



Parliament of Western Australia

Structure and Function

A guide to understanding Western Australia's
parliamentary processes and procedures.



Parliamentary Publications available

Legislative Council of Western Australia. Membership Register, Electoral Law and Statistics 1890–1989. David Black, 1989. Revised 1991.

Biographical Register of Members of the Parliament of Western Australia, Volume One 1870–1930. David Black and Geoffrey Bolton, 1990. Revised and updated 2001.

Biographical Register of Members of the Parliament of Western Australia, Volume Two 1930–2010. David Black and Geoffrey Bolton, 2011.

The House on the Hill. A History of the Parliament of Western Australia 1832–1990. David Black (ed.), 1991.

Legislative Council of Western Australia: Elections and Electoral Law 1867–1890. David Black and Brian de Garis, 1992.

Making a Difference: A Frontier of Firsts. Women in the Western Australian Parliament 1921–2012. David Black and Harry Phillips, 2012.

House to House: The Story of Western Australia's Government and Parliament Houses over 175 years. Phillip Pental and David Black, 2004.

Election Statistics: Legislative Assembly of Western Australia 1890–1996. David Black, 1997.

Speakers and Presidents of the Western Australian Parliament, Harry Phillips, 2004.

Parliament: Mirror of the People? Members of the Parliament of Western Australia 1890–2007, Phillip Pental, David Black and Harry Phillips, 2007.

An Index to Parliamentary Candidates in Western Australian Elections State and Federal 1890–2014. David Black, 2014.

The Western Australian Parliamentary Handbook, Twenty-Third Edition, edited by David Black, 2014.

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Second Reading: Parliamentary Government in Western Australia, Harry Phillips, 2004. (Third internet ed. 2014)[†] Available at: <http://www.parliament.wa.gov.au/WebCMS/webcms.nsf/content/Parliamentary-education-office-resources-and-publications>.

Notes on the Parliament in Western Australia: Student Resource Book (revised 2015).

About Parliament Fact Sheet series[†] Available at:

<http://www.parliament.wa.gov.au/WebCMS/webcms.nsf/content/Parliamentary-education-office-about-parliament-fact-sheet>.

A variety of educational videos are available to view at

<http://www.parliament.wa.gov.au/WebCMS/webcms.nsf/content/Parliamentary-education-office>

A Citizen's Guide to the Western Australian Parliament. Harry Phillips, 2015.



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Contents

| | |
|---|-----------|
| <i>PARLIAMENT OF WESTERN AUSTRALIA WEBSITE.....</i> | <i>6</i> |
| <i>ORIGINS OF PARLIAMENT</i> | <i>7</i> |
| <i>CONSTITUTIONS</i> | <i>9</i> |
| THE NATURE OF A CONSTITUTION | 9 |
| CONSTITUTIONS AND HISTORY | 9 |
| CONSTITUTIONS AS STATUTES | 10 |
| CONSTITUTIONS AND THE AUSTRALIAN COLONIES | 10 |
| <i>THE DIVISION OF POWERS</i> | <i>11</i> |
| FEDERAL—STATE BALANCE..... | 12 |
| <i>GOVERNMENT IN AUSTRALIA</i> | <i>14</i> |
| <i>WESTERN AUSTRALIAN CONSTITUTION.....</i> | <i>15</i> |
| <i>PARLIAMENT AND GOVERNMENT</i> | <i>16</i> |
| <i>THE LEGISLATIVE COUNCIL</i> | <i>17</i> |
| ROLE OF THE LEGISLATIVE COUNCIL..... | 18 |
| <i>THE LEGISLATIVE ASSEMBLY.....</i> | <i>19</i> |
| ROLE OF THE LEGISLATIVE ASSEMBLY | 20 |
| <i>PARLIAMENT AND THE EXECUTIVE</i> | <i>21</i> |
| <i>LEGISLATIVE PROCESS.....</i> | <i>23</i> |
| <i>PARLIAMENTARY PRIVILEGE.....</i> | <i>25</i> |
| <i>PARLIAMENTARY COMMITTEES.....</i> | <i>27</i> |
| GENERAL TYPES OF COMMITTEES | 27 |
| <i>HANSARD</i> | <i>29</i> |

WOMEN IN WESTERN AUSTRALIA'S PARLIAMENT.....31

PETITIONS.....32

YOU AND YOUR MEMBER OF PARLIAMENT32

ELECTORAL REFORM.....32

PARLIAMENT HOUSE BUILDING.....32

PARLIAMENT OF WESTERN AUSTRALIA WEBSITE

www.parliament.wa.gov.au The Parliament of Western Australia has a comprehensive site on the internet which provides current information about your Parliament, legislation proceeding through the Houses, and activities of Parliamentary Committees. It is hoped that those with access to the internet will take time to explore the site and learn more about their Parliament, the role of their representatives in Parliament and how they can participate in our Parliamentary democracy. If our democracy is to function properly, it is important to have a good understanding of how the system works.

The contents of the site, which are regularly updated, include:

- General information about the functions of Parliament and Government, the legislative process, Parliamentary operations, office holders, symbols of Parliament and the chambers of the Parliament;
- each Member of Parliament's address, contact numbers and biographical information;
- details of progress of Bills through the Parliament, including electronic copies of the Bills and Explanatory Memoranda;
- sitting and recess dates of the Houses, including electronic copies of the Notice Papers and Minutes/Votes and Proceedings for each House;
- Committee details for both Houses, including contact details and electronic copies of Committee reports, and transcripts of public hearings and Government responses to Committee reports;
- information about the Parliamentary Education Office, its services and booking details;
- the Hansard record of Parliamentary debates since 1870;
- live viewing of proceedings in the Legislative Assembly and the Legislative Council; and
- a virtual tour of Parliament House.

As the site is under constant development it is suggested you visit the site regularly.

ORIGINS OF PARLIAMENT

The institution of Parliament has a long, chequered and often violent history dating back many centuries to medieval England. While retaining its historical continuity, the name, powers and constitution of the assembly have varied from time to time.

The word 'Parliament' originally meant '**a talk**' and comes from the Latin word *parliamentum* and the French word *parler*. It is generally acknowledged that the Parliament is partly derived from the Anglo-Saxon Witan (Council of the Wise) and the Norman Curia Regis (the court of the King's feudal vassals).

The institution evolved to become an assembly of the greater barons and ultimately developed into the hereditary House of Lords. This system came to be known as the Westminster system because as far back as the reign of Edward the Confessor (1042-1066) Westminster was recognised as the home of the English National assembly. The knights and barons of the realm, who exclusively represented landowners, could never have formed a popular chamber entitled to speak in the name of the whole community.

Thus in 1265, Simon de Montfort, Earl of Leicester, issued writs for the shires not only to return two knights but also to return two citizens from each city and two representatives from each borough. History has therefore credited him with being the founder of the House of Commons.

The plan by Simon de Monfort to call a central assembly of elected representatives from the cities and towns was reinforced in 1295 by the summoning of the Model Parliament. It was so called because it set the pattern of a National Parliament which has been substantially retained ever since. This is not to say its existence was assured. In fact over the next 30 years it was precarious.

During succeeding centuries, although Parliament had become established as an institution and accrued significant power and influence there existed an often violent struggle between Crown and Parliament for control of taxation, spending and lawmaking. Eventually Parliament prevailed with the Monarch assuming a ceremonial role, routinely approving Parliament's decisions (see page 21, Parliament and the Executive).

Expansion of the British Empire resulted in the Westminster system of Parliament, or variants of it, being exported all over the world including Australia. While this system was invariably adapted to suit local requirements, the basic structure of the Westminster system was retained.



CONSTITUTIONS

THE NATURE OF A CONSTITUTION

A Constitution is a basic set of rules by which a State or nation is governed. While a Constitution was drafted by politicians rather than by the whole population, it is imperative that the people agree to support it.

It is important that a consensus is maintained on that point, so that Governments formed under the provisions of a Constitution are recognised by the people; and therefore possess legitimacy.

CONSTITUTIONS AND HISTORY

Constitutions need not be written documents set down at a specific time. The rules for governing a nation can evolve over centuries from practices that gain gradual acceptance. What emerges is a series of laws and customs—often called conventions—each recognising the claims of other groups to a voice in society's affairs.

In the English system constitutional change involved the spread of political power from one person—the Monarch—to an increasing number of citizens. This culminated during the late nineteenth century in the system of responsible Government in which representatives, freely and regularly elected by the people, are given final charge of society's affairs.

The slow evolution of the English Constitution meant that many practices came to be accepted without being recorded in detailed laws. Their very age gave such conventions power to determine the conduct of politicians and Governments.

These conventions formed a major part of the Westminster Parliamentary system and were similarly adopted in countries that followed the English pattern of Government.

CONSTITUTIONS AS STATUTES

Since Constitutions are seen as providing the foundations of Government they are usually given special status in law. They are not normally amended in the same way as ordinary Statutes that can be changed by a majority vote in the Legislature. Consequently, Constitutions often require special forms of assent before they can be amended. Some jurisdictions require an absolute majority of the whole number of Members of the Legislature. In other jurisdictions the voters themselves are asked to approve constitutional change; this is known as a Referendum.

CONSTITUTIONS AND THE AUSTRALIAN COLONIES

As the European population of the Australian colonies grew, the settlers demanded a larger role in governing their own affairs. The British authorities were ready to make concessions, so between 1855 and 1860 all of the colonies except Western Australia gained responsible Government.

Prior to self-Government in Western Australia, the Governor was the agent of the Colonial Office in London. This meant that the Governor had the power to override or veto legislation on the advice of the British Colonial Office.

Following the granting of responsible Government to Western Australia in 1890, the Governor acted on the advice of the Premier and Ministers who had been elected to Parliament by the people of the State.

This meant the colonial Legislatures had almost complete authority to determine their own separate affairs, including the power to amend their own Constitutions if they wished. Consequently, the Constitutions of the Australian colonies set out in writing the oldest and most basic features of English Government.

Essentially the Australian Constitution and the Constitutions of the States detail the organisational and institutional arrangements of Government, and in fact are statements of the powers allowed by the people to their Government and at least, by implication, a definition of the limits of those powers.

THE DIVISION OF POWERS

The Australian Commonwealth Constitution, proclaimed in 1901, allocated legislative powers to the Commonwealth and the States. Neither the Commonwealth Parliament nor the State Parliaments can make laws inconsistent with the Australian Constitution. The specific powers of the Commonwealth Parliament were listed. Some were to be exclusively exercised by the Commonwealth and are called **exclusive powers**. Examples include—

- Defence
- Foreign Affairs
- Currency

If a State Parliament attempts to make laws about any matters that the Commonwealth Parliament has exclusive power over, then the State law is invalid.

All other powers are those not mentioned in the Commonwealth Constitution and remain with the States. These are called **residual powers** and only State Parliaments can make laws about them. Examples include—

- Law and Order
- Transport
- Primary Industry

There are some powers that can be exercised by both the States and the Commonwealth. These are called **concurrent powers**. Examples include—

- Taxation
- Education
- Health

When the State and Commonwealth Parliaments are able to pass legislation on the same matter (concurrent), the laws made in a State will apply only within that State. In the case of the State law being inconsistent with the Commonwealth law, the State law may be ruled invalid.

FEDERAL—STATE BALANCE

The Australian Constitution granted to the Federal Government those powers which at the end of the nineteenth century seemed essential for its purposes.

The colonies saw the process as a transfer of certain functions to a different, but not superior, level of Government. The original notion of federalism was a steady balance between Governments. Each was intended to operate more or less independently of the other. That proposed arrangement has been termed coordinate federalism, meaning an arrangement between partners of equal rank. It soon became apparent that coordinate federalism could not succeed. The National Government began to expand its role in the early years of federation and there emerged a new relationship between the Commonwealth and the States.

The federal balance has swung very much towards the Commonwealth. Changes in the balance can be presented almost entirely in terms of financial control, simply because every activity of Government involves the spending of money in one way or another.

As the Federal Government's activities and powers came to overlap those of the States, it was necessary for the Governments to work together rather than in separate spheres of activity. This arrangement has been termed cooperative federalism. However, as far as the States were concerned the cooperation was a matter of necessity, not choice.

The States still provide the greatest number of services essential to the community, together with much of the infrastructure for social and economic development.

The extent of State functions can be gauged simply by glancing through the Government pages in the telephone directory.

The very kinds of services that the States provide present problems for a number of reasons. Most of these services, such as transport, health and education are taken for granted in modern society.

Nevertheless, these facilities are so important that failures or breakdown may result in the public's immediate condemnation of the authorities concerned. Since most of these services are labour intensive, running costs are relatively high. Thus the States have continued to be the main providers of services, as opposed to cash benefits, but have been denied direct control over the money needed to provide those services.

The system of federalism is unusual in that it has evolved to provide the National Government with disproportionate control over finance through federal control of income tax and increased use of direct grants power (s96). The use of "tied" grants has allowed the Commonwealth Government to influence policy in areas that do not fall within its powers in its Constitution.

Cooperative federalism is a convenient term to describe an arrangement that has more often produced tension than mutual assistance



GOVERNMENT IN AUSTRALIA

| | FEDERAL | STATE | LOCAL |
|--|---|--|--|
| Head of State | Governor-General | Governor | Minister responsible for Local Government |
| Head of Government | Prime Minister | Premier | Shire President/ Mayor |
| Executive | Cabinet | Cabinet | No executive |
| Representatives | MP or Senator | MLA or MLC | Councillor |
| Government money from: | Goods & Services Tax (GST) Other taxes | State taxes Federal Govt Other sources | Local rates Federal/ State Other sources |
| Examples of Responsibilities | Defence Foreign Affairs Currency Customs | Education Police Energy Water Transport | Local Roads Parks / ovals Rubbish Local planning Libraries |
| Commonwealth State shared Responsibilities through the use of tied grants | Aboriginal Affairs Education Health Elections Community Services Housing | | |

WESTERN AUSTRALIAN CONSTITUTION

The Constitution of Western Australia comprises two Acts, the Constitution Act 1889 and the Constitution Acts Amendment Act 1899.

The Constitution Act empowers the Legislature to make laws for the **“peace, order and good Government of the colony of Western Australia and its Dependencies”**. The following are the main provisions of the Constitution:

- Executive power is constitutionally vested in the Governor but subject to the advice of the Cabinet;
- the Ministers comprising the Cabinet are expected to hold office only while retaining the confidence of the Lower House;
- at least one Minister is to be drawn from the Legislative Council;
- to become law, all Bills require the assent of the Governor;
- the Governor has the power to prorogue both Houses and to dissolve the Legislative Assembly; and
- the Governor does not have the power to dissolve the Legislative Council.

Under **Section 46** of the Constitution Acts Amendment Act 1899, both Houses have equal rights in respect of legislation. The exception is the introduction of **“money”** Bills, which can only be introduced in the **Legislative Assembly**.

A referendum was not a required part of the process for constitutional change until 1978 when section 73 of the Constitution Act 1889 was amended to necessitate the holding of a referendum before implementing constitutional change in respect of the following:

- The abolition of, or alteration in, the office of Governor;
- the abolition of the Legislative Council or Legislative Assembly;
- the Legislative Council or the Legislative Assembly to comprise Members other than Members chosen directly by the people;
- a reduction in the number of Members of the Legislative Council or the Legislative Assembly; and
- matters affecting certain other sections of the Constitution, including section 73 itself.

PARLIAMENT AND GOVERNMENT

The Western Australian Parliament consists of Her Majesty, the Queen (represented by Her Excellency the Governor), the Legislative Council and the Legislative Assembly. All three work together to carry out the work of Parliament.

THE WORK OF PARLIAMENT

The principal functions of Parliament are:

- (i) to provide the Executive (Ministry);
- (ii) to debate and pass, reject, or amend or repeal legislation;
- (iii) to examine Government administration and expenditure;
- (iv) to approve finance for Government operations;
- (v) to provide a forum for the ventilation of matters of public concern;
- (vi) to provide representation for the people of Western Australia; and
- (vii) to educate the public about aspects of the work of Parliament.

WHAT IS GOVERNMENT?

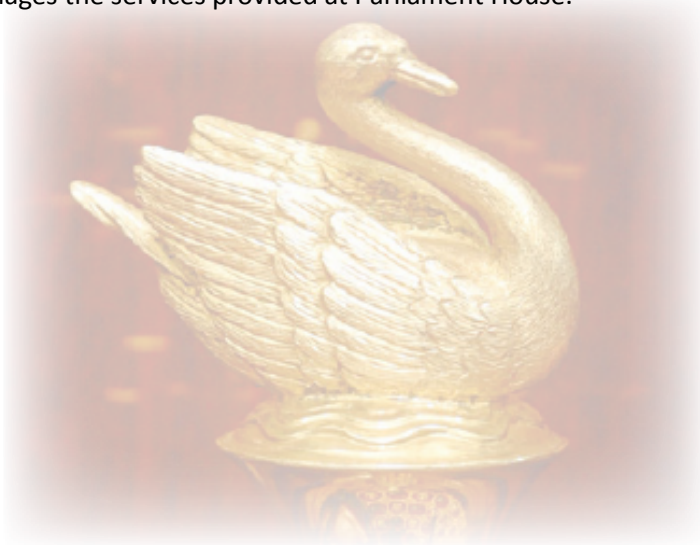
Sometimes people confuse the Parliament with the Government. So what exactly is the Government and how is it different from the Parliament? Parliament includes not only Government Members but also the Opposition, minor parties and independents, whereas only the Ministers could properly be described as the Government (also known as the Cabinet or the Executive). However, in practice, the Government is considered to be those Cabinet Ministers plus their party colleagues on the backbenches.

The Government makes important decisions, but these must be approved by the Parliament. In its original role Parliament has always had the power to discuss, and in doing so it increasingly came to question, criticise, scrutinise, and, if necessary, condemn the actions of Government.

THE LEGISLATIVE COUNCIL

The Legislative Council or **“Upper House”** of the Western Australian Parliament is also referred to as a **“House of Review”**. A Member of the Legislative Council (MLC) is elected for a fixed term of four years beginning on 22 May following a general election. Members are elected by proportional representation from six multi-Member regions in Western Australia. Legislation passed in 2005 and effective from 22 May 2009 (the Electoral Amendment and Repeal Act 2005) increased the size of the Legislative Council from 34 Members to 36 Members. All six regions now consist of six Members each.

The President is the Presiding Officer of the Legislative Council. At the commencement of a new Legislative Council term, the Members of that House elect a President. The President maintains order in the Council Chamber, chairs debates and exercises a casting vote when the votes are equal. The President of the Legislative Council and the Speaker of the Legislative Assembly are jointly responsible for the administration of the Parliamentary Services Department that manages the services provided at Parliament House.

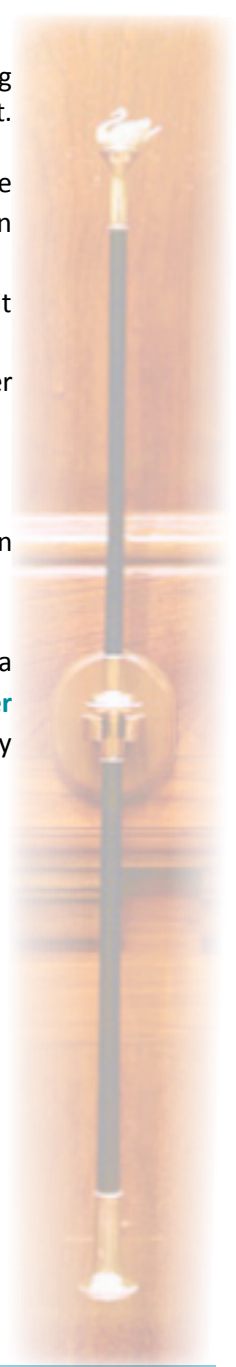


ROLE OF THE LEGISLATIVE COUNCIL

The Legislative Council plays an important role in scrutinising and reviewing legislation and the activities of Government. As a **“House of Review”** the Legislative Council can:

- Make new laws and amend and review existing State laws for the peace, order and good Government of Western Australia;
- scrutinise the activities of the Government and keep it accountable to the people;
- examine and debate proposed legislation and refer matters to the Council Committee system;
- approve finance for Government business;
- advise Government on public policy; and
- raise and examine issues that are of concern to Western Australians.

At least one Member of the Legislative Council must be a Minister. Although Bills can be introduced in the **“Upper House”**, the Legislative Council cannot initiate or amend money Bills.



THE LEGISLATIVE ASSEMBLY

The Legislative Assembly or “**Lower House**” is the House that determines which party or coalition of parties will form the Government. Through a preferential voting system, eligible voters in Western Australia elect one person to represent them from the electoral district in which they live. To be eligible to vote, a person must be an Australian citizen aged 18 years or older and enrolled to vote. Electors who are aged 16 or 17 years can provisionally enroll to vote. They can only vote when they reach 18 years of age. Voting is compulsory in federal and State elections, by-elections and referendums. The 59 elected Members (MLAs) form the Legislative Assembly for a maximum of four years. When the results of a general election are known, Her Excellency the Governor, commissions the leader of the party or coalition of parties with the majority of seats in the Legislative Assembly to form Government.

The Speaker is the Presiding Officer of the Legislative Assembly and is elected by secret ballot from the Members of that House at the commencement of each new Parliament. The Speaker is usually a Member of the political party in Government but is impartial and does not participate in debates. When votes are equal on the floor of the House, the Speaker has a casting vote.

The role of the Speaker is to maintain order in the Legislative Assembly, put questions after debate and conduct divisions. The Speaker of the Legislative Assembly and the President of the Legislative Council are jointly responsible for the administration of the Parliamentary Services Department that manages operations at Parliament House.

ROLE OF THE LEGISLATIVE ASSEMBLY

The Legislative Assembly of Western Australia is vested with the power to:

- Make new laws and amend and review existing State laws for the peace, order and good Government of Western Australia;
- provide the Executive (Ministry) to administer the affairs of Government;
- scrutinise the activities of Government and keep it accountable to the people of Western Australia;
- examine and debate proposed legislation and matters referred to it through the Assembly Committee system;
- approve finance for Government business;
- advise Government on public policy; and
- raise **and** examine issues that are of concern to Western Australians.

Most Government Ministers are Members of the Legislative Assembly so the majority of Bills are introduced there. This includes money Bills which constitutionally can only be introduced in the “**Lower House**”.



PARLIAMENT AND THE EXECUTIVE

There still exists a centuries old contrast between Parliament and the Executive. Originally, Executive power resided with the Monarch and his chosen Ministers and the Monarch was expected to fund the costs of Government out of his own resources. However, as the expenses of Government expanded, particularly in relation to defending the Kingdom, the Monarch became dependent on the Parliament for funding to meet these expenses. Parliament had sole authority to levy taxes on the people. Increasingly, as the people's representatives, it demanded greater consultation on the purposes and uses to which these funds were being applied.

Whenever Parliament sought to regulate the life of society through legislation, its proposed statutes required the Monarch's approval for them to have the power of law.

This situation of mutual dependence between Monarch and Parliament led to frequent disputes, with each party seeking to gain power at the expense of the other. Over a period of several centuries of acrimony and intermittent violence, power gradually shifted from the Monarch to the Parliament, culminating in the seventeenth century struggle between royal prerogative and Parliamentary sovereignty.

This erupted into armed conflict in the English Civil War of 1642-49 in which King Charles I was defeated and eventually beheaded. James II (1685-88) unsuccessfully tried to reassert royal dominance over Parliament but was forced to abdicate in the Glorious Revolution of 1688.

In 1689 James' successors swore to observe Parliament's Bill of Rights, which determined that no future King or Queen would ever again be able to dictate to Parliament.

While today's representative Parliament differs greatly from these earlier ones, it still performs the same essential functions of discussing and acting on society's affairs. Nowadays, the Executive is chosen from amongst the elected representatives—so power now centres on the Parliament and not on the Monarch. However, some tension between the Executive and the Parliament remains because it is the Parliament's role to scrutinise and question the Executive.

This tension is further complicated by party discipline and loyalties; by rivalries within and between parties; and by a bicameral Parliament where the Executive may not command a majority in the Upper House.



LEGISLATIVE PROCESS

One of the most important functions of Parliament is to pass legislation, i.e. by making new laws, or by amending or repealing existing laws. A proposed law is introduced into Parliament as a Bill. If the Bill is passed by both Houses in identical wording and receives Royal Assent, it becomes an Act (Statute).

There are **two** types of Bill: money Bills, and all of the others. A **money Bill** is any Bill that appropriates **revenue** or **imposes taxation**. Although Bills other than money Bills can **originate in either House**, in practice, most Bills are initiated in the **Legislative Assembly**. In the case of money Bills, however, the Constitution Act Amendment Act 1899, stipulates that money Bills can only commence in the Legislative Assembly. The Legislative Council may reject a money Bill but it cannot amend it. The concept for legislation can come from a wide range of sources: e.g. a public servant; a Government advisor; a community interest (pressure) group; a private citizen; a court decision; or interstate or overseas experience.

In practice, most proposals for legislation originate in Government departments and are introduced to the Parliament by the relevant Minister. Before introduction, the proposal receives consideration by Cabinet. If approved, the Minister gives it to Parliamentary Counsel who uses its legal drafting experience to prepare the Bill for Parliament.

Generally, the Bill is introduced in the House in which the Minister sits but, to become an Act of Parliament, it must pass through a number of formal stages in each House:

- The introduction and **first reading** are procedures whereby the House grants permission to introduce the Bill;
- The **second reading** is where the House either accepts or rejects the whole concept of the Bill and is generally regarded as the most important stage. It begins with the Minister/ Member in charge of the Bill making a detailed speech outlining the Bill's purpose, how it will operate, and what it is designed to achieve. After an adjournment during which Members have time to study the Bill, the debate resumes and views are expressed.

The Bill is then voted on and, if passed, it can either proceed directly to the third reading stage, or go to a Consideration in Detail/Committee of the Whole House stage;

- The **Consideration in Detail** stage (**Legislative Assembly**) and the **Committee of the Whole** stage (**Legislative Council**) each involve a detailed clause by clause examination of the Bill. The Bill can be amended at this time; and
- The **third reading** is normally just a formal procedure in which the Bill is voted on, although if controversial or if it has been amended there may be further debate. If passed, the Bill has now completed its passage through the originating House and is forwarded to the other House for review.

In the reviewing House, the Bill goes through the same stages as it did in the originating House. If amendments are made, these are transmitted to the originating House which can accept or reject them, or make counter proposals. If the two Houses cannot agree, a final reconciliation may be attempted by appointing a Conference of Managers drawn from both Houses. In the event that no resolution can be reached, the Bill lapses and the legislation cannot be passed. However, if the two Houses agree, the Bill is sent to the Governor for Royal Assent. Once assent is granted, the Bill becomes law as an Act of Parliament and will come into operation either immediately or else when proclaimed in the **Western Australian Government Gazette**.



PARLIAMENTARY PRIVILEGE

A 1999 report by a joint Committee of the British Parliament stated that:

“Parliament makes laws and raises taxes. It is also the place where ministers are called to account by representatives of the State for their decisions and their expenditure of public money. Grievances, great or small, can be aired, regardless of the power and wealth of those criticised. In order to carry out these public duties without fear or favour, Parliament and its Members and officers need certain rights and immunities. Parliament needs the right to regulate its own affairs, free from intervention by the Government or the courts. Members need to be able to speak freely, uninhibited by possible defamation claims. These rights and immunities, rooted in constitutional history, are known as Parliamentary privilege.”

Parliamentary Privilege in Britain developed out of a prolonged struggle by the House of Commons against threats to its independence from many directions, including the Crown, the Courts, and the House of Lords. The House of Commons was particularly concerned that the Monarch might threaten to imprison Members for what they said in Parliament.

The most significant document in terms of privilege was the Bill of Rights 1689, Article 9, which states, **“That freedom of speech and debates or proceedings of Parliament ought not to be impeached or questioned in any court or place outside of Parliament”**. This means that Members cannot be sued for defamation or slander for anything they say in Parliament. However, privilege goes beyond that. It enables Parliament to take punitive action against people who interfere with its functioning. Such people can be charged with contempt of Parliament and if found guilty, can be reprimanded, fined or imprisoned.

Parliamentary Privilege for the Western Australian Parliament is derived from that of the House of Commons. Important privileges inherited included: freedom from arrest in civil but not criminal matters; freedom from jury service; and access to the Queen's representative (the Governor) through the Speaker or the President.

The Western Australian Parliament has also passed legislation of its own in the area of Parliamentary Privilege, as in the *Parliamentary Privileges Act 1891*, and the *Parliamentary Papers Act 1891*. These limited privilege to that which existed in the British House of Commons. Since November 2004, however, the scope of Parliamentary Privilege in the Western Australian Parliament has been 'pegged' to that which existed in the United Kingdom in 1989. This coincided with the publication of the 21st edition of Erskine May's Parliamentary Practice.

In essence, Parliamentary Privilege in Western Australia is now fully the domain of the Western Australian Parliament.

PARLIAMENTARY COMMITTEES

Committees carry out much of the detailed work in each House of the Western Australian Parliament. They are one of the tools to assist the Parliament in its functions of legislating; monitoring and reviewing legislation, administration and expenditure, gathering information, and publicising issues.

Committees provide Parliament with a number of particular advantages. They facilitate the division of labour in that more than one Committee can meet at a time. Committees offer an alternative forum to a House as they can carry out investigations, can travel, and can hear evidence from witnesses and take advice from experts. They are also good avenues for communication between Parliament and the Western Australian community as they allow different sectors of the community to air the views and have those views reported to the Parliament.

GENERAL TYPES OF COMMITTEES

Over time, Parliament has developed three main types of Committees that are appropriate to the functions they are appointed to perform.

1. **Committee of the Whole House.** This is where the House itself operates according to more flexible rules of procedure under a Chairman of Committees rather than a Presiding Officer. Only the Legislative Council operates by way of a **“Committee of the Whole”**.
2. **Domestic Committees.** These are established to consider matters of internal Parliamentary administration, such as a Parliamentary Services Committee addressing matters relating to Hansard, buildings and the library. In addition each House has a Procedure and Privileges Committee that examines and reports as necessary on the Standing Orders (or **‘rules’**) and procedures of their respective House.

3. **Committees of Inquiry.** These come under two broad categories—Standing Committees and Select Committees.

- **Standing Committees.** These are appointed for the life of the Parliament and have a continuing function. They have defined terms of reference within which they may pursue their own inquiries.

- **Select Committees.** Each is appointed by a particular House for a specific purpose and usually dissolves when it presents its final report or if the Parliament is prorogued (whichever comes first). The originating House defines the Committee's terms of reference which set the limits on the scope of the inquiry. Only that House can alter the terms of reference. By agreement, the Houses may appoint Joint Standing or Select Committees in which equal numbers of Members are drawn from both Houses and the Committee reports to both Houses.

After an election each House may choose to review and refine their Committee systems to, for example, vary the number of Committees it establishes, their titles and their terms of reference.

Committees have considerable powers to undertake their inquiries, including a power to send for persons, paper and records; to commission reports; and to travel to gather evidence. These are simple, but very broad, powers and there are few restrictions on the investigative powers of Committees.

Committees report their findings to their respective House. Committee recommendations are not binding on the Government, but a Government response may be required within three months (in the Legislative Assembly) or four months (in the Legislative Council).

HANSARD

History

Hansard is the name given to the official printed record of Parliamentary debates.

The history of Parliamentary debates is similar to the description given of the history of a newspaper. The first day it is read with eagerness, the next day it is thrown away; and after the lapse of some years it is worth its weight in gold. The ancient volumes of Hansard, imperfect as they are, are often intensely interesting reading for the light they throw on dead statesmen, or past conditions of society, legislation and controversies.

Lord Cadogan, Lord Privy Seal, in a draft report submitted to the Joint Committee of the British Parliament on Debates and Proceedings in Parliament. Lords Sessional Papers, XV 1888.

Official reporting of Parliamentary proceedings began in the British Parliament in 1803 when the Press were allocated seats in the public gallery of the House of Commons. The reports were published in William Cobbett's Parliamentary Debates. Luke Hansard was the British Government's printer at that time. In 1811 Thomas Curson Hansard, the son of Luke Hansard, purchased Cobbett's interest in the publication of Parliamentary debates, and in 1829 he decided that the title page should bear his name. Since then the Official Report of the House of Commons has usually been known as Hansard, and the name has been adopted for the official reports of a number of Legislatures throughout the world.

Function

The principal function of the Parliamentary Reporting Services therefore is to prepare edited transcripts of Parliamentary debates. The office also provides transcripts of evidence given before Parliamentary Committees, and a reporting service for Ministerial conferences and royal commissions.

Reporters

A Hansard Reporter's job is to report, fully and accurately, all debates and proceedings in Parliament. Hansard Reporters work as a team. They take 10 minute turns to record in shorthand, electronically or audio tape the debates and proceedings.

Whilst some Hansard Reporters still record in shorthand, nowadays most Reporters use a stenotype machine. These machines contain a disk that is used to load the information onto a computer. A computer software program translates the data into English. A third recording option used in the Western Australian Parliament is audio reporting. The Audio Reporters, while in the Chamber, note in longhand the order in which Members speak. Back in their offices they use a normal computer keyboard and work strictly from the audio tape, to record the debates.

The Hansard produces an uncorrected proof or **"Draft Daily"** the morning after a sitting day which is then checked by Members of Parliament. At the end of a sitting week Hansard has a book published, containing the week's debates from both the Legislative Council and the Legislative Assembly. Finally they are published in an annual bound volume entitled Parliamentary Debates. This volume is commonly referred to as the **"Hansard"**.

The Western Australian Hansard can also be accessed on the Internet dating back to 1870 at www.parliament.wa.gov.au.

Hansard provides an important record of Western Australian history and political events from 1876. When interpreting the law at a later date, the second reading speeches and debates can be consulted so that the original intent of the Bill is understood.

While Hansard records what is said in Parliament, it is the official minutes of the Houses that should be referred to for an accurate record of the votes/decisions. These minutes, compiled by the Clerk's office, can be accessed through the Chamber documents section of the Parliament's Internet site at www.parliament.wa.gov.au.

WOMEN IN WESTERN AUSTRALIA'S PARLIAMENT

1899

Adult suffrage was introduced for the Legislative Assembly, which meant that women could now vote.

1920

Women became eligible to become Members of the Legislative Assembly and Legislative Council.

1921

Edith Dircksey Cowan became the first woman to be elected to the Legislative Assembly and to any Australian Parliament. She was also the second woman in the British Empire to take a seat in a Parliament.

1925

Mary Alice (May) Holman was the first woman in Australia to represent the Australian Labor Party, the first woman in Australia to complete 10 years in Parliament, and the first woman in the world to be elected for five full terms.

1949

Hon. Florence Cardell-Oliver became Australia's first female Cabinet Minister.



Mary Alice (May) Holman



Edith Dircksey Cowan

1954

Hon. Ruby Hutchison became the first woman elected to the Legislative Council.

1977

Hon. Winifred Piesse became the first (National) Country Party woman to be elected to either House of the WA Parliament.

1990

Hon. Dr Carmen Lawrence became Australia's first female State Premier.

1995

Hon. Cheryl Edwardes became Western Australia's first female Attorney General.

2001

Carol Martin became the first Aboriginal woman elected to an Australian Parliament.

2005

27 women are represented in the Western Australian Parliament.

2009

Western Australia's Legislative Council holds the highest proportion of women Members of all the Houses in the history of Australian Parliaments with 16 female Members in the 36-seat House (44%).

PETITIONS

The right to petition for redress of a grievance is a fundamental principle of our system of Parliamentary democracy. The petition was the innovation of Edward I and provided a method of seeking redress from the King by virtue of his prerogative power when none could be sought through the ordinary course of law.

As the House of Commons developed into an independent body, petitions affecting matters of National interest were gradually presented to it.

The first petition recorded as presented by the House of Commons was in 1327. This might well be regarded as the first public Bill - a Bill which relates to matters that usually have a general application, as distinct from a private Bill, which is for the purpose of assisting a select group of citizens.

The modern form of petition evolved in the seventeenth century. Historically, the rights of petitioners and the power of the House to deal with petitions were laid down by two resolutions of the House of Commons in 1669—

That it is the inherent right of every commoner in England to prepare and present petitions to the House of Commons in the case of grievance, and the House of Commons to prepare the same.

That it is the undoubted right and privilege of the House of Commons to judge and determine, touching the nature and matter of such petitions, how far they are fit and unfit to be received.

In the United Kingdom petitions are no longer addressed to the Crown but to the two Houses of Parliament. In Western Australia petitions are addressed to the Legislative Assembly or the Legislative Council.

Petitioners are required to observe a prescribed form in drawing up their petitions. In general, a petition:

- Should be in English or accompanied by a certified translation;
- should be legible and unamended;
- should be signed by at least one person promoting it and if a corporation, the common seal should be affixed;
- should be couched in reasonable terms—respectful, decorous and temperate in its language;
- will not bear other than original signatures (no faxed or photocopied signatures);
- will not have any document attached to it;
- will not refer to any debate in Parliament;
- shall not seek a grant of money; and
- can only be presented to Parliament by a Member.

Petitions presented in the Legislative Council are automatically referred to a Standing Committee for further consideration and report back to the House.

Petitioners should refer to the Petition Guide published by both Houses prior to drafting their petition.

These brochures can be downloaded from the Parliament's Internet site www.parliament.wa.gov.au or obtained from the **Legislative Assembly Office** on (08) 9222 7381 or the **Legislative Council Procedure Office** on (08) 9222 7382.

YOU AND YOUR MEMBER OF PARLIAMENT

We elect our Members of the **Legislative Council (MLC)** and Members of the **Legislative Assembly (MLA)** to represent us in the State Parliament. When Parliament is in session your Member makes your views, the elector, known by debating and discussing concerns with other Members.

This is only one part of your Member's role as your representative. Members perform most of their duties in their electorates. They listen to problems, questions, ideas and opinions of the people who elected them. They are often called on to help electors with their individual problems.

Often this role is simply a matter of directing people to those most qualified to deal with their particular concern. However, your Member may become an advocate for you if your attempts to solve a problem have been unsuccessful. Members also deal with special interest groups. If you belong to a group concerned about the environment, child care or education, for example, the group may want to meet with their Member and ask that their cause be taken up. This can happen through legislation, a question in the House, a letter to a Government department or a petition to the Parliament.

No Member can reflect the views of all electors, because people's opinions are rarely unanimous. Members often have to take sides. Which side they take depends mainly on how their constituents feel about an issue and the needs of the electorate as a whole. Personal beliefs and party platforms also determine the position a Member takes on an issue.

Through public meetings, day-to-day contact and the local media, Members gather information from as many electors as possible.

They then discuss the issues in private meetings with other Members of their own party.

The Members collectively decide what their party's position will be. Voting in Parliament tends to be along party lines; but if some Members feel that the party position does not reflect that of their electors, they can, and sometimes do, speak against the party position.

Members strive to be available, accessible and accountable to their electors. These objectives are reached through open communication between the electors and their Members.



ELECTORAL REFORM

1829-1832

The Colony of Western Australia was ruled by a Lieutenant-Governor appointed by the British Government.

1832

The Governor was assisted by an Executive Council and a Legislative Council consisting of himself and four appointed official Members.

1870

First elections for representative Government. The people gained a voice through some elected representatives but real power remained with the Governor.

1877

The secret ballot was introduced. Western Australia was the last colony to do so.

1890

Responsible Government was granted. It saw the creation of the Legislative Assembly, giving Western Australia a bicameral Parliament. The Ministers were Members of Parliament and were responsible to Parliament. The Governor accepted the advice of the Premier.

1899

Adult suffrage was introduced for the Legislative Assembly which meant that women could now vote provided they owned freehold property.

1904

Plural voting was abolished for the Legislative Assembly. Plural voting meant that people could vote in the electorate in which they lived and in any electorate in which they owned property.

1907

Preferential voting was introduced.

1920

Women became eligible to become Members of Parliament.

1936

Compulsory voting was introduced for the Legislative Assembly.

1962

Aboriginal people could now enrol and vote for the Legislative Assembly, though voting was not compulsory.

1963-1964

The franchise for both Houses became identical with abolition of plural voting and the property qualification for the Legislative Council. Enrolment and voting for the Legislative Council became compulsory.

1970

The voting age was lowered to 18 years.

1983

Enrolment and voting became compulsory for Aboriginals and Australian citizenship became a qualification to enrol.

1987

Members of Parliament now had four year terms.

2005

The electoral weighting in favour of country electorates in the Legislative Assembly was reduced by creating two additional seats overall and by transferring some existing country seats to the metropolitan area. Two additional seats were also created in the Legislative Council where parity between city and country seats was maintained.

Further information can be found on the **W.A. Electoral Commission** website at www.waec.wa.gov.au.

PARLIAMENT HOUSE BUILDING

Prior to its occupation of the present building, Parliament in its various forms met in two separate locations in Perth—the site where Council House stands in St. Georges Terrace (Legislative Council 1832 - 1870 and 1890 - 1904) and the Town Hall Chambers in Hay Street (Legislative Council 1870 - 1890 and Legislative Assembly 1890 - 1904).

The siting of the new Parliament was the subject of considerable debate, the majority of a Select Committee (appointed to report on a suitable site) recommending the St. Georges Terrace site now occupied by Council House. This was debated and Parliament supported an alternative location in Harvest Terrace, West Perth.

It was determined that a competition be held throughout Australia for a suitable design. There were 17 entries but all were disqualified on the grounds of non-compliance with the condition that the cost should not exceed 100,000 pounds.

Plans were prepared by Mr Grainger, the Government Architect. The immediate work consisted of the two Chambers, the Harvest Terrace frontage and temporary offices, at an eventual cost of **35,623 pounds**. The buildings were ready for the session commencing 28 July 1904.

It soon became apparent there were problems with the new building. Not only was there a lack of space and facilities, but other problems were of a more humorous nature. Stray horses and cows found the gardens a great source of food, and the fence on Harvest Terrace was seriously damaged by enthusiastic gunners, stationed on the roadway, firing salutes on the Opening of Parliament. There even seemed to be a need for Parking Inspectors in those early days to prevent unauthorised persons tying up their horses to the trees in front of Legislative Council.

The building remained in this unfinished State for the next 60 years, but in **1964 the eastern frontage overlooking the Barracks Arch was finally completed** at a cost of **416,500 pounds**. Further major extensions were added in 1978 and in 2004.

The lack of space continues to this day with Committees and support services located in several annexes.

