

About Parliament 07

Legislative Assembly

History

The Legislative Assembly is traditionally referred to as the Lower House of Parliament. Its origins are the British House of Commons, whose members were principally drawn from the merchant and lesser knightly classes (commoners) and were of lower social status than the lords and barons who sat in the House of Lords (the Upper House).



Legislative Assembly Crest

While the *Constitution Act 1889* requires the Legislative Council and Legislative Assembly to make laws for the 'peace, order and good government' of Western Australia, it is the Legislative Assembly in which the government is formed.

The Legislative Assembly was established by the *Constitution Act 1889*. The first elections for the Assembly were held in November and December 1890. The first Premier and ministers were sworn in on 29 December 1890 and Parliament assembled the next day.

Membership and Term of Office

The Legislative Assembly comprises 59 members elected by the people from single-member electoral districts by a system of Preferential Voting. Each Legislative Assembly may exist and continue for a maximum period of four years.



Mace on the Table of the House

Role and Function

The Legislative Assembly has six principal roles and functions:

1. Form a Government

The Legislative Assembly is the House in which Responsible Government is formed under the traditions of the Westminster parliamentary system.

The party (or coalition or alliance of parties) with the support of a majority of members forms the Government.

The leader of the majority (the Premier) appoints ministers from the governing party's membership in the Legislative Assembly and Legislative Council who jointly become the Ministry (Cabinet) or Executive Government.

All ministers and the Premier must be officially sworn-in by the Governor. The Executive provides for the ongoing administration and services of government departments and authorities.



Legislative Assembly Chamber

2. Provision of Finance for Government Operations

The monies required for the operation of Government are provided by legislation (bills) passed by the Parliament. In particular, the annual Budget Bills ('Appropriation Bills') are presented to the Parliament and are usually debated in the months immediately preceding each financial year. All bills which appropriate public monies ('Money Bills') must commence their passage through the Parliament in the Legislative Assembly.

If the annual Budget Bills are defeated in either the Legislative Assembly or the Legislative Council, the government of the day is effectively defeated as the Parliament has denied it the money needed to provide annual government services. The government is likely to be forced to call an election for the Legislative Assembly to determine whether or not it still has the confidence of the people.

3. Scrutinise the Government's Performance

All backbench members (including government members) who are not ministers participate in overseeing the work of government.

However, the task of monitoring and scrutinising the Executive Government's (Cabinet's) administration and operations is generally regarded to be the primary function of Her Majesty's Opposition. The Opposition is the largest party not in Government and its leader is known as the Leader of the Opposition.

The following procedures are used to scrutinise and monitor the executive in the Legislative Assembly:

- Parliamentary Questions;
- Motions in the House; and
- Parliamentary Committees.

4. Legislative Function

One of the functions of Parliament is to legislate; that is, to make law. It does this by enacting statutes or Acts of Parliament.

Legislation is used to regulate our society. To introduce a new law, or amend or repeal an existing law, a bill (a draft law) must be passed in identical form by both Houses of Parliament, and be assented to by the Governor. The bill then becomes an Act.

Some Acts of Parliament only set out the main framework of a law. Filling in the details is then delegated to another body such as a government department or agency which produces regulations under the Act. Such regulations are known as delegated legislation. Parliament has a joint committee that examines delegated legislation to ensure that it falls within the parameters of the parent Act.

Most bills deal with management of public affairs and the implementation of government policy and are introduced by a minister. However, any member of either House is entitled to introduce a Private Member's bill. All bills appropriating revenue (Money or Budget Bills) constitutionally must be introduced in the Legislative Assembly.

During debate, members representing their constituents consider the general principle and detail of all bills. Amendments to legislation may be accepted by the Government if they improve or clarify the bills.



Legislative Assembly Mace

5. Forum for Matters of Public Concern

The Parliament provides members with a forum for the examination and debate of matters of public concern and importance to the people of Western Australia. Providing this forum allows the pressures or concerns within our society to be aired in a less hostile manner than may occur in countries that do not have such outlets. Parliament achieves this by processes such as debate on motions, matters of public interest, grievances, and questions asked of ministers.

6. Represent the People of Western Australia

Members are able to raise in the Legislative Assembly specific issues of concern to their respective constituents, whether or not they share the constituent's views. Members may also ask questions of ministers in Parliament or contact public servants on behalf of their constituents. On a larger scale, through the party system and elections, the electorate is offered policy choices.