

The Constitution and Roles of Parliament

The Constitution

Although the origins of Western Australia's parliamentary system can be historically traced and linked to the British Parliament located at the Palace of Westminster in London, there is no single document that contains Western Australia's constitution.

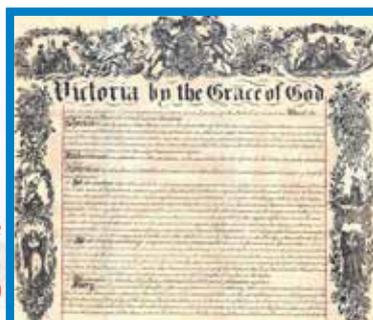


Western Australia Constitution Act 1889

The main statutes containing the state's constitution are the Constitution Act 1889¹, the Constitution Acts Amendment Act 1899² and several other amended acts.

Other sources of State constitutional law include:

- other Western Australian legislation (e.g. *Electoral Act 1907*, *Electoral Amendment and Repeal Act 2005*, *Constitution and Electoral Amendment Act 2005*, *Supreme Court Act 1935*, *Parliamentary Privileges Act 1891*, *Financial Management Act 2006*);
- the Commonwealth of Australia constitution;
- the *Australia Act 1986* (UK), *Australia Act 1986* (Commonwealth), *Australia Acts (Request) Act 1985* (collectively known as the 'Australia Acts');
- Imperial Acts (United Kingdom), such as the Bill of Rights 1689;



Letters Patent re Constitution, 25 August 1890

- Letters Patent (a source of constitutional authority for the Governor, as representative of the Crown and head of state);

¹ Proclaimed 21 October 1890.
² Proclaimed 18 May 1900.

- the common law (that is, the prerogative powers of the Governor and the case law concerning the effect and interpretation of the above constitutional documents and sources); and
- constitutional conventions (unwritten practices concerning the powers, processes and procedures of government) mostly based on the Westminster model. The Western Australian constitutional documents, as with similar constitutions created by the British Parliament at Westminster and often labelled '**the Westminster model**', made provisions for the Parliament to make laws for the '**peace, order and good government**' of the state. Section 50 of the *Constitution Act 1889* specified that the legislative power of the state will consist of the Queen, the Legislative Council and the Legislative Assembly. However, reading the constitutional documents does not provide a clear indication of the main roles of Parliament.

The Roles of Parliament

Broadly, the Parliament debates public policy and passes laws (including those to appropriate money), provides and checks the government, and represents the people.



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More specifically, the roles include:

- the provision of responsible government. According to convention (tradition and practice), all members of the government's ministry are members of Parliament. The constitution states that at least one minister must be a member of the Legislative Council. The Ministry will only hold government if it can maintain the confidence of or a majority in the Legislative Assembly, the lower house of the Western Australian Parliament;
- passing ordinary laws (statutes). This involves debate, amendment, passage, and sometimes rejection or repeal of legislation. In the form of a bill, proposed laws may be introduced in either the Legislative Council (upper house) or the Legislative Assembly (lower house);
- passing money laws granting the government finance to provide services to the people such as hospitals and roads. Proposed money bills must be introduced in the Legislative Assembly;
- monitoring and scrutiny of government by providing an opportunity for members of

Parliament to examine, through debate, the government's administration and expenditure. House procedures such as Questions On Notice and Questions Without Notice are also important ways to examine the government's administration;

- representation of the people by providing a forum for the public's interests and concerns to be presented and debated by their elected representatives. In the Legislative Assembly, the people are represented in districts, and in the Legislative Council the people are represented in regions. Many of the procedures of the Parliament are avenues for the representation of the people; and
- educating the public about aspects of the work of Parliament. This role has been expanded in recent years as large numbers of the public (especially students) visit the Parliament.



Front entrance of Parliament House



South-east corner of Parliament House

