



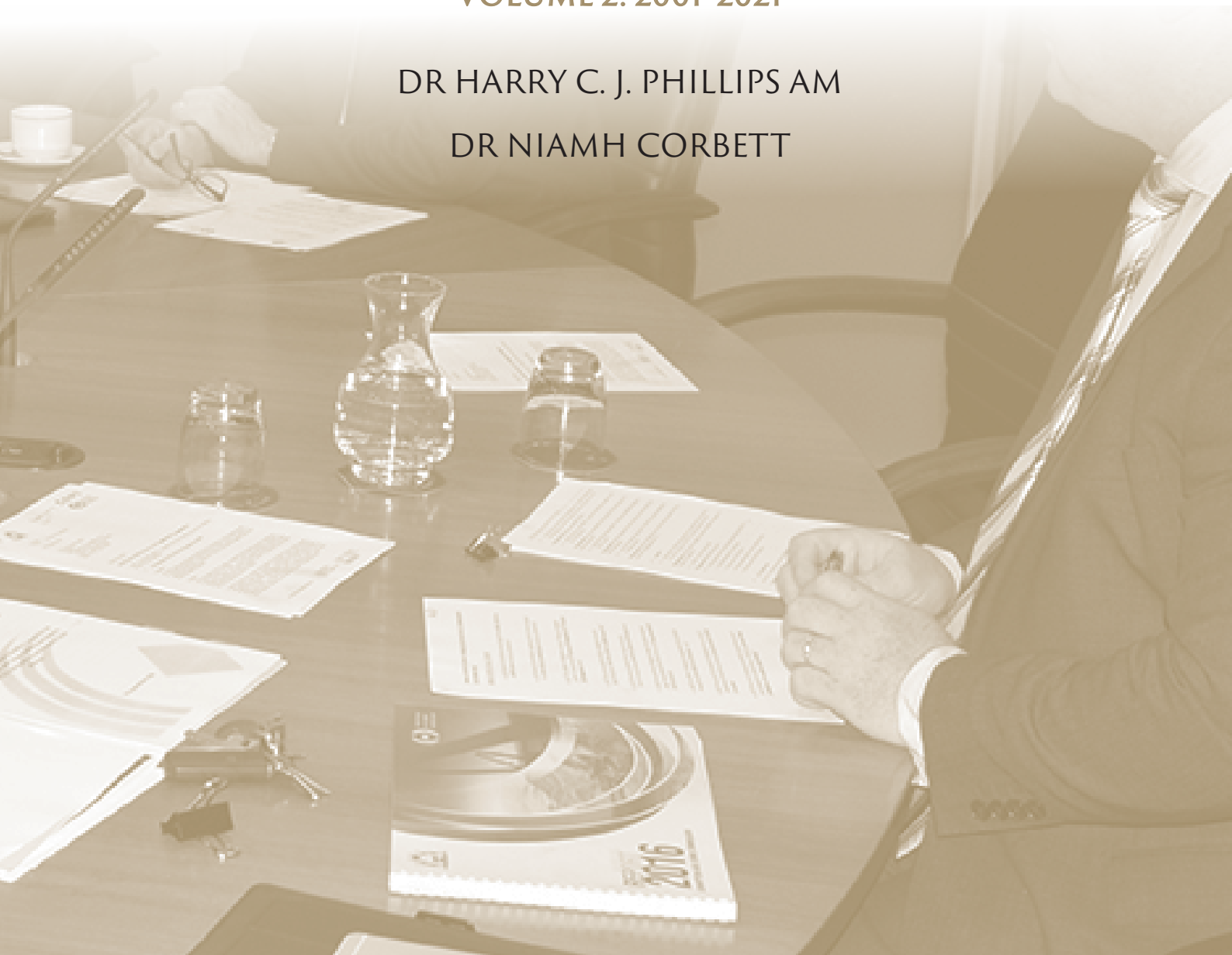
PARLIAMENTARY COMMITTEES IN THE WESTERN AUSTRALIAN PARLIAMENT

AN OVERVIEW OF THEIR EVOLUTION, FUNCTIONS AND FEATURES

VOLUME 2: 2001–2021

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Parliament of Western Australia

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Parliamentary Committees in the
Western Australian Parliament:
An Overview of Their Evolution, Functions
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Volume 2: 2001–2021

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Parliament of Western Australia
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Preface

Over two separate volumes, published five years apart, the reports tabled by each committee in the Legislative Council and the Legislative Assembly have been sampled as a way of illustrating the work of the parliamentary committees active in the Parliament of Western Australia since 1870. This has provided a way of highlighting the many features of the committee system in the Parliament.¹ In this volume, which covers the period 2001 to 2021, it was simply not possible to provide comprehensive coverage of each one of the committee reports tabled over this period, nor was a thorough analysis conducted on the success or otherwise of a committee inquiry or report. This is explored further in Chapter 8, as objective assessments of the effectiveness of committee inquiries and their reports can be problematic. Rather, only a selection of the reports published over the last two decades have been highlighted in this volume.

This treatise provides only a glimpse of the terrific volume of work generated by the parliamentary committees active during this period. The following chapters reveal only a snapshot of their work, yet these examples illustrate how parliamentary committees of a sub-national legislature have played a vital role in scrutinising decision-making and the activities of the executive government. In part 1, the main focus of the chapters are: a brief overview of the establishment of the committee system (Chapter 2); a snapshot of committee activities in the thirty-sixth Parliament (Chapter 3), thirty-seventh Parliament (Chapter 4), thirty-eighth Parliament (Chapter 5); and in part 2, the thirty-ninth Parliament (Chapter 6) and the fortieth Parliament (Chapter 7); a comment on committee effectiveness (Chapter 8); and concludes with reflections on committee service by members themselves (Chapter 9).

Writing at the sesquicentenary of Western Australia in 1979, noted Western Australian scholars Ralph Pervan and Campbell Sharman lamented that our political and parliamentary processes had been ‘denied the attention that its richness and variety deserve’.² They went on to state that the intention of their book, *Essays on Western Australian Politics*, was to assist in remedying this defect and to encourage further study—a lofty goal indeed, and a sentiment shared by this treatise. To date, there has been little scholarly interest in the WA Parliament generally, and the important work of its parliamentary committees specifically.

As there is a dearth of literature in this area, it is hoped that the commentary contained in the following chapters, in addition to the comprehensive list of reports tabled in the Parliament, which appears in the appendix, will make the work of parliamentary committees much more accessible.³ It is hoped that by making the activities of parliamentary committees more visible to students, scholars and anyone with an interest in Western Australia’s parliamentary history, this will stimulate further interest, and perhaps further research using this valuable dataset. There is still much more to explore when it comes to the history, role, activities and effectiveness of the parliamentary committees of the Legislative Council and the Legislative Assembly.

¹ This ‘sampling’ methodology is similar to the methodology followed by Meg Russell and Daniel Grover in a study of a select number of bills and their parliamentary passage. They concluded that it was possible to gain an understanding of the dynamics of the processes based on a sample. This served as a useful model from which to base this study. See Meg Russell and Daniel Grover (2017), *Legislation at Westminster: Parliamentary actors and influence in the making of British law*. Oxford: Oxford University Press.

² Ralph Pervan and Campbell Sharman (1979), *Essays on Western Australian Politics*. Nedlands, WA: UWA Press, p. xv.

³ A comprehensive list of committee reports appears in the appendices of Dr Harry (C.J.) Phillips (2017), *Parliamentary committees in the Western Australian Parliament: An overview of their evolution, functions and features. Volume 1: 1870-2000*. Perth: Parliament of Western Australia, and Volume 2 (2001–2020) – i.e. this volume.

Acknowledgements

I have been fortunate to have had a long association with the Legislative Assembly, having been based in their committee offices for many years. During this time, I shared an office with Emeritus Professor David Black, who played a key role in the establishment of the Parliament History Advisory Committee in the mid-1980s. From this vantage point I was able to observe firsthand the hard work and dedication of those who worked on committees. I recognised, too, that a similar professional culture had developed in the committees of the Legislative Council. When the history advisory committee first commissioned me to write the history of parliamentary committees in Western Australia some years ago, the word coronavirus, or COVID, did not form a part of the lexicon. That a once-in-one-hundred-year pandemic would become a global reality would have seemed fanciful when this project was first conceived, yet, fast forward to 2023, 'living with COVID' has become a part of our daily life.

Originally, volume 2 was to cover the work of the committees up to 2017 (the thirty-ninth Parliament); however, this new pandemic world presented an opportunity to expand the scope of works to include the activities of the committees active in the fortieth Parliament. Volume 1 (1870–2000) was first published in 2017, and this companion volume (covering the period 2001 to 2021) is the final in this two-part series. Chronicling the activities of the modern committee system over this period seemed at times to be a Herculean task, but with the assistance of my co-author, Dr Niamh Corbett, the task became much more manageable and enjoyable. With considerable research expertise honed from many years working at the WA Parliamentary Library, Niamh has been a great sounding board and a thoughtful companion on this journey. That she had served on committee secretariats in both the Legislative Council and the Legislative Assembly and had firsthand knowledge and experience of the committee systems to draw on was invaluable to me. It is no exaggeration to say that Niamh's contribution has been outstanding. I am grateful for her support and treasure our friendship, first forged at the WA Parliament nearly a quarter of a century ago.

As will be demonstrated in the following pages, the research task for these books was substantial in both scale and complexity and could not have been undertaken without the support of many people. Jan Phillips, a scholar in her own right, is generously thanked for devoting considerable time of her own to the book. Liz Kerr, the Clerk Assistant (Committees), was most encouraging over a long period and has been a revered colleague for many years at the Legislative Assembly. She shared with me writing the biannual political chronicle for the *Australian Journal of Politics and History* for more than a decade. With the first volume, I was assisted by Vanessa Beckingham and Dr Loraine Abernethy, who at the time were both valued colleagues at 'LACO'. I again thank them for their excellent editorial support for volume 1. I am also grateful that the writing of these books has given me another opportunity to further explore the valuable collections of parliamentary reports housed in the WA Parliamentary Library. My special thanks go to the first-rate library staff who have provided me with superb service over the years. I owe a debt of gratitude to librarians Judy Ballantyne, Dr Niamh Corbett, Kyley Felix, Russell Hamilton, Janet Hocken, Andrew Lewis and Marko Kanban. I also pay tribute to the Library Media team who have developed a tremendous archive of member's media mentions.

My very special thanks go to the President of the Legislative Council, Hon Alanna Clohesy MLC, and the Speaker of the Legislative Assembly, Hon Michelle Roberts MLA, for their continued interest in and enthusiastic support of this project. I am grateful, too, to both past and present members of the Parliament History Advisory Committee and the Parliamentary Community Engagement and Relations Committee. Thanks also to past and present clerks of the Legislative Council and Legislative Assembly, the Executive Manager of the Parliamentary Services Department, and their respective ever-helpful staff. Special thanks to Belinda Corey, Carla Morris, Bryan Vander Vinne, Lynn Wesley and the entire Hansard team for their coordination of editorial, indexing and secretarial support. Lastly, and importantly, a special thank you to all those who have served the committees over the years both as members and parliamentary officers. These books are dedicated to your considerable efforts. In 2023, it is fitting to pay homage to the contributions of committees over the last two decades with the publication of this volume. It is my sincere hope that, together, volumes 1 and 2 will provide a sound introduction to the important, but often underrated and understated work carried out by the committees in the Parliament of Western Australia.

Dr Harry (C.J.) Phillips AM

April 2023

Acronyms and Abbreviations

ALP	Australian Labor Party
GWA	The Greens (WA)
IND	Independent
LA	Legislative Assembly
LC	Legislative Council
Libs	Liberal Party
Lib Dem	Liberal Democrats
MLA	Member of the Legislative Assembly
MLC	Member of the Legislative Council
Nats	National Party
PoWA	Parliament of Western Australia
SAT	Salaries and Allowances Tribunal (WA)
SFF	Shooters, Fishers and Farmers Party
WAEC	Western Australian Electoral Commission
WAN Ltd	Western Australian Newspapers Limited
WAPD	Western Australian Parliamentary Debates

A note on terminology

Given that this volume was published some five years after its companion volume, it was thought that it might be instructive to revisit some of the background to Parliament more generally and parliamentary committees more specifically. This section offers some background on the terminology used in an attempt to help with understanding of the subject matter from a generalist perspective, particularly for students and those unfamiliar with parliamentary parlance and parliamentary procedures. Parliament sits at the apex of the Westminster system of government.⁴ Broadly defined, parliaments are any national, regional or local body in which elected politicians sit and within which people are represented, laws are made and/or governments are held to account.⁵

The term ‘parliament’ has been in use in England since at least 1275, when it is said that Edward I used it to describe a council meeting with the most powerful nobles of the kingdom.⁶ Derived from the old French word *parlement*, the term comes from a Latin word meaning ‘to discuss’ or ‘speak’.⁷ In this book, the lowercase word ‘parliaments’ is used in a more general sense and as an umbrella term. ‘Parliament’—with a capital—is used when it relates to a specific parliament. For instance, throughout this book, ‘Parliament’ refers to the institution of the Legislative Council and the Legislative Assembly in the Western Australian Parliament, or a specific time period of a parliament, unless stated otherwise. The terms ‘parliament’ and ‘legislature’ will be used interchangeably. In Western Australia, a ‘parliament’ is also the period of parliamentary time between one general election and the next. Each parliament is listed numerically. This study covers the period from the thirty-sixth Parliament (1 May 2001–23 January 2005) and the fortieth Parliament (11 May 2017–29 January 2021). See Table 1 below.

One change, important to both houses and which impacted parliamentary committees between volume 1 and volume 2, concerned a different constitutional perspective on the proroguing of parliament. In parliamentary terms, prorogation is the formal name given to the period between the end of a session of

⁴ Tracey Arklay and Neil Laurie (2021), ‘Parliaments of Australia’, In Peter Chen, et al., *Australian politics and public policy: Senior edition*. Open Textbook, Sydney, NSW: University of Sydney Press, pp. 70–87.
<https://doi.org/10.30722/sup.9781743328415>.

⁵ Dr Emma Crewe (2021), *The anthropology of parliaments: Entanglements in democratic politics*. London: Routledge, p. 9.
<https://doi.org/10.4324/9781003084488>

⁶ Dr Harry Phillips (2014), *Second reading: Parliamentary government in Western Australia*. Perth: Parliament of Western Australia, p. 22.

⁷ Dr Harry (C.J.) Phillips (2015), *A citizen’s guide to the Western Australian Parliament* (Rev. ed.). Perth: Parliament of Western Australia.

Parliament and the state opening of Parliament that begins the next session. The parliamentary session may also be prorogued for a short time before Parliament is dissolved, ahead of a general election.⁸

Table 1: Chronological record of Parliaments 1997–2021

Name of Parliament	No. of Sessions	Date of Opening	Last Sitting Day	Date of Prorogation	Date of Dissolution
Thirty-fifth	1	6 March 1997	25 June 1998	7 August 1998	7 August 1998
	2	11 August 1998	1 July 1999	6 August 1999	6 August 1999
	3	10 August 1999	29 June 2000	4 August 2000	4 August 2000
	4	8 August 2000	23 November 2000	10 January 2001	10 January 2001
		Dissolved		10 January 2001	10 January 2001
Thirty-sixth	1	1 May 2001	27 June 2002	9 August 2002	9 August 2002
	2	13 August 2002	26 November 2004	23 January 2005	23 January 2005
Thirty-seventh	1	29 March 2005	19 June 2008	7 August 2008	17 August 2008
Thirty-eighth	1	6 November 2008	30 November 2012	14 December 2012	30 January 2013
Thirty-ninth	1	11 April 2013	22 November 2016	30 January 2017	30 January 2017
Fortieth	1	11 May 2017	4 December 2020	7 December 2020	29 January 2021

As can be seen in the table above, in the thirty-fifth Parliament there were four sessions and in the thirty-sixth Parliament there were two. Since then, there have been only single sessions, and this has enhanced the capacity of parliamentary committees to fulfil their appointed functions by not having to be reconstituted during a parliament. A parliament ends when the Legislative Assembly is dissolved under section 3 of the *Constitution Act 1889* or expires through the effluxion of time, as provided in section 21 of the *Constitution Acts Amendment Act 1899*.⁹ The Legislative Council continues to exist.

In November 2002, after taking advice from the Solicitor-General, the Cabinet approved the abandonment of the annual proroguing of Parliament. A ‘session’ of Parliament was to commence with an official opening by the Governor and then be concluded by the proroguing of the respective houses or the dissolution or expiry of the Legislative Assembly. In practice, the cabinet decision means that Parliament now consists of one session that runs for the entire duration of the Parliament, which constitutionally can be expected to be four years. References to ‘Spring’, ‘Autumn’ or ‘Budget’ sessions are now simply colloquial references.

A note, too, about the ambiguity caused by the term ‘government’. Throughout this book, ‘government’ refers to the executive branch of government that sits alongside the legislative (parliamentary) and judicial (courts) branches. Western Australia maintains a system of responsible government, which upholds the principle that the executive be responsible to the legislature, yet ministers are members of both the legislature and the executive. Additionally, the legislature may confer power and delegate legislation to the executive government. This provides safeguards against the centralisation of power in the hands of an individual or an institution. Ministers are responsible for government departments, which fall under various portfolios.

Neither the ‘Department of the Legislative Council’ nor the ‘Department of the Legislative Assembly’ form a part of the state public service or an agency of government. They instead refer to the

⁸ Thomas Moorhead (2021), ‘Prorogation’, *Brief*, 48(1), pp. 21–2. <https://doi.org/10.3316/informit.704978486180449>

⁹ See Gary Pike (2008), *Formalities and procedures associated with the summoning, prorogation and dissolution of Parliament*. Perth: Department of Premier and Cabinet, p. 1.

administrative bodies that support the operations of the respective houses. The terms 'Legislative Council' and 'Legislative Assembly' refer to the legislative chamber. Following the well-known Westminster tradition of the precedence of the houses, in this study of committees of the WA Parliament, discussion of the Legislative Council committees precedes an examination of the Legislative Assembly committees. Legislative scholars will note that this is common practice and in no way favours one house ahead of another.

Some background

Expansion of the British Empire resulted in the Westminster system of parliament, or variants of it, being exported all over the world, including to Western Australia.¹⁰ From its beginnings as the Swan River Colony of free settlers, Western Australia transitioned to a thriving parliamentary democracy.¹¹ Western Australia is a liberal or representative democracy, which means that citizens vote for representatives who frame legislation and serve to form government. The Westminster convention of responsible government refers to the process in which the executive and the government are held accountable to the parliament.¹² Governments in such a system do not have an indefinite lease on power, as elections make governments answerable to voters.¹³ Regular elections ensure that any government that has not earned the confidence of voters can be removed by them. In Western Australia, state general elections are held every four years.¹⁴ While the bicameral or two-house system, which includes the lower house and upper house, also originated in Great Britain, it was invariably adapted to suit local circumstances. Taken together, the *Constitution Act 1889* and *Constitution Acts Amendment Act 1899* set out the basic elements of parliamentary government for Western Australia.

Scant on detail, the legislation follows the tradition in the United Kingdom, where constitutional laws rely on conventions or traditional practices that have evolved over centuries, rather than written laws.¹⁵ The *Constitution Act 1889* vested the legislative power of the state of Western Australia in the legislature to make laws for the 'peace, order and good Government of the colony of Western Australia and its dependencies'.¹⁶ It stipulated that the Parliament of Western Australia consist of Her Majesty the Queen (now the King), represented by the Governor; the Legislative Council; and the Legislative Assembly. All three were to work together to execute the work of the Parliament. By convention, cabinet members must be elected to the Parliament.¹⁷ By tradition, ministers tend to be concentrated in the Legislative Assembly, where government is formed. However, at least one minister must be drawn from the Legislative Council. In practice, though, a number of ministers are based in the Legislative Council. Each of these institutionalist features impact the manner in which individual members, and members as a collective, execute their role as elected representatives.¹⁸

The electoral system under which representatives are elected is a centrally important aspect of any polity.¹⁹ Representation of and accountability to the people are acknowledged as the two principles that underpin any democratic government. As noted by the Commission on Government, without a fair and

¹⁰ Patrick Dunleavy et al., (Eds), (2018), *The UK's changing democracy: The 2018 democratic audit*. London, England: LSE Press.

¹¹ Philip Pandal, David Black and Harry (C.J.) Phillips (2004), *House to house: The story of Western Australia's government and Parliament Houses over 175 years*. Perth: Parliament of Western Australia.

¹² Brian Galligan and Scott Brenton (Eds), (2015), *Constitutional conventions in Westminster systems*. Cambridge: Cambridge University Press.

¹³ Alan Fenna and Rob Manwaring (2021), *Australian government and politics*. Melbourne, Vic: Pearson.

¹⁴ David Black (Ed.), (2018), *Western Australian parliamentary handbook*, (24th Rev. ed.). Perth: Parliament of Western Australia.

¹⁵ Western Australia, Commission on Government (1996), *Report no. 5*. Perth, WA: The Commission, p. 35.

¹⁶ Section 2.1 Constitution Act 1889.

¹⁷ Alan Fenna (2014), 'Parliament and responsible government', In A. Fenna, J. Robbins, J. Summers, (Eds), *Government politics in Australia*. Sydney, NSW: Pearson Higher Education, pp. 33–52.

¹⁸ David Black (Ed.), (1991), *The house on the hill: A history of the Parliament of Western Australia 1832–1990*. Perth: Parliament of Western Australia.

¹⁹ Zsófia Papp (2020), 'Research handbook on political representation', In Maurizio Cotta and Federico Russo, (Eds). *Constituency service: Incentives and consequences*. Cheltenham, Glos: Edward Elgar, pp. 266–75.

representative electoral system, all aspects of the parliamentary process are undermined, the legitimacy of parliamentary scrutiny is weakened and the people's ability to pass judgement on their representatives is impaired.²⁰ While a detailed treatise of the evolution of Western Australia's electoral laws and history is outside the remit of this study, it is worth noting some of its nuances lest they impact on parliamentary committees.²¹

In particular, balancing geography and demography has been challenging when drawing electoral boundaries in Western Australia given its sheer vastness. For electoral purposes, the state is divided into metropolitan and regional areas. Legislative Council electoral regions are divided equally between regional and metropolitan areas, with both returning eighteen members each. However, since 1890, a system endured in which rural votes were worth nearly twice as much as metropolitan votes.²² A metropolitan member (city based) is defined as one who represents a seat in the East Metropolitan, North Metropolitan or South Metropolitan. A regional member (also known as a country, rural or non-metropolitan member) is one who represents a seat in the Agricultural, Mining and Pastoral or South West region.²³ Even subsequent to the legislative reforms that came into effect for the thirty-eighth Parliament, country votes were still worth more than their city equivalents.²⁴ The electoral laws currently in force (as at June 2021) continued to make allowances for geographically larger electorates on the basis that they play a special role in the economic prosperity of the state.

The Legislative Council, or 'upper house' of the WA Parliament, is also referred to as the 'house of review' as it plays an important role in scrutinising and reviewing legislation. It also critically reviews the operations of the government of the day, holding them to account on behalf of the people of Western Australia. A member of the Legislative Council (MLC) is elected for a fixed term of four years beginning on 22 May following a general election. MLCs are elected by proportional representation using the single transferrable vote in multi-member regions.²⁵ Legislation passed in 2005 (and effective from 22 May 2009) increased the size of the Legislative Council from thirty-four members to thirty-six members. Each of the six multi-member regions returns six MLCs each. The Legislative Assembly, or 'lower house', determines which party, or coalition of parties, forms government following an election. Through a preferential voting system, eligible voters in Western Australia elect one person to represent them from the electoral district in which they live. A key principle of this system is the need for the successful candidate to secure an absolute majority of the votes for the district (or electorate) after preferences have been distributed. The fifty-nine elected members of the Legislative Assembly (MLAs) form the Legislative Assembly for a maximum of four years.²⁶

²⁰ Western Australia, Commission on Government (1996), *Report no. 5*. Perth, WA: The Commission, p. 58.

²¹ For a more detailed treatment of Western Australia's electoral system see, Vanessa Beckingham (2004), *The alternative vote: In theory and practice*. Unpublished Honours Thesis. Mount Lawley, WA: Edith Cowan University; Isla Macphail (2008), *Highest privilege and bounden duty: A study of Western Australian parliamentary elections 1829–1901*. Perth: Western Australian Electoral Commission; Dr Harry (C.J.) Phillips (2013), *Electoral law in the state of Western Australia: An overview*. (3rd ed.) Perth: Western Australian Electoral Commission; and Kirsten Robinson (1998), *Ambiguities in parliamentary representation: An examination of representation and party attachment in the Western Australian Legislative Assembly*. Masters Thesis. Nedlands, WA: University of Western Australia Press.

²² Dr Harry (C.J.) Phillips (1991), 'The modern Parliament', In David Black (Ed.), *The house on the hill: A history of the Parliament of Western Australia 1832–1990*. Perth, WA: Parliament of Western Australia, pp. 185–262.

²³ W.S. Coleman, C.A. Broadbent, and B.J. Moore (2017), *Determination of the Salaries and Allowances Tribunal: Remuneration of Members of Parliament*, 30 November 2017. Perth WA: Salaries and Allowances Tribunal.

²⁴ Dr Harry (C.J.) Phillips (2013), *Electoral law in the State of Western Australia: An overview*. (3rd ed.) Perth: Western Australian Electoral Commission.

²⁵ Narelle Miragliotta, Sarah Murray and Justin Harbord (2019), 'Western Australia'. In Peter Chen, et al., *Australian politics and public policy: Senior edition*. Sydney, NSW: University of Sydney, pp. 313–30.

²⁶ Dr Harry (C.J.) Phillips (2015), *A citizen's guide to the Western Australian Parliament* (Rev. ed.). Perth: Parliament of Western Australia, pp. 19–20.

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