



**FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

**WORK OF THE LEGISLATIVE COUNCIL IN 2004**

**MARCH 2 2004 TO DECEMBER 1 2004**

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**LEGISLATIVE COUNCIL COMMITTEE OFFICE**

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# WORK OF THE LEGISLATIVE COUNCIL IN 2004

## MARCH 2 2004 TO DECEMBER 1 2004

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### 1 PUBLICATION

- 1.1 The Legislative Council Procedure Office has compiled these statistics for the information of Members and the public. The publication is for the calendar year 2004. The sitting period during 2004 was from March 2 2004 to December 1 2004. This period was during the second session of the 36<sup>th</sup> Parliament. The second session commenced on August 13 2002 and concluded with a prorogation of the Houses by the Governor on 23 January 2005 prior to the State general election on February 26 2005.
- 1.2 The decision to provide statistical information on the basis of a calendar year rather than for each session of Parliament was prompted by the Government's decision not to prorogue the Parliament in 2003 or 2004. For many years the Houses of Parliament have been prorogued in August of each year. As sessions generally lasted for a year (other than in the final year of a Parliament prior to an election) statistical data from each session could produce meaningful comparisons between sessions. This is not the case if, as indicated by the Government, prorogation will not occur every year and indeed a session could continue for the life of a Parliament.
- 1.3 The change also mirrors the way in which Bills are treated once passed and become Acts of Parliament on assent. These are numbered in accordance with the calendar year in which they are passed and not by session.
- 1.4 Depending upon its presentation and interpretation, statistical information can mislead. Care should be taken when reading the statistics, as membership of political parties has not remained the same throughout the parliamentary year. The changes to membership of parties and the creation of three new independent Members during 2004<sup>1</sup> resulted in a total of 4 independent Members.<sup>2</sup> Statistics that would otherwise have been credited to One Nation or the Liberal Party by these Members have now been added to the statistical category of 'independent Member'. Also, due to the House sitting on only two days during July, statistics from this month have been incorporated into June statistics.

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<sup>1</sup> Hons Frank Hough and John Fischer (1/06/04) resigned as Members of One Nation, which thereafter had no parliamentary representative. Hon Alan Cadby (2/06/04) resigned from the Liberal Party.

<sup>2</sup> Hon Paddy Embry, previously a member of One Nation, resigned from that Party on 15/05/03 and became an independent.

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## 2 FOCUS ON RESULTS

- 2.1 The Department's mission is to provide professional, advisory and administrative support to the Members and Officers of the Legislative Council. This Department's purpose in gathering statistics is to help it provide better and more relevant services to Members and the public.

## 3 PROCEDURAL HIGHLIGHTS

### New Sessional Orders

- 3.1 During 2004, the Council operated under new Sessional Orders first put in place on March 20 2003. The 2003 Sessional Orders arose from recommendations of the *Report of the Select Committee on the Rules, Orders and Usages of the House*, tabled on March 12 2003.<sup>3</sup>
- 3.2 These Sessional Orders were again adopted by the House (in a slightly amended form) on December 12 2003 for operation during the 2004 sittings. The Sessional Orders expired on December 31 2004 ending almost two full parliamentary sitting years under which this regime was in place. A decision on whether to continue the Sessional Orders in their current or a modified form may be made in the new Parliament.
- 3.3 The Sessional Orders radically altered the previous schedule of sittings and times allocated for specific business during sitting days. The traditional three day weekly sitting pattern which included two evening sittings on Tuesday and Wednesday nights was altered to omit the Wednesday night sitting and to include Friday in a four day sitting week.<sup>4</sup> The number of sitting weeks was reduced from the usual 24-26 to 19.<sup>5</sup> As far as possible a two week sitting was followed by a two week recess, longer in the case of school holiday periods which traditionally coincided with the winter (July) and summer (January/ February) recesses. The objects of the sessional orders were to provide more time for Government business, to provide a clear delineation between Parliamentary work and electorate commitments and to provide more "family friendly" hours whilst at the same time maintaining the previous total hours of sitting during the parliamentary year.<sup>6</sup>

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<sup>3</sup> Tabled Paper No. 838. See also interim report - Tabled Paper No. 793.

<sup>4</sup> Friday sittings were not scheduled for 4 of the scheduled 19 sitting weeks for 2004.

<sup>5</sup> Included in the 19 sitting weeks were the special meeting of the two Houses to commemorate the 100<sup>th</sup> anniversary of the Parliament building (28/07/04), Estimates Week (8-10/06/04) and the first regional sitting of the House in Kalgoorlie-Boulder (28-29/09/04). Only the latter was an official sitting of the House.

<sup>6</sup> For example in 1994, during the second session of the 34<sup>th</sup> Parliament (5/05/94 - 16/12/94) in which the Liberal-Coalition Government held a majority of seats in both Houses, the Council sat after midnight on 21 of the 47 sitting days of the session.

- 3.4 The sessional orders allocated specified times for Government business (Orders of the Day), motions, non-official business (private Members business) and for the consideration of ministerial statements and committee reports. Members' Statements took the place of the traditional adjournment debate and the House ended each sitting day at a certain time unless the Sessional Orders were suspended by absolute majority to extend the sitting.<sup>7</sup>
- 3.5 Under the old weekly Order of Business, Government business accounted for approximately 5.5 hours of the 15.5-hour three-day sitting week or roughly 35.5% of total time. Under the new arrangements in which specific times were allocated to particular business, Government time was significantly increased. In the approximately 25 hours in a four day sitting week, Government business accounted for roughly 13.5 hours or 52% of total sitting time.<sup>8</sup> During times when the House did not sit on Friday, Government business during the three day sitting week accounted for approximately 10.75 of the 19.25 hours of sitting, or 56% of total sitting time.
- 3.6 Although the number of sitting weeks per year were reduced by the 2003 and 2004 Sessional Orders, the average yearly total number of sitting hours under the Sessional Orders when compared to the number of hours of sittings under the Standing Orders (2001 and 2002) were almost identical.<sup>9</sup> These figures have been derived from the following table:

| SESSION/YEAR   | SNAPSHOT PERIOD     | SITTING DAYS | SITTING HOURS | GOVT. HOURS (APPROX.) |
|--|---------------------|--------------|---------------|-----------------------|
| 1st Session under Standing Orders (2001-2002)  | 01/05/01 - 21/03/02 | 70           | 391.15        | 139                   |
| 1 <sup>st</sup> Session and part 2 <sup>nd</sup> Session under Standing Orders (2002-2003) | 26/03/02 - 19/03/03 | 70           | 430.36        | 153                   |
| 2 <sup>nd</sup> Session under Sessional Orders MKI (sittings 2003)                         | 20/03/03 - 12/12/03 | 64           | 393.13        | 204                   |
| 2 <sup>nd</sup> Session under Sessional Orders MKII (sittings 2004)                        | 02/03/04 - 01/12/04 | 70           | 422.98        | 220                   |

<sup>7</sup> Requiring the vote of 18 Members.

<sup>8</sup> In calculating the times for Government business account has been taken of the time taken for prayers and formal business at the commencement of each sitting day. A deduction from daily Government Business time of 15 minutes has been made.

<sup>9</sup> During the two periods in the table representing the Order of Business under the Standing Orders the House averaged a total of 411 hours per annum. During the two periods under the Sessional Orders, the House averaged 408 hours per annum. The real average for the period under the Sessional Orders would have been slightly higher than under the Standing Orders due to the fact that the period averaged under the Sessional Orders comprised six fewer sitting days.

- 3.7 Statistics have not been kept on the proportion of time devoted to Government or other business during sitting days. However, a comparison of Government time as between the old Order of Business under the Standing Orders and the new Order of Business under the Sessional Orders can be made by applying the percentages of total time devoted to Government business in sitting weeks under each sitting regime. By example, for the 391.15 hours in the period taken from the First Session, Government business accounted for roughly 139 hours (35.5%). The 430.36 hours in the next period under the Standing Orders, Government time accounted for approximately 153 hours (35.5%). During the Sessional Orders in 2003, of the 393.13 hours, roughly 204 hours were devoted to Government business (52%) and in 2004, of the 422.98 hours, approximately 220 hours was Government time (52%).
- 3.8 When the amount of Government time in the first and second sessions solely under the Standing Orders is compared with the latter two periods under the Sessional Orders, there is an average 45% increase in time devoted to Government business.<sup>10</sup>

### **Suspension of Standing and Sessional Orders**

- 3.9 One of the consequences of the specific allocation of times for business under the Sessional Orders was the need for the House to suspend them when matters arose that the Government argued required to be dealt with urgently. As the Government did not command an absolute majority of votes, it required the cooperation of other Members to enable the Standing or Sessional Orders to be suspended.
- 3.10 During 2004 the Sessional and Standing Orders were suspended on 18 occasions to enable such things as the tabling of the Consolidated Fund Estimates, to move the motion and to read the accompanying budget speech.
- 3.11 Toward the latter part of 2004 and the conclusion of the 36<sup>th</sup> Parliament, Sessional Orders were also suspended so that time otherwise allocated to private Members' business or motions could be devoted to Government business. In addition the Sessional Orders were also suspended to enable the extension of sittings for a further six sitting days beyond the originally scheduled end of the sittings on November 19 2004.<sup>11</sup>

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<sup>10</sup> 204 hours of Government time in 2003 represents a 40% increase in Government time when compared to the average of 146 hours in the two 70 sitting day periods in the 1<sup>st</sup> and 2<sup>nd</sup> Sessions under the Standing Orders (the real percentage is higher due to the fact that the 2003 period is only 64 sitting days rather than 70). 220 hours of Government time in 2004 represents a 51% increase in Government time when compared to the average of 146 hours in the two 70 sitting day periods in the 1<sup>st</sup> and 2<sup>nd</sup> Sessions under the Standing Orders. There is an average 45.5% increase in Government time under Sessional Orders when compared with Government time under the Standing Orders.

<sup>11</sup> Standing and/or Sessional Orders were suspended on nine occasions in the period from October to end November 2004.



### State Administrative Tribunal Bills - Standing Order 234A(2)

- 3.12 The *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Bill 2003* was the largest Bill ever to come before the Council, amounting to 686 pages of proposed legislation. The Bill and the principal Bill, the *State Administrative Tribunal Bill 2003*, provided another opportunity for the House to utilise Standing Order 234A.<sup>12</sup> This Standing Order permits the House to incorporate amendments recommended by a Standing Committee into the Bill by agreeing to a single question put by the Chairman or Deputy Chairman of Committee's. Once the question is agreed to, debate on other clauses agreed to by the Standing Committee without amendment is not permitted (clause 1 excepted) unless amendments have been proposed by a Member to that clause.
- 3.13 The Standing Committee on Legislation recommended 97 amendments to the Conferral of Jurisdiction Bill and 41 to the Tribunal Bill which were incorporated into the Bills via the use of SO 234A. This then permitted debate on the 333 Government amendments to proceed. This significantly shortened debate on the Bills which had been referred to the Standing Committee by the House over 12 months previously.

### Parliamentary Secretaries and Standing Orders 47 and 48

- 3.14 A ruling made during debate on a motion in which the Parliamentary Secretary representing the Minister for Health was speaking on behalf of the Minister highlighted the fact that Parliamentary Secretaries are not the equivalent of Ministers under the Standing Orders.<sup>13</sup>

*The DEPUTY PRESIDENT (Hon Jon Ford): The opposition Whip has asked that the Parliamentary Secretary to the Minister for Health identify the document from which she quoted. The Whip's request was in order. I ask the parliamentary secretary to identify the document from which she quoted. To assist the parliamentary secretary, I advise her that "document" means any number of pages that are bundled or held together as a discrete item; it is not restricted solely to one or more pages from which actual quotes were made. Bearing that in mind, I ask the parliamentary secretary to identify the document from which she quoted.*

*Hon SUE ELLERY: Mr Deputy President, I need to seek clarification from you about what you are asking me to do. At the time the original point of order was made I was referring to my notes. I referred to a list of numbers and some specific capital works expenditure. Is that the document you are asking me to identify?*

<sup>12</sup> Since June 24 1998 (when the Standing Order was inserted) the question has been put and passed eight times: *Acts Amendment (Federal Courts and Tribunals) Bill 2001*; *Taxation Administration Bill 2001*; *Corporations (Consequential Amendment) Bill No. 2 2001*; *Corruption and Crime Commission Amendment Bill 2003*; *State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Bill 2003* and *State Administrative Tribunal Bill 2003*; *Architects Bill 2003*; *Human Reproductive Technology Amendment (Prohibition of Human Cloning) Bill 2003*; *Taxation Administration Bill 2001*; and the *Environmental Protection Amendment Bill 2002*.

<sup>13</sup> This reflects their constitutional status under section 44A of the *Constitution Acts Amendment Act 1899* under which the office of Parliamentary Secretary is expressly excluded from the office of Principal Executive Officers (Ministers) under section 43.

*The DEPUTY PRESIDENT: As I understand it, it was a file in the member's hand.*

*Hon SUE ELLERY: Are you asking me to identify the file in its entirety?*

*The DEPUTY PRESIDENT: Yes.*

*Hon SUE ELLERY: I am not sure how you want me to identify it.*

*The DEPUTY PRESIDENT: The member can simply identify it as her notes.*

*Hon SUE ELLERY: It is a file of a combination of my handwritten notes and some material that I regard as confidential.*

*Debate interrupted, pursuant to sessional orders.*

Later in the day after taking Questions without Notice

**POINT OF ORDER, REQUEST FOR DOCUMENTS TO BE TABLED**

*Hon NORMAN MOORE: Prior to the afternoon tea adjournment the Deputy President was in the process of requiring that a document be tabled. My understanding of his ruling was that the file that was quoted from by Hon Sue Ellery, Parliamentary Secretary to the Minister for Health, was to be tabled in its entirety. However, because we were interrupted by afternoon tea, that did not happen. I request that the Deputy President's ruling now be implemented.*

*President's Ruling*

*The PRESIDENT: I will have to acquaint myself with the Deputy President's ruling before I can answer the point of order.*

*Members, I am aware that a member asked that the document be identified, and it was identified. Proceedings were then interrupted for afternoon tea. A request can now be made for the documents to be tabled. I understand that that request has not yet been made.*

*Hon NORMAN MOORE: A request was in fact made by the opposition Whip when this matter was first raised; he sought to have the document identified and tabled. If necessary, I now ask that the document be tabled.*

*[See paper No 2023.]*<sup>14</sup>

- 3.15 The outcome of the above application of the Standing Orders indicates that Parliamentary Secretaries who otherwise are permitted by the House to have the conduct of Bills or debates on the Government's behalf are not accorded the same rights under the Standing Orders as are Ministers of the Crown.
- 3.16 Under SO 47, a Minister could resist a claim by another Member to table a document dealing with public affairs from which he or she is quoting on the grounds that it was of a confidential nature. The claim of confidentiality made by the Parliamentary Secretary could not protect her from the requirement of SO 48 to table documents from which she had quoted. The broad interpretation of 'document' required the Parliamentary Secretary to table the entire file that she was holding and from which she was quoting.

**Speaking Times on Conscience Vote Bills**

- 3.17 During debate of the *Human Reproductive Technology Amendment Bill 2003* a point of order was raised in relation to the application of the normal speaking times to

<sup>14</sup> Hansard, March 10 2004, pp 690-91.

Members during debate on a Bill in which Parties permitted a conscience vote. Under SO 73 the lead speaker from the Opposition is entitled to unlimited speaking time during his or her second reading speech.

- 3.18 However the usual 45 time limit for second reading speeches will apply in circumstances where the 'lead' speaker is not speaking in an official capacity on behalf of the Official Opposition. This will be the case in relation to Bills in which a Member has a vote unrestrained by a party political position.

*Hon SIMON O'BRIEN: Mr Deputy President, I notice that the timer is running. I do not know whether I am entitled to a little more time as a lead speaker on this debate. If not, and as I was not aware that the timer was running, it may now be appropriate for me to ask for a brief extension of time, if I do not already have some more time at my disposal.*

*The DEPUTY PRESIDENT (Hon George Cash): The member is seeking the leave of the House to an extension of his time. Under the standing orders, that extension would be for 15 minutes. Is leave granted?*

*Leave granted.*

*The DEPUTY PRESIDENT: I will explain why the timer is running. The timer is currently stopped, so this explanation will not cost Hon Simon O'Brien any time. Hon Simon O'Brien indicated at the commencement of his speech that he was not speaking on this Bill as the lead speaker for the Opposition but in his capacity as a private member. Given that the Opposition has no party position on this Bill, time does not come into it. It is similar to the abortion debate of a few years ago. However, I will attempt to ensure that members are given a reasonable time in which to speak, and any extensions.*

*Point of Order*

*Hon NORMAN MOORE: I make this point for clarification and for no other purpose. I presume that the same rule will apply to the parliamentary secretary who is handling the Bill. It would be regrettable if it did apply, but I suspect that it should to be consistent.*

*The DEPUTY PRESIDENT: The answer is that the time limit will not apply to the parliamentary secretary, who is in fact representing the Government, which has a stated position on this Bill.<sup>15</sup>*

- 3.19 In the case where a Member is representing the Government's position on a conscience vote Bill, the unlimited time limit on speaking will apply.

### **Bills Proceeding to Third Reading by Leave**

- 3.20 Leave was granted on 24 occasions to dispense with Committee of the Whole stage and to proceed to the Third Reading of the Bill. They were:

- *Industrial Hemp Bill 2003*
- *Road Traffic Amendment Bill 2003*
- *Loan Bill 2003*
- *Treasurer's Advance Authorisation Bill 2004*

<sup>15</sup> Hansard, April 2 2004, p.1627.

- 
- *Director of Public Prosecutions Amendment Bill 2004*
  - *Coroners Amendment Bill 2004*
  - *Evidence Amendment Bill 2004*
  - *Professional Standards Amendment Bill 2004*
  - *Criminal Law Amendment (Criminal Property) Bill 2004*
  - *Sentencing Legislation Amendment Bill 2004*
  - *Criminal Injuries Compensation Amendment Bill 2004*
  - *Victims of Crime Amendment Bill 2003*
  - *Public and Bank Holidays Amendment Bill 2004*
  - *Carers Recognition Bill 2004*
  - *Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Bill 2003*
  - *Constitution (Parliamentary Privileges) Amendment Bill 2004*
  - *First Home Owner Grant Amendment Bill 2004*
  - *Health Legislation Amendment Bill 2004*
  - *Veterinary Preparations and Animal Feeding Stuffs Amendment Bill 2004*
  - *Reserves (National Parks and Conservation Parks) Bill 2004*
  - *Reserves (National Parks, Conservation Parks and Other Reserves) Bill 2004*
  - *Revenue Laws Amendment (Tax Relief) Bill 2004*
  - *Revenue Laws Amendment (Tax Relief) Bill (No.2) 2004*
  - *Loans (Co-operative Companies) Bill 2004*

### **Regional Parliament - Kalgoorlie Boulder**

- 3.21 The Council conducted its first regional sitting in the City of Kalgoorlie-Boulder on September 28 and 29 2004. The usual proclamation by the Governor following a prorogation or general election summoning the Legislative Council and Legislative Assembly to meet at Parliament House, Perth, had to be varied by the Lieutenant Governor and Administrator by proclamation, published in the *Gazette* on July 13 2004. This permitted the sittings to be held at the Kalgoorlie Town Hall.
- 3.22 The event proved a major logistical challenge for the Procedure Office and Parliamentary Services Department. 34 Members, 24 staff and all necessary equipment (including full IT support) were transported 600km by train to Kalgoorlie. Proceedings were streamed live on the Intranet to Parliament House in Perth.

- 3.23 A modified Order of Business and a list of seven Bills were agreed to by the House to be dealt with during the sittings. During the sitting Hon Kevin Leahy<sup>16</sup> was sworn in as a Member of the Legislative Council for the Mining and Pastoral Region to replace Hon Tom Stephens, who resigned to contest the seat of Kalgoorlie in the Federal Election. The timing of Hon Tom Stephens' resignation did not permit him to make a valedictory speech as is traditional for a resigning Member. The President made a statement at the commencement of the regional sitting in which he read a letter from Hon Tom Stephens. In the letter the former Member for the Mining and Pastoral Region expressed his "deep appreciation for the companionship and indeed friendship that has been extended to me by Members from all sides of the House over the 22 years that I have served regional Western Australia in the State Parliament."

### **Parliamentary Privilege - Breaking the Nexus with the UK**

- 3.24 The *Constitution (Parliamentary Privileges) Amendment Bill 2004*, a private Members Bill introduced into the Assembly by Hon Phillip Pandal, was passed by the Council without amendment on October 28 2004. The Bill was assented to and became an Act of Parliament on November 3 2004.
- 3.25 The Procedure and Privileges Committee of the Legislative Assembly in its Report No. 5 of 2004 recommended that the law be altered and that the privileges in the Western Australian Parliament be as they applied to the House of Commons of the UK Parliament as at January 1 1989. The Bill implements the recommendations of that committee.
- 3.26 All other Australian jurisdictions have broken the nexus with the House of Commons by fixing their privileges by reference to the privileges of that House on a specified date. Under Western Australian law, the privileges of each House was determined by reference to the privileges of the House of Commons "for the time being ..., held, enjoyed, and exercised by the Commons of the House of Parliament of Great Britain and Ireland...".<sup>17</sup> Because the privileges and powers of the Western Australian Parliament were tied to the House of Commons, developments in the law of privilege in the UK could affect the operation and extent of privilege for the purposes of Western Australian law. This was highlighted by legislative changes and subsequent interpretation of those legislative changes by the Courts following the enactment of the *Defamation Act 1996* (UK). This enabled a member of the UK parliament to waive parliamentary privilege in limited circumstances.<sup>18</sup>
- 3.27 The second UK development was the enactment by the UK Parliament of a law that applied the European treaties as a domestic law of the UK and conferred jurisdiction

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<sup>16</sup> Hon Kevin Leahy was formerly a Member of the Legislative Assembly as MLA for the seat of Northern Rivers (1989-1996) abolished in a redistribution in 1994.

<sup>17</sup> Section 1 *Parliamentary Privileges Act 1891*.

<sup>18</sup> Section 13 *Defamation Act 1996* (UK).

on the European courts to hear appeals and to determine matters such as parliamentary privilege.<sup>19</sup> They have already done so.<sup>20</sup> This means that although no Australian court may declare with regard to parliamentary privilege, the European court can indirectly do so.

- 3.28 Specifying a date prior to the UK developments precludes further changes applying to the law of privilege in Western Australia except on the initiative of the Western Australian Parliament.

#### **4 AMENDMENTS**

- 4.1 The House's role in scrutinising proposed legislation results in a considerable number of amendments being proposed. These amendments are listed on Supplementary Notice Papers (SNPs) issued in respect of each Bill. The use of SNPs does not exclude the capacity of Members to propose amendments from the floor of the House. Indeed, five of the 44 Bills passed with amendments were amended solely by amendments proposed from the floor of the House. Given the volume of amendments to Bills proposed, the predominant use of SNPs ensures the orderly consideration of amendments and provides some degree of notice to Members and to Members of the Government of the issues to be raised in debate in Committee of the whole House.
- 4.2 The political make-up of the House during the 36<sup>th</sup> Parliament, in which no party commanded an absolute majority of votes, has resulted in the need for the Government to obtain the support of either the Greens (WA) Members or the Opposition to enable it to pass its legislative program. This has provided an opportunity for non-government Members to more readily negotiate with Government on proposed amendments with a view that they be agreed to.
- 4.3 In 2004 the Procedure Office, for the first time, gathered statistical information on the number of amendments proposed by Government and each of the parties represented in the Chamber. It should be noted that these statistics list the amendments proposed and not necessarily passed. They also do not include the limited number of amendments that were proposed by Members from the floor of the House. As indicated above, five of the 44 Bills passed with amendments proposed from the floor of the House.
- 4.4 In 2005 the Procedure Office will be including in its statistics the number of proposed amendments that are passed in respect of each Bill, including those proposed from the floor of the House, and the party from which the amendment originated.

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<sup>19</sup> *Human Rights Act 1998* (UK).

<sup>20</sup> *Demicola v Malta* in which the European Court of Human Rights determined that its jurisdiction included the capacity to overturn a decision of a House of Parliament (Malta House of Representatives) pursuing a journalist for breach of its privileges.

## **5 BILLS**

- 5.1 In 2004, the Legislative Council passed 84 Bills.<sup>21</sup> The Council amended 44 of these. This was the greatest number of Bills passed by the Council since 1994.<sup>22</sup> The number of Bills passed by the Council in a year is not necessarily an accurate measure of the productivity of the House. It is certainly not a qualitative measure of performance. The scrutiny of and passage of legislation is only one, albeit significant, activity of the House.
- 5.2 There has been a significant increase in the complexity of legislation and its volume in recent years. The House may have passed the same or even fewer Bills in the past but a comparison of the mere volume of Bills alone is not indicative of the House's workload or the quality of the legislation passed. For example, in 1994 the Council passed 104 Bills totalling 1 274 pages of legislation at an average of 27 pages per Bill. The 84 Bills passed in 2004 totalled 4 449 pages of legislation at an average of 53 pages per Bill. This represents a 96% increase in the volume of legislation considered by the Council when the 1994 and 2004 figures are compared despite 20 fewer Bills being passed in 2004 than in 1994.
- 5.3 The Procedure Office is now including in its statistical summary the number of pages of legislation passed to enable a quantitative comparison of the volume of legislation with future years.

## **6 COMMITTEES**

- 6.1 The work of the House was again greatly assisted by its Committee system. Standing and Select Committees produced 33 reports during 2004. 15 of these reports dealt with proposed legislation. Committees recommended 236 amendments to Bills, 147 of which were accepted by the House.<sup>23</sup>

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<sup>21</sup> 43 Bills were carried over from 2003, four Bills were initiated in the Council and 77 Bills were received from the Assembly, giving a total of 124 Bills. 67% of proposed legislation on the Council's Notice Paper was passed (84 Bills), 31% remained on the Notice Paper (38 Bills) and 2% were defeated (two Bills).

<sup>22</sup> The average number of Bills passed by the Council each year during the previous 11 years is 68.5. In the 34<sup>th</sup> Parliament the Liberal-National Party Coalition Government had majorities in both Houses and passed 318 Bills, an average of almost 80 Bills per year. In the 35<sup>th</sup> Parliament the Liberal-National Party Coalition Government lost its majority in the Council on May 22 1997 with three Greens (WA) Members and two Democrat Members holding the balance of power. A total of 261 Bills were passed in the 35<sup>th</sup> Parliament averaging just over 65 Bills per year. In the 36<sup>th</sup> Parliament during which the Labor Government also did not gain a majority of Members in the Council, a total of 258 Bills were passed at an average of 64.5 per annum.

<sup>23</sup> This statistic should be considered cautiously. An assessment of Committee performance based solely on how many recommended amendments were accepted ignores the other benefits of Committees such as being a forum of public debate on issues before the House. In addition to amendments recommended by Committees, the Committee process resulted in Government and other amendments being proposed and accepted.

- 6.2 Standing Order 337 also assists the scrutiny function of the House by requiring a response from Government in relation to committee reports recommending action. The report is provided to the relevant Minister(s) seeking a response from Government within 4 months of tabling. These responses are then tabled and made available on the Committee website for public information. To date, the Government has adhered to this requirement.<sup>24</sup>

## 7 STATISTICS ON-LINE

- 7.1 In the 2005 Parliament, the Procedure Office intends to provide regular updates of statistics during non-sitting weeks. These statistics will be available to Members and staff on the Parliament of Western Australia intranet site (<http://powanet.parliament.wa.gov.au>) and provide more comprehensive data than can be provided in this report.

## 8 CONCLUSION

- 8.1 The Procedure Office welcomes feedback from Members on the statistics presented in this report.
- 8.2 Should you have any suggestions for improvement or wish to discuss any aspect of the statistical summaries presented in this report please telephone Nigel Pratt, Clerk Assistant on 9222 7376 or Chris Hunt, Parliamentary Officer (Procedure) on 9222 7382.

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<sup>24</sup> 33 Legislative Council Standing, Select and JSCDL committee reports tabled during 2004. Of those, 11 committee reports required a government response. Nine of the 11 required a government response that was due after December 31 2004. Two committee reports required a government response that was due on or before December 31 2004. All of the nine committee reports tabled in 2004 requiring a government response after December 31 2004 were due after the date of prorogation of Parliament and dissolution of the Legislative Assembly on January 23 2005. In one case a response was received early and was tabled before the House rose in December 2004. In another case a response was received before December 31 2004 but after the House rose and the response has not yet been tabled. Of the two committee reports tabled in 2004 that required a government response that was due on or before December 31 2004, in one case a government response was received and tabled. In the other, responses from individual Ministers have been received and tabled but a 'whole of government response' was outstanding as at December 31 2004



APPENDIX 1  
Statistical Summary 2004



**STATISTICAL SUMMARY  
2004**

| <b>ITEMS OF BUSINESS</b>              |     |     |     |     |     |           |     |      |     |     |     |           |       |
|---------------------------------------|-----|-----|-----|-----|-----|-----------|-----|------|-----|-----|-----|-----------|-------|
|                                       | Feb | Mar | Apr | May | Jun | Sub-Total | Aug | Sept | Oct | Nov | Dec | Sub-Total | TOTAL |
| <b>CENSURE MOTIONS</b>                |     |     |     |     |     |           |     |      |     |     |     |           |       |
| Against Govt                          | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| Against Minister                      | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| Against opposition                    | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| <b>COMMITTEE REPORTS PRESENTED</b>    |     |     |     |     |     |           |     |      |     |     |     |           |       |
| Standing Committee Reports Presented  | 0   | 0   | 2   | 1   | 3   | 6         | 2   | 3    | 4   | 14  | 0   | 23        | 29    |
| Dissenting/Minority Reports Presented | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 1   | 3   | 0   | 4         | 4     |
| Select Committee Reports Presented    | 0   | 0   | 0   | 0   | 1   | 1         | 0   | 1    | 0   | 2   | 0   | 3         | 4     |
| Request Extension of Time             | 0   | 1   | 2   | 1   | 3   | 7         | 0   | 1    | 1   | 0   | 0   | 2         | 9     |
| Consideration of                      | 0   | 0   | 2   | 3   | 1   | 6         | 4   | 1    | 0   | 0   | 0   | 5         | 11    |
| <b>DISSENT FROM RULING</b>            |     |     |     |     |     |           |     |      |     |     |     |           |       |
| Moved                                 | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| Passed                                | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| <b>DIVISIONS</b>                      |     |     |     |     |     |           |     |      |     |     |     |           |       |
| House                                 | 0   | 1   | 3   | 4   | 6   | 14        | 2   | 2    | 3   | 11  | 0   | 18        | 32    |
| Committee                             | 0   | 6   | 1   | 2   | 4   | 13        | 2   | 1    | 5   | 6   | 0   | 14        | 27    |
| <b>HOUSE</b>                          |     |     |     |     |     |           |     |      |     |     |     |           |       |
| Sitting after Midnight (Occasions)    | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| Sitting after 10 p.m. (Occasions)     | 0   | 0   | 0   | 1   | 0   | 1         | 0   | 0    | 0   | 0   | 0   | 0         | 1     |
| Sitting after 5 p.m. (Occasions)      | 0   | 8   | 4   | 5   | 6   | 23        | 6   | 4    | 6   | 11  | 0   | 27        | 50    |
| <b>NAMINGS &amp; SUSPENSIONS</b>      |     |     |     |     |     |           |     |      |     |     |     |           |       |
| Ordered to Withdraw under SO          | 0   | 1   | 0   | 0   | 0   | 1         | 0   | 0    | 0   | 0   | 0   | 0         | 1     |
| Members Named                         | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| Members Suspended                     | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| <b>POINTS OF ORDER</b>                |     |     |     |     |     |           |     |      |     |     |     |           |       |
| In the House                          | 0   | 10  | 1   | 1   | 0   | 12        | 0   | 1    | 0   | 0   | 0   | 1         | 13    |
| In Main Committee                     | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 1   | 0   | 0   | 1         | 1     |
| <b>PRIVATE MEMBERS' BUSINESS</b>      |     |     |     |     |     |           |     |      |     |     |     |           |       |
| Motions Moved by Govt Member          | 0   | 3   | 4   | 7   | 6   | 20        | 3   | 3    | 6   | 10  | 0   | 22        | 42    |
| Motions Moved by Opp Member           | 0   | 3   | 5   | 10  | 7   | 25        | 5   | 6    | 2   | 5   | 0   | 18        | 43    |
| Urgency Motions                       | 0   | 0   | 0   | 0   | 0   | 0         | 0   | 0    | 0   | 0   | 0   | 0         | 0     |
| Australian Labor Party                |     |     |     |     |     | 0         |     |      |     |     |     | 0         | 0     |
| Liberal Party                         |     |     |     |     |     | 0         |     |      |     |     |     | 0         | 0     |
| Greens                                |     |     |     |     |     | 0         |     |      |     |     |     | 0         | 0     |
| One Nation Party                      |     |     |     |     |     | 0         |     |      |     |     |     | 0         | 0     |
| National Party                        |     |     |     |     |     | 0         |     |      |     |     |     | 0         | 0     |
| Condolence Motions                    | 0   | 0   | 0   | 0   | 0   | 0         | 1   | 0    | 0   | 0   | 0   | 1         | 1     |

**STATISTICAL SUMMARY  
2004**

**ITEMS OF BUSINESS**

|                       | Feb | Mar | Apr | May | Jun | Sub-Total | Aug | Sept | Oct | Nov | Dec | Sub-Total | TOTAL |
|-----------------------|-----|-----|-----|-----|-----|-----------|-----|------|-----|-----|-----|-----------|-------|
| Disallowance Motions  |     |     |     |     |     |           |     |      |     |     |     |           |       |
| Moved                 | 0   | 1   | 1   | 3   | 0   | 5         | 0   | 1    | 0   | 2   | 0   | 3         | 8     |
| Agreed to             | 0   | 1   | 0   | 0   | 0   | 1         | 0   | 0    | 0   | 0   | 0   | 0         | 1     |
| Negatived             | 0   | 0   | 1   | 3   | 0   | 4         | 0   | 1    | 0   | 2   | 0   | 3         | 7     |
| Withdrawn/ Discharged | 0   | 1   | 1   | 1   | 1   | 4         | 0   | 0    | 3   | 6   | 0   | 9         | 13    |

**QUORUMS**

|                                  |   |   |   |   |   |   |   |   |   |   |   |   |    |
|----------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|----|
| Quorums Formed in House          | 0 | 2 | 2 | 0 | 1 | 5 | 0 | 1 | 0 | 6 | 0 | 7 | 12 |
| Lack of Quorum in Main Committee | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0  |

**STATEMENTS**

|  |   |   |   |   |   |    |   |   |   |   |   |    |    |
|--|---|---|---|---|---|----|---|---|---|---|---|----|----|
| Ministerial Statements                       | 0 | 9 | 3 | 2 | 8 | 22 | 1 | 7 | 3 | 9 | 0 | 20 | 42 |
| Statements by the President                  | 0 | 0 | 0 | 0 | 2 | 2  | 1 | 6 | 1 | 1 | 0 | 9  | 11 |
| Statements by the Deputy President           | 0 | 0 | 2 | 0 | 0 | 2  | 0 | 0 | 0 | 0 | 0 | 0  | 2  |
| Statements by the Chairman of Committees     | 0 | 0 | 0 | 0 | 1 | 1  | 0 | 0 | 2 | 0 | 0 | 2  | 3  |
| Statements by Deputy Chairman of Committees  | 0 | 1 | 0 | 1 | 0 | 1  | 0 | 0 | 0 | 1 | 0 | 1  | 2  |
| Rulings by the President                     | 0 | 1 | 0 | 1 | 0 | 2  | 1 | 0 | 0 | 0 | 0 | 1  | 3  |
| Rulings by the Deputy President              | 0 | 2 | 1 | 0 | 0 | 3  | 0 | 1 | 0 | 0 | 0 | 1  | 4  |
| Rulings by the Chairman of Committees        | 0 | 0 | 0 | 0 | 0 | 0  | 0 | 0 | 0 | 0 | 0 | 0  | 0  |
| Rulings by the Deputy Chairman of Committees | 0 | 0 | 0 | 0 | 0 | 0  | 0 | 0 | 1 | 0 | 0 | 1  | 1  |
| Rulings by the Acting President              | 0 | 7 | 0 | 0 | 0 | 7  | 0 | 0 | 1 | 0 | 0 | 1  | 8  |

**SUSPENSION OF STANDING/SESSIONAL ORDERS**

|       |   |   |   |   |   |   |   |   |   |   |   |    |    |
|-------|---|---|---|---|---|---|---|---|---|---|---|----|----|
| Moved | 0 | 0 | 0 | 3 | 4 | 7 | 1 | 1 | 4 | 5 | 0 | 11 | 18 |
|-------|---|---|---|---|---|---|---|---|---|---|---|----|----|

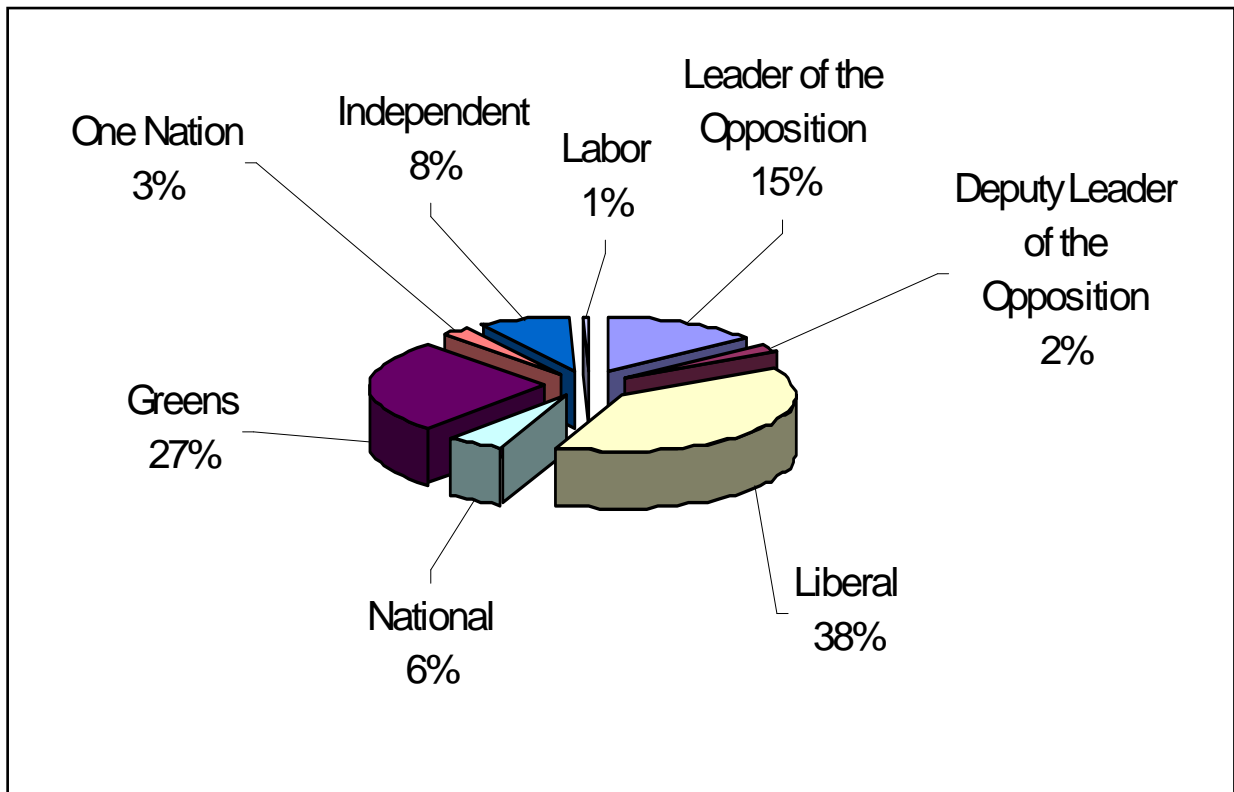
### STATISTICAL SUMMARY

#### ITEMS OF BUSINESS

|   | Feb | Mar  | Apr  | May  | Jun  | Sub-Total | Aug  | Sept | Oct  | Nov  | Dec | Sub-total | TOTAL |
|---|-----|------|------|------|------|-----------|------|------|------|------|-----|-----------|-------|
| <b>Questions on Notice</b>                        |     |      |      |      |      |           |      |      |      |      |     |           |       |
| Leader of the Opposition                          | 0   | 0    | 10   | 2    | 25   | 37        | 20   | 10   | 1    | 3    |     | 34        | 71    |
| Deputy Leader of the Opposition                   | 0   | 3    | 5    | 15   | 5    | 28        | 0    | 0    | 0    | 0    |     | 0         | 28    |
| Liberal   | 0   | 92   | 63   | 24   | 62   | 241       | 131  | 32   | 20   | 47   |     | 230       | 471   |
| National  | 0   | 0    | 6    | 1    | 2    | 9         | 2    | 4    | 0    | 2    |     | 8         | 17    |
| Greens  | 0   | 39   | 33   | 40   | 56   | 168       | 56   | 37   | 62   | 1    |     | 156       | 324   |
| One Nation  | 0   | 2    | 2    | 3    | 0    | 7         | 0    | 0    | 0    | 0    |     | 0         | 7     |
| Independent                                       | 0   | 0    | 0    | 3    | 6    | 9         | 3    | 1    | 0    | 1    |     | 5         | 14    |
| Labour  | 0   | 0    | 0    | 0    | 1    | 1         | 0    | 0    | 0    | 2    |     | 2         | 3     |
| <b>Questions without Notice</b>                   |     |      |      |      |      |           |      |      |      |      |     |           |       |
| Leader of the Opposition                          | 0   | 16   | 15   | 19   | 30   | 80        | 21   | 14   | 17   | 34   |     | 86        | 166   |
| Deputy Leader of the Opposition                   | 0   | 6    | 8    | 9    | 4    | 27        | 0    | 0    | 0    | 0    |     | 0         | 27    |
| Liberal   | 0   | 46   | 41   | 51   | 76   | 214       | 55   | 34   | 46   | 94   |     | 229       | 443   |
| National  | 0   | 7    | 8    | 6    | 10   | 31        | 6    | 6    | 7    | 13   |     | 32        | 63    |
| Greens  | 0   | 35   | 31   | 31   | 55   | 152       | 33   | 28   | 33   | 55   |     | 149       | 301   |
| One Nation  | 0   | 11   | 8    | 12   | 0    | 31        | 0    | 0    | 0    | 0    |     | 0         | 31    |
| Independent                                       | 0   | 1    | 0    | 2    | 23   | 26        | 13   | 14   | 17   | 26   |     | 70        | 96    |
| Labor   | 0   | 2    | 0    | 0    | 1    | 3         | 0    | 2    | 0    | 1    |     | 3         | 6     |
| <b>No. of Speakers during Members' Statements</b> |     |      |      |      |      |           |      |      |      |      |     |           |       |
| Liberal   | 0   | 15   | 3    | 8    | 13   | 39        | 6    | 10   | 4    | 12   |     | 32        | 71    |
| National  | 0   | 0    | 0    | 0    | 0    | 0         | 0    | 0    | 0    | 1    |     | 1         | 1     |
| Greens  | 0   | 5    | 6    | 2    | 4    | 17        | 4    | 4    | 2    | 7    |     | 17        | 34    |
| One Nation  | 0   | 5    | 5    | 4    | 0    | 14        | 0    | 0    | 0    | 0    |     | 0         | 14    |
| Independent                                       | 0   | 1    | 3    | 0    | 14   | 18        | 4    | 4    | 11   | 13   |     | 32        | 50    |
| Labor   | 0   | 1    | 7    | 4    | 8    | 20        | 3    | 7    | 4    | 6    |     | 20        | 40    |
| <b>Time Spent in Members' Statements</b>          |     |      |      |      |      |           |      |      |      |      |     |           |       |
| Liberal   | 0   | 98   | 30   | 38   | 122  | 288       | 53   | 59   | 31   | 79   |     | 222       | 510   |
| National  | 0   | 0    | 0    | 0    | 0    | 0         | 0    | 0    | 0    | 6    |     | 6         | 6     |
| Greens  | 0   | 48   | 48   | 15   | 32   | 143       | 25   | 19   | 20   | 62   |     | 126       | 269   |
| One Nation  | 0   | 44   | 38   | 20   | 0    | 102       | 0    | 0    | 0    | 0    |     | 0         | 102   |
| Independent                                       | 0   | 5    | 15   | 0    | 82   | 102       | 30   | 23   | 92   | 100  |     | 245       | 347   |
| Labor   | 0   | 6    | 46   | 25   | 49   | 126       | 23   | 41   | 25   | 28   |     | 117       | 243   |
| <b>Time Spent in House</b>                        |     |      |      |      |      |           |      |      |      |      |     |           |       |
| Average rising time after 5.00 pm                 | 0   | 6.01 | 5.59 | 5.09 | 5.28 |           | 5.15 | 5.03 | 5.44 | 5.46 |     | 21.08     |       |
| Average rising time after 10.00pm                 | 0   | 0    | 0    | 9.56 | 9.55 |           | 9.59 | 9.3  | 9.58 | 9.47 |     | 37.94     |       |

## Questions without Notice 2004

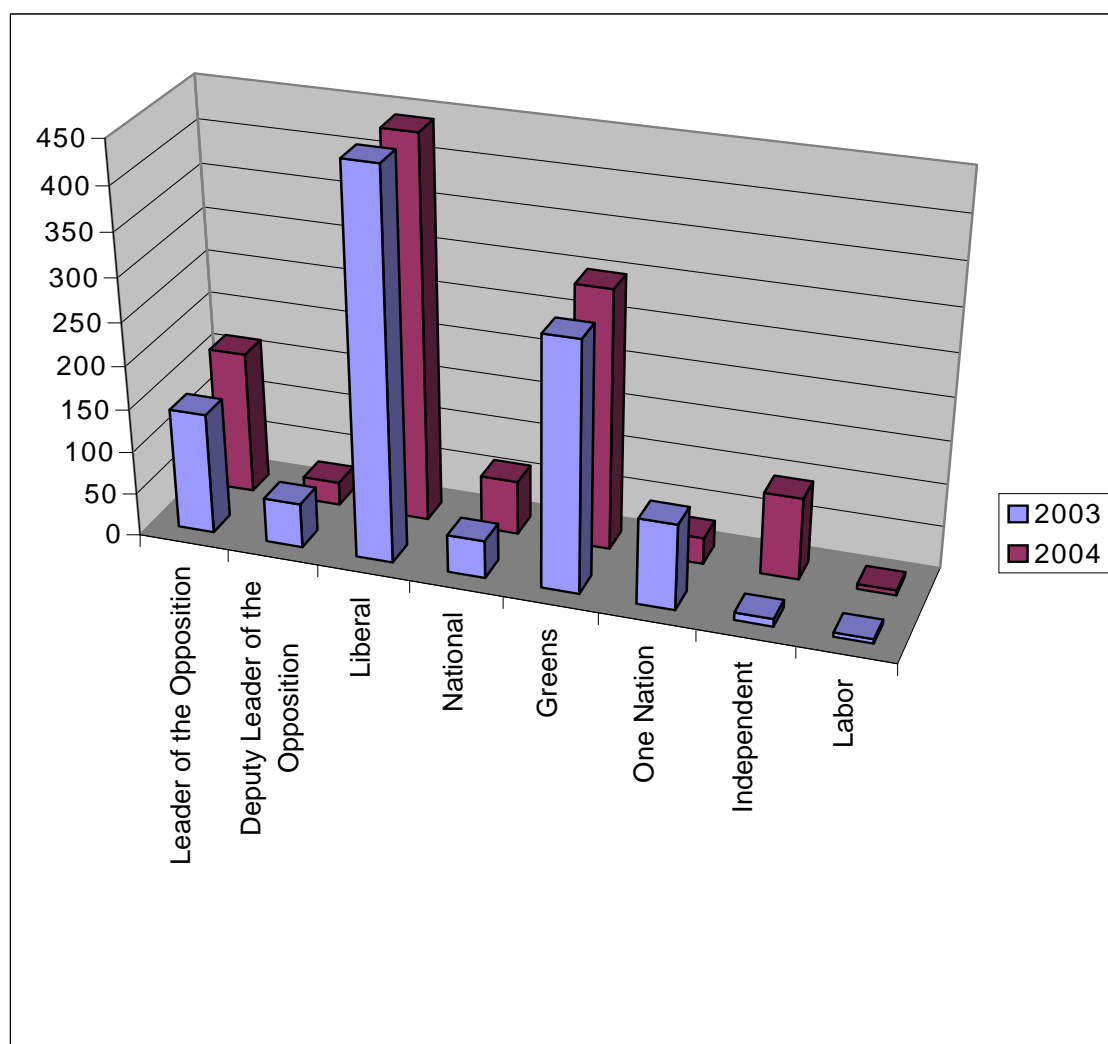
|                             | Feb      | Mar        | Apr        | May        | Jun             | Aug        | Sept      | Oct        | Nov        | Dec      | Total       |
|-----------------------------|----------|------------|------------|------------|-----------------|------------|-----------|------------|------------|----------|-------------|
| Leader of the Opp           | 0        | 16         | 15         | 19         | 30              | 21         | 14        | 17         | 34         | 0        | 166         |
| Deputy Leader of Opp        | 0        | 6          | 8          | 9          | 4               | 0          | 0         | 0          | 0          | 0        | 27          |
| Liberal                     | 0        | 46         | 41         | 51         | 76              | 55         | 34        | 46         | 94         | 0        | 443         |
| National                    | 0        | 7          | 8          | 6          | 10              | 6          | 6         | 7          | 13         | 0        | 63          |
| Greens                      | 0        | 35         | 31         | 31         | 55              | 33         | 28        | 33         | 55         | 0        | 301         |
| One Nation                  | 0        | 11         | 8          | 12         | 0 <sup>25</sup> | 0          | 0         | 0          | 0          | 0        | 31          |
| Independent                 | 0        | 1          | 0          | 2          | 23              | 13         | 14        | 17         | 26         | 0        | 96          |
| Labor                       | 0        | 2          | 0          | 0          | 1               | 0          | 2         | 0          | 1          | 0        | 6           |
| <b>Total per month/year</b> | <b>0</b> | <b>124</b> | <b>111</b> | <b>130</b> | <b>199</b>      | <b>128</b> | <b>98</b> | <b>120</b> | <b>223</b> | <b>0</b> | <b>1133</b> |



<sup>25</sup> Hons Frank Hough and John Fischer (1/06/04) resigned as Members of One Nation, which thereafter had no parliamentary representative. Hon Alan Cadby (2/06/04) resigned from the Liberal Party. All three Members became Independents.

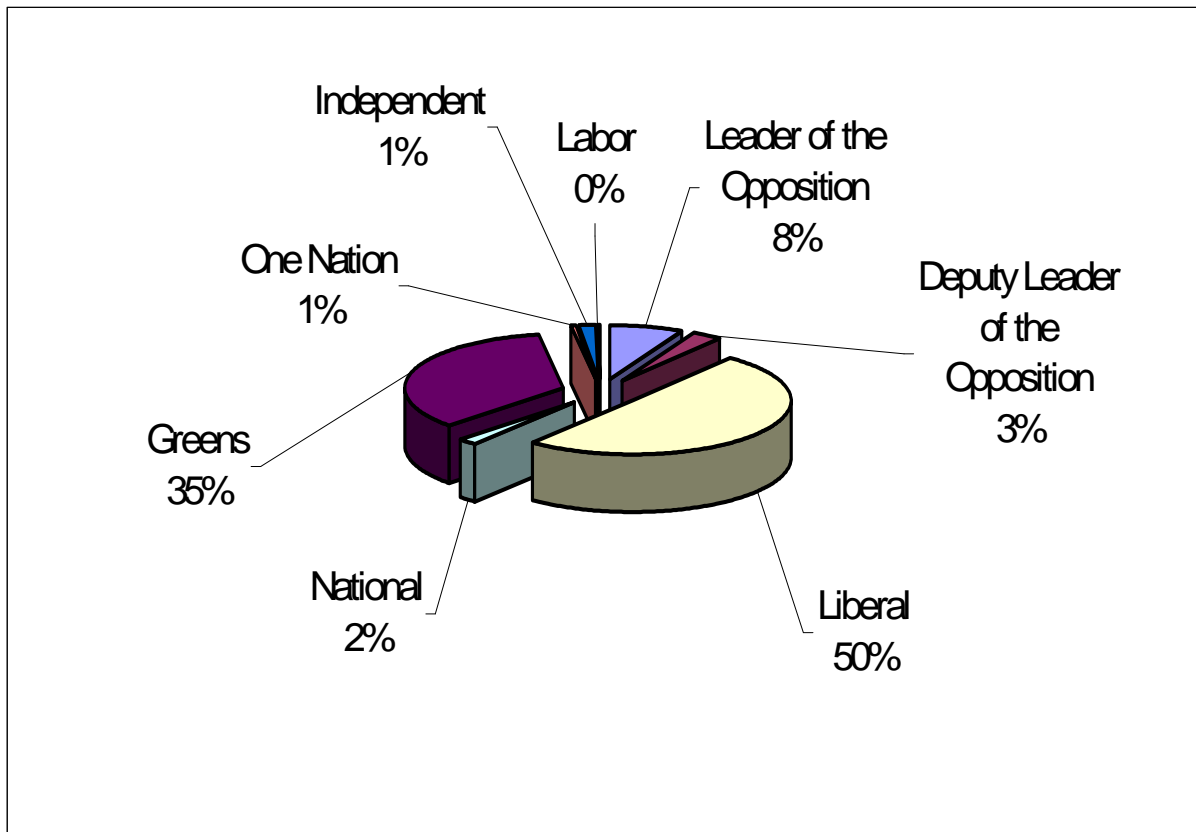
## Questions without Notice 2003/2004 Comparison

| Questions without Notice        | 2003        | 2004        |
|---------------------------------|-------------|-------------|
| Leader of the Opposition        | 141         | 166         |
| Deputy Leader of the Opposition | 52          | 27          |
| Liberal                         | 447         | 443         |
| National                        | 44          | 63          |
| Greens                          | 290         | 301         |
| One Nation                      | 100         | 31          |
| Independent                     | 9           | 96          |
| Labor                           | 5           | 6           |
| <b>Total</b>                    | <b>1088</b> | <b>1133</b> |



## Questions on Notice 2004

|                             | Feb      | Mar        | Apr        | May       | Jun             | Aug        | Sept      | Oct       | Nov       | Dec      | Total      |
|-----------------------------|----------|------------|------------|-----------|-----------------|------------|-----------|-----------|-----------|----------|------------|
| Leader of the Opp           | 0        | 0          | 10         | 2         | 25              | 20         | 10        | 1         | 3         | 0        | <b>71</b>  |
| Deputy Leader of Opp        | 0        | 3          | 5          | 15        | 5               | 0          | 0         | 0         | 0         | 0        | <b>28</b>  |
| Liberal                     | 0        | 92         | 63         | 24        | 62              | 131        | 32        | 20        | 47        | 0        | <b>471</b> |
| National                    | 0        | 0          | 6          | 1         | 2               | 2          | 4         | 0         | 2         | 0        | <b>17</b>  |
| Greens                      | 0        | 39         | 33         | 40        | 56              | 56         | 37        | 62        | 1         | 0        | <b>324</b> |
| One Nation                  | 0        | 2          | 2          | 3         | 0 <sup>26</sup> | 0          | 0         | 0         | 0         | 0        | <b>7</b>   |
| Independent                 | 0        | 0          | 0          | 3         | 6               | 3          | 1         | 0         | 1         | 0        | <b>14</b>  |
| Labor                       | 0        | 0          | 0          | 0         | 1               | 0          | 0         | 0         | 2         | 0        | <b>3</b>   |
| <b>Total per month/year</b> | <b>0</b> | <b>136</b> | <b>119</b> | <b>88</b> | <b>157</b>      | <b>212</b> | <b>84</b> | <b>83</b> | <b>56</b> | <b>0</b> | <b>935</b> |



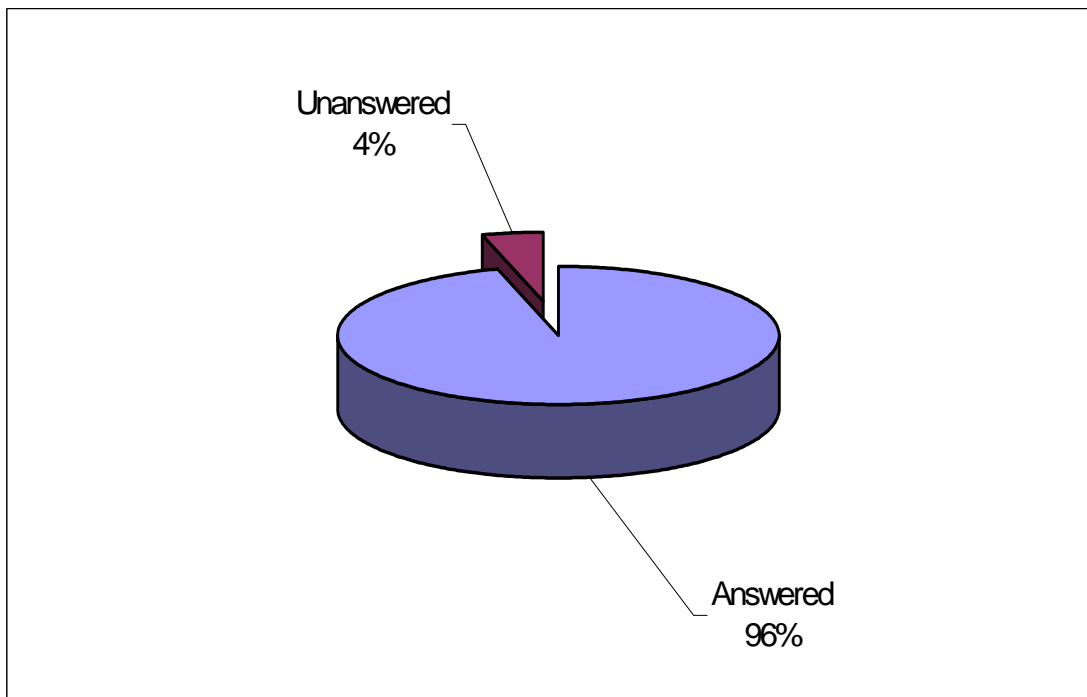
<sup>26</sup> Hons Frank Hough and John Fischer (1/06/04) resigned as Members of One Nation, which thereafter had no parliamentary representative. Hon Alan Cadby (2/06/04) resigned from the Liberal Party. All three Members became Independents.



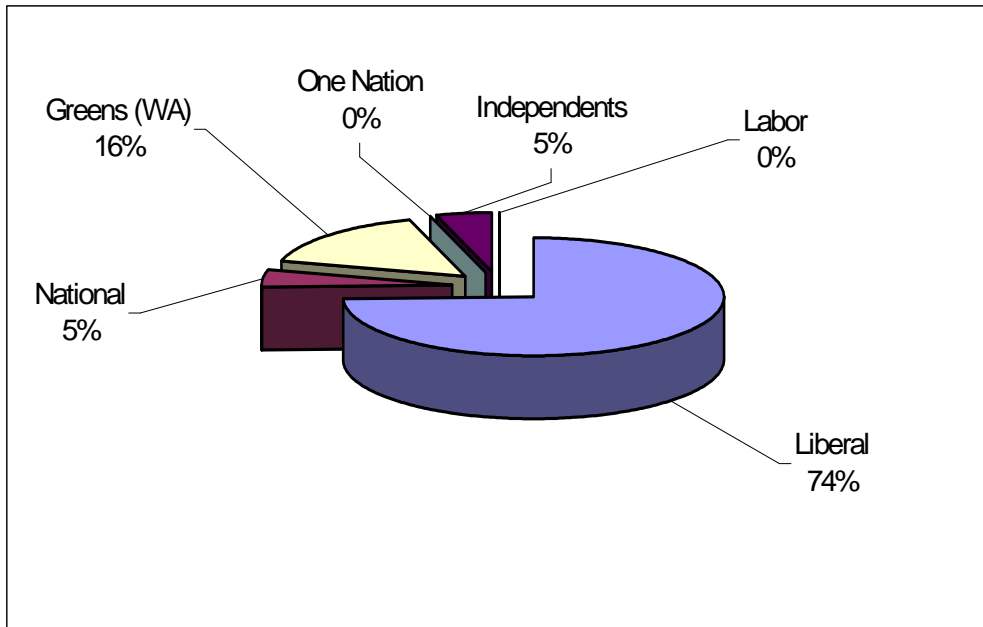
### Questions on Notice Not Answered within 9 Sitting Days

| MONTH        | LIB.      | NAT.     | GREENS   | ONE NATION | IND.     | LAB.     | TOTAL     |
|--------------|-----------|----------|----------|------------|----------|----------|-----------|
| MAR          | 0         | 0        | 0        | 0          | 0        | 0        | 0         |
| APR          | 5         | 0        | 0        | 0          | 0        | 0        | 5         |
| MAY          | 5         | 0        | 1        | 0          | 0        | 0        | 6         |
| JUN          | 2         | 2        | 1        | 0          | 0        | 0        | 5         |
| JUL          | 1         | 0        | 0        | 0          | 1        | 0        | 2         |
| AUG          | 1         | 0        | 0        | 0          | 1        | 0        | 2         |
| SEPT         | 1         | 0        | 2        | 0          | 0        | 0        | 3         |
| OCT          | 7         | 0        | 1        | 0          | 0        | 0        | 8         |
| NOV          | 10        | 0        | 2        | 0          | 0        | 0        | 12        |
| DEC          | 0         | 0        | 0        | 0          | 0        | 0        | 0         |
| <b>TOTAL</b> | <b>32</b> | <b>2</b> | <b>7</b> | <b>0</b>   | <b>2</b> | <b>0</b> | <b>43</b> |

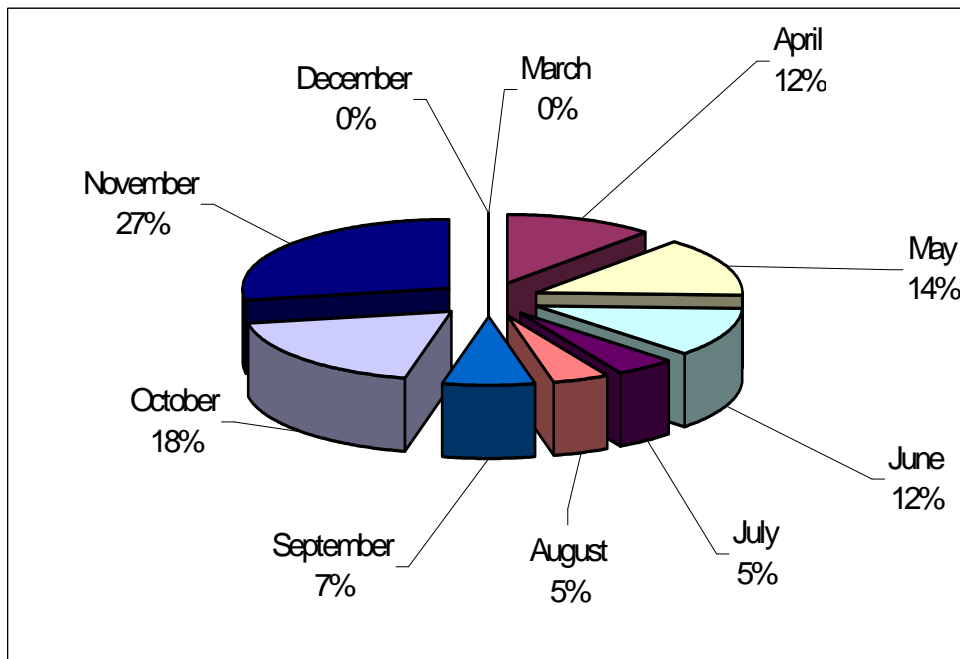
### Questions on Notice not Answered within 9 Sitting Days as a Proportion of Total Questions Asked



### Questions on Notice not Answered within 9 Sitting Days by Party (43 of 935)

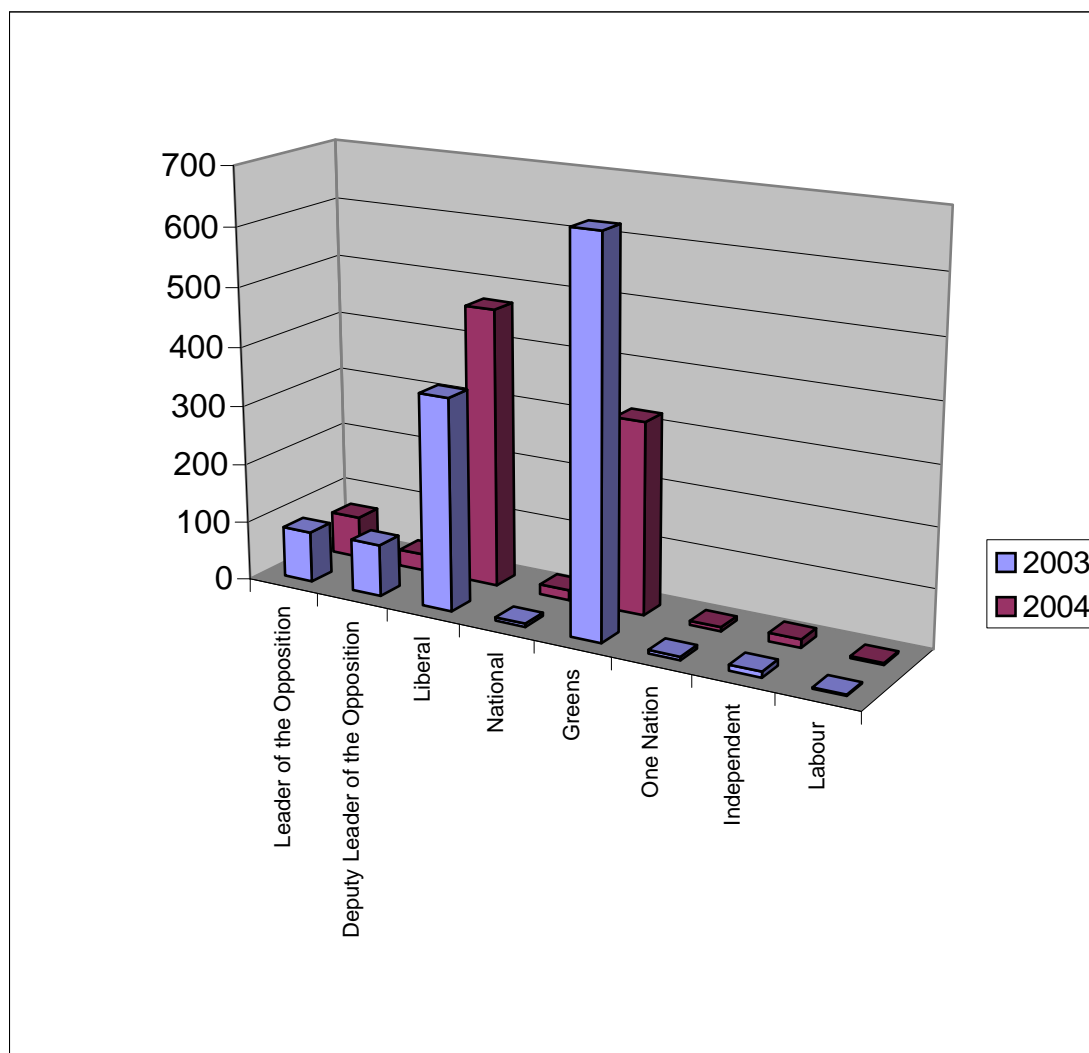


### Questions on Notice Unanswered after 9 Sitting Days by Month



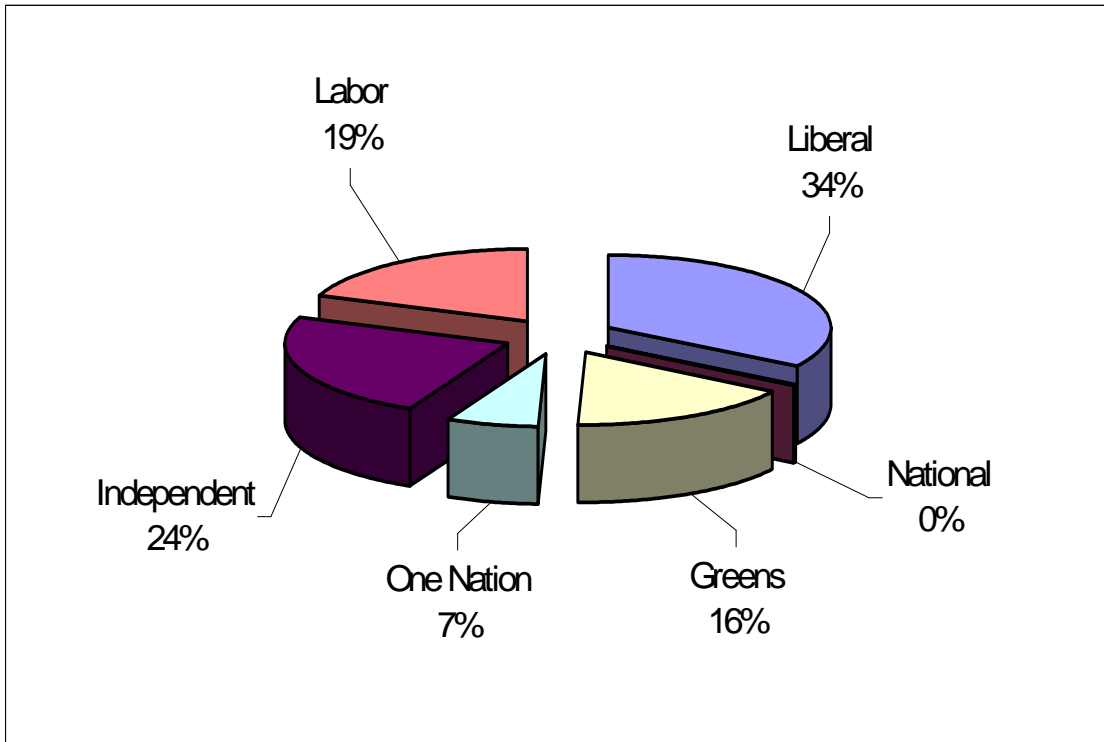
## Questions on Notice 2003/2004 Comparison

| Questions on Notice             | 2003        | 2004       |
|---------------------------------|-------------|------------|
| Leader of the Opposition        | 86          | 71         |
| Deputy Leader of the Opposition | 88          | 28         |
| Liberal                         | 358         | 471        |
| National                        | 6           | 17         |
| Greens                          | 656         | 324        |
| One Nation                      | 6           | 7          |
| Independent                     | 10          | 14         |
| Labor                           | 2           | 3          |
| <b>Total</b>                    | <b>1212</b> | <b>935</b> |



## Number of Speakers during Members' Statements 2004<sup>27</sup>

| No. of Speakers during Members' Statements | Feb      | Mar       | Apr       | May       | Jun             | Aug       | Sept      | Oct       | Nov       | Dec      | Total      |
|--|----------|-----------|-----------|-----------|-----------------|-----------|-----------|-----------|-----------|----------|------------|
| Liberal                                    | 0        | 15        | 3         | 8         | 13              | 6         | 10        | 4         | 12        | 0        | 71         |
| National                                   | 0        | 0         | 0         | 0         | 0               | 0         | 0         | 0         | 1         | 0        | 1          |
| Greens                                     | 0        | 5         | 6         | 2         | 4               | 4         | 4         | 2         | 7         | 0        | 34         |
| One Nation                                 | 0        | 5         | 5         | 4         | 0 <sup>28</sup> | 0         | 0         | 0         | 0         | 0        | 14         |
| Independent                                | 0        | 1         | 3         | 0         | 14              | 4         | 4         | 11        | 13        | 0        | 50         |
| Labor                                      | 0        | 1         | 7         | 4         | 8               | 3         | 7         | 4         | 6         | 0        | 40         |
| <b>Total per mth./year</b>                 | <b>0</b> | <b>27</b> | <b>24</b> | <b>18</b> | <b>39</b>       | <b>17</b> | <b>25</b> | <b>21</b> | <b>39</b> | <b>0</b> | <b>210</b> |

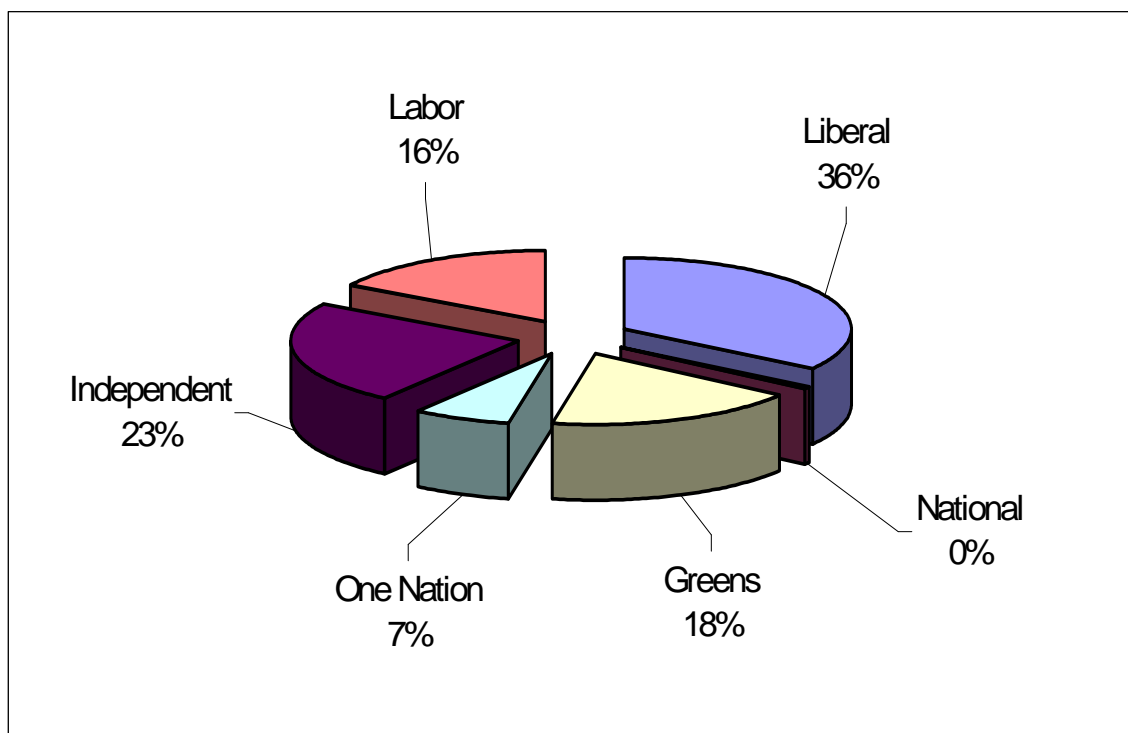


<sup>27</sup> Under the Sessional Orders 'Members' Statements replaced the Adjournment Debate under Standing Orders.

<sup>28</sup> Hons Frank Hough and John Fischer (1/06/04) resigned as Members of One Nation, which thereafter had no parliamentary representative. Hon Alan Cadby (2/06/04) resigned from the Liberal Party. All three Members became Independents.

## Time Spent in Members' Statements 2004

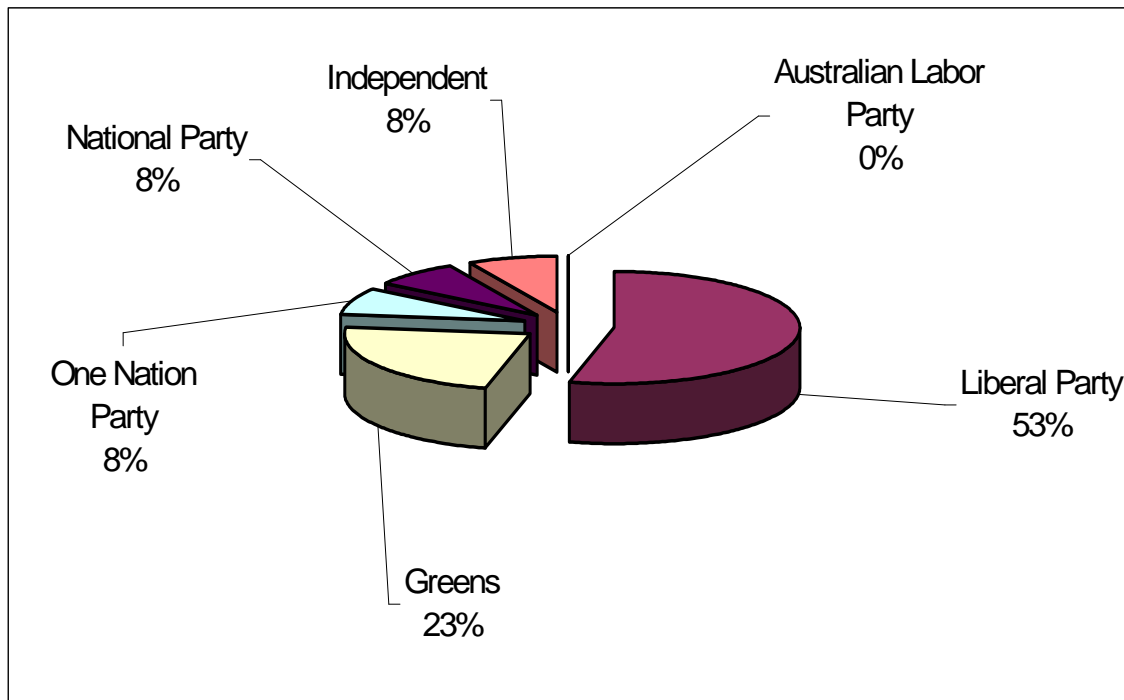
| Time Spent in Members' Statements (MINS.) | Feb      | Mar        | Apr        | May       | Jun             | Aug        | Sept       | Oct        | Nov        | Dec      | Total       |
|---|----------|------------|------------|-----------|-----------------|------------|------------|------------|------------|----------|-------------|
| Liberal                                   | 0        | 98         | 30         | 38        | 122             | 53         | 59         | 31         | 79         | 0        | <b>510</b>  |
| National                                  | 0        | 0          | 0          | 0         | 0               | 0          | 0          | 0          | 6          | 0        | <b>6</b>    |
| Greens                                    | 0        | 48         | 48         | 15        | 32              | 25         | 19         | 20         | 62         | 0        | <b>269</b>  |
| One Nation                                | 0        | 44         | 38         | 20        | 0 <sup>29</sup> | 0          | 0          | 0          | 0          | 0        | <b>102</b>  |
| Independent                               | 0        | 5          | 15         | 0         | 82              | 30         | 23         | 92         | 100        | 0        | <b>347</b>  |
| Labor                                     | 0        | 6          | 46         | 25        | 49              | 23         | 41         | 25         | 28         | 0        | <b>243</b>  |
| <b>Total per mth./year</b>                | <b>0</b> | <b>201</b> | <b>177</b> | <b>98</b> | <b>285</b>      | <b>131</b> | <b>142</b> | <b>168</b> | <b>275</b> | <b>0</b> | <b>1477</b> |



<sup>29</sup> Hons Frank Hough and John Fischer (1/06/04) resigned as Members of One Nation, which thereafter had no parliamentary representative. Hon Alan Cadby (2/06/04) resigned from the Liberal Party. All three Members became Independents.

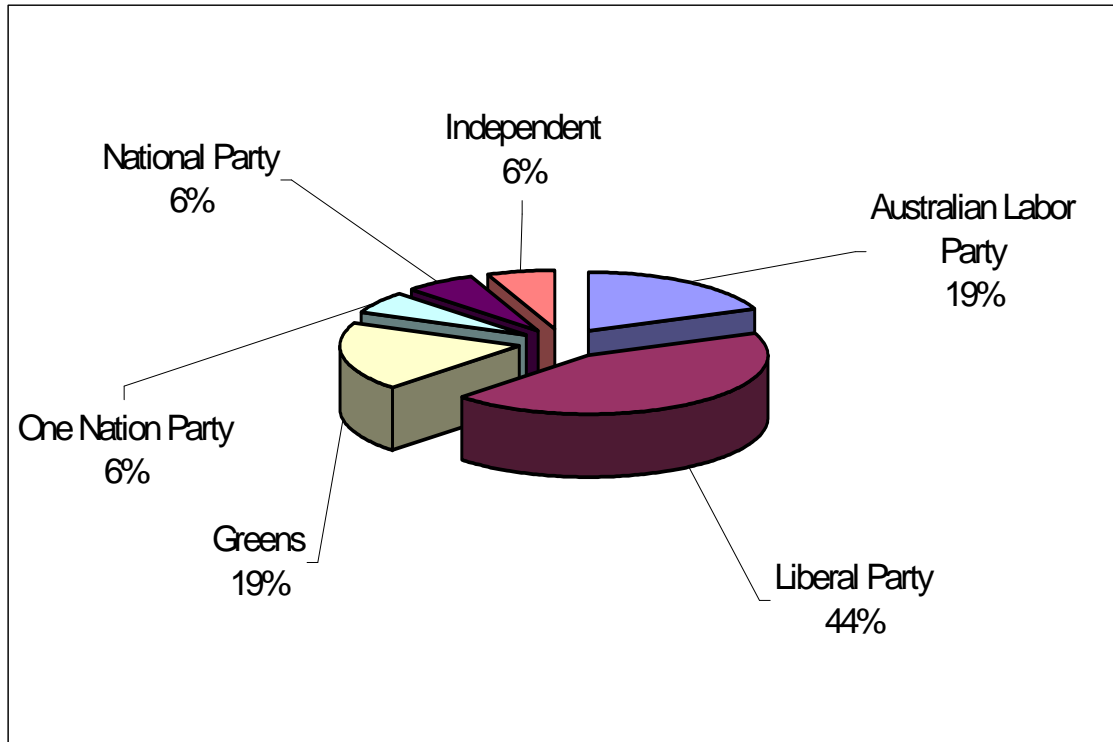
## Non-Official Business (Thursday) 2004

| Non Official Business     |          |          |          |          |          |          |          |          |          |          |          |           |
|---------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
| Party                     | Feb      | Mar      | Apr      | May      | Jun      | Jul      | Aug      | Sept     | Oct      | Nov      | Dec      | Total     |
| Labor                     | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0         |
| Liberal                   | 0        | 1        | 1        | 1        | 0        | 1        | 0        | 1        | 1        | 1        | 0        | 7         |
| Greens                    | 0        | 0        | 1        | 0        | 1        | 0        | 1        | 0        | 0        | 0        | 0        | 3         |
| One Nation                | 0        | 0        | 0        | 0        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 1         |
| National                  | 0        | 0        | 0        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 1         |
| Independent               | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 1        | 0        | 0        | 1         |
| <b>Total per mth/year</b> | <b>0</b> | <b>1</b> | <b>2</b> | <b>2</b> | <b>2</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>2</b> | <b>1</b> | <b>0</b> | <b>13</b> |



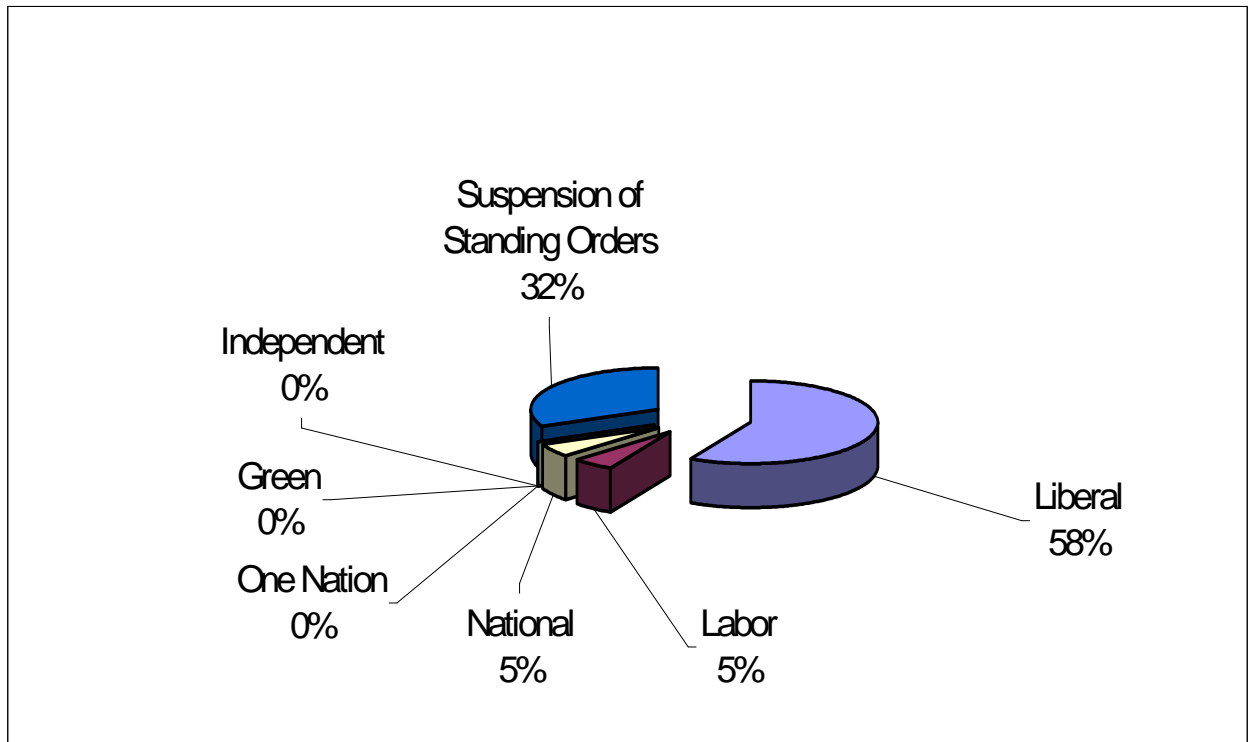
**NOTE:** LABOR MEMBERS WERE PROVIDED WITH THREE OPPORTUNITIES TO RAISE MATTERS DURING NON-OFFICIAL BUSINESS BUT ON EACH OCCASION NO ALP MEMBER RAISED A MATTER FOR NON-OFFICIAL BUSINESS AND ORDERS OF THE DAY WERE TAKEN INSTEAD.

## Non-Official Business (if ALP Members Participated) 2004



## Motions Debated (Wednesday) 2004

|                               | Feb      | Mar      | Apr      | May      | Jun      | Jul      | Aug      | Sept            | Oct      | Nov      | Dec      | Total           |
|-------------------------------|----------|----------|----------|----------|----------|----------|----------|-----------------|----------|----------|----------|-----------------|
| Liberal                       | 0        | 3        | 2        | 1        | 2        | 0        | 2        | 1 <sup>30</sup> | 0        | 0        | 0        | 11              |
| Labor                         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 1 <sup>31</sup> | 0        | 0        | 0        | 1               |
| National                      | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 1               | 0        | 0        | 0        | 1               |
| Green                         | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0               | 0        | 0        | 0        | 0               |
| One Nation                    | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0               | 0        | 0        | 0        | 0               |
| Independent                   | 0        | 0        | 0        | 0        | 0        | 0        | 0        | 0               | 0        | 0        | 0        | 0               |
| Suspension of Standing Orders | 0        | 0        | 0        | 0        | 1        | 0        | 0        | 0               | 2        | 3        | 0        | 6 <sup>32</sup> |
| <b>Total per mth/year</b>     | <b>0</b> | <b>3</b> | <b>2</b> | <b>1</b> | <b>3</b> | <b>0</b> | <b>2</b> | <b>3</b>        | <b>2</b> | <b>3</b> | <b>0</b> | <b>19</b>       |



<sup>30</sup> Moved and Debated at Kalgoorlie Regional Sitting.

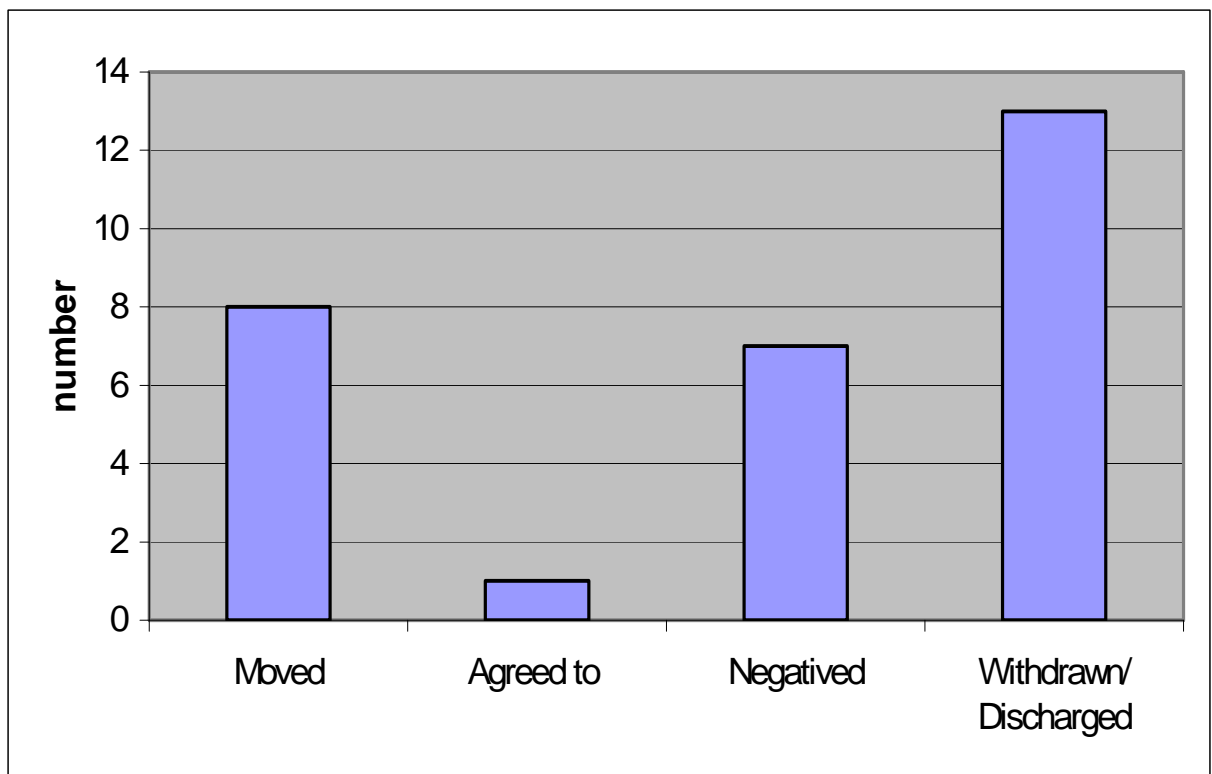
<sup>31</sup> Moved and Debated at Kalgoorlie Regional Sitting.

<sup>32</sup> On 6 of the 19 occasions that motions were to be debated, the House agreed to the suspension of Sessional Orders to enable Orders of the day to be taken. This occurred on 30/06/04, 20/10/04, 27/10/04, 10/11/04, 17/11/04 & 24/11/04.



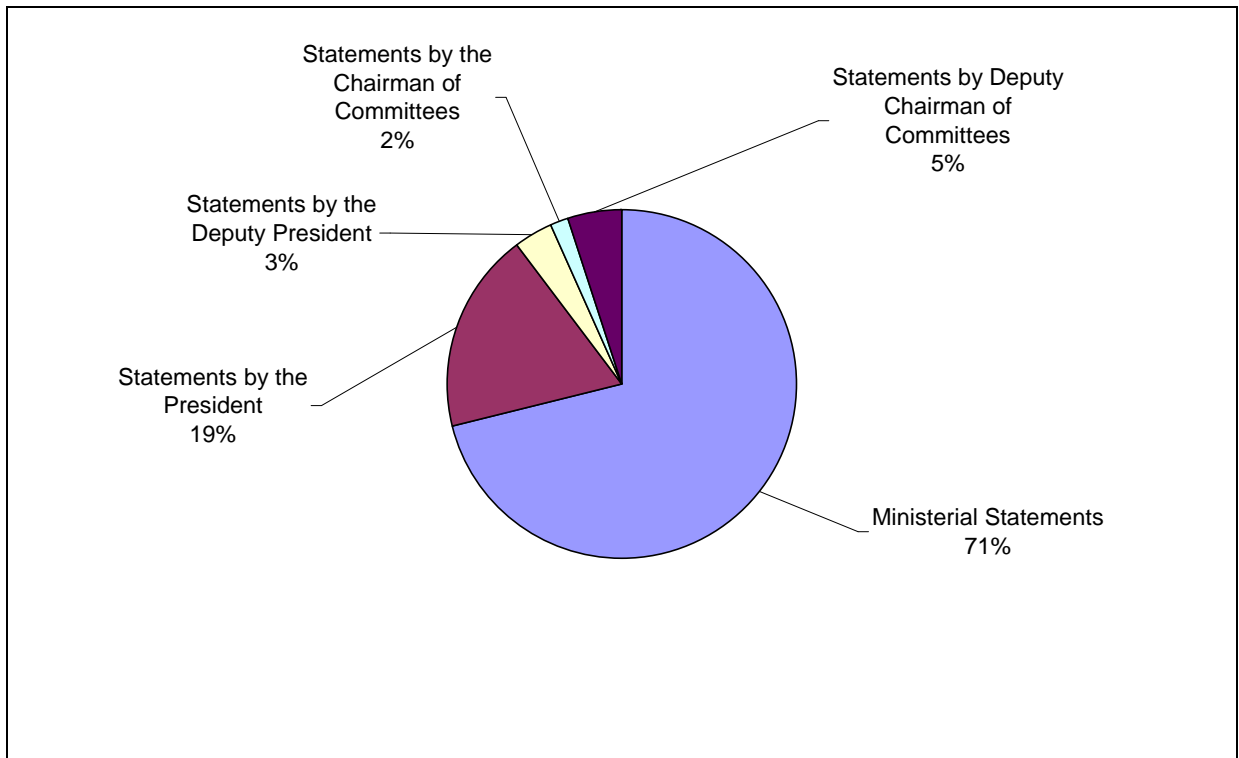
## Disallowance Motions and Condolence Motions 2004

|                           | Feb      | Mar      | Apr      | May      | Jun      | Aug      | Sept     | Oct      | Nov       | Dec      | Total     |
|---------------------------|----------|----------|----------|----------|----------|----------|----------|----------|-----------|----------|-----------|
| Condolence Motions        | 0        | 0        | 0        | 0        | 0        | 1        | 0        | 0        | 0         | 0        | 1         |
| Disallowance Motions      |          |          |          |          |          |          |          |          |           |          |           |
| Moved                     | 0        | 1        | 1        | 3        | 0        | 0        | 1        | 0        | 2         | 0        | 8         |
| Agreed to                 | 0        | 1        | 0        | 0        | 0        | 0        | 0        | 0        | 0         | 0        | 1         |
| Negatived                 | 0        | 0        | 1        | 3        | 0        | 0        | 1        | 0        | 2         | 0        | 7         |
| Withdrawn/ Discharged     | 0        | 1        | 1        | 1        | 1        | 0        | 0        | 3        | 6         | 0        | 13        |
| <b>Total per mth/year</b> | <b>0</b> | <b>3</b> | <b>3</b> | <b>7</b> | <b>1</b> | <b>1</b> | <b>2</b> | <b>3</b> | <b>10</b> | <b>0</b> | <b>30</b> |



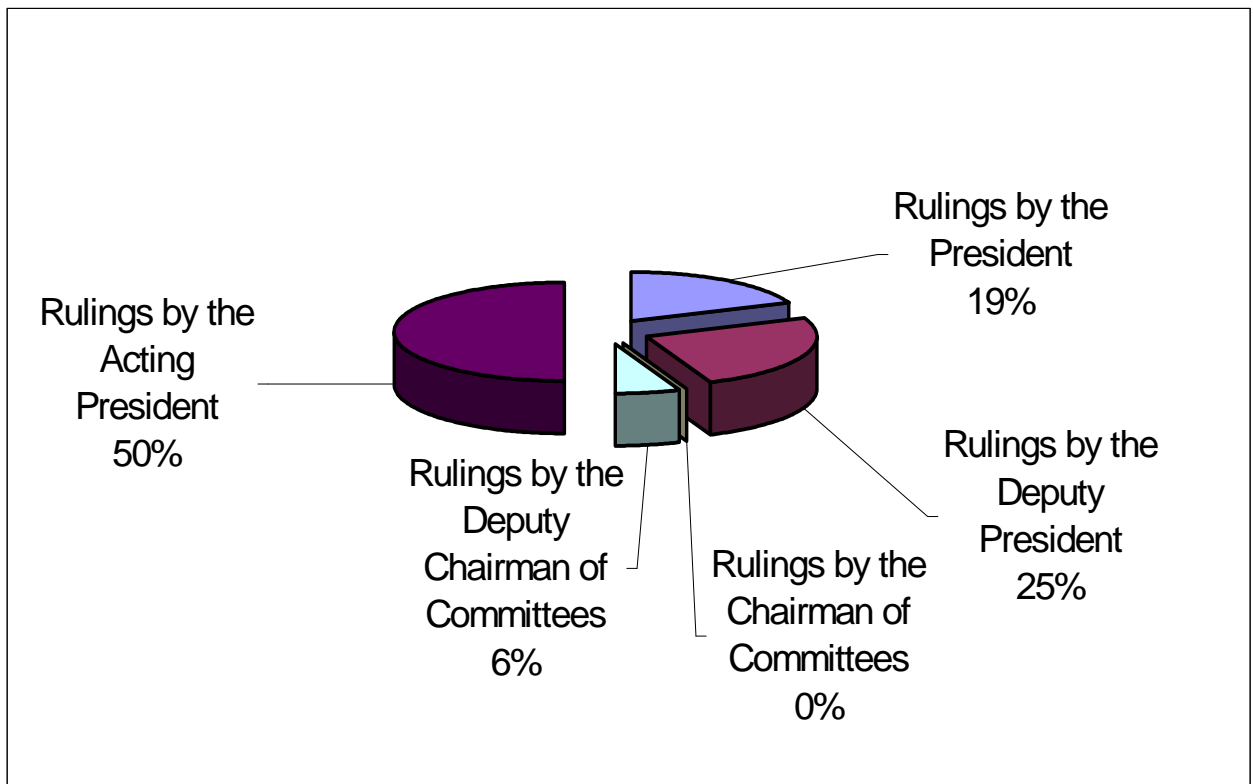
## Statements 2004

|   | Feb | Mar | Apr | May | Jun | Aug | Sept | Oct | Nov | Dec | Total     |
|---|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----------|
| Ministerial Statements                      | 0   | 9   | 3   | 2   | 8   | 1   | 7    | 3   | 9   | 0   | <b>42</b> |
| Statements by the President                 | 0   | 0   | 0   | 0   | 2   | 1   | 6    | 1   | 1   | 0   | <b>11</b> |
| Statements by the Deputy President          | 0   | 0   | 2   | 0   | 0   | 0   | 0    | 0   | 0   | 0   | <b>2</b>  |
| Statements by the Chairman of Committees    | 0   | 0   | 0   | 0   | 1   | 0   | 0    | 2   | 0   | 0   | <b>3</b>  |
| Statements by Deputy Chairman of Committees | 0   | 1   | 0   | 1   | 0   | 0   | 0    | 0   | 1   | 0   | <b>3</b>  |



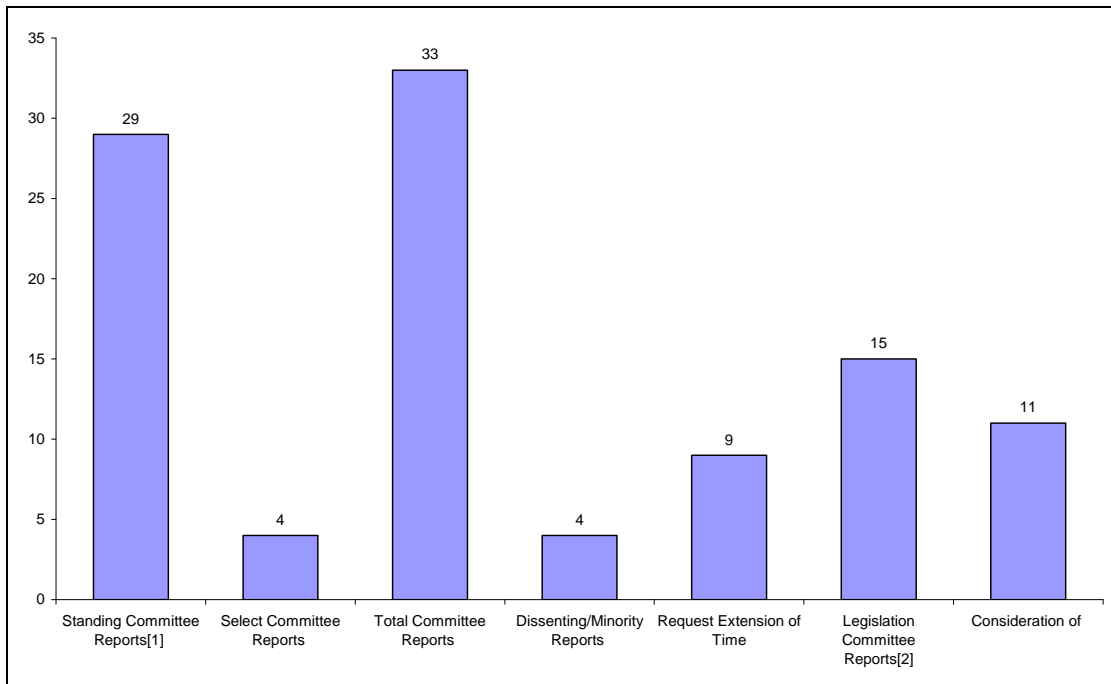
## Rulings 2004

|  | Feb | Mar | Apr | May | Jun | Aug | Sept | Oct | Nov | Dec | Total |
|--|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-------|
| Rulings by the President                     | 0   | 1   | 0   | 1   | 0   | 1   | 0    | 0   | 0   | 0   | 3     |
| Rulings by the Deputy President              | 0   | 2   | 1   | 0   | 0   | 0   | 1    | 0   | 0   | 0   | 4     |
| Rulings by the Chairman of Committees        | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0   | 0   | 0   | 0     |
| Rulings by the Deputy Chairman of Committees | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 1   | 0   | 0   | 1     |
| Rulings by the Acting President              | 0   | 7   | 0   | 0   | 0   | 0   | 0    | 1   | 0   | 0   | 8     |



## Committee Reports 2004

|   | Feb | Mar | Apr | May | Jun | Aug | Sept | Oct | Nov | Dec | Total     |
|---|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----------|
| Standing Committee Reports <sup>33</sup>    | 0   | 0   | 2   | 1   | 3   | 2   | 3    | 4   | 14  | 0   | <b>29</b> |
| Select Committee Reports                    | 0   | 0   | 0   | 0   | 1   | 0   | 1    | 0   | 2   | 0   | <b>4</b>  |
| Total Committee Reports                     | 0   | 0   | 2   | 2   | 4   | 3   | 4    | 4   | 17  | 0   | <b>33</b> |
| Dissenting/Minority Reports                 | 0   | 0   | 0   | 0   | 0   | 0   | 0    | 0   | 2   | 0   | <b>4</b>  |
| Request Extension of Time                   | 0   | 1   | 2   | 1   | 3   | 0   | 1    | 1   | 0   | 0   | <b>9</b>  |
| Legislation Committee Reports <sup>34</sup> | 0   | 0   | 0   | 0   | 0   | 0   | 1    | 2   | 2   | 0   | <b>15</b> |
| Consideration of                            | 0   | 0   | 2   | 3   | 1   | 4   | 1    | 0   | 0   | 0   | <b>11</b> |

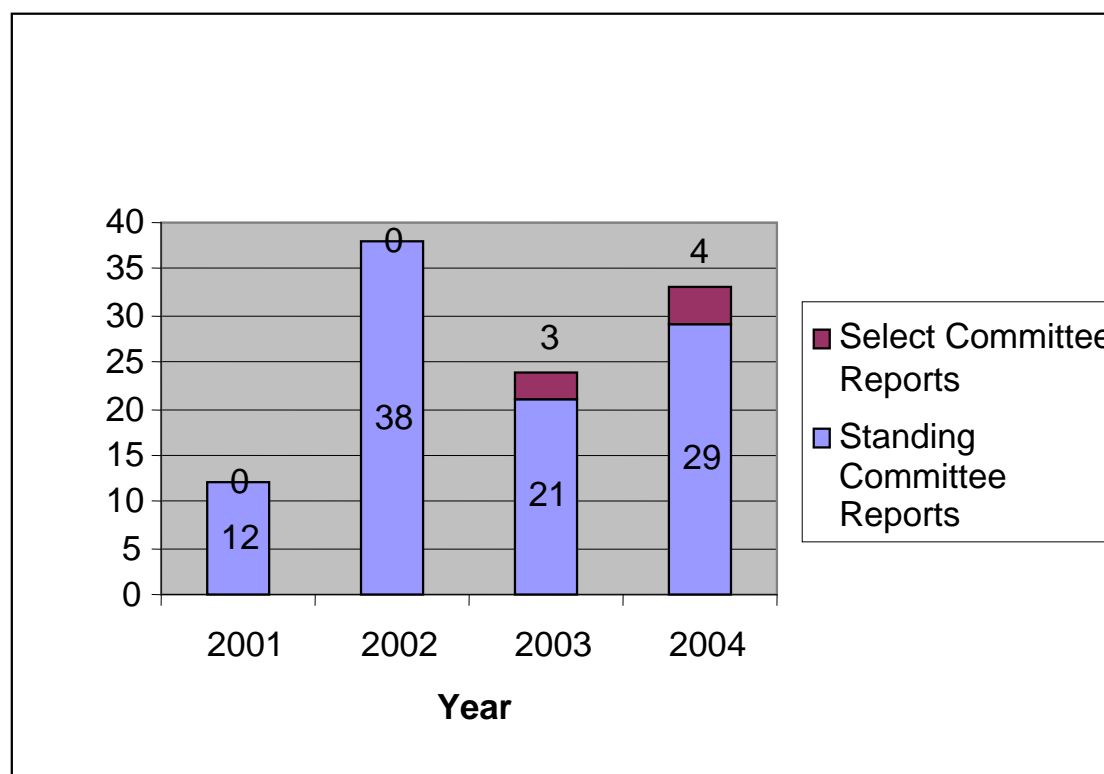


<sup>33</sup> Includes Joint Standing Committee on Delegated Legislation.

<sup>34</sup> 15 reports dealt with legislation: Legislation Committee (4) Magistrates Court Bill 2003, Magistrates Court (Civil Proceedings) Bill 2003 and Courts Legislation Amendment and Repeal Bill 2003, Road Traffic Amendment (Dangerous Driving) Bill 2004, State Administrative Tribunal Bill 2003 and the State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Bill 2003, Young Offenders Amendment Bill 2003; Uniform Legislation Committee (8) Commonwealth Powers (Defacto Relationships) Bill 2003, Australian Crime Commission (Western Australia) Bill 2003, Firearms Amendment Bill 2003, Architects Bill 2003, Workers' Compensation and Rehabilitation Amendment (Cross Border) Bill 2004, Reserves (National Parks, Conservation Parks and Nature Reserves) Bill 2004, Consumer Credit (Western Australia) Code Regulation Amendment Draft Order 2004, Reserves (National Parks, Conservation Parks and Other Reserves) Bill 2004 and 3 Select Committee Reserves (Reserve 43131) Bill 2003, Workers Compensation Reform Bill 2003 x 2.

## Committee Reports Tabled during the 36<sup>th</sup> Parliament - 2001-2004

| COMMITTEE REPORTS TABLED DURING THE 36TH PARLIAMENT<br>2001-2004 |            |          |            |
|--|------------|----------|------------|
| YEAR   | STANDING   | SELECT   | TOTAL      |
| 2001   | 12         | 0        | 12         |
| 2002   | 38         | 0        | 38         |
| 2003   | 21         | 3        | 24         |
| 2004   | 29         | 4        | 33         |
| <b>TOTALS</b>  | <b>100</b> | <b>7</b> | <b>107</b> |





**APPENDIX 2**  
**BILLS STATISTICS 2004**





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## **Bills Passed 2004**

1. Acts Amendment (Court of Appeal) Bill 2004
2. Acts Amendment (Domestic Violence) Bill 2004
3. Appropriation (Consolidated Fund) Bill (No. 1) 2004
4. Appropriation (Consolidated Fund) Bill (No. 2) 2004
5. Architects Bill 2003
6. Australian Crime Commission (Western Australia) Bill 2003
7. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2003
8. Carers Recognition Bill 2004
9. Children and Community Services Bill 2003
10. Civil Judgments Enforcement Bill 2003
11. Civil Liability Amendment Bill 2004
12. Community Protection (Offender Reporting) Bill 2004
13. Constitution (Parliamentary Privileges) Amendment Bill 2004
14. Construction Contracts Bill 2004
15. Coroners Amendment Bill 2004
16. Courts Legislation Amendment and Repeal Bill 2003
17. Criminal Appeals Bill 2004
18. Criminal Code Amendment Bill 2003
19. Criminal Code Amendment (Racial Vilification) Bill 2004
20. Criminal Injuries Compensation Amendment Bill 2004
21. Criminal Law Amendment (Criminal Property) Bill 2004
22. Criminal Law Amendment (Sexual Assault and Other Matters) Bill 2004
23. Criminal Law Amendment (Simple Offences) Bill 2004
24. Criminal Procedure and Appeals (Consequential Provisions) Bill 2004
25. Criminal Procedure Bill 2004
26. Dangerous Goods Safety Bill 2002
27. Director of Public Prosecutions Amendment Bill 2004
28. Disability Services Amendment Bill 2004
29. Electricity Industry Bill 2003
30. Electricity Legislation (Amendments and Transitional Provisions) Bill 2003
31. Evidence Amendment Bill 2004
32. Finance Brokers Control Amendment Bill 2003
33. Firearms Amendment Bill 2003
34. First Home Owner Grant Amendment Bill 2004
35. Forest Products Amendment Bill 2004
36. Freedom of Information Amendment Bill 2003

- 
37. Health Legislation Amendment Bill 2004
  38. Higher Education Bill 2003
  39. Human Reproductive Technology Amendment Bill 2003
  40. Human Reproductive Technology Amendment (Prohibition of Human Cloning) Bill 2003
  41. Industrial Hemp Bill 2003
  42. Justices of the Peace Bill 2003
  43. Kambalda Water and Wastewater Facilities (Transfer to Water Corporation) Bill 2004
  44. Local Government Amendment Bill 2003
  45. Loan Bill 2003
  46. Loans (Co-operative Companies) Bill 2004
  47. Magistrates Court Bill 2003
  48. Magistrates Court (Civil Proceedings) Bill 2003
  49. Marketing of Eggs Amendment Bill 2004
  50. Mines Safety and Inspection Amendment Bill 2004
  51. Mining Amendment Bill 2004
  52. Misuse of Drugs Amendment Bill 2003
  53. Nuclear Waste Storage (Prohibition) Amendment Bill 2003
  54. Ocean Gardens (Inc.) Bill 2003
  55. Occupational Safety and Health Legislation Amendment & Repeal Bill 2004
  56. Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Bill 2003
  57. Public and Bank Holidays Amendment Bill 2004
  58. Professional Standards Amendment Bill 2004
  59. Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Bill 2004
  60. Reserves (National Parks and Conservation Parks) Bill 2004
  61. Reserves (National Parks, Conservation Parks and Nature Reserves) Bill 2004
  62. Reserves (National Parks, Conservation Parks and Other Reserves) Bill 2004
  63. Retail Trading Hours Amendment (Referendums) Bill 2004
  64. Revenue Laws Amendment and Repeal Bill 2004
  65. Revenue Laws Amendment Bill 2004
  66. Revenue Laws Amendment (Tax Relief) Bill 2004
  67. Revenue Laws Amendment (Tax Relief) Bill (No. 2) 2004
  68. Road Traffic Amendment Bill 2003
  69. Road Traffic Amendment (Dangerous Driving) Bill 2004
  70. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2004
  71. Sentencing Legislation Amendment Bill 2004
  72. Small Business Guarantees Repeal Bill 2004
  73. State Administrative Tribunal Bill 2003
  74. State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Bill 2003

75. Treasurer's Advance Authorisation Bill 2004
76. Veterinary Preparations and Animal Feeding Stuffs Amendment Bill 2003
77. Victims of Crime Amendment Bill 2003
78. Western Australian College of Teaching Bill 2004
79. Western Australian Land Authority Amendment Bill 2003
80. Workers' Compensation (Common Law Proceedings) Bill 2004
81. Workers' Compensation and Rehabilitation Amendment (Cross Border) Bill 2004
82. Workers' Compensation Reform Bill 2004
83. Working with Children (Criminal Record Checking) Bill 2004
84. Young Offenders Amendment Bill 2004

## Bills Defeated 2004

1. Retail Shops and Fair Trading Legislation Amendment Bill 2003- Second reading not agreed to - 19/08/2004
2. Young Offenders Amendment Bill 2003 - Second reading not agreed to - 18/11/2004, Private Members Bill introduced by Hon Peter Foss, QC MLC

## Bills that did not Complete Passage 2004

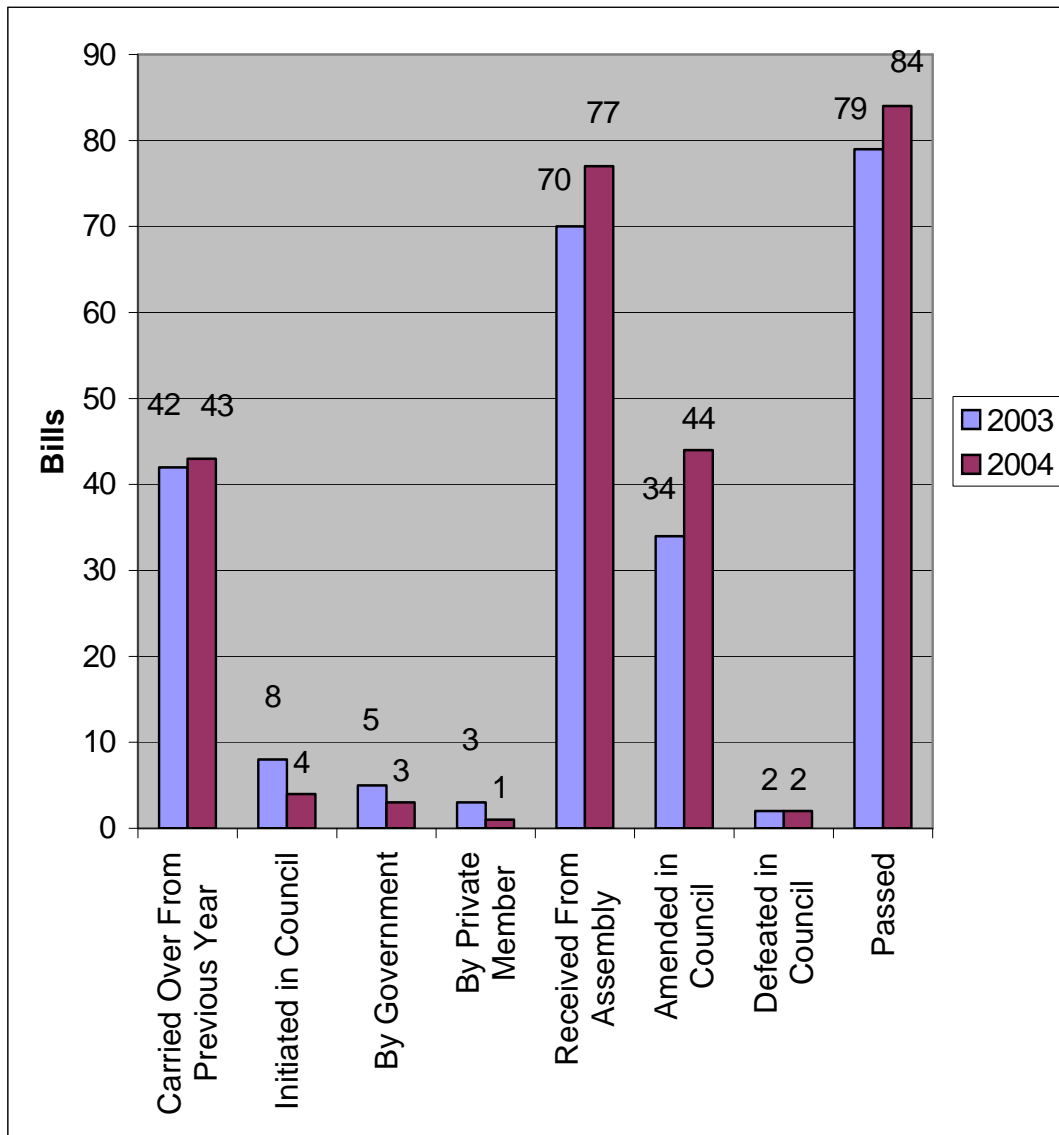
| BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2004 |          |  |   |
|---|----------|--|---|
| NO.   | BILL NO  | BILL NAME  | STAGE REACHED   |
| 1   | LA54-1   | Regional Investment Fund Bill 2001   | Committee Progress clause 5 (Thursday, March 21 2002) |
| 2   | LA99-1   | Yallingup Foreshore Land Bill 2002   | Committee (Friday, June 4 2004)                       |
| 3   | LC134-1B | Trans-Tasman Mutual Recognition (Western Australia) Bill 2002                  | Second Reading Adjourned (Wednesday, October 22 2003) |
| 4   | LC156-1  | Constitution Amendment Bill 2002   | Second Reading Adjourned (Thursday, October 24 2002)  |
| 5   | LA102-1B | National Crime Authority (State Provisions) Amendment Bill 2002                | Second Reading Adjourned (Thursday, June 20 2002)     |
| 6   | LA182-1  | Perth International Centre for Application of Solar Energy Amendment Bill 2003 | Second Reading Adjourned (Tuesday, May 6 2003)        |
| 7   | LA39-2   | Gene Technology Bill 2001  | Second Reading Adjourned (Friday, August 15 2003)     |
| 8   | LA40-1   | Gene Technology Amendment Bill 2001  | Second Reading Adjourned (Friday, August 15 2003)     |
| 9   | LA166-2  | Prostitution Control Bill 2003   | Second Reading Adjourned (Tuesday, August 12 2003)    |
| 10  | LA221-1  | Gas and Electricity Safety Legislation Amendment Bill 2003                     | Second Reading Adjourned (Tuesday, November 1 2002)   |

| <b>BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2004</b> |                |   |   |
|--|----------------|---|---|
| <b>No.</b>   | <b>BILL NO</b> | <b>BILL NAME</b>  | <b>STAGE REACHED</b>  |
| 11   | LA246-1        | Electricity Corporations Bill 2003  | Committee<br>(Friday, December 12 2003)   |
| 12   | LA238-1        | Machinery of Government (Water Resources) Amendment Bill 2003                     | Second Reading Adjourned<br>(Thursday, December 4 2003)   |
| 13   | LA237-1        | Water Resources Management (Administration) Bill 2003                             | Second Reading Adjourned<br>(Thursday, December 4 2003)   |
| 14   | LA 240-1       | Local Government (Miscellaneous Provisions) Amendment Bill 2003                   | Second Reading Adjourned<br>(Friday, December 5 2003)   |
| 15   | LA231-2        | Criminal Code Amendment Bill (No.2) 2003  | Second Reading Adjourned<br>(Tuesday, December 9 2003)  |
| 16   | LA239-1        | Commonwealth Powers (De Facto Relationships) Bill 2003                            | Second Reading Adjourned<br>(Thursday, June 3 2004)   |
| 17   | LA254-2        | Machinery of Government (Miscellaneous Amendments) Bill 2003                      | Second Reading Adjourned<br>(Tuesday May 11 2004)   |
| 18   | LA259-2B       | Oaths, Affidavits and Statutory Declarations Bill 2003                            | Second Reading Adjourned<br>(Tuesday, May 11 2004)  |
| 19   | LA255-2B       | Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2003 | Second Reading Adjourned<br>(Wednesday, May 12 2004)  |
| 20   | LA287-1        | Public Notaries Amendment Bill 2004   | Second Reading Adjourned<br>(Tuesday, June 22 2004)   |
| 21   | LA274-2        | Coal Industry Superannuation Amendment Bill 2004                                  | Second Reading Adjourned<br>(Thursday, June 24 2004)  |
| 22   | LA274-1        | Anzac Day Amendment Bill 2004   | Second Reading Adjourned<br>(Tuesday, September 28 2004)  |
| 23   | LA278-2        | Coal Miners' Welfare Amendment Bill 2004  | Second Reading Adjourned<br>(Friday, July 2 2004)   |
| 24   | LA309-1        | Partnership Amendment Bill 2004   | Second Reading Adjourned<br>(Wednesday, August 25 2004)   |
| 25   | LC322-1        | Statutes (Repeals and Minor Amendments) Bill 2004                                 | Second Reading Adjourned<br>(Wednesday, August 25 2004)   |
| 26   | LA320-2        | Royal Commissions (Powers) Amendment Bill 2004                                    | Second Reading Adjourned<br>(Thursday, August 26 2004)  |
| 27   | LA313-2B       | Planning and Development Bill 2004  | Second Reading Adjourned<br>(Tuesday, October 19 2004)  |
| 28   | LA314-2B       | Planning and Development (Consequential and Transitional Provisions) Bill 2004    | Second Reading Adjourned<br>(Tuesday, October 19 2004)  |
| 29   | LA317-1        | Metropolitan Region Improvement Tax Amendment Bill 2004                           | Second Reading Adjourned<br>(Tuesday, October 19 2004)  |
| 30   | LA339-1        | Contaminated Sites Amendment Bill 2004  | Second Reading Adjourned<br>(Thursday, November 11 2004)  |
| 31   | LA216-1B       | Health Amendment Bill 2004  | Second Reading Adjourned<br>(Tuesday, November 6 2004)  |
| 32   | LA345-2        | Limitation Legislation Amendment & Repeal Bill 2004                               | Referred to Legislation<br>Committee<br>Second Reading Adjourned<br>Wednesday, November 10 2004 |
| 33   | LA344-2        | Limitation Bill 2004  | Referred to Legislation<br>Committee<br>Second Reading Adjourned<br>Wednesday, November 10 2004 |

| <b>BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2004</b> |                |   |   |
|--|----------------|---|---|
| <b>No.</b>   | <b>BILL NO</b> | <b>BILL NAME</b>  | <b>STAGE REACHED</b>  |
| <b>PRIVATE MEMBERS BILLS</b>   |                |   |   |
| 34   | LC 149-1       | Voluntary Euthanasia Bill 2002<br><i>Hon Robin Chapple</i>            | Second reading continuation of remarks Hon Barbara Scott<br>Thursday, September 11 2003 |
| 35   | LC 172-1       | Burrup Peninsula (Crown Land) Bill 2002<br><i>Hon Robin Chapple</i>   | Second reading adjourned<br>Thursday, December 19 2002                                  |
| 36   | LC 269-1       | Cat Bill 2003<br><i>Hon Giz Watson</i>                                | Second reading adjourned<br>Thursday, December 11 2003                                  |
| 37   | LC 293-1       | Local Government (Straying Stock) Bill 2004<br><i>Hon Paddy Embry</i> | Second reading adjourned<br>Wednesday, May 12 2004                                      |
| 38   | LA 292-1       | State Flag Bill 2004<br><i>Hon Norman Moore</i>                       | Second reading adjourned<br>Tuesday, June 29 2004                                       |

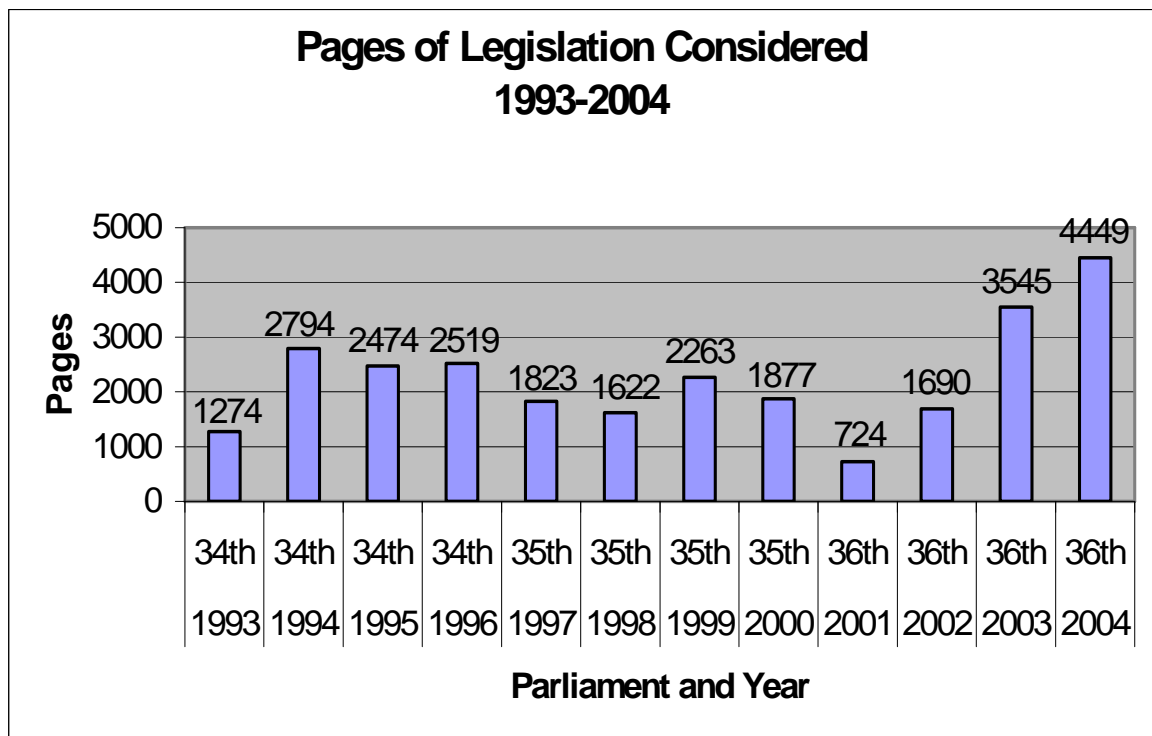
## Bills 2003/2004 Comparison

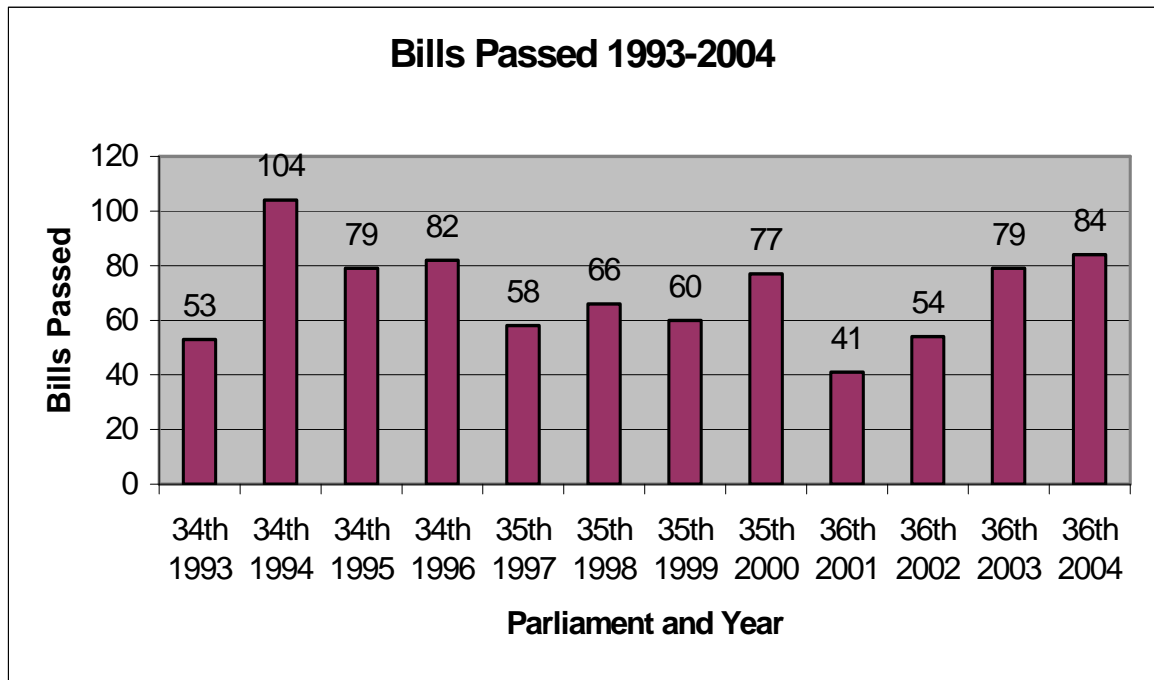
| Particulars                     | 2003 | 2004 |
|---------------------------------|------|------|
| Carried Over From Previous Year | 42   | 43   |
| Initiated in Council            | 8    | 4    |
| By Government                   | 5    | 3    |
| By Private Member               | 3    | 1    |
| Received From Assembly          | 70   | 77   |
| Amended in Council              | 34   | 44   |
| Defeated in Council             | 2    | 2    |
| Passed                          | 79   | 84   |



## Bills Passed and Legislation Volume Comparison 1993-2004

| Bills Passed and Pages of Legislation Considered 1993-2004 |            |                      |              |            |
|--|------------|----------------------|--------------|------------|
| Year   | Parliament | Pages of Legislation | Bills Passed | Total      |
| 1993   | 34th       | 1274                 | 53           |            |
| 1994   | 34th       | 2794                 | 104          |            |
| 1995   | 34th       | 2474                 | 79           |            |
| 1996   | 34th       | 2519                 | 82           | <b>318</b> |
| 1997   | 35th       | 1823                 | 58           |            |
| 1998   | 35th       | 1622                 | 66           |            |
| 1999   | 35th       | 2263                 | 60           |            |
| 2000   | 35th       | 1877                 | 77           | <b>261</b> |
| 2001   | 36th       | 724                  | 41           |            |
| 2002   | 36th       | 1690                 | 54           |            |
| 2003   | 36th       | 3545                 | 79           |            |
| 2004   | 36th       | 4449                 | 84           | <b>258</b> |







**APPENDIX 3**  
**BILLS PASSED AND AMENDMENTS**  
**PROPOSED IN 2004**



| <b>STATISTICS ON PROPOSED AMENDMENTS TO BILLS PASSED BY THE LEGISLATIVE COUNCIL<br/>DURING THE YEAR 2004</b> |          |         |  |   |      |      |             |            |      |       |       |
|--|----------|---------|--|---|------|------|-------------|------------|------|-------|-------|
|  | BILL No. | ACT No. | BILL SHORT TITLE   | Proposed amendments in published Supplementary Notice Papers (SNPs) |      |      |             |            |      |       |       |
|  |          |         |  | GOVT.   | LIB. | NAT. | GREENS (WA) | ONE NATION | IND. | CTEE. | TOTAL |
| 1  | 318-2    | 45      | Acts Amendment (Court of Appeal) Bill 2004   | 1   | 14   | 0    | 0           | 0          | 0    | 0     | 15    |
| 2  | 301-2    | 38      | Acts Amendment (Family and Domestic Violence) Bill 2004                                  | 26  | 4    | 0    | 1           | 0          | 0    | 0     | 31    |
| 3  | 289-1    | 14      | Appropriation (Consolidated Fund) Bill (No. 1) 2004                                      |   |      |      |             |            |      |       | 0     |
| 4  | 290-1    | 15      | Appropriation (Consolidated Fund) Bill (No. 2) 2004                                      |   |      |      |             |            |      |       | 0     |
| 5  | 241-1    | 75      | Architects Bill 2003   | 1   | 0    | 0    | 0           | 0          | 0    | 2     | 3     |
| 6  | 266-2B   | 74      | Australian Crime Commission (Western Australia) Bill 2003                                | 0   | 0    | 0    | 0           | 0          | 0    | 12    | 12    |
| 7  | 227-2    | 9       | Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2003 | 0   | 0    | 0    | 3           | 0          | 0    | 0     | 3     |
| 8  | 310-1    | 37      | Carers Recognition Bill 2004   |   |      |      |             |            |      |       | 0     |
| 9  | 265-2    | 34      | Children and Community Services Bill 2003  | 21  | 46   | 0    | 0           | 0          | 0    | 0     | 67    |
| 10   | 256-1    | 28      | Civil Judgements Enforcement Bill 2003   | 11  | 2    | 0    | 0           | 0          | 0    | 0     | 13    |
| 11   | 275-1B   | 43      | Civil Liability Amendment Bill 2004  | 0   | 2    | 0    | 0           | 0          | 0    | 0     | 2     |
| 12   | 336-1    | 72      | Community Protection (Offender Reporting) Bill 2004                                      | 1   | 0    | 0    | 0           | 0          | 0    | 0     | 1     |
| 13   | 328-1    | 41      | Constitution (Parliamentary Privileges) Amendment Bill 2004                              |   |      |      |             |            |      |       | 0     |
| 14   | 271-1    | 16      | Construction Contracts Bill 2004   |   |      |      |             |            |      |       | 0     |
| 15   | 276-1    | 22      | Coroners Amendment Bill 2004   |   |      |      |             |            |      |       | 0     |
| 16   | 263-2    | 59      | Courts Legislation Amendment and Repeal Bill 2003  | 18  | 0    | 0    | 0           | 0          | 0    | 2     | 20    |
| 17   | 332-1    | 60      | Criminal Appeals Bill 2004   |   |      |      |             |            |      |       | 0     |
| 18   | 187-2    | 4       | Criminal Code Amendment Bill 2003  | 11  | 0    | 0    | 0           | 0          | 0    | 28    | 39    |
| 19   | 331-2    | 80      | Criminal Code Amendment (Racial Vilification) Bill 2004                                  | 3   | 0    | 0    | 0           | 0          | 0    | 0     | 3     |
| 20   | 291-2    | 29      | Criminal Injuries Compensation Amendment Bill 2004                                       |   |      |      |             |            |      |       | 0     |
| 21   | 286-1    | 26      | Criminal Law Amendment (Criminal Property) Bill 2004                                     |   |      |      |             |            |      |       | 0     |
| 22   | 315-1    | 46      | Criminal Law Amendment (Sexual Assault and Other Matters) Bill 2004                      | 10  | 0    | 0    | 0           | 0          | 0    | 0     | 10    |
| 23   | 341-2    | 70      | Criminal Law Amendment (Simple Offences) Bill 2004                                       | 2   | 0    | 0    | 0           | 0          | 0    | 0     | 2     |
| 24   | 335-1    | 84      | Criminal Procedure and Appeals (Consequential Provisions) Bill 2004                      | 2   | 0    | 0    | 0           | 0          | 0    | 0     | 2     |
| 25   | 333-2    | 71      | Criminal Procedure Bill 2004   | 5   | 0    | 0    | 0           | 0          | 0    | 0     | 5     |

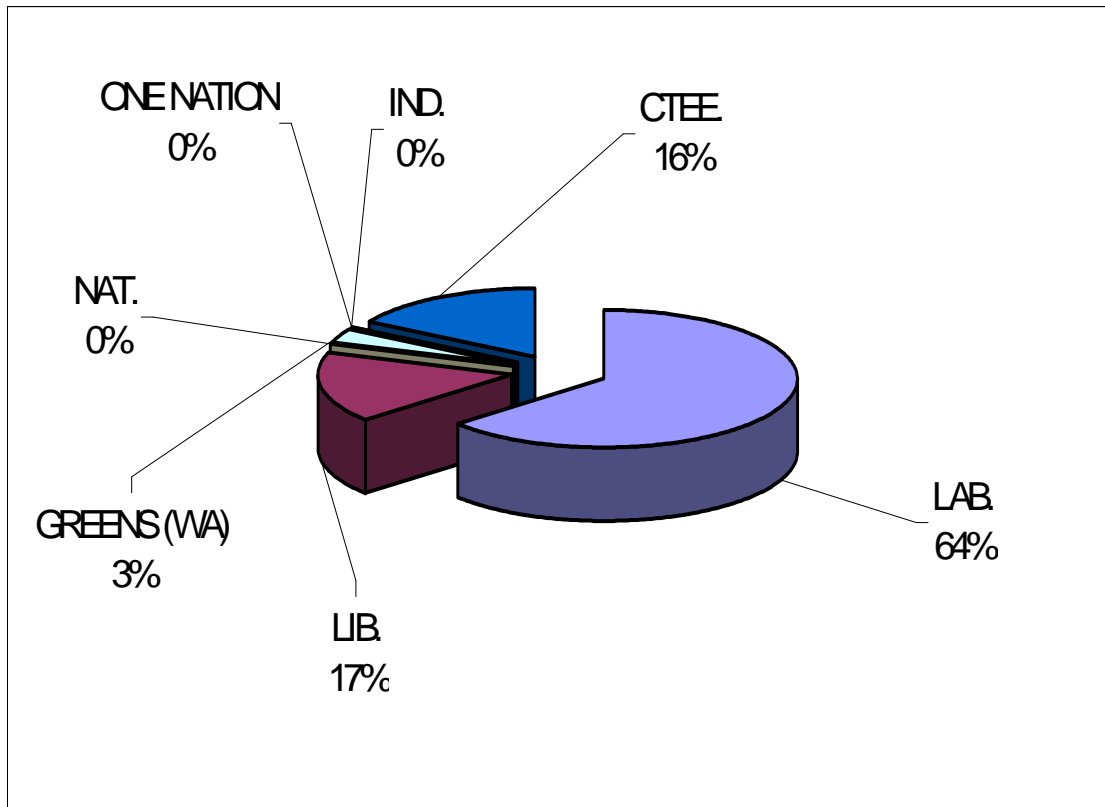
|    | BILL No. | ACT No. | BILL SHORT TITLE   | Proposed amendments in published Supplementary Notice Papers (SNPs) |      |      |             |            |      |       |       |     |
|----|----------|---------|--|---|------|------|-------------|------------|------|-------|-------|-----|
|    |          |         |  | GOVT.   | LIB. | NAT. | GREENS (WA) | ONE NATION | IND. | CTEE. | TOTAL |     |
| 26 | 168-2    | 7       | Dangerous Goods Safety Bill 2002   | 1   | 0    | 0    | 0           | 0          | 0    | 0     | 0     | 1   |
| 27 | 281-1    | 21      | Director of Public Prosecutions Amendment Bill 2004                                |   |      |      |             |            |      |       |       | 0   |
| 28 | 311-1    | 57      | Disability Services Amendment Bill 2004  |   |      |      |             |            |      |       |       | 0   |
| 29 | 249-1    | 5       | Electricity Industry Bill 2003   | 71  | 0    | 0    | 6           | 0          | 0    | 0     | 0     | 77  |
| 30 | 247-1    | 33      | Electricity Legislation Amendment Bill 2003  | 123   | 2    | 0    | 5           | 0          | 0    | 0     | 0     | 130 |
| 31 | 300-1    | 24      | Evidence Amendment Bill 2004   |   |      |      |             |            |      |       |       | 0   |
| 32 | 257-2    | 53      | Finance Brokers Control Amendment Bill 2003  | 0   | 1    | 0    | 0           | 0          | 0    | 0     | 0     | 1   |
| 33 | 251-2B   | 69      | Firearms Amendments Bill 2003  | 3   | 0    | 0    | 0           | 0          | 0    | 0     | 0     | 3   |
| 34 | 308-1    | 52      | First Homes Owners Grant Amendment Bill 2004                                       |   |      |      |             |            |      |       |       | 0   |
| 35 | 307-2    | 50      | Forest Products Amendment Bill 2004  | 1   | 0    | 0    | 0           | 0          | 0    | 0     | 0     | 1   |
| 36 | 206-2    | 56      | Freedom of Information Amendment Bill 2003   |   |      |      |             |            |      |       |       | 0   |
| 37 | 285-2    | 61      | Health Legislation Amendment Bill 2004   |   |      |      |             |            |      |       |       | 0   |
| 38 | 191-1    | 73      | Higher Education Bill 2003   | 1   | 0    | 0    | 0           | 0          | 0    | 0     | 10    | 11  |
| 39 | 212-2    | 17      | Human Reproductive Technology Amendment Bill 2003                                  | 26  | 2    | 0    | 1           | 0          | 0    | 0     | 1     | 30  |
| 40 | 235-1    | 18      | Human Reproductive Technology Amendment (Prohibition of Human Cloning) Bill 2003   | 11  | 0    | 0    | 0           | 0          | 0    | 0     | 1     | 12  |
| 41 | 250-1B   | 1       | Industrial Hemp Bill 2003  |   |      |      |             |            |      |       |       | 0   |
| 42 | 258-2    | 23      | Justices of the Peace Bill 2003  | 0   | 5    | 0    | 0           | 0          | 0    | 0     | 0     | 5   |
| 43 | 350-1    | 64      | Kambalda Water and Wastewater Facilities (Transfer to Water Corporation) Bill 2004 |   |      |      |             |            |      |       |       | 0   |
| 44 | 262-2B   | 49      | Local Government Amendment Bill 2003   | 19  | 0    | 0    | 16          | 0          | 0    | 0     | 0     | 35  |
| 45 | 196-1    | 13      | Loan Bill 2003   |   |      |      |             |            |      |       |       | 0   |
| 46 | 338-1    | 81      | Loans Co-operative Companies) Bill 2004  |   |      |      |             |            |      |       |       | 0   |
| 47 | 260-2    | 47      | Magistrates Court Bill 2003  | 29  | 0    | 0    | 0           | 0          | 0    | 0     | 38    | 67  |
| 48 | 261-2    | 48      | Magistrates Courts (Civil Proceedings) Bill 2003                                   | 6   | 0    | 0    | 0           | 0          | 0    | 0     | 4     | 10  |
| 49 | 302-2    | 20      | Marketing of Eggs Amendment Bill 2004  |   |      |      |             |            |      |       |       | 0   |
| 50 | 330-2    | 68      | Mines Safety and Inspection Amendment Bill 2004                                    |   |      |      |             |            |      |       |       | 0   |
| 51 | 297-1C   | 39      | Mining Amendment Bill 2004   | 0   | 2    | 0    | 0           | 0          | 0    | 0     | 0     | 2   |
| 52 | 202-1    | 62      | Misuse of Drugs Amendment Bill 2003  | 16  | 0    | 0    | 0           | 0          | 0    | 0     | 0     | 16  |
| 53 | 220-1    | 2       | Nuclear Waste Storage (Prohibition) Amendment Bill 2003                            |   |      |      |             |            |      |       |       | 0   |
| 54 | 242-1    | 3       | Ocean Gardens (Inc.) Bill 2003   | 0   | 9    | 0    | 0           | 0          | 0    | 0     | 0     | 9   |
| 55 | 282-2    | 51      | Occupational Safety and Health Legislation Amendment and Repeal Bill 2004          | 0   | 2    | 0    | 2           | 0          | 0    | 0     | 0     | 4   |

|    | BILL No. | ACT No. | BILL SHORT TITLE  | Proposed amendments in published Supplementary Notice Papers (SNPs) |      |      |             |            |      |       |       |   |     |
|----|----------|---------|---|---|------|------|-------------|------------|------|-------|-------|---|-----|
|    |          |         |   | GOVT.   | LIB. | NAT. | GREENS (WA) | ONE NATION | IND. | CTEE. | TOTAL |   |     |
| 56 | 248-1    | 40      | Pig, Potato and Poultry Industries (Compensation Legislation) Repeal Bill 2003              |   |      |      |             |            |      |       |       |   | 0   |
| 57 | 284-1    | 32      | Public and Bank Holidays Amendment Bill 2004  |   |      |      |             |            |      |       |       |   | 0   |
| 58 | 304-1    | 25      | Professional Standards Amendment Bill 2004  |   |      |      |             |            |      |       |       |   | 0   |
| 59 | 351-1B   | 77      | Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Bill 2004                   |   |      |      |             |            |      |       |       |   | 0   |
| 60 | 337-2    | 63      | Reserves (National Parks and Conservation Parks) Bill 2004                                  |   |      |      |             |            |      |       |       |   | 0   |
| 61 | 306-1    | 66      | Reserves (National Parks, Conservation Parks, Nature Reserves and Other Reserves) Bill 2004 | 0   | 0    | 0    | 6           | 0          | 0    | 0     | 0     | 0 | 6   |
| 62 | 346-1    | 79      | Reserves (National Parks, Conservation Parks and Other Reserves) Bill 2004                  |   |      |      |             |            |      |       |       |   | 0   |
| 63 | 354-1    | 78      | Retail Trading Hours Amendment (Referendums) Bill 2004                                      | 0   | 7    | 0    | 2           | 0          | 0    | 0     | 0     | 0 | 9   |
| 64 | 295-1    | 12      | Revenue Laws Amendment and Repeal Bill 2004   |   |      |      |             |            |      |       |       |   | 0   |
| 65 | 294-2    | 11      | Revenue Laws Amendment Bill 2004  |   |      |      |             |            |      |       |       |   | 0   |
| 66 | 353-1    | 82      | Revenue Laws Amendment (Tax Relief) Bill 2004   |   |      |      |             |            |      |       |       |   | 0   |
| 67 | 352-1    | 83      | Revenue Laws Amendment (Tax Relief) Bill (No. 2) 2004                                       |   |      |      |             |            |      |       |       |   | 0   |
| 68 | 233-1    | 6       | Road Traffic Amendment Bill 2003  |   |      |      |             |            |      |       |       |   | 0   |
| 69 | 299-1    | 44      | Road Traffic Amendment (Dangerous Driving) Bill 2004  | 0   | 25   | 0    | 0           | 0          | 0    | 0     | 0     | 0 | 25  |
| 70 | 273-2    | 10      | Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2004                  | 2   | 11   | 0    | 0           | 0          | 0    | 0     | 0     | 0 | 13  |
| 71 | 316-1    | 27      | Sentencing Legislation Amendment Bill 2004  |   |      |      |             |            |      |       |       |   | 0   |
| 72 | 272-1    | 31      | Small Business Guarantees Repeal Bill 2004  |   |      |      |             |            |      |       |       |   | 0   |
| 73 | 213-2    | 54      | State Administrative Tribunal Bill 2003   | 89  | 0    | 0    | 0           | 0          | 0    | 0     | 41    | 0 | 130 |
| 74 | 214-2    | 55      | State Administrative Tribunal (Conferral of Jurisdiction) Amendment and Repeal Bill 2003    | 244   | 0    | 0    | 0           | 0          | 0    | 0     | 97    | 0 | 341 |
| 75 | 298-1    | 19      | Treasurer's Advance Authorisation Bill 2004   |   |      |      |             |            |      |       |       |   | 0   |
| 76 | 185-1    | 76      | Veterinary Preparations and Animal Feeding Stuffs Amendment Bill 2003                       |   |      |      |             |            |      |       |       |   | 0   |
| 77 | 169-2    | 30      | Victims of Crime Amendment Bill 2003  |   |      |      |             |            |      |       |       |   | 0   |
| 78 | 219-2    | 8       | Western Australian College of Teaching Bill 2004  | 7   | 36   | 0    | 0           | 0          | 0    | 0     | 0     | 0 | 43  |
| 79 | 184-1    | 67      | Western Australian Land Authority Amendment Bill 2003                                       | 17  | 0    | 0    | 0           | 0          | 0    | 0     | 0     | 0 | 17  |

|    | BILL No. | ACT No. | BILL SHORT TITLE  | Proposed amendments in published Supplementary Notice Papers (SNPs) |      |      |             |            |      |       |             |
|----|----------|---------|---|---|------|------|-------------|------------|------|-------|-------------|
|    |          |         |   | GOVT.   | LIB. | NAT. | GREENS (WA) | ONE NATION | IND. | CTEE. | TOTAL       |
| 80 | 312-2    | 35      | Workers' Compensation (Common Law Proceedings) Bill 2004                    | 4   | 0    | 0    | 0           | 0          | 0    | 0     | 4           |
| 81 | 296-1    | 36      | Workers' Compensation and Rehabilitation Amendment (Cross Border) Bill 2004 |   |      |      |             |            |      |       | 0           |
| 82 | 288-2    | 42      | Workers' Compensation Reform Bill 2004                                      | 2   | 0    | 0    | 0           | 0          | 0    | 0     | 2           |
| 83 | 347-2    | 65      | Working with Children (Criminal Record Checking) Bill 2004                  |   |      |      |             |            |      |       | 0           |
| 84 | 305-2    | 58      | Young Offenders Amendment Bill 2004   |   |      |      |             |            |      |       | 0           |
|    |          |         | <b>TOTAL AMENDMENTS PROPOSED</b>  | 784   | 170  | 0    | 42          | 0          | 0    | 236   | <b>1232</b> |
|    |          |         | <b>TOTAL AMENDMENTS PROPOSED BY PARTIES</b>                                 | 784   | 170  | 0    | 42          | 0          | 0    |       |             |
|    |          |         | 84 Bills passed during 2004   |   |      |      |             |            |      |       |             |
|    |          |         | 44 Bills amended during 2004  |   |      |      |             |            |      |       |             |
|    |          |         | 43 Bills with proposed amendments published in SNPs                         |   |      |      |             |            |      |       |             |
|    |          |         | 39 Bills passed with amendments proposed in SNPs                            |   |      |      |             |            |      |       |             |

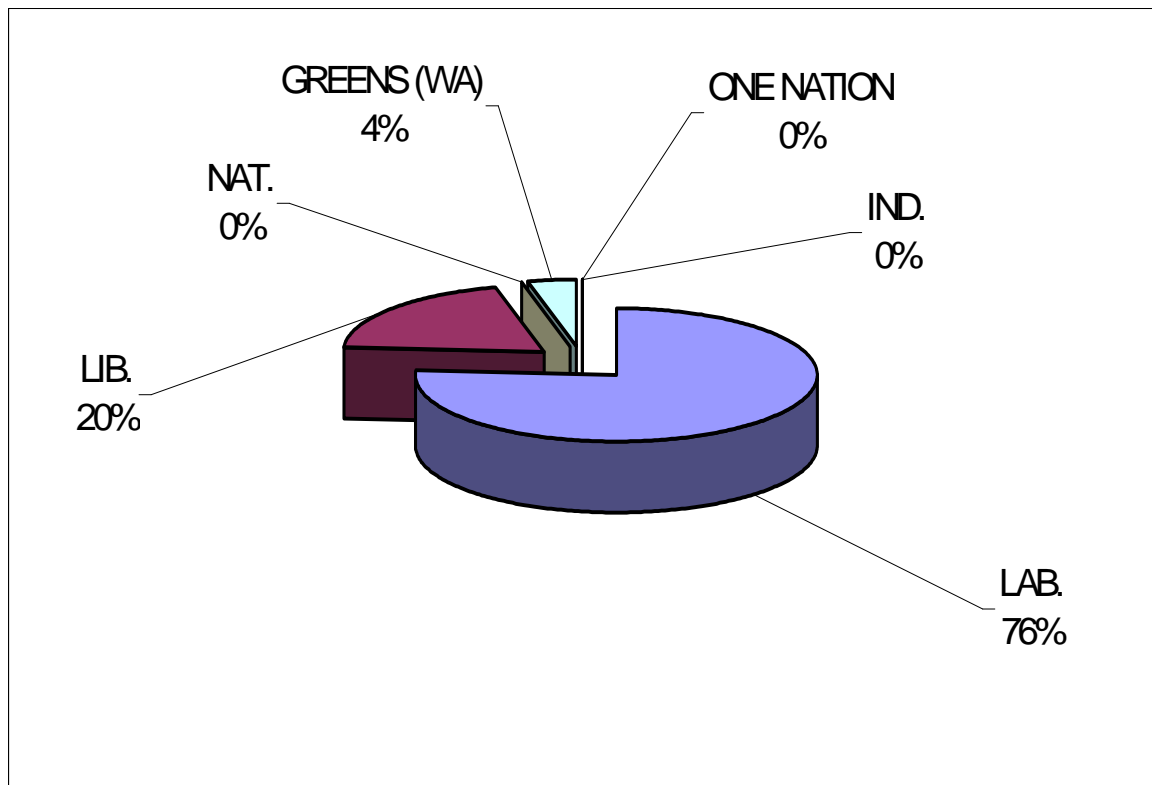
### Amendments Contained on Supplementary Notice Papers

| LAB. | LIB. | NAT. | GREENS (WA) | ONE NATION | IND. | CTEE. | TOTAL |
|------|------|------|-------------|------------|------|-------|-------|
| 763  | 200  | 0    | 40          | 0          | 0    | 195   | 1198  |



## Amendments Contained on Supplementary Notice Papers by Party

| LAB. | LIB. | NAT. | GREENS (WA) | ONE NATION | IND. | TOTAL |
|------|------|------|-------------|------------|------|-------|
| 763  | 200  | 0    | 40          | 0          | 0    | 1003  |





**APPENDIX 4**  
Sitting Schedule 2004



## Sitting Schedule 2004



### LEGISLATIVE COUNCIL SITTING DATES 2004

|                       |                             |   |                             |
|-----------------------|-----------------------------|---|-----------------------------|
| <b>WEEK 1</b>         | Tuesday, March 2            | — | Friday, March 5             |
| <b>WEEK 2</b>         | Tuesday, March 9            | — | Friday, March 12            |
| <b>RECESS 2 WEEKS</b> |                             |   |                             |
| <b>WEEK 3</b>         | Tuesday, March 30           | — | Friday, April 2             |
| <b>WEEK 4</b>         | Tuesday, April 6            | — | Thursday, April 8           |
| <b>RECESS 3 WEEKS</b> |                             |   |                             |
| <b>WEEK 5</b>         | Tuesday, May 4              | — | Friday, May 7               |
| <b>WEEK 6</b>         | Tuesday, May 11             | — | Friday, May 14              |
| <b>RECESS 2 WEEKS</b> |                             |   |                             |
| <b>WEEK 7</b>         | Tuesday, June 1             | — | Friday, June 4              |
| <b>WEEK 8</b>         | Tuesday, June 8             | — | Thursday, June 10***        |
| <b>RECESS 1 WEEK</b>  |                             |   |                             |
| <b>WEEK 9</b>         | Tuesday, June 22            | — | Friday, June 25             |
| <b>WEEK 10</b>        | Tuesday, June 29            | — | Friday, July 2              |
| <b>RECESS 3 WEEKS</b> |                             |   |                             |
| <b>WEEK 11</b>        | Wednesday July 28*          |   |                             |
| <b>RECESS 2 WEEKS</b> |                             |   |                             |
| <b>WEEK 12</b>        | Tuesday, August 17          | — | Friday, August 20           |
| <b>WEEK 13</b>        | Tuesday, August 24          | — | Friday, August 27           |
| <b>RECESS 3 WEEKS</b> |                             |   |                             |
| <b>WEEK 14</b>        | Tuesday, September 21       | — | Friday, September 24        |
| <b>WEEK 15</b>        | Tuesday, September 28       | — | Wednesday, September 29**   |
| <b>RECESS 2 WEEKS</b> |                             |   |                             |
| <b>WEEK 16</b>        | Tuesday, October 19         | — | Friday, October 22          |
| <b>WEEK 17</b>        | Tuesday, October 26         | — | Thursday, October 28        |
| <b>RECESS 1 WEEK</b>  |                             |   |                             |
| <b>WEEK 18</b>        | Tuesday, November 9         | — | Friday, November 12         |
| <b>WEEK 19</b>        | Tuesday, November 16        | — | Friday, November 19         |
| <b>WEEK 20</b>        | <b>Tuesday, November 23</b> | — | <b>Friday, November 26~</b> |
| <b>WEEK 21</b>        | <b>Tuesday, November 30</b> | — | <b>Friday, December 3~~</b> |

\* Joint Meeting of the Legislative Council and the Legislative Assembly

\*\* Regional Sitting of the Legislative Council at Kalgoorlie-Boulder

\*\*\* Legislative Council Estimates Hearings

~ Indicates extra sitting week (November 19 2004 - change to December 2003 Sessional Orders)

~~ Indicates extra sitting week (November 25 2004 - change to amended Sessional Orders adopted on November 19 2004). The House adjourned on Wednesday, December 1 2004 and did not sit on Thursday, December 2 or Friday, December 3.

**NB - House will not sit on Friday in Weeks 4, 8, 11, 15 and 17.**