



# Legislative Council Celebrates 175 years



1832 - 2007

# The Role of the Legislative Council



Hon Nick Griffiths MLC  
President of the Legislative Council

Welcome to the Parliament of Western Australia. This year marks the 175th anniversary of the Legislative Council.

The Legislative Council was Western Australia's first governing and legislative body and met for the first time on 7 February 1832.

Originally, the Legislative Council consisted of five appointed Members and was presided over by the Governor of the colony.

In 1890, Western Australia gained responsible government. The Legislative Assembly was established and the Legislative Council was re-constituted as the upper house of the colony's Parliament.

Since 1890, there have been various reforms in the constitution and method of election of Members of the Legislative Council. Today, the Council comprises 34 Members elected from 6 multi-member, regional electorates. Members of the Council are elected for a fixed term of four years. In the most recent elections, held in February 2005, Members were elected from four political parties, which is an indication that the Council reflects the political diversity of the people of Western Australia.

The Legislative Council plays an important role in the governance of Western Australia. Although the Government is formed in the Legislative Assembly, regardless of the composition of the Council, laws can only be made with the approval of both Houses. The Council is often called a house of review, although the review of government action is only one of the Council's functions. In the performance of its functions, the Council exercises most of the same powers as the Legislative Assembly, but has some limitations in respect of its ability to introduce or amend financial legislation.



# Our Legislative Council

*Our parliamentary system has withstood the test of time, and forms one of the main roots of our everyday existence. Its Members are responsible persons drawn from every walk of life, and elected to their positions to act on behalf, and for the benefit of, the people.*

*The ceremonies, traditions, and apparent archaic methods are the solid foundations on which our Parliament rests, and by ensuring a stable society compare more than favourably with any alternate system of Government in the world today.*



“The Legislative Council plays a crucial role in a bicameral system. The positive effect of this role is demonstrated by the scope and content of the amendments that are made to legislation it considers on their transmission from the lower house.

It can make useful revision to Bills, initiate some Bills, provide Parliament with an analysis of important issues through the committee system and adopt a broad view of State issues”. **Hon Kim Chance MLC**

“Upper houses are a feature of most democratic societies because they provide a mechanism for Government activity to be scrutinized and for legislation to be reviewed.

In Western Australia, the Legislative Council has 34 Members elected to represent six regions through a system of proportional representation. Consequently it has now become unlikely that a Government will have a majority of Members in both Houses. This means that the Council can amend or reject Government legislation and can establish committees of inquiry into Government activities, whereas the lower house invariably votes to support the Government’s position.

Unicameral Parliaments are about concentrating power in the hands of the Government of the day. Parliaments with upper houses provide for a dispersal of power which puts a brake on unfettered Executive control of the legislature”. **Hon Norman Moore MLC**

“The effectiveness of the Legislative Council’s constitutional role in ensuring that there is a real and effective separation of powers between Parliament, Judiciary and Executive can be compromised, by the Executive refusing to provide the necessary resources to enable proper scrutiny of both legislation and the Executive’s administration thus allowing the Executive’s actions to go unchallenged”.

**Hon George Cash MLC**

“Since the historic changes to the composition of the Legislative Council in May 1997 a much broader range of views have been reflected by smaller parties. Proportional representation has enabled this improvement in representation to more accurately reflect the political spectrum in the WA community”.

**Hon Giz Watson MLC**

“Although Government is ‘not made’ in the Legislative Council, the Chamber has important constitutional roles in terms of representation and review. It helps to provide a voice in Parliament for the less populous but significant regions of the State outside the metropolitan area. Moreover the review of legislation, particularly through its procedures of debate and committee system, enhances the quality of legislation and level of accountability”. **Hon Murray Criddle MLC**

# People and Positions in the Legislative Council

**President** (an elected MLC): Chosen by Members of the Legislative Council, the President chairs the debates and ensures that the rules (Standing Orders and traditions) are followed. The President also exercises overall responsibility, with the Speaker of the Legislative Assembly, for the management of Parliament House and represents the Council at official functions.

**Chairman of Committees** (an elected MLC): is also the Deputy President of the Legislative Council. This officer often chairs debates and keeps order in the Committee of the Whole stage when Bills are considered in detail.

**Members** (34 elected MLCs): represent regions for four-year fixed terms. Since representative government in 1870, there have been some 365 MLCs.

**Leader of the Government** (an elected MLC): leads the Government in the Legislative Council and takes a major part in debates.

**Leader of the Opposition** (an elected MLC): leads the main Opposition Party in the Legislative Council and takes a major part in debates.

**Ministers** (elected MLCs): Members of the Government with responsibility for particular Government departments and activities. Under the State Constitution at least one Minister must be an MLC.

**Shadow Ministers** (elected MLCs): the leading Members of the Opposition, each have a responsibility for 'keeping watch' on a Government Minister and questioning him or her about Government departments and activities.

**Party Whips** (elected MLCs): An MLC who marshals votes for their respective parties and is appointed as a teller in a division.

**Clerk** (Parliamentary Officer): gives advice to the President and other MLCs on the application of laws and proceedings of the Legislative Council, and is responsible for the day-to-day running and recording of the decisions of the Council.

**Usher of the Black Rod** (Parliamentary Officer): traditionally the officer responsible for maintaining order in the Legislative Council. This person acts on the direction of the President and carries the Black Rod, which is the symbol of the Usher of the Black Rod.

When the President is in the Chair the Black Rod is placed on the Table of the House. During the Committee stage the Black Rod is placed on the dais to the left of the President.

**Hansard Reporters** (Parliamentary Staff): transcribe the parliamentary debates and produce a written record commonly called "Hansard".



## Significant Legislative Council Dates

- 1832:** First meeting of Legislative Council on 7 February (5 Members appointed 1830).
- 1870:** Representative Government: Legislative Council—18 Members (12 elected).
- 1890:** Responsible Government: Legislative Assembly created as the elected 'lower house' and Legislative Council becomes a nominated 'upper house'.
- 1894:** Legislative Council becomes a fully elected house on a restrictive male franchise.
- 1900:** The first time women were given the right to vote. "First past the post" voting and optional enrolment still applied for both Houses. Limited franchise as it only applied to men and to single women who owned property.
- 1920:** Women became eligible to be elected as Members of either House of Parliament.
- 1954:** Hon Ruby Hutchison became the first woman to be elected to the Legislative Council.
- 1963 and 1964:** Restricted adult franchise was removed for the Legislative Council with the abolition of the property qualification; plural voting for the Legislative Council abolished; enrolment and voting for the Legislative Council were made compulsory; polling day was made the same for the Legislative Assembly and Legislative Council general elections. However, Legislative Council Members retained six year terms.
- 1982:** Establishment of first Standing Committee.
- 1987:** Six multi-member regional electorates established for the Legislative Council in which the votes were to be counted by the proportional representation voting system. Four year set terms for all 34 Members of the Legislative Council.
- 1989:** Establishment of Legislative Council Standing Committee system.
- 2005:** Six multi-member regional electorates created for 2009 election, each electing six Members of the Legislative Council.

## Legislative Council Membership

Statute	Election Year	Membership Changes
Australian Colonies Government Act 1850	1870	12 elected and 6 nominated 18 Members in total
Legislative Council Act Amendment Act 1873	1874	14 elected and 7 nominated 21 Members in total
Legislative Council Act Amendment Act 1882	1884	16 elected and 8 nominated 24 Members in total
Legislative Council Act Amendment Act 1886	1889	17 elected and 9 nominated 26 Members in total
Constitution Act 1889		15 Members nominated and appointed December 1890
Constitution Act Amendment Act 1893	1894	3 elected from 7 provinces 21 Members in total
Constitution Act Amendment Act 1896	1897	3 elected from 8 provinces 24 Members in total
Constitution Act Amendment Act 1899	1900	3 elected from 10 provinces 30 Members in total
Constitution Acts Amendment Act (No. 2) 1975	1977	2 elected from 16 provinces 32 Members in total
Acts Amendment (Electoral Provinces & Districts) 1981	1983	2 elected from 17 provinces 34 Members elected
Electoral Amendment & Repeal Act 2005	2009	6 to be elected from 6 regions 36 Members in total

# Current Chamber Seating Plan



## Colour Legend:

- Liberal Party* Members
- The Nationals* Members

- Australian Labor Party* Members
- Greens (WA)* Members

*The parliament website provides details on how the public can contact their local Member, prepare petitions, make submissions to the various parliamentary committees and general information about the State Parliament.*

[www.parliament.wa.gov.au](http://www.parliament.wa.gov.au)