preceded by revolution, coup or regime collapse such as in Hungary (1945), Egypt (1952), Iraq (1958) and Cuba (1960) and were carried out by radical leftist parties.<sup>3</sup> The New Zealand National Party was anything but a junta of radical leftists, but New Zealand without such dramatic circumstances was the Westminster that once again proved to do things rather differently.

Holland and his shadow Attorney-General, Clifton Webb wanted to achieve abolition of the Legislative Council immediately and only then deliberate whether an alternative was necessary. Webb argued amazingly that 'if we find we have made a mistake and that there is a need for a Second Chamber, it will be an easy matter to arrange for one ... It will not be much of a confession of error to make'. Essentially the position was 'abolish now and reflect later'. This was party politics not sober constitutional deliberation.

Prime Minister Peter Fraser, himself a shrewd and more experienced political operator, had an answer for the National Party and its leader, which would surprise and gain the impetus from National and hopefully delay and even deflect the issue of the Legislative Council. Fraser responded to Holland's August 1947 'disloyal' initiative for abolition by responding with his own 'radical' constitutional change. The Prime Minister reported that he was in favour of a single house, but that prior to any constitutional change it was necessary that 'the Statute of Westminster be extended to the Dominion' with the 'desirability of making the House of Representatives the sole legislative chamber'.<sup>4</sup> Abolition would require, Fraser argued, requesting the Imperial Parliament to do so, as New Zealand did not technically possess this sovereign right, since it had not passed the 1931 Statute of Westminster due to constitutional lethargy and political animus. New Zealand members of parliament from across the House of Representatives, including Fraser and Holland, did not in any way see the Statute of Westminster as giving independence from Britain, but at its most generous it was viewed as nothing more than a piece of parliamentary housekeeping to bring New Zealand in to order with the other members of the Commonwealth.

Like the issue of adopting the Statute of Westminster, the idea of abolishing the Legislative Council was more to do with party politics and personalities than sober and reflective constitutional symposia. Holland and Fraser would have agreed with this Civil Service explanatory note on the Statute:

Will Adoption of the Statute of Westminster Weaken Imperial Ties? The answer is unhesitatingly — No. The tie between Britain and New Zealand will be confirmed and strengthened. It would be a sorry day if the New Zealand people were told that

their relationship with the people of Britain might be weakened merely because New Zealanders desired that legislation on New Zealand affairs passed by their own representatives in their own Parliament should no longer run the risk of invalidation and annihilation by means of a British Act of Parliament which was quite unsuited to the needs of New Zealand today – over eighty years afterwards.<sup>5</sup>

The eventual adoption of this powerful and significant Act in November 1947 was almost ignored, but for all its cultural distaste to many, it allowed Holland to rejoin his task of attacking the Government and abolish the Council, which the now independent legislature was empowered to do.

Fraser once again cleverly instigated a largely time-wasting activity of establishing a Joint Constitutional Reform Committee of both houses in early 1948. Though the Committee received much information about Commonwealth and international practices, heard from scholars and interested parties, the process was not taken seriously and was seen by the House of Representatives members from both parties as ignorable, especially proposals from the Council itself for reform. The MPs followed their leaders' instructions again and thereby displayed petty politics rather than acting seriously as constitutional arbiters.

Holland instructed his party colleagues to just sit in and listen and to avoid cooperation with the Opposition on the matter. Fraser succeeded in delaying the issue until the 1949 election for he, like Holland, did not want a referendum, which was unlikely to bring abolition, but which could have embarrassed the government by supporting a modified upper house that would not only would rob him of patronage, but a reformed upper house could feel strengthened to act as a brake on future legislation. However, the activities of both party leaders did succeed in giving the Legislative Council greater attention than it had commanded for years. Yet this was almost wholly unfavourable attention and would become an issue at the election in 1949, which ushered in the first National Government, who was ravenous for executive power and intent on clearing any institutional hurdles to its dominance.

### *The Holland Deception — Unicameralism Unleashed*

An interesting facet of Sidney Holland was his surprising skill as an amateur magician, which amused all from kids to kings. His greatest political trick was to make the Legislative Council disappear on 1 January 1951. The success of his sorcery was such that no one really knew if the upper house would reappear or not; nor did anyone exactly know how the trick was performed and able to deceive almost everyone. The National Party 1949 election material contained direct reference to its objective of abolishing the Legislative Council, but also gave ambiguous promises for an 'alternative'. The party's manifesto stated:

The Legislative Council as at present constituted has failed in its purpose as a revising Chamber and should be abolished. As the Government, the National Party will examine the possible alternatives to provide for some form of safeguard against hasty, unwise or ill-considered legislation.

New Zealand was being told that a National Government would eradicate the Legislative Council and would then search for 'possible alternatives' rather than the other way round. Holland's successful advocacy that derided the almost indefensible Legislative Council as it was 'presently constituted' allowed him the crucial advantage of satisfying the abolitionists in his party as well as the bicameralists with the vague undertaking to examine alternatives for a new upper house.

Just over a month after finally gaining the seals of office the fresh National Government, true to Holland's enthusiasm for abolition, set to work to truncate parliament, which now as Prime Minister, he had the power to achieve. The new Prime Minister asked his largely inexperienced Cabinet on how they should effect abolition, already realising that 'further appointees' would be required. Now as Prime Minister Holland, if he ever lacked it, had the confidence to fully press his point that abolition would happen first and consider any alternatives later. The leading bicameralist, Ronald Algie, questioned this constitutionally hazardous method in Cabinet.

Mr Algie stated that while he accepted the general view that the present Second Chamber as at present constituted should be abolished, he still considered that a Second Chamber was necessary and would have preferred that the constitution of the new Chamber had been settled before action was taken to determine the present body.

In the discussion certain members expressed the view that the Second Chamber should be maintained as part of the New Zealand Constitution, that this should be established before the present Second Chamber is abolished, and that it was important that the Constitution impose checks upon any future Parliament which may seek, by constitutional amendment, to destroy the present system of representative Parliamentary Government.

To this reasonable proposal Cabinet minutes nonchalantly record the defeat of Algie's suggestion since 'on the other hand, the majority felt that action should be taken immediately to determine the present Second Chamber',<sup>6</sup> which show that Holland personally dominated Cabinet.

Holland told the House that the Legislative Council was a 'costly farce' made up of a clear majority of people that 'had publicly proclaimed their opposition to the policy of the present Government', which could only succeed in initiating in the years 1935–39 the Alsatian Dog Bill (which lapsed) and nothing after that and concluded that there is no further justification for its retention. Holland's when accused by Labour of promising an alternative. He retorted: 'No, I did not promise an alternative. I promised to search for an alternative'.

Holland's short and indirect responses allowed Fraser to conclude that the House had 'a confession that the statesmanship of the Government has failed. They cannot suggest any alternatives to the Legislative Council as they led the electors to believe they would'. The Prime Minister left the replying to these charges to his staunch ally and now Attorney-General, Clifton Webb, who argued that it would be difficult

to find an alternative so quickly and the Government ‘did not feel justified in putting the country any longer to the expense of maintaining an institution that has outlived its usefulness’ — using a common New Zealand ploy of advancing financial considerations over constitutional proprieties.<sup>7</sup>

In the Second Reading of the Bill, Holland argued that he was not breaking any British traditions, but instead was making Parliament more ‘efficient’ by ridding the country of the appointed appendage. The Treasury benches scolded forth that Labour had themselves at times in its history advocated abolition. Holland, in giving what he believed were generous assurances, ominously warned the House that ‘if we wanted to, we have the power. We could extend this Parliament — its life — for ten years. You cannot stop us. No one can stop us if we make up our minds’.<sup>8</sup>

Holland was reminding the elected representatives the powers of a modern New Zealand Prime Minister. Despite the partisan bravado in the debating chamber all either seemed to recognise the Prime Minister’s power and the futility in resisting it or did not see the merit in defending the continuance of the Legislative Council. Perhaps the job was made easier by the fact that the Superannuation Act, which gave a pension to all MPs, was passed a few years earlier by Labour and thus further eroded the need or interest in the Legislative Council as a paid retirement home for those tired of heady passions of the House of Representatives. As Algie later remembered with concern ‘it is worthy to note that the Second Reading was carried on the voices and without a call for a division’ giving the country conspicuous unicameralism with the greatest ease and minimum of trouble.<sup>9</sup>

No one in the House of Representatives ever directly interjected, as future National MP and minister Dan Riddiford would have wanted, ‘in favour of a second chamber as a necessary safeguard against a single assembly seizing excessive power, and against the further danger of an ambitious politician, through his dominance over his party, virtually becoming a dictator’.<sup>10</sup> Riddiford wrote this piece just after the constitutional dramas of 1951 with the waterfront strike, emergency regulations and snap election, which some argued could have been prevented or mitigated by an upper chamber that had only recently vanished.

Holland was able to deliver abolition by prime ministerial patronage in stacking the upper house with a ‘suicide squad’ or as Fraser called them the ‘Guy Fawkeses’. Holland was fortunate that ten vacancies became available in March 1950 including the Speaker allowing the Prime Minister to put in his own followers. Holland discussed in June 1950 with Cabinet the need for ‘a sufficient number of new Councillors to ensure passage of the Government’s legislation, and the gentlemen who might be appointed. It was decided that twenty-six councillors be appointed for this purpose’, but before the Cabinet could discuss the mechanics of the very political act of appointing the ‘suicide squad’ the Cabinet Secretary was asked to absent himself from this crucial meeting.<sup>11</sup> Though Jackson has argued that no formal pledges were required<sup>12</sup> from the new councillors to ensure abolition,

Holland in fact did write to the prospective councillors who were obviously National supporters, that 'It would, of course, be a condition of appointment that you would implement the Government's policy, including the abolition of the Legislative Council'.<sup>13</sup> The appointment of twenty-five members was the largest example ever of 'swamping', which allowed the Government in Holland's eyes to get out of 'an intolerable situation' of having members who were 'politically opposed' to his Government.<sup>14</sup>

Though the very simple bill of abolition contained a clause that the Crown was not liable for giving compensation to any ex-Councillors, Holland did sweeten the deal for those who were to vote themselves out of a job. Councillors were allowed to keep their generous first class travel privileges for life, were paid £300 p.a. for the balance of their term which they would have served if abolition had not happened and would retain their use of the General Assembly Library.<sup>15</sup> Also Patrick Gordon Walker, Minister at the Commonwealth Relations Office confirmed from London that 'the King has been pleased to approve of the recommendation of the title 'Honourable' ... for life',<sup>16</sup> which had long been a sought after adornment of being a Legislative Councillor, while William Polson, Holland's friend and the last Leader of the Legislative Council, became Sir William not long after abolition.

F. G. Young of the Opposition irreverently asked Polson whether the Legislative Council could have a secret ballot on abolition, since Holland had wanted such ballots imposed on the trade-union movement, and if so, Young, who was against abolition, speculated the Bill would fail since he questioned how deep abolition was in the Government councillors hearts.<sup>17</sup> The new councillors however did as they were told and after further strengthening of four members and encouragement did 'indeed all faithfully discharge their duties' and voted themselves out by 26 votes to 16 on 22 August 1951 though unlike the lower chamber there were five divisions and lengthy debate.

The Clerk of the Parliaments presented the Bill in person, banged the doors and bowed at the bar of the House: a highly unusual act, but a highly unusual occasion. At its final session on 1 December 1950, before it would cease to exist on 1 January 1951, Marshall recorded that he escaped the lower house and 'went and sat quietly, and a little sadly, in the public gallery of the Legislative Council Chamber. There was no one else there. I was the only one who came to the bedside, as the tired, dispirited and abandoned institution faded out, unhonoured and unsung'.<sup>18</sup>

### *The Early Consequences and Realities of Abolition*

Lord Cooke, arguably New Zealand's greatest jurist, in an article on the republican debate argued that it would be a 'constitutional revolution' if the House of Representatives were to pass a bill abolishing the monarchy since not only would great change ensue but 'arguably it would also be illegal' since it could be disputed whether Parliament was competent to completely abolish a fundamental component

of the legislature, which the Crown undoubtedly is.<sup>19</sup> In the same piece, but in a less well known passage he also queries the legality of abolishing the Legislative Council as a constituent part of Parliament like the Crown, though admittedly less prominent legally and factually. The former President of the Court of Appeal though not disagreeing with the 'pedigree' of the New Zealand legislature's powers to change 'internal details' of Parliament again intimated his constitutional concern over abolition though he was 'not aware that the validity of the abolition has ever been seriously questioned'.<sup>20</sup>

Legal or illegal the Legislative Council disappeared and showed the power that can be wielded by a determined party leader. In an international overview of unicameralism, Massicotte believes that the 'circumstances that led New Zealand to become the first country in the Commonwealth to opt for unicameralism for its national legislature owe little to the tireless efforts of reformers, and much to a single individual, National Party leader Sidney G. Holland'.<sup>21</sup> The New Zealand Westminster was the model elective personalist dictatorship.

There had never been a written constitution, which could have made it legally and procedurally difficult to abolish the Council; there was no federal system that would in all likelihood judging from comparable examples in India, Australia and Canada make an upper house a constitutionally stipulated part and thus cause institutional resistance to abolition; and now that the Statute of Westminster had been passed not even Imperial Westminster could intervene to save an institution they themselves had granted to their 'loyal' offspring in the South Pacific. New Zealand's unabashed unicameralism was without comparison in the Westminsters. Even Britain with its unitary and unwritten constitutional character could count on stronger conventions governing its executive, which was not as dominant, and had a well established upper chamber that was and is acknowledged as an integral part of the original Westminster.

Not until Ceylon abolished its Senate twenty-two years later in 1972 did the Commonwealth have a successor to New Zealand's brazen axing of bicameralism. In the final debates on abolition in the Legislative Council, long-serving Councillor Sir William Perry, who was not a Labour appointment and was respected on all sides, pondered New Zealand's impressive example and lead on many issues but added 'there no doubt have been occasions when New Zealand has led the world, or tried to lead the world, in a wrong direction'. Sir William wondered what the Commonwealth would think, especially the three new Dominions of South Asia, since it may 'come somewhat as a shock to them to find that New Zealand, which — whether it be true or not I am not prepared to say — has always been proclaimed as the most loyal of His Majesty's dominions, has adopted legislation of this kind [Abolition Bill], getting, or breaking again, further and further away from the moorings' of the 'Empire Parliaments'.<sup>22</sup>

Few formal constitutional checks remained on prime ministerial delegative democracy power. The Governor-General had the power and arguably the right to



intervene not only on abolition, but on the issue of ‘swamping’. Whereas Lords Onslow and Glasgow as Governors in the 1890s had balked at the suggestion of creating a dozen councillors, Sir Bernard Freyberg is not recorded as even demurring and certainly there was no delay in assenting to over twenty-five councillors almost immediately, a number more than double the figure his predecessors thought excessive and was the greatest and most blatant example of ‘swamping’ in the history of the Council’s near century of existence. Though the Government had a mandate to abolish the Legislative Council, they also had accompanied that position by pledging an alternative.

Sir Ivor Jennings has argued that the Queen ‘would be justified in refusing to a policy which subverted the democratic basis of the Constitution’.<sup>23</sup> Arguably as Cooke hinted above there is some doubt as to the validity of Parliament to abolish the Legislative Council and therefore its abolition could be seen as arguably subverting the constitution. The same argument could apply to the conspicuous ‘swamping’ of the upper house, with the intent of abolition of a fundamental component of the constitutional structure. Freyberg, arguably, would have been within his rights to insist on a planned alternative to replace the Legislative Council, which had been stated in the National Party Manifesto or possibly even demand an election. Freyberg instead chose to acquiesce to Holland’s command and not act as the guardian of the constitution and system. Not in complete hyperbole could Legislative Councillors question that as there seemed to be no checks or balances whether some future Government ‘might extend its life indefinitely, abolish the oath of allegiance and abolish the office of Governor-General’.<sup>24</sup>

Holland did agree to the establishment of a select committee in September 1950 to examine possible alternatives. However, it was instantly hamstrung by Labour’s refusal to participate, thus further eroding the already difficult possibility, of re-establishing a bicameral system, which had only just been abolished. Holland could hardly be surprised and was in all likelihood pleased since it would detract from the influence of the bicameralists, who could not have bipartisan support. The report allowed the fiction of finding ‘an alternative’, but without prime ministerial or Opposition support it had little chance of succeeding.

Holland had no wish to be restricted by a constitution or senate as in the Australian system, which his Empire loyalist friend Robert Menzies warned him against. Holland also disagreed with the value of referenda, especially when as it was far from definite that it would secure the result he wanted. Just as New Zealand had been the first Westminster to abolish, the Committee now ambitiously wanted the country to be the first to reinstate bicameralism — all by the same Government.

Gallantly the National Party bicameralists, including Marshall, argued in their 1952 Report that the country should revert to bicameralism. They proposed a fixed thirty-two member ‘Senate’ (to avoid ‘swamping’), which would be totally appointed and proportionate to the relative strength of the parties in the House of Representatives. The Government list would be decided by the Prime Minister,

while the rest would come from the Leader of the Opposition. The Senate would have the power to amend and initiate legislation and the power to delay for two months (but no veto). Senators would have the same term as the lower house to avoid potential confrontation with changes in administration, but would be eligible for re-election. Interestingly there is no evidence of any proposal to have a Māori component in any of the proposals for an upper chamber, including Algie's Report.<sup>25</sup>

The Report was criticised at the time and beyond for providing no remedy to the problematic lack of checks and balances and the members were accused of failure. Such criticisms were unfair when one considers the problems the Committee faced. They knew their leader's disdain for bicameralism, and probably hoped that their proposal for a measured return to 'nomineeism' would be more likely to induce support from the Prime Minister than a rival popularly house, which many hoped. At least a nominated upper house, that had learned the lessons of past, could provide some limited form of accountability.

The Report's recommendations pleased few and unsurprisingly were never activated or put to the electorate. Holland had a characteristically artless, though exceedingly honest, response to the Report. When asked by senior journalists what he was going to do with Algie's Report he replied with candour, 'I'm going to take it home, I'm going to bore a hole through the top left hand corner, and I'm going to put a piece of string in it and take it up and hang it in the outhouse.'<sup>26</sup>

That was that, and an upper house never returned to New Zealand's unique Westminster parliamentary infrastructure.

The National Government believed that 'more effective' alternative would be stronger electoral laws through the Electoral Amendment Bill 1956. Marshall, now Attorney-General, piloted laws with Opposition acceptance, which purported to entrench sections guaranteeing the independence of the Representation Commission, electorate districts, extent of numerical deviation of population in forming electoral districts, the adult franchise, secret ballots and the triennial life of Parliament and required a seventy-five per cent vote of Parliament or a full public referendum to alter. However, the so-called entrenched sections were not entrenched themselves and New Zealand's Westminster retained its substantial powers to do as it pleased as Marshall conceded, though with hopeful ideals to the House.

The provisions we are making in this legislation could be repealed by the next, or any subsequent Parliament. What we are doing has a moral sanction, rather than a legal one, but to the extent that these provisions are unanimously supported by both sides of the House, and to the extent that they will be universally accepted, they acquire a force which subsequent Parliaments will attempt to repeal or amend at their peril, against the will of the people.<sup>27</sup>

### *Conclusion*

New Zealand voters grew increasingly disgruntled by their elective dictatorship, which the absence of an upper house assisted. National and Labour governments could and did force through legislation that did not have a mandate from the electorate, who were powerless to resist, as were the other limited institutional actors. Largely as a result of the chaotic radical policies and events of the 1980s, the electors became restive and demanded change to the system to make the executive more accountable. The radical restructuring of the welfare state through 'Rogernomics' especially after the 1987 election had occurred without being outlined in a manifesto, and thus the electorate were delegating full executive power without being pre-warned on the details or having any institutional avenue to check the executive.

Due to the sparseness of New Zealand's constitutional infrastructure the idea of an upper house was suggested in the early 1990s as a potential check on the executive.<sup>28</sup> Interestingly it was a National Government fifty years on that advocated an upper house to answer the disquiet over the lack of checks and balances as a possible alternative to full proportional representation. The proposal never gained substantial public support and did not make it as an option in the 1992 referendum on electoral change, which was submitted in answer to years of elective dictatorship that had become established in the Fraser-Holland era with path dependent consequences. The abolition of the Legislative Council demonstrated the ease of executive action available to a New Zealand Prime Minister, a legacy, despite electoral changes, which the country is still living with. ▲

### **End Notes**

- <sup>1</sup> National Party paper entitled 'The Defeat of the Labour Government 1949', 14 August 1950, Campaign Papers 1951, Sir John Marshall Papers, MS 1403-563/4, Alexander Turnbull Library, New Zealand (henceforth ATL)
- <sup>2</sup> A. Stockley, (1986) 'Bicameralism in the New Zealand Context', Victoria University of Wellington Law Review, 16, p 391
- <sup>3</sup> L. Massicotte, (2001) 'Legislative Unicameralism: A Global Survey and a Few Case Studies', The Journal of Legislative Studies, 7, pp 155-6
- <sup>4</sup> *Evening Post*, 7.8.47.
- <sup>5</sup> Explanatory notes on Statute of Westminster, Statute of Westminster 1927-1947 File, EA 1 159/1/5 Part 4 IA 1 123/6, Archives New Zealand (henceforth ANZ)
- <sup>6</sup> Cabinet Minutes, 1 March 1950, [CM (50) 9], Cabinet Minutes — Prime Minister's Copies December 1949-June 1950, AAFD 808 1A (49) 1-(50) 39, ANZ
- <sup>7</sup> NZPD, Vol. 289, 19 July 1950, pp 546-56
- <sup>8</sup> NZPD, Vol. 289, 26 July 1950, pp 722-7
- <sup>9</sup> R. M. Algie, (1961) 'The Second Chamber in New Zealand', *The Parliamentarian - Journal of the Parliaments of the Commonwealth*, XLII, pp 204-205

- <sup>10</sup> D. J. Riddiford, (1951) 'A Reformed Second Chamber', *Political Science*, 3, p 23
- <sup>11</sup> Cabinet Minutes, 16 June 1950, [unnumbered], Cabinet Minutes — Prime Minister's Copies December 1949–June 1950, AAFD 808 1A (49) 1–(50) 39, ANZ
- <sup>12</sup> K. Jackson, *The New Zealand Legislative Council — A Study of the Establishment, Failure and Abolition of an Upper House*, Dunedin: University of Otago Press, 1972, p 196
- <sup>13</sup> Letter from Holland to prospective Councillors, June 1950, contained in A16 Papers Relating to the Abolition of the Legislative Council, Sir Alister McIntosh Papers, MS 6759–051, ATL
- <sup>14</sup> Statement by Holland, 20 June 1950, contained in contained in A16 Papers Relating to the Abolition of the Legislative Council, Sir Alister McIntosh Papers, MS 6759–051, ATL
- <sup>15</sup> Legislative Councillors — Privileges on Vacation of Office — 23 November 1950, (agreed by Cabinet 20 November 1950), IA 1 123/6, ANZ
- <sup>16</sup> Legislative Councillors, AAFD 811 16H 42/5/3 Part 1, ANZ
- <sup>17</sup> NZPD, Vol. 290, 15 August 1950, p 1442
- <sup>18</sup> J. Marshall (1983) *Memoirs Volume One: 1912 to 1960* (Auckland: Collins) p 159
- <sup>19</sup> R Cooke (1995) 'The Suggested Revolution Against the Crown', in *Essays on the Constitution in P.A. Joseph* (ed.) (Wellington: Brooker's), p 30
- <sup>20</sup> Cooke, 'The Suggested Revolution Against the Crown', pp 31–6
- <sup>21</sup> Massicotte, 'Legislative Unicameralism: A Global Survey and a Few Case Studies', p 158
- <sup>22</sup> NZPD, Vol. 290, 8 August 1950, pp 1152–3
- <sup>23</sup> Sir I. Jennings, (1959) *Cabinet Government* 3rd edn (Cambridge: Cambridge University Press), p 412
- <sup>24</sup> NZPD, Vol. 290, 15 August 1950, p 1443
- <sup>25</sup> As long ago as the 1890s King Tawhiao and others had been advocating a 'legislative council of chiefs', but like most constitutional proposals in New Zealand after initial enthusiasm the proposal came to nothing. R. Walker, (2004) *Ka Whawhai Tonu Matou – Struggle Without End* (Auckland: Penguin Books) p 165
- <sup>26</sup> Cited in B. Gustafson, (1986) *The First 50 Years — A History of the National Party* (Auckland: Reed Methuen) p 59
- <sup>27</sup> Marshall, *Memoirs Volume One: 1912 to 1960*, p 248
- <sup>28</sup> See Harshan Kumarasingham, 'What if the Upper House had not been abolished?', in Stephen Levine (ed.), *New Zealand as it Might Have Been. Volume II*, Wellington: Victoria University Press, 2010