

A CITIZEN'S GUIDE TO THE WESTERN AUSTRALIAN PARLIAMENT



Harry C. J. Phillips

Select Parliamentary Publications

Parliamentary History Publications

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 Pandal and David Black, 2004.

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 Pandal, David Black and Harry Phillips, 2007.

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

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Parliamentary Education Publications

Second Reading: Parliamentary Government in Western Australia, Harry Phillips, 2004.

(Third internet ed. 2014). Available at:

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Preface

A Citizen's Guide to the Western Australian Parliament has been authored as an introductory document for parliamentarians, teachers and other educators, students and members of the public. It is designed to bridge the gap in political and civic education between Parliament's information pamphlets and published texts.

The Guide was modelled on a highly successful booklet, *The Citizen's Guide to the Alberta Legislature*, which was published in Edmonton by the Legislative Assembly of Alberta. Several editions have been required of the Albertan model and it is salutary that this publication has required a fourth revision. Several amendments and additional information has been included in this revision.

The Parliament of Western Australia, through its Education Office, has been responsive to the national and state quest for better levels of political and civic education as expressed in *Australia's National Common and Agreed Goals for Schooling* as documented in the Hobart (1989), Adelaide (1998) and Melbourne (2008) Declarations.

National testing of students' performance in civics and citizenship began in 2004 with the *National Assessment Program: Civics and Citizenship*. These tests, on a sampled basis, are conducted across Australia on a three-year cycle for years 6 and 10. The focus of this testing is on civic knowledge, citizenship in a democracy, and the skills and values needed for developing the disposition for participation in a democracy.

On 1 July 2007, the *Australian Citizenship Act* revised the 1948 Act of the same title. From 1 October 2007 it became necessary for people seeking Australian citizenship to pass this test. Initially, a resource booklet titled *Becoming an Australian Citizen* was available to assist those undertaking the test. Since October 2009, however, that booklet has been replaced by *Becoming an Australian Citizen: Our Common Bond*, available from www.citizenship.gov.au.

During 2012 and 2013 an Australian Curriculum was developed by the Australian Curriculum, Assessment and Reporting Authority

(ACARA) for Civics and Citizenship. Although this curriculum was not endorsed, the Western Australian year level curriculum for Humanities and Social Sciences, with a Civics and Citizenship component was released for familiarisation in late July 2015. The Western Australian curriculum remains broadly consistent with the Australian Curriculum but has been contextualised to make it more suitable for Western Australian students and teachers. Developments for introduction should be monitored at the School Curriculum and Standards Authority (SCSA) website: <http://k10outline.scasa.wa.edu.au/>

Readers should also utilise, where possible, the many Western Australian resources in the political and civic education field. Key agencies include: the Parliamentary Education Office, the Constitutional Centre of Western Australia, the Western Australian Electoral Commission, the Australian Electoral Commission and the Francis Burt Law Education Centre in Perth. An educational resource titled *Second Reading: Parliamentary Government in Western Australia*, was designed for teachers and published in 1991. A substantially revised version of this title has been made available on the Parliament's website. Some excerpts from *Second Reading* also appear in this publication.

Citizens wanting to know more about the Western Australian Parliament may visit the building to take a public tour or to watch the Parliament in session. Alternatively, the business of Parliament is streamed live at www.parliament.wa.gov.au. A virtual tour of the building is also available from this website.

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Acknowledgments

The first edition of a *Citizen's Guide to the Western Australian Parliament* was published as part of the celebration of the centenary of the building of Parliament House in 2004. Speaker Hon Fred Riebeling and President Hon John Cowdell were the Presiding officers at the time. Since 2013 the Presiding Officers, Speaker, Hon. Michael Sutherland and President Hon. Barry House have generously maintained support for the publication.

The advancement of the education role of the Western Australian Parliament has been strongly advocated by Mr Peter McHugh, Clerk of the Legislative Assembly and Mr Nigel Pratt, Clerk of the Legislative Council. Peter McHugh was, on the Guide's inception, very supportive of the concept of a *Citizen's Guide* similar to that published by the Legislative Assembly in Alberta, Canada. Support was also provided by Liz Kerr, Clerk Assistant in the Legislative Assembly and Julia Lawrinson, Advisory Officer in the Legislative Council and has since been provided by Katherine Galvin, Manager Community and Civic Engagement and Jovita Hogan, Research Officer in the Legislative Assembly. Original thanks is also due to Jane Gray, the Parliamentary Education Officer (1999 - 2010) who endorsed the likely value of the *Citizen's Guide*.

At all times the dedication of the Parliamentary Education Office, which actively promotes the concept of a citizen's guide, has been appreciated.

Finally, the support of my immediate family members Jan, Michelle and Marina and grandchildren Madeline, Charlotte, Harry and Poppy is recorded as they have been indirectly part of the political and civic education quest.

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November 2013

Chapter 1: The Origins of the Western Australian Parliamentary System

Parliamentary democracy in Western Australia is based on principles of government that have evolved over many centuries. Some of these are rooted in ancient Greece and Rome, while others developed in Great Britain.

Ancient Roots

The word 'democracy' comes from two Greek words: *demos* meaning people, and *kratia*, meaning rule. It was coined by the Greek historian, Herodotus, in the 5th Century BC, to signify 'popular rule'. Ancient Greece was divided into small units individually known as a *polis* or city-state. All citizens assembled to make decisions governing the city-state.

The idea and practice of citizenship was first thoroughly explored by the Greeks in the *polis*. The key to being regarded as a 'good citizen' and achieving 'well-being' was knowledge and participation in political and judicial affairs. Not all adults could be citizens but those who gained this status had a range of responsibilities.

The basic idea that citizens have common interests which they can promote through public meetings began in ancient Greece. Other ideas such as the right of citizens to hold public office, the right to oppose decisions, and equality of citizens before the law also stem from ancient Greece. The writings on citizenship by philosopher Aristotle (384 - 322 BC) remain influential.

In order to govern a far-flung empire, the Romans gave to law (and democracy) the concept of the supremacy of the law and the necessity to uphold a constitution. From Cicero (106-43 BC), the distinguished Roman orator, came the view that individuals were endowed with certain natural rights, and also the concept that political authority was derived from the citizens of any society.

While influential, Roman law, particularly the civil law tradition, never took firm root in Britain. English law developed its own tradition based on common law, or laws developed and applied by judges over time (the law of precedent).

British Heritage

While the Greeks and Romans provided a range of democratic ideas, many of the main principles of the Parliamentary system were developed in Great Britain. The Magna Carta of 1215 was regarded as a decisive step in checking the power of the monarch and providing a beginning to constitutional government and democratic rights.

The Parliamentary system came into being because monarchs needed more and more tax revenue to raise armies and run the kingdom. Often the citizens refused to pay taxes unless they had a say in how the money would be spent and this led to forums for public debate, which became known as Parliament.

The term 'Parliament' has been used in England since at least 1275, when Edward I used it to describe a council meeting with the most powerful nobles of the kingdom. Later, Edward I summoned this Parliament to appeal for money because England was in danger. The appeal was successful and the Parliament of 1295 became known as the 'Model Parliament'. It set the pattern for future parliaments and established the regular attendance of the nobles.

From the 13th to the 19th centuries the British Parliament struggled with successive monarchs for control of taxation, spending, and law-making. Eventually, the monarch assumed a ceremonial role, routinely approving Parliament's decisions.

In Western Australia today, our head of state remains the British monarch (currently Queen Elizabeth II), represented by the Governor.

Governor

In the Western Australian *Constitution Act 1889* (section 50) the Office of Governor is established. There are only brief references in this Act to the way in which the constitutional powers and duties of the Governor should be exercised. Some of the formal powers of the Governor are also set out in the Letters Patent under which the Governor is appointed. Other duties have evolved with the office. Some of the Governor's modern roles include:

- opening, proroguing (suspending) and dissolving (ending) Parliament's sittings;
- signing and giving assent to bills passed by Parliament so they become acts (legislation);
- presiding over the Executive Council;
- appointing judges, magistrates and justices of the peace;
- administering or authorising some person to take the oath or affirmation of allegiance from Members of Parliament;
- issuing writs for general elections;
- making speeches to community audiences;
- receiving visiting heads of state and other VIPs (Very Important Persons) from other countries, including ambassadors, high commissioners and other diplomatic and military representatives;
- travelling throughout Western Australia to meet people in regional areas and to keep abreast of developments within the State; and
- supporting community and charitable causes.

Executive Council

In most cases, reference to the Governor in any legislation means the Governor in Executive Council. The Executive Council is chaired by the Governor, includes at least two members of the ministry, and has as its secretary the Director General of the Department of the Premier and Cabinet. It meets fortnightly and for special meetings requested by the Premier.

Some of the matters considered by the Executive Council include:

- the allocation to ministers of responsibilities for legislation, departments and instrumentalities;
- the proclamation of acts passed by the Parliament;
- the appointment of members of the judiciary and senior public officials;
- appointments to government boards and committees; and
- the formal approval and making of certain delegated legislation.

The Westminster Model

The role of Governor is modelled on that of the British Monarch. In a reflection of history, the Western Australian constitutional documents describe the Parliament as consisting of 'the Queen, the Legislative Council and the Legislative Assembly'.

The bicameral or two-house system, which includes the lower house and upper house, also originated in Great Britain. The British Parliament evolved into an elected House of Commons (lower house) and an appointed House of Lords (upper house). Although the bicameral system of lower house and upper house was adopted in Australia, our upper houses became elected rather than nominated chambers.

As Australia was originally made up of British colonies, it was understandable that when the separate colonies gained self-

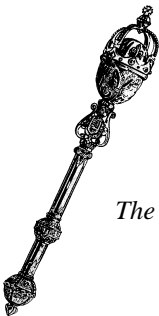
government, their Parliaments would be modelled on the British Parliament, which is located at the Palace of Westminster in London. Sometimes the British Parliamentary and governmental system is called the 'Westminster Model'.



The Black Rod

The Black Rod

The symbol of office of the Usher of the Black Rod. This officer of the Legislative Council escorts the Governor into the Legislative Council for the Opening Ceremony and also escorts the President into the Council Chamber at the commencement of each sitting.



The Mace

The Mace

A symbol of royal authority delegated to the Speaker of the Legislative Assembly. The Mace is carried by the Sergeant-at-Arms when the Speaker enters the Assembly Chamber or when the Speaker's chair is vacated during an adjournment or suspension of the House.

Western Australia's Constitutional Documents

There is no single document which contains Western Australia's Constitution. The main statutes containing the State's Constitution are the *Constitution Act 1889*, the *Constitution Acts Amendment Act 1899* and several amendments. Other possible sources of Western Australian constitutional law include:

- certain Western Australian Acts, e.g. *Electoral Act 1907*, *Electoral Amendment and Repeal Act 2005*, *Constitution and Electoral Act 2005*, *Supreme Court Act 1935*, *Parliamentary Privileges Act 1891*, *Financial Management Act 2006*, and *Auditor General Act 2006*;

- the *Commonwealth of Australia Constitution*;
- the *Australia Act 1986* (UK), *Australia Act 1986* (Commonwealth), *Australia Acts (Request) 1985* (collectively known as ‘the Australia Acts’);
- United Kingdom statutes, such as the *Bill of Rights 1689*;
- Letters Patent (a source of constitutional authority for the Governor as the representative of the Crown as Head of State);
- common law (the prerogative powers of the Governor and case law concerning the effect and interpretation of the above constitutional documents and sources); and
- constitutional conventions (unwritten practices concerning the powers, processes and procedures of government) mostly based on the ‘Westminster Model’.

Democratic Principles

Unlike the United States of America, Western Australia’s constitutional documents do not contain a set of democratic principles in the form of a Bill of Rights. References to Western Australia’s Parliamentary system of government, however, regularly describe it as having democratic features.

Democracy, it should be remembered, used to be a ‘bad’ word partly because of fears of the ‘tyranny of the majority’ associated with the widening of the franchise. However, in today’s world it has become a ‘good’ word. Abraham Lincoln’s famous concept of democracy as ‘government of the people, by the people, for the people’ now represents an ‘ideal’ form of government.

Democracy can be said to be a set of ideals and a system of government. These ideals, at least in theory, include:

- **freedom of the press:** the right of the mass media to comment on issues without government interference;

- **freedom of speech:** the right to speak on any issue as long as the laws of slander, defamation, sedition and obscenity are not infringed;
- **freedom of association:** the right to belong, or not belong, to any organisation (including unions and political parties);
- **freedom of assembly:** the right to peacefully meet (and march) for political and other purposes;
- **freedom of religion and conscience:** the right to practice one's own religion with no religious test for holding public office;
- **freedom of information:** the right of access to information (of which there are always some limitations); and
- **equality of opportunity:** the freedom from discrimination on the grounds of gender, age, pregnancy, family responsibility, family status, marital status, physical or mental impairment, religious or political beliefs. The entitlement to affordable healthcare, education, and social services.

As a system of government, a democracy is said to require:

- equal or effective voting rights for all adult citizens;
- relatively frequent elections;
- political parties, which are able to compete freely with each other for legal control of the institutions of state power;
- a government elected by a system which provides for approximately majority rule and minority consent;
- agencies to express opposition and review government decisions; and
- an independent judiciary employing 'due process' and 'the rule of law' (see page 68).

The extent to which government in Western Australia is democratic in practice is continually being commented upon in Parliament, the media and by citizens. Educators in Western Australia are always discussing and revising what knowledge, skills and values are

necessary for effective participation in our democratic political system.

Chapter 2: Parliament's History in Western Australia

As each Australian colony had a different history, the movement to self-government and the creation of Parliaments took different paths after the British Parliament passed the *Australian Colonies Act* in 1850.

This Act gave the Australian colonies the right to rule themselves.

In Western Australia, self-government (or responsible government) was delayed until 1890, even though when Captain James Stirling arrived at the Swan River in the *Parmelia* on 2 June 1829, he was about to establish a colony of free settlers.

The First Legislative Council in Western Australia

Captain James Stirling, whose enthusiasm had played such an important role in the decision to establish a colony of free settlers in 1829, was made Governor in February 1832.

A small Legislative Council and Executive Council were established with the same members. The Governor usually convened the Legislative Council, which first met on 7 February 1832, about twice a month.

A record of its decisions was sent to the British Government in London. Instructions from London were sent to the Governor.

The Legislative Council had to depend on Stirling to introduce all laws. Despite its undemocratic features, the Council is regarded as the forerunner of today's State Parliament.

The Executive Council is regarded as the forerunner of today's state cabinet (or ministry).

**Structure of Government
1832
Colonial Office (London, England)**



The First WA Legislative Council, 1832
Painting by Owen Garde, 1981

Left to Right: Hon. Peter Broun (Colonial Secretary), Hon. William Mackie (Advocate General), Hon. Frederick C. Irwin (Snr. Officer H.M. Land Forces), Hon. John S. Roe (Surveyor General), His Excellency Hon. Capt. James Stirling (Governor - standing), and Cm. Mark Currie (Clerk of Council).

Executive Council

Captain James Stirling (Commander in Chief), F.C. Irwin (Commandant), P. Broun (Colonial Secretary), W. Mackie (Attorney General), J.S. Roe (Surveyor General)

Legislative Council

His Excellency Captain James Stirling, Hon. F.C. Irwin,
Hon. P. Broun, Hon. W. Mackie, Hon. J.S. Roe.

During the 1860s there was much talk about the need for change in government. Public meetings were held and petitions signed. Despite this, in 1850 Western Australia had become a penal colony, receiving convict labour, so it was not possible to take advantage of the *Australian Colonies Act*, which was regarded as ‘the initial charter of self-government for the colonies’.

Only after 10 January 1868, when the last British convict landed in Western Australia, was the way clear for a more representative system of government, with elections to the Legislative Council.

Representative Government (1870-1889)

In 1870, Western Australia was introduced to representative government. The Legislative Council was to have 18 members comprised of three officials, three colonists nominated by the Governor and twelve elected members. Elections were to be held every five years and the colony was divided into electorates, with Fremantle and Perth each being given two representatives. Although some women who were property owners gained voting rights in municipal elections in 1876, the Legislative Council was restricted to men who owned property. Over the next two decades there were changes to the composition of the Legislative Council, although the two thirds elective proportion was maintained.

In 1877, the secret ballot (once widely known as the ‘Australian ballot’) was introduced for Legislative Council elections. The previous year, a newly elected member of the Council, Stephen Henry Parker, unsuccessfully attempted to have the idea of self-government supported by the Council. Later, in 1889, he was one of three leading colonists who sailed to England to present to the British Parliament a Legislative Council request for the granting of self-government. An election in early 1889, with people from the self-governed eastern colonies swelling the population, had shown strong public support for self-government.

Self (responsible) Government (1890)

Self-government meant that the British system or Westminster model of responsible government had been achieved. Firstly, the members of the new Lower House, the Legislative Assembly, were all elected. Secondly, the Executive or Ministry (including the Premier) were members of the Parliament and answerable (or responsible) to Parliament. The Governor, too, accepted the advice of the Premier (John Forrest) and his ministers.

The new Constitution was similar to those adopted by the other Australian colonies. However, the Colonial Office in London retained the right (until 1897) to direct the treatment of Aboriginal people, because colonists were said to have a poor record in this regard.

By 1900, the Parliamentary framework of government in Western Australia had been established. The Legislative Assembly had grown to 50 elected members and the Legislative Council (from 1893) had been transformed from a nominated chamber to one that was fully elected, with 30 members.

By the turn of the century, universal suffrage had broadly been won for the Legislative Assembly after women were granted the vote in 1899. However, it was not until 1962 that Aboriginals in Western Australia gained the right to vote in state and federal elections. Only for the 1965 election were all adults (over 21 years) given the right to vote in elections for the Legislative Council. Five years later, in 1970, the minimum voting age for women and men was lowered to 18 years.

Federation (1901)

During the 1890s, there was keen debate about whether the self-governing colony of Western Australia, whose population had been swelled by goldseekers from the eastern colonies, should join the proposed federation of Australia. The federation was to be a system of government in which power and responsibility were divided between a national government and state governments. Finally, a

referendum was held on 31 July 1900 with the electors of Western Australia accepting entry into the federation from 1 January 1901 by a strong majority (44,800 ‘for’ to 19,691 ‘against’). The promise of a transcontinental railway across the Nullarbor Plain to Perth and some special arrangements for customs duties helped the ‘yes’ vote. The voice of ‘t’other siders’, recent arrivals from the eastern colonies, mostly seeking gold, was also important.

Demographic Statistics

Western Australia			Australia		
Male	Female	Persons	Persons (i)	WA %	Male (ii)
1870 (<i>Representative Government</i>)					
15,511	9,624	25,135	1,640,000	1.53	161.17
1891 (<i>Responsible Government - 1890</i>)					
32,126	21,001	53,127	3,240,000	1.64	153.21
1901 (<i>Federation</i>)					
117,885	75,716	193,601	3,820,000	5.07	155.74
1933 (<i>Secession Referendum</i>)					
234,744	205,898	440,642	6,660,000	6.62	114.00
2004 (<i>Centenary of WA Parliament House</i>)					
999,217	994,709	1,993,926	20,200,000	9.87	100.45

(i) Figures for 1870, 1891, 1901 and 1933 did not include most Aborigines.

(ii) Number of males to each 100 females.

Federal Milestones in Western Australia

- **1 January 1901:** Western Australia becomes an ‘original state’ in the Australian federation (5 of 75 House of Representatives seats and 6 of 36 seats in the Senate).
- **26 September 1906:** the Legislative Assembly passes a motion by 19 votes to 13 that federation has been detrimental to the best interests of Western Australia and that the time has arrived for placing before the people the question of withdrawal from the federal union. On 16 October 1906 the Legislative Council passed the same motion by 17 votes to 6 votes.

- **1920:** the *Engineers’* Case. The High Court ruling swept away the earlier doctrines of implied intergovernmental immunities and reserved state powers.
- **8 April 1933:** the electors of Western Australia voted in a compulsory referendum by 138,654 to 70,706 for the State to secede from the federation.
- **1933:** the Commonwealth Grants Commission is created to advise the Commonwealth Treasurer on special financial assistance to the States. Grants are made in an attempt to achieve ‘horizontal balance’ whereby the living standards in the states are comparable for similar levels of taxation.
- **1939–1945:** Commonwealth legislation established the Commonwealth’s effective monopoly over income taxation. The High Court upheld the legislation in 1942 and 1957.
- **1946:** a constitutional amendment is carried giving the Commonwealth power to make special laws with respect to certain social services.
- **1992:** COAG: the Council of Australian Governments is created as the peak intergovernmental forum in Australia. COAG comprises the Prime Minister, state premiers, territory chief ministers and the President of the Local Government Association of Australia.
- **2000:** the Goods and Services Tax (GST) is introduced. It is distributed by the Grants Commission on ‘horizontal balance’ principles.
- **2006:** the High Court gives a broad interpretation to the Commonwealth ‘corporations’ power in the *Work Choices* case.
- **2013:** Western Australian federal representation in the Commonwealth Parliament stands at 15 of 150 House of Representatives seats and 12 of 76 seats in the Senate.

Chapter 3: Three Tiers of Government

At Federation, the colonies became states and kept control over many matters within their own boundaries. The new central government powers were written down in a document widely known as the Australian Constitution.

A constitution is a set of special rules by which a country is governed. Most constitutions are more difficult to change or amend than ordinary laws. This is the case for the Australian (or Commonwealth) Constitution, as well as Western Australia's constitutional documents.

Federal/National/Commonwealth

Section 51 of the Australian Constitution provides for the division of powers between the federal and the state governments. Some of the most important of these federal powers include:

- **defence:** so the nation could have one army, navy and air force;
- **interstate and international trade:** so there could be a free internal market between the states, with the national government making laws about trade with other countries;
- **taxation:** including the requirement that people pay taxes at the same rates throughout Australia on wages, salaries and business profits;
- **immigration and emigration:** so there would be the same rules for all states for people coming from overseas and people leaving Australia for other countries; and
- **currency:** so people would have the same bank notes, coins and other mediums of exchange throughout Australia.

Other matters listed in Section 51 (which has 39 sub-sections) include external affairs, marriage and divorce, quarantine, weights and measures, bankruptcy and census and statistics. It should be noted that many of these powers are called *concurrent* powers which means they are areas in which both the Commonwealth and

states can make laws. However, according to Section 109 of the Constitution, the law of the Commonwealth prevails if there is any inconsistency between Commonwealth and state laws.

State Powers

At federation, the states were left with what were thought to be important powers to service citizens in their everyday lives. The so-called 'residual' powers in which the new states could make laws included:

- public housing
- criminal/civil law
- development
- the environment
- schools and hospitals
- transport and police
- natural resources and land
- public utilities (e.g. water)

It was originally thought that the states, with their own sources of taxation and charges and some assistance from the Commonwealth, would be able to fund these services. However, during the Second World War the States, initially on a temporary basis, gave the federal government the power to levy income tax.

Subsequently, heavy expenditure in areas such as education, health and transport, together with High Court decisions, meant that the states became increasingly reliant on the Commonwealth government for grants. This is widely known as vertical fiscal imbalance.

From 2000, the revenue from the Goods and Services Tax (GST) has been distributed to the states and territories by the Grants Commission according to a set of principles. This formula takes into account population and calculates a 'horizontal balance' quotient which seeks to provide the residents of each state and territory with similar living standards for similar rates of taxation.

Local Government

There is no mention of local government in Australia's Constitution. Local government bodies are created by state Parliaments. Only since 1979 has there been a reference to local government in the Western Australian constitutional documents. Local governments in Western Australia operate through councils, to which local citizens elect representatives.

Western Australia, at the beginning of 2013 amidst reports and debate about amalgamations, has 139 local government authorities which are established as separate, semi-autonomous, legal entities in their own right, according to the *Local Government Act 1995* and its amendments. The Department of Local Government and Communities administers over a dozen Acts of Parliament covering a wide range of issues.

Local governments raise income from a variety of sources, including taxes on property (rates), grants from the Commonwealth and state governments and revenue from users of services. Services provided by local governments vary with the location of the authority. For example, roads are important in the outback Shire of Murchison with its population of some 200 people, whereas recreation and culture absorb a high proportion of expenditure for over 200,000 people in the metropolitan City of Stirling.

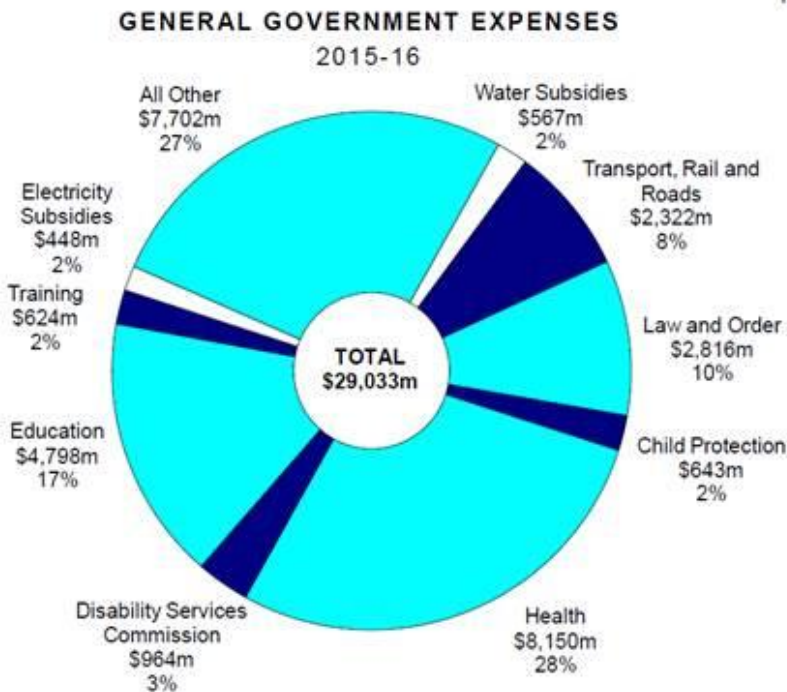
As local government is the sphere of government 'closest to the people', services include:

- aged care
- dog and cat registration
- local roads and footpaths
- noise control
- rubbish collection
- street signs
- building permits
- community centres
- local libraries
- parks and gardens
- street lighting
- swimming pools

Annual Budget for Western Australia

Each year, usually in May, the Western Australian Government delivers an annual Budget to the Parliament of Western Australia. It is firstly presented to the Legislative Assembly by the Treasurer of the State. The Budget has two major parts, notably the planned expenditures and the expected revenues for the year ahead from 1 July to the 30 June of the following year. Before the Budget is fully passed it is referred to the Legislative Assembly to be fully examined by an Estimates Committee. Later, in the Legislative Council the Budget is reviewed by its Estimates and Financial Operations Committee. The pie graph below shows the planned General Government Expenses from 1 July 2015 to 30 June 2016.

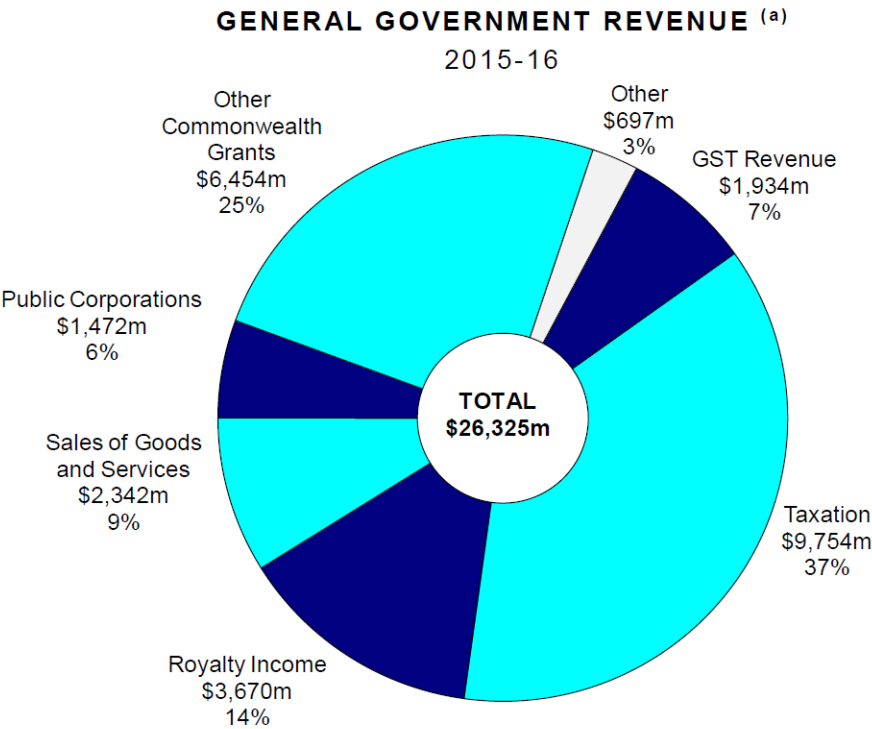
Figure 1



It should be noted that the Commonwealth Government also delivers an annual Budget, usually in May each year.

Indicated below is the planned revenue (incoming monies for Western Australia) for the financial year 2015/2016.

Figure 2



(a) Numbers may not add due to rounding.

Another important Budget feature, which usually takes place in December, is a Mid-year review of the Western Australian Budget. This report makes observations about whether planned expenses and revenues are going to be accurate.

Source of the above graphs: Government of Western Australia, 2015-16 Budget Paper No. 3, Economic and Fiscal Outlook, Chapter 4-5.

Chapter 4: Representing the People

In democratic systems of government, the institutions that represent the people are very significant. Some of the prerequisites of a democracy include a universal franchise and regular elections for a Parliament. Many of the principles of representation, particularly the representation of districts and communities, have been derived from understandings of the 'Westminster model'.

For Western Australians, it is compulsory for each citizen, once he or she turns 18, to play a role in electing their representatives to Parliament. Since 1983, a single enrolment form covers registration for Commonwealth, state and local government elections. In 2012 some changes were made to the *Electoral Act* 1907 to enable single enrolment to continue. The Federal Government has introduced 'automatic enrolment'. At election time, each citizen is obliged to register a vote (although with secret voting it is technically compulsory attendance).

Elections for both houses of the Western Australian Parliament generally take place every four years. In 2011, a fixed election date, the second Saturday in March after four years, was constitutionally established.

Members elected to the Legislative Assembly are chosen by a preferential voting system, sometimes known as alternative voting. 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 (see Appendix Eight).

Members elected to the Legislative Council are chosen by the proportional representation voting system often known as 'PR'. The system is quite complicated, but the main principle is simple in that the percentage of seats in a region secured by the respective parties will be proportional or comparable to the percentage of the votes secured by the political parties.

Candidates are required to obtain a *quota* in each region, which is the number of votes required to be elected as a representative from each of the six upper house electoral regions of Western Australia (see Appendix Eight).

In 1987 an independent statutory authority called the Western Australian Electoral Commission was created to conduct elections. The legislation also provided for the appointment of three Electoral Distribution Commissioners, which from 2009 includes a government statistician, the Electoral Commissioner and a person with judicial experience who is or has been a judge of the Western Australian Supreme Court (before 2009 the Chief Justice of the Supreme Court was required to be an Electoral Distribution Commissioner). These three Commissioners draw geographic district boundaries in the Legislative Assembly and contiguous (linked) districts known as regions in the Legislative Council, after every second election.

In the Legislative Assembly the number of electors in each district was not to be more than 15 per cent above or below the quotient which needed to be separately calculated for the metropolitan (34 seats) and the country (23 seats) districts.

After 1987 the Legislative Council was to have six multi-member regional electorates, with a total of 34 seats. Three regions in the metropolitan area defined by the Metropolitan Region Scheme Boundary totalled 17 seats. North Metropolitan had 7 seats and both East Metropolitan and South Metropolitan had 5 seats.

The three regions in the country (non-metropolitan) also totalled 17 seats. South West had 7 seats and both Agricultural and Mining and Pastoral had 5 seats. This was the regional composition of the Legislative Council until 21 May 2009.

Electoral Amendment and Repeal Act 2005

Historically, there has been much dispute, including Supreme Court and High Court litigation, about the criteria or rules that should be employed to draw electoral boundaries in Western Australia.

Significantly, in 2005 the Parliament passed the Electoral Amendment and Repeal Act, which heralded the introduction of the main elements of 'one vote one value' for the Legislative Assembly. The Constitution and Electoral Amendment Act 2005 increased the membership of the Legislative Assembly from 57 to 59 members. According to the legislation, after each election, Western Australia is divided into 59 electoral districts for the Legislative Assembly. As soon as practicable after two years following the last election, a 'relevant day' was set to determine the 'average district enrolment' for the 59 districts. In 2009 the 'average district enrolment' was over 21,000 electors.

Following a process that invites written comments and suggestions from political parties and citizens, the Electoral Distribution Commissioners publish prospective maps and

An example included in *Hansard* was for a then imaginary district of Eyre, with an area of 595,000 square kilometres and 9,215 real voters, which would finally have an enrolment of 18,153 ($9,215 + 8,938$). The additional 8,938 would be derived from the multiplication of 595,000 by 1.5 per cent. Assuming an average district enrolment was set at 21,000 it meant that Eyre would be 14.95 per cent below this quota which was acceptable as the legislation permitted a 20 per cent deviation below the 'average district enrolment'.

names of the various districts. After considering any objections the electoral districts are finally published in the *Government Gazette*.

The electoral districts at the 'relevant day' must be no more than 10 per cent above or below the 'average district enrolment'.

If a district has an area of 100,000 square kilometres or more, the number of electors is to be supplemented by a 'large district allowance', which is calculated by multiplying the geographic area by 1.5 per cent. This notional figure, when combined with the actual number of enrolled electors was not to be 10 per cent greater, or more than 20 per cent less, than the 'average district enrolment'.

The 'average district enrolment' must not consider population projections. Rather, in making the division of the State into regions and district boundaries, the Redistribution Commissioners give due consideration to the following factors:

- community of interest;
- land use patterns;
- means of communication and distance from the capital;
- physical features;
- existing boundaries of regions and districts;
- existing local government boundaries; and
- the trend of demographic changes.

Since 22 May 2009, the Legislation Council has had six electoral regions, with each returning 6 members. The full membership of the Legislative Council increased from 34 to 36 members but the ratio of metropolitan to country members will remain at 50:50.

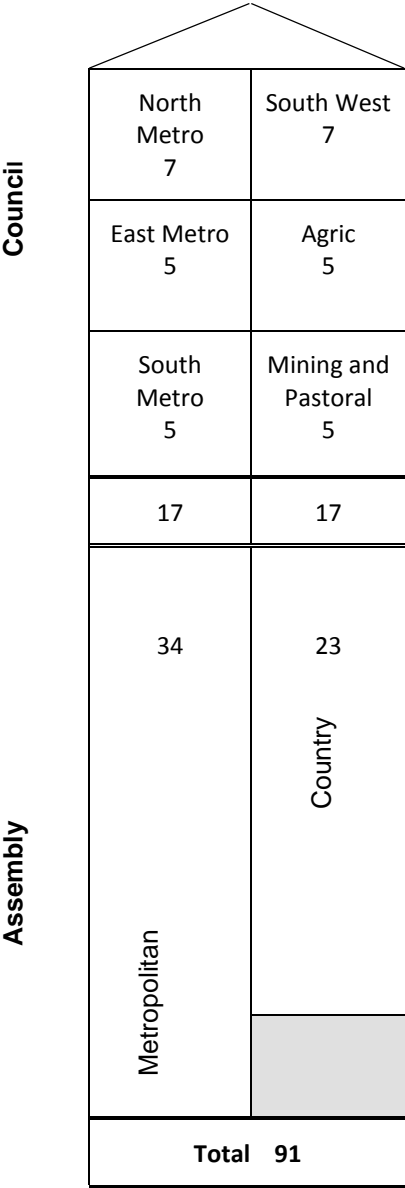
The boundary of metropolitan Perth on the relevant day will be that described in the 'Third Schedule' to the *Metropolitan Region Town Planning Scheme Act 1959* and Rottnest Island.

The regions are:

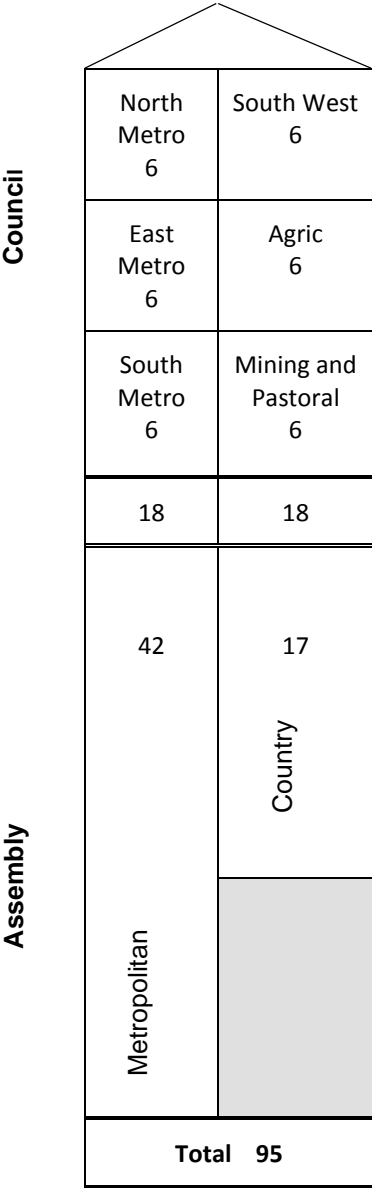
Metropolitan Regions		Country Regions	
North Metropolitan	6 Seats	South West	6 Seats
East Metropolitan	6 Seats	Agricultural	6 Seats
South Metropolitan	6 Seats	Mining and Pastoral	6 Seats

This diagram depicts the representational differences (in terms of districts and regions) in the Parliament 1989-2009 and 2009-on.

Parliament 1989 - 2009



Parliament 2009 - on



Your Member of Parliament

Members of Parliament who are not members of the cabinet or ministry are often known as 'backbenchers'. This derives from the convention that ministers occupy the front seats to the right of the Presiding Officers (the Speaker and the President).

Sometimes, the term 'private member' is preferred to 'backbencher'. Members have the responsibility to fulfil Parliament's main functions, which include:

- representing their electorates;
- participating in law-making;
- participating in scrutinising the activities of government;
- supporting and representing a political party, if applicable, of which they are a member; and
- providing advice and assistance on a whole range of matters to citizens.

It is important to realise that Members of Parliament represent all persons in their district, including children and others who may not have voting rights. Of course, no member can agree with all his or her constituents, because people's opinions are never unanimous.

Members often have to take sides, especially when votes are taken in both chambers. Which side they take depends on political party platforms, constituents' points of view and the member's personal beliefs.

An important role of a member is to determine how most people feel about a given issue. The sources of the information, apart from their own experience and research, are a range of media avenues (newspapers, magazines, television, radio, internet and social media), public meetings and discussions with constituents.

Members then may typically discuss the issue in private meetings with other members from the same party. In what is often known as ‘caucus’ (Labor) or the ‘party meeting’ (non-Labor) members decide what their position on an issue will be. Voting in the Legislative Assembly and Legislative Council will usually be along party lines.

Recent surveys by the Salaries and Allowances Tribunal, which determines the salaries of members, have indicated that members of Parliament usually work long hours, often in excess of 70 hours per week. The daily diaries of Members of Parliament from all parties, as well as Independents, reveal an extensive range of tasks. A member’s schedule may vary according to whether the member:

- is a minister or a shadow minister;
- belongs to a government or opposition party;
- is from a major party, minor party, or is an independent;
- is a Member of the Legislative Assembly (MLA) or a Member of the Legislative Council (MLC);
- is a metropolitan or non-metropolitan representative; and
- is a member of a Parliamentary committee.

A Member’s Schedule (*when the House is not sitting*)

Typically a member’s work schedule on a day when the House is not sitting may include:

- reading reports and research papers on topics relevant to their constituents and Parliamentary responsibilities;
- listening to news and current affairs programs on radio and television;
- browsing online news and opinion sources, and social media;
- reading various state, national and community newspapers, as well as newsletters from various organisations;

- meeting with community groups and organisations and attending community functions;
- discussing schedules and issues with electorate officers;
- seeing constituents who visit the electorate office;
- making and receiving telephone calls, faxes and e-mail messages;
- dictating and signing letters and reading correspondence; and
- attending political party meetings.

Political Parties

Nearly all MLAs and MLCs are members of a political party; however, some members are elected to Parliament as independents. A political party is a group of people who hold similar aims and opinions who have formed an organisation, usually to contest elections so that its elected representatives may form the government, or influence a government.

Although political parties are not featured in Western Australia's constitutional documents, they play an important part in the Parliamentary system and workings of government.

What Political Parties Do

Political parties:

- draw people together with similar viewpoints. People in groups can seek common causes and formulate policies and platforms;
- help organise the decision-making activities of government. These include managing some of the business of Parliament;
- may try to educate voters about politics in general and make them more informed about public affairs and policies;
- may help citizens and young people to form their own opinions and may give guidance on new or difficult matters;

- encourage people to join their organisations and may train party members in leadership skills; and
- choose candidates. At election time the candidates and their supporters distribute pamphlets, advertise in the media and visit voters to persuade them to vote for their candidates. At polling booths they usually hand out how-to-vote cards to voters.

Political Parties in Western Australia

Until 1900, there were no real political parties in Western Australia. Before this, John Forrest had the support of most of the members of Parliament, partly because of his strong personality. The first major political party to be formed was the Labor Party. Other groups gradually organised themselves into political parties.

One way of showing the history of political parties in Western Australia is to use Labor and non-Labor labels. On this basis the 'ratio of rule' over the last century of party-based government indicates that Labor and non-Labor have almost equally shared office.

In recent years, however, this classification has been challenged. Of course, over the years parties change their policies, and sometimes their names. Sometimes, too, in Australia's federal system, a party may have a slightly different policy in the Commonwealth Parliament as compared with the Western Australian Parliament. Official party stances are normally available from the respective political parties.

Registered Parties

Since 2000, provisions have been made for the registration of political parties in Western Australia. This procedure is administered by the Western Australian Electoral Commission. Registration requires evidence of 500 members and compliance with certain provisions including satisfying guidelines for the name of the party.

Candidates of unregistered parties are not able to use a political party name on a ballot paper for either house of the Parliament. The registration of political parties is not dependent on the platform of the party.

Details of the policies of political parties are available on the websites created by the parties. Sometimes there are variations in policies between the federal and state branches of parties. Such websites usually contain instructions about how citizens can become a member of the party. For the 9 March 2013 State election, the Western Australian registered list of political party names and ballot paper abbreviations were as follows:

Registered Name	Ballot Paper Abbreviation
Australian Christians (WA)	Australian Christians
Australian Labor Party (Western Australian Branch)	WA Labor
Family First Party (WA)	Family First
National Party of Australia (WA) Inc	THE NATIONALS
Shooters and Fishers Party (WA) Inc	Shooters and Fishers
The Greens (WA) Inc	The Greens (WA)
The Liberal Party of Australia (Western Australian Division)	Liberal Party

Parties in the Parliament (2013)

Liberal Party

This party was formed in 1945 when several non-Labor parties combined. Its main initial support base came from business circles. Historically, the Liberals argued for a strong federal system of government, with an important role for state Parliaments. Founding members believed that private enterprise (or business) was normally the best way to promote a healthy economy. The modern party has a broad range of policies across all portfolios including education, health, law and order, essential services, transport, sport

and recreation. Some members have been strong advocates of liberalism, a philosophy which espouses individual liberty.

Australian Labor Party (ALP)

The name 'Australian Labor Party' (ALP) was adopted in Western Australia in 1919. In the early days, the main support for the ALP came from trade unionists and wage earners. The party sought reforms of Parliament and argued for more federal power to improve social services. Historically, the party favoured government ownership of some businesses, such as insurance and banking. The ALP's modern platform includes equal opportunity and multiculturalism. Compared with the past, the party seeks more economic competition, large scale development and stronger 'law and order' stances. The party has a broad range of policies across all portfolios.

National Party of Australia (WA) Inc.

This party, previously known as the Country Party, was formed during World War I. Its main support came from farmers, particularly wheat farmers. Better conditions for country people, in the areas of transport, communications, health and education, have always been an important part of its policies. Weighting of electoral districts is also a policy stance. For the 2008 and 2013 State election campaigns the Nationals espoused a 'Royalties for Regions' policy (see Glossary). The party extended its focus to each of the Country Regions.

The Greens (WA) Inc.

The Greens (WA) achieved their first Legislative Council electoral success at the 1993 State election. Until 2009 their representation had been confined to the Legislative Council, where their participation in the committee system has been very active. The party's main platforms are: environmental sustainability; formulating policies to combat climate change; social and economic equality; participatory democracy; and peace, non-violence and disarmament.

Shooters and Fishers Party (WA) Inc.

The Shooters and Fishers Party gained initial electoral success in Western Australia with an Agricultural Region seat in the Legislative Council from 22 May 2013. The party contends that every law abiding citizen should have the right to own a firearm for legitimate purposes. It strongly supports recreational and conservation hunting, and laws giving shooters access to public land for hunting. It also has policies relating to personal freedom and reduction of governmental interference in citizens' lives; as well as the need for five-year reviews of all legislation.

Visiting Parliament

Sometimes constituents visit their representatives at Parliament House, although a more frequent location is the member's electorate office. Respondents to a state-wide survey in 2010 indicated that 45% of adults had visited the Western Australian Parliament. As the table below reveals, the visitor figures are higher for males rather than females and for metropolitan rather than country people. Age did not reveal a significant difference.

When asked about visiting the Parliament, the respondents indicated the main reason for their last visit was:

- 53% for an educational tour;
- 14% for sightseeing;
- 9% work related;
- 8% for lunch and morning tea;
- 7% to view a debate; and

- 4% to participate in a protest.

Visits to the Parliament

Total		Age		Gender		Location	
		18-35 yrs	36+ yrs	Male	Female	Metro	Rural
	N=402	N=110	N=292	N=198	N=204	N=313	N=89
Yes%	45	31	35	35	33	37	25
No%	55	69	65	65	67	63	74

(Source: Patterson Market Research - for WA Parliament, May 2010)

Booking a Tour of Parliament House

School and community groups can book an educational tour of Parliament through the Parliamentary Education Office. Bookings can be made on-line by visiting www.parliament.wa.gov.au and completing an on-line booking request which provides an adjacent interactive calendar indicating times, sitting and non-sitting sessions and available dates.

Public tours are conducted every Monday and Thursday at 10.30 a.m. (except public holidays) and no booking is required. All tours are free of charge.

For phone bookings and further information contact the Parliamentary Education Office on 9222 7259 or email education@parliament.wa.gov.au.

Chapter 5: Forming Government

Government

Once the outcome of an election for the Legislative Assembly is known, the Parliamentary leader of the political party or coalition or alliance of parties which has a majority of the 59 seats in the Legislative Assembly is invited by the Governor to form a government.

Under the Westminster system of 'responsible government', the party (or coalition or alliance of parties) commissioned by the Governor will remain in office until the next election, unless it loses a vote of 'no confidence' in the Legislative Assembly or is formally denied 'supply' (the necessary finances to function).

In this unlikely situation the Premier, by convention, would resign. The Governor may invite the Leader of the Opposition or the leader of another political party to form a government. However, the Governor may require that a fresh election be called.

Premier

By convention in the Westminster system, the Premier is a member of the Legislative Assembly elected by his or her party colleagues as leader and then commissioned by the Governor to be the 'first amongst equals', as the leader of the ministry or cabinet. In essence, the Premier becomes the head of government of Western Australia, and its major spokesperson.

Chairing cabinet meetings and assuming responsibility for the co-ordination of the administration of Western Australia are major tasks. The Premier also effectively decides the date that Parliament will resume after the return of writs following a state general election. Determining the opening day of a session of Parliament and proroguing Parliament are actions undertaken in the name of the Governor on the advice of the Premier.

Cabinet

The cabinet, also known as the ministry, is chaired by the Premier. It has grown in size from only five when John Forrest was first Premier in 1890, to 17 members. Cabinet decisions have no legal standing until they are put into effect, either by a decision of the Governor in Executive Council or by the responsible minister.

The key roles of cabinet, a term not mentioned in the Constitution, are to:

- make the major decisions of government and set the overall policy direction;
- provide a forum to share information between ministers;
- determine budget allocations and priorities; and
- handle crisis situations.

The idea of cabinet is often traced back to the British King Charles II (1630-1685) when he held private meetings with a small number of his Privy Council. When George I was on the throne (1714 - 1727) he could not speak English, so he left the running of his cabinet to the Prime Minister. From this, a number of practices or conventions developed which are considered important for the operation of the cabinet system.

Under the convention of collective responsibility, cabinet is collectively answerable to Parliament for all its actions, programs and policies. It is expected that each minister will keep confidential discussions that take place in cabinet. If ministers cannot publicly support cabinet decisions they are expected to resign. However, this rarely happens, as ministers (particularly in coalition governments), have some degree of freedom to allow their reservations about aspects of policy to become known to the electorate.

Ministers

The Westminster system assumes that ministers are individually responsible for implementing government policy and for the administration of the departments, statutory authorities and agencies within their portfolios.

While the day to day administration is handled by the departments, usually headed by a chief executive officer (CEO) and supported by a number of public servants, it is the minister who is answerable to Parliament. The minister will often make statements to Parliament, and face Parliamentary questioning.

Another modern dimension of accountability is the need for ministers to 'defend' their performance in the media. Often through the medium of 'talk-back' radio, individual ministers are questioned by hosts and the public. Voters, too, can express their thoughts thorough the avenue of social media. One recent development is the need for ministers to abide by a specific Ministerial Code of Conduct and declare any private interests which may be seen to influence the performance of his or her portfolio.

Opposition

A feature of Westminster style Parliamentary systems is the recognition of an official opposition. Since 1911, the Leader of the Opposition (LOOP) in Western Australia has been paid a special allowance equivalent to a cabinet minister. The post of Leader of the Opposition is assumed by the leader of the party with the largest number of members in the Legislative Assembly in opposition to the government of the day. An opposition is expected to:

- constructively review government policy and legislation;
- formulate alternative policies and offer the electorate a choice of a different government;

- seek, when appropriate, to bring down the government by winning a vote of 'no confidence' against it in the legislature, leading to the resignation of the government;
- develop a relationship with groups outside the formal political process who seek electoral support; and
- channel public opinion in pursuit of better legislation.

As oppositions, including minor parties and independents, typically lack resources, they rely heavily on the procedures of each house of Parliament to enhance their role. These procedures include:

- both questions on notice and questions without notice to ministers;
- making speeches on motions and bills;
- participating in grievance and adjournment debates; and
- membership of standing and select committees.

Minor Parties

Parliament has members of political parties who do not have sufficient elected members to form a government, or which are not in coalition with the government or opposition. These parties are often known as minor parties. They have increased their presence and significance in recent years, particularly in the Legislative Council, where the proportional representation (PR) voting system facilitates the election of minor party representatives. Since PR was introduced in 1987, the Greens (WA), Australian Democrats, One Nation and Shooters and Fishers have gained representation in the Legislative Council.

Independents

Apart from major party and minor party representation, some persons known as independents are elected to Parliament. On some occasions, members may resign from their political party and remain in Parliament as an Independent. As some independents

have shown a capacity to be re-elected it is indicative that their contribution as Members of Parliament is regarded as valuable.

Western Australia's Longest Serving Premier

Sir David Brand, MLA

(Liberal Party)

1959 - 1971



Western Australia's Longest Serving Member

Hon. John Tonkin, MLA

(Labor Party)

1933 - 1977

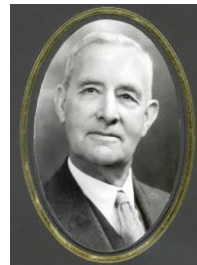


Western Australia's Longest Serving Leader of the Opposition (who did not become Premier)

Sir Charles Latham, MLA and MLC

(Country Party)

1933 - 1942



First Indigenous Member of the Western Australian Parliament and First Indigenous Minister in an Australian Government

Ernie Bridge, MLA

(Labor Party)

1980 - 2001



Youngest Elected Member (male) of Parliament

Edwin Corboy, MLA

(Labor)

24 years, 6 months, 16 days



Youngest Elected Member (female) of Parliament

Jaye Radisich, MLA

(Labor)

24 years, 10 months, 11 days



Oldest Member to Complete Parliamentary Service

Sir Norbett Keenan, MLC

(Independent / Liberal)

86 years, 1 month, 25 days



Oldest Member First Becoming a Minister

Florence Cardell-Oliver, MLA

(Liberal)

70 years, 10 months, 21 days



Chapter 6: Parliament's Roles and the Passage of Legislation

Parliament has evolved to perform a range of roles. A tabulation of these roles can vary according to whether the focus is on what Parliament should do, or what Parliament in fact does. Moreover, there are differences between the powers and procedures of both houses. For instance, the Legislative Council is widely regarded as having a greater review role of legislation than that undertaken by the Legislative Assembly. Parliament's roles include:

- provision of 'responsible' government under the traditions of Westminster;
- debate, amendment, passage and sometimes rejection or repeal of legislation;
- approval of finance (supply and appropriation of monies) for government operations;
- monitoring and scrutiny of government administration and expenditure;
- examination of public policy options;
- provision of a forum for the ventilation of matters of public concern;
- representation of the people;
- training of leaders (mostly informal); and
- educating the public about aspects of the work of Parliament.

Passing legislation is one of the most important roles of Parliament. When Parliament is sitting, about half of its time is devoted to this task.

There are many sources of ideas for new legislation, or amendments to existing acts of Parliament. Cabinet plays the major role in deciding what measures are to be introduced into the Parliament. The ideas behind new proposals may stem from:

- a minister;
- a Member of Parliament;
- Parliamentary select and standing committees;
- political parties;
- public servants and ministerial advisors;
- community interest groups;
- citizens in the community;
- court decisions;
- research from universities or the CSIRO (Commonwealth Science and Industrial Research Organisation); and
- the media, including radio, television, newspapers, magazines and the Internet, including the social media.

It should not be assumed that the sources of proposals are confined to Western Australia or Australian sources. Other countries, for instance Canada, may be the location from which legislative initiatives stem.

When the government (i.e. the cabinet or ministry) decides to introduce a proposed law into Parliament, it seeks the assistance of Parliamentary Counsel (people with legal drafting experience) to write a proposal in the form of a bill. When the draft bill has been accepted by cabinet (and the party in government), it can then be introduced into Parliament. Most bills are introduced in the Legislative Assembly but some bills are introduced in the Legislative Council. The latter house has a vital review role.

Stages

A bill must pass through a number of stages in both the Legislative Assembly and Legislative Council before it becomes an act and part of the collection of Western Australia statutes.

Introduction and First Reading

The House formally grants permission to a member to introduce a bill and then the clerk of the house reads the title of the bill.

Second Reading

The responsible minister or member in charge of the bill delivers the second reading speech, in which the purpose of the bill is explained. The second reading speech is generally regarded as the most important stage in the bill's passage. This is followed by a general debate after which a vote is taken for the bill to proceed to the next stage. A division may be called which means that the outcome of that formal vote is recorded.

Consideration in Detail and Committee of the Whole

The bill is considered in detail, often clause by clause. In the Legislative Assembly this is called the Consideration in Detail stage. In the Legislative Council this is called the Committee of the Whole stage. Amendments to the bill may be moved.

In either house a bill may be referred to a standing or select committee for detailed examination, which then reports back to the House. In the Legislative Council this referral to a committee can occur during any stage of a bill's progress through the house, while in the Legislative Assembly it can occur at any time after the second reading and before the third reading stage.

Third Reading

On most occasions the third reading of a bill is a formality with little, if any, debate. However, the question 'that the bill be read a third

time' is like any other question and can be spoken to or divided upon. Debate is not wide ranging and is restricted to the content of the bill as agreed during the preceding stages.

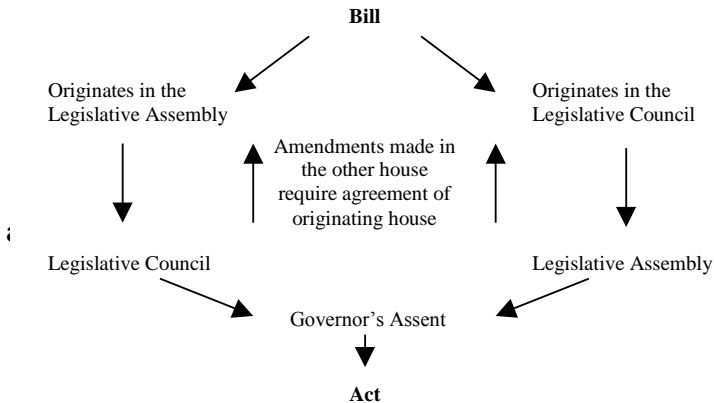
The bill is then transmitted to the other house where it passes through the same stages. Amendments are sometimes successfully moved in the other house. If the Legislative Assembly and Legislative Council cannot agree on the final form of the bill, each of them can appoint a number of members to resolve the disagreement. This is known as a *Conference of Managers*. However, only rarely is the conference of managers procedure adopted.

After a bill has been passed by both houses of Parliament in exactly the same form and certified as correct by the *Clerk of the Parliaments*, it is presented to the governor for *Royal Assent*. Once assent is given, the bill becomes an act.

Unless otherwise stated in the act, the legislation will come into effect 28 days after assent has been given and is deemed to have been proclaimed. Sometimes, a separate proclamation date is specified for an act. If an act is not proclaimed it never becomes part of the law of the land in the form of a statute.

Some constitutional bills presented to the Governor for assent also require the approval of electors at a referendum. To date this has not taken place but it would be required if there was a proposal to abolish the Office of Governor, or reduce (or abolish) the membership of either House of the Parliament.

Passing an Act



Parliament has a range of domestic or internal committees as well as many standing and select committees of inquiry. A Parliamentary Services Committee is appointed by each house and chaired by the relevant Presiding Officer. These committees meet jointly to perform an advisory role in relation to the provision of joint Parliamentary services including *Hansard* and the Parliamentary library.

The Presiding Officers also chair the Procedure and Privileges Committees for their respective houses. These committees are important for the efficient running of parliament but rarely involve the public. More relevant to the public are standing and select committees which are concerned with legislation, public policy and administration of government.

The membership of committees usually reflects the balance of parties in each house of the Parliament. As ministers do not sit on committees, they provide backbenchers with an opportunity to influence the Parliamentary agenda. On many occasions they can also provide an opportunity for the public to make submissions on policy or matters of public concern.

Select Committees

A select committee is established for a specific inquiry or purpose with a specified final reporting date at which time the committee ceases to exist. Sometimes there is provision for an Interim Report. The inquiries are conducted according to the terms of reference, or instructions, established by the house setting up the committee.

In earlier Parliaments some of the select committees in the Legislative Assembly have examined issues such as youth affairs, road safety, petrol prices, crime and drug use prevention and child migration.

Since the commencement of the 36th Parliament in 2001 there has been one Joint Select Committee in the Legislative Assembly which commenced in 2014 (Joint Select Committee on Aboriginal Constitutional Recognition), although on occasion that House has referred a bill to a legislation committee to allow for detailed scrutiny to occur outside regular chamber debates.

In the Legislative Council some of the topics for select committee examination have included native title rights, immunisation and vaccination rates in children, the Department of Community Development's foster care assessment procedure and the police raid on the *Sunday Times* newspaper.

Standing Committees

Standing committees are permanent committees. In the Legislative Assembly they are established for the life of a Parliament; however, Legislative Council standing committees survive dissolution. They conduct research, monitor legislation and often call for submissions from the public. The Legislative Council was the first House in Western Australia to establish several standing committees. Later, the Legislative Assembly added several standing committees to its Public Accounts Committee, which was created in 1970. Some joint standing committees, which have members from both houses, have been created in recent Parliaments.

Both the Legislative Assembly and Legislative Council have modified their committee structure in recent years with more use of standing than select committees. Such committees have become an important feature of modern parliaments. In the 39th Parliament (from 2013), the standing committees are as follows:

Joint Standing Committees

- Delegated Legislation
- Corruption and Crime Commission
- Commissioner for Children and Young People
- Audit

Legislative Council Standing Committees

- Environment and Public Affairs
- Estimates and Financial Operations
- Legislation
- Public Administration
- Uniform Legislation and Statutes Review

Legislative Assembly Standing Committees

- Community Development and Justice
- Economics and Industry
- Education and Health
- Public Accounts

Parliamentary Privilege

Under Parliamentary Privilege, the proceedings of Parliament, its committees and some Parliamentary documents, are protected by special legal rights and immunities.

A major step in the history of Parliamentary Privilege was the *Bill of Rights 1689*. It was one of the steps by which the United Kingdom Parliament sought to ensure that the monarch could not threaten members with arrest for what they said in Parliament. One important part of the Bill of Rights states:

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament.

This means that members have free speech in parliament without the threat of being sued for defamation. Parliament also has the right to take action against anyone who interferes with its functioning by finding him or her to be in contempt of Parliament. Parliament may reprimand (or demand an apology), and fine or imprison the person committing the contempt.

Constitutional documents and the *Parliamentary Privileges Act 1891* have previously limited the scope of Parliamentary Privilege in Western Australia to that enjoyed in the British House of Commons from ‘time to time’.

In November 2004 this continuing link with the House of Commons was broken when the scope of Parliamentary Privilege was ‘pegged’ to that which existed in the United Kingdom in 1989. This date preceded the influence of the European Court of Human Rights and coincided with the publication of the 21st Edition of Erskine May’s *Parliamentary Practice*, a procedural treatise on Parliamentary practice in the British House of Commons.

Parliamentary Services Department

In April 1998, the Western Australian Parliament created a Parliamentary Services Department. Headed by an executive manager, the department provides administrative and business support services and resources to the Presiding Officers, members of Parliament and the chamber departments in the areas of: building services, car parking, catering, finance, gardens, reporting

services, human resources, information technology, library, security, switchboard and broadcasting of proceedings. In 2013 Parliamentary Education was added to the department.

Chapter 7: People in the Western Australian Parliament

Passing legislation in the Western Australian Parliament requires a great deal of teamwork between the elected members (from the government and opposition, minor parties and independents) and the permanent officers of the Parliament.

The Legislative Council

President of the Council (an elected MLC): chairs debate and ensures that the rules (Standing Orders) are followed. The President does not normally make speeches during debates. Chosen by members of the Legislative Council, the President upholds the traditions of the Legislative Council. Other important tasks for the President are to represent the Legislative Council at official functions and exercise overall responsibility, with the Speaker of the Legislative Assembly, for the running of Parliament House.

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 of the Legislative Council (36 elected MLCs): represent regions for four-year fixed terms. From 1890 to 22 May 2013 there have been 344 MLCs (see Appendix Two).

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

Leader of the Opposition in the Legislative Council (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.

These responsibilities are called ‘portfolios’. Under the Western Australian constitutional documents, at least one minister must be an MLC (see Appendix One).

Shadow Ministers (elected MLCs): the leading members of the opposition, each with 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 acts as a marshal for their respective parties and is appointed as a teller in a division.

Clerk of the Legislative Council (Parliamentary Officer): gives advice to the President and other MLCs on the application of laws and proceedings of the Council, and is responsible for the day-to-day running and the recording of decisions of the Legislative Council. The Clerk also has an administrative role in relation to Legislative Council matters and the Parliament. As Clerk of the Parliaments, this person is also responsible for sending all bills passed by the two houses to the Governor for assent. The Clerk is assisted by a Deputy Clerk and two Clerk Assistants.

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. This officer performs several other service roles.

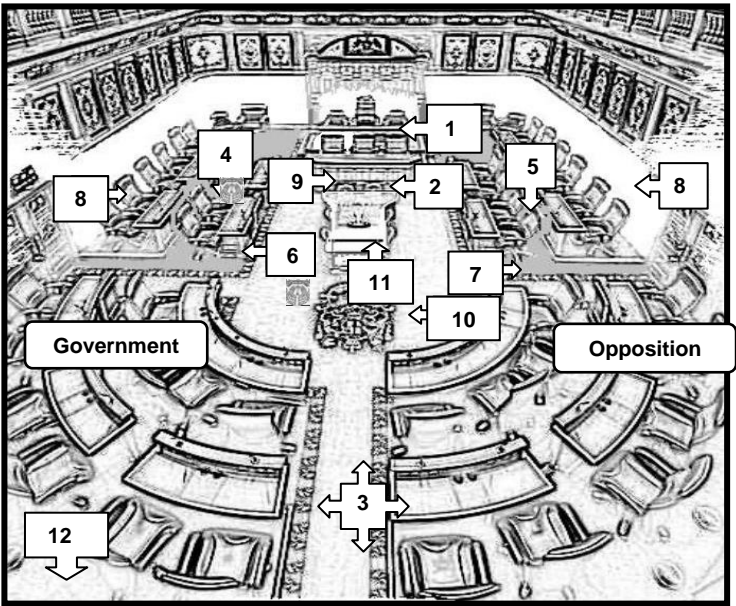
Hansard Reporters (Parliamentary Staff): record debates and committee proceedings for the Legislative Council. The reporters work in ‘turns’, usually of 10 minutes’ duration. *Hansard*, a substantially verbatim report of proceedings, with some interjections, is produced. Members may make corrections to proofs but the sense of the speech may not be altered or new material produced.

Other important people include librarians, Parliamentary officers and attendants, administrative and information technology officers, education officers, security officers and catering staff.

See <http://www.parliament.wa.gov.au> and select the members' icon to the right of the web page to display an alphabetical list of current members of both houses of Parliament (see also Appendix Two).

The Legislative Council Seating Arrangements

Members and officers each have their own special seat in the Parliament. The Legislative Council seating plan is as follows:



- | | | | |
|---|---|----|--|
| 1 | President | 7 | Shadow Ministers |
| 2 | Chairman of Committees | 8 | Party Whips |
| 3 | Member of Legislative Council | 9 | Clerk of the Legislative Council |
| 4 | Leader of the Government in the Legislative Council | 10 | Position for Black Rod (symbolic ornament of office) |
| 5 | Leader of the Opposition in the Legislative Council | 11 | <i>Hansard</i> Reporters |
| 6 | Ministers | 12 | Parliamentary Officers |

Note: Honour Boards remembering the Legislative Council members who have served in Australia's armed conflicts and who were elected or nominated to the legislature during the period of representative government (1870-1890) were placed in the President's gallery of the chamber in 2005.

The Legislative Assembly

Speaker of the House (an elected MLA): chairs debates and ensures that the rules (Standing Orders) are followed. The Speaker does not normally take part in debates. Chosen by members of the Legislative Assembly, the Speaker upholds the traditions of the Assembly. The Speaker also represents the Assembly at official functions and with the President of the Legislative Council, has responsibility for the running of Parliament House.

Deputy Speaker (an elected MLA): often chairs debates in the Assembly, and acts as Chairman of Estimates Committees and Legislation Committees.

Members of the Legislative Assembly (59 elected MLAs): represent districts for a maximum term of four years. From 1890 - 2013, there have been 593 MLAs (see Appendix Two).

Premier (an elected MLA): leads the Government and takes a major part in debates (see Appendix Five). Allocates portfolios to ministers (see Appendix One).

Leader of the Opposition (an elected MLA): leads the opposition and takes a major part in the debates. Organises the shadow ministers to keep a check on the actions of the government and often proposes changes to legislation (see Appendix Six).

Ministers (elected MLAs): members of the government with responsibility for particular portfolios, including 'Leader of the House'. Most ministers are MLAs (see Appendix One).

Shadow Ministers (elected MLAs): the leading members of the opposition, each with responsibility for ‘keeping watch’ on a government minister and questioning him or her about government departments and activities.

Party Whips (elected MLAs): an MLA who acts as a marshal for their respective party and is appointed as a teller in a division.

Clerk of the Legislative Assembly (Parliamentary Officer): gives advice to the Speaker and other MLAs and records decisions of the Legislative Assembly. Assisted by a Deputy Clerk and two Clerk Assistants, the Clerk also has an administrative role in relation to Legislative Assembly matters and the Parliament.

Sergeant-at-Arms (Parliamentary Officer): helps the Speaker keep order and is known as the ‘Constable of the House’. This officer is the guardian of the Mace, which is the symbol of the authority of the Legislative Assembly. This officer performs several other functions.

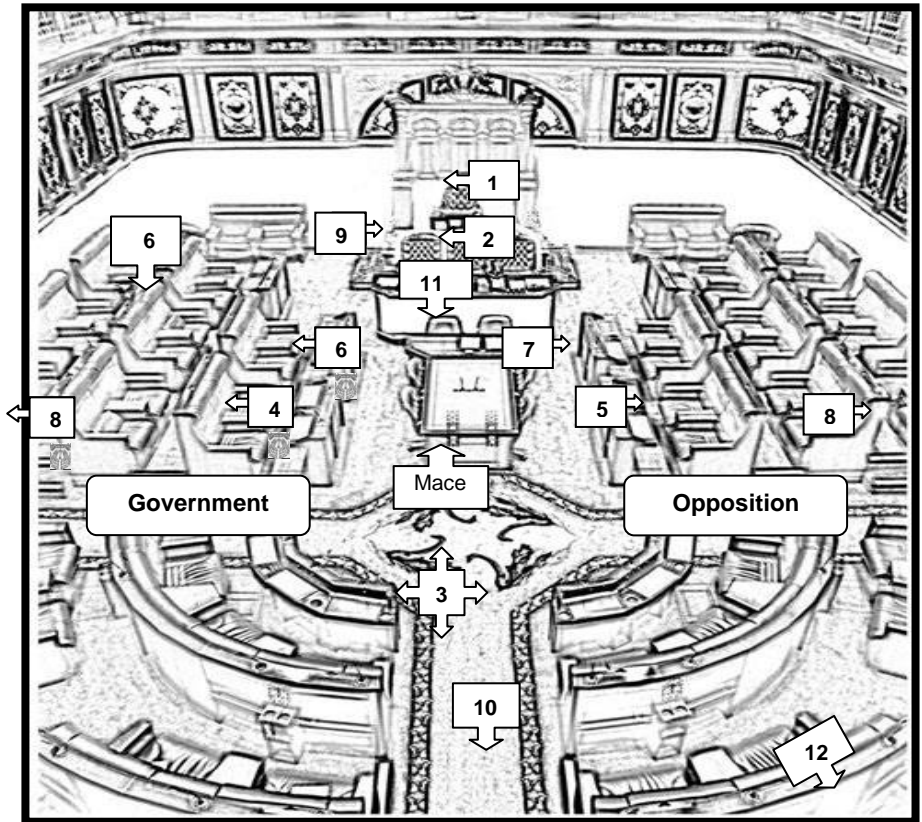
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Other important people include librarians, Parliamentary officers and attendants, administrative and information technology staff, education officers, security officers and catering staff.

A list of members and Parliamentary office holders is available at www.parliament.wa.gov.au. Select the ‘Members’ tab to display an alphabetical list of current members of both houses of Parliament (see also Appendix Two).

Legislative Assembly Seating Arrangements

Members and officers have their own special seats in the Parliament. The Legislative Assembly seating arrangements are as follows:



- | | | | |
|---|-------------------------------------|----|-----------------------------------|
| 1 | Speaker | 7 | Shadow Ministers |
| 2 | Deputy Speaker | 8 | Party Whips |
| 3 | Members of the Legislative Assembly | 9 | Clerk of the Legislative Assembly |
| 4 | Premier | 10 | Sergeant-at-Arms |

5	Leader of the Opposition	11	<i>Hansard</i> reporters
6	Ministers (including Leader of the House)	12	Parliamentary Officers

Right of Reply

In 1997 the Legislative Assembly adopted a ‘right of reply’. This procedure enables citizens to respond to adverse statements made by any member of the Legislative Assembly (MLA) under Parliamentary Privilege.

Following the steps in the Standing Orders, a person may exercise the opportunity to have a response to any allegation against them printed in *Hansard*.

It is not the role of the Speaker or the Legislative Assembly Procedures and Privileges Committee, when giving permission for the statement to be published in *Hansard*, to determine whether the original allegations made by the member, or the contents of the proposed response, are truthful.

There has been a steady stream of ‘right of reply’ requests published in *Hansard*, however, the prediction that there may be a flood of requests did not transpire. If a person or corporation adversely affected decides to exercise the ‘right of reply’ they should first examine the Parliamentary pamphlet produced by the Legislative Assembly entitled *Responses from Persons Adversely Referred to in the House*.

‘Right of Reply’ has not been adopted in the Legislative Council. The Council allows citizens to rely on a Parliamentary process that has existed for centuries – that of the petition (see ‘Petition’ in glossary).

Records of Parliament

Throughout the progress of a sitting a record of the proceedings entitled 'minutes of proceedings' in the Legislative Council and 'votes and proceedings' in the Legislative Assembly is maintained.

These documents are the official accurate record of business done and decisions made in each house. They include division lists which record the voting on particular matters and the attendance record of members. These records are printed and are also available on the Parliament's website.

The notice papers list all business currently before each house and are printed and circulated each sitting day. These papers are also available on the Parliament's website. In addition to these documents, a record of debates in Parliament is produced in what is known as *Hansard*. It is a public document and like the member's speech in the Parliament, carries complete Parliamentary privilege. The Western Australian *Hansard* can also be accessed on the internet, dating back to representative government in 1870, at www.parliament.wa.gov.au.

Chapter 8: Parliament at Work

Following each election, the Western Australian Governor requests the leader of the party (or coalition or alliance of parties) commanding a majority in the Legislative Assembly to form a government.

On instruction from the Governor, the Legislative Assembly and its Speaker are summoned to the Legislative Council to hear the Governor's speech at the opening of Parliament. In this traditional ceremony, the Black Rod knocks three times on the closed doors of the Legislative Assembly.

Upon being admitted, the Black Rod moves through the Bar of the House (barrier between the floor of the House and the public areas) and delivers a message inviting the members to go to the Legislative Council. Dating back to the reign of King Charles I (1600-1649), the monarch and his or her representatives never appear on the floor of the lower house.

The Governor reads the opening speech which outlines the government's legislative proposals or intentions for the coming session. Over the next several weeks the merits and defects of the government plans are evaluated in each house in what is known as the address-in-reply.

The annual delivery of the state budget, usually in May of each year, is another opportunity for a wide ranging debate. Although, according to the constitutional documents, money bills can only be introduced in the Legislative Assembly, both houses have formal committees which provide opportunities for detailed consideration of the spending proposals for each portfolio. In the Legislative Assembly these are the annual Estimates Committees. In the Legislative Council this is through the continuing operation of the Estimates and Financial Operations Standing Committee.

As mentioned, an important role of Parliament is the passing of legislation, some of which is signalled in the Governor's speech.

Most of the proposed legislation is government bills, but private member's bills are sometimes introduced - these are rarely passed because the sponsors do not have the required Parliamentary majorities. Private members' bills stem from the opposition, minor parties and independents to clearly indicate their respective stances on policy issues.

Program of Business

A record of the proceedings of each sitting day is kept in the *Votes and Proceedings* for the Legislative Assembly. For the Legislative Council the publication is known as *Minutes of Proceedings*. A complete record of the debates and times can be found in *Hansard*. Although a *Notices and Orders of the Day* (Legislative Assembly) and *Daily Notice Paper* (Legislative Council) is produced for each sitting day, specifying all the business before the house and the order in which it will be dealt with, this order often changes during the course of a sitting day. Some of the common features of the *Order of Business* (see Appendix Three) include:

- prayers;
- presentation of petitions;
- government business (notices of motion and the passage of bills);
- ministerial statements;
- questions without notice;
- tabling of papers (reports and regulations);
- orders of the day; and
- adjournment.

The adjournment debate in the Legislative Council, which runs for approximately 40 minutes at the conclusion of each sitting day, provides MLCs with an opportunity to highlight important concerns and matters, particularly those relevant to their region. In the

Legislative Assembly the Standing Orders allow MLAs to make 90 second statements to record achievements and activities in their electoral districts. In addition, on a weekly basis when the Legislative Assembly is sitting, there is a grievance procedure whereby members can raise a specific grievance with a minister, and hear that minister's response.

Visitors to the Western Australian Parliament often find it hard to follow what is going on in the Legislative Council or Legislative Assembly, as there appears to be so much activity. When the Parliament is sitting, the public see members making speeches, asking questions, often listening in a reflective manner, but sometimes interjecting when another member is speaking. Members regularly enter or leave the chambers. When doing so, the members follow custom by bowing slightly to the President or Speaker.

Officers of Parliament, such as the clerk of each house, sit at the table below the Presiding Officer of each chamber. There are constant changes among *Hansard* reporters, taking notes and recording the speeches and decisions of each house.

The President in the Council and the Speaker in the Assembly are seen to be regularly making rulings and speaking to maintain order. Attendants are constantly moving to and from the chambers. Bells ring and votes are taken. To record the vote of members a *division* may be called. When members vote in a division the bells are rung for two minutes to call them to their chamber. In the Legislative Assembly a Parliamentary tradition remains whereby a sand glass is used to measure the elapse of time.

In both chambers, members have time limits placed on their speeches during a debate. Sometimes members are given 'Leave of the House' to extend their speeches. On rare occasions debates may be guillotined (given a time limit) or gagged (stopped). Sometimes, to save time, by special leave, a decision is made at the second reading stage of a bill to have a *cognate* debate. If this occurs, the

subject matter of a bill can include topics from similar or complementary bills that are before that house.

On some days, visitors may observe some extra hustle and bustle. Members may have appointments with members of the public (their constituents) or organised interest groups (or pressure groups). Nowadays, however, many of these meetings take place in the members' electorate offices. The offices are located in the member's electoral districts or regions. Sometimes, too, public protests take place at the front of the parliamentary building.

Since 2012 the Premier has had an office close to the Parliament at Hale House adjacent to the Constitutional Centre of Western Australia. Many ministers have offices at Dumas House, which is also located in the precinct of the Parliament. Other ministers have offices in the central business district (CBD).

Chapter 9: Government and Citizen Participation

The Western Australian Parliament passes statutes (or laws) on matters for which the State Government is responsible under Australia's Constitution. Once an act of Parliament is signed by the Western Australian Governor and comes into effect, following proclamation, a member of the ministry (or cabinet) is responsible for the administration of the statute. This is the executive arm of government administering the law.

There are over 1,000 Western Australian statutes. The length of the statutes vary greatly from less than a page to several hundred pages. A listing of each statute, together with the responsible minister, appears periodically in the *Government Gazette*. For example, the Minister for Water is responsible for the Department of Water, which manages Western Australia's water resources. The Department provides information to industry, technical support and professional guidance to government on the status of water and the viability of new water source developments. It also issues licenses for artesian groundwater wells throughout the State. A major statutory authority is the Water Corporation. It is owned by the Western Australian Government and is accountable to its sole shareholder, the Minister for Water. It is the current principal supplier of water (including desalinated water), wastewater and drainage services throughout the state of Western Australia. With over 3,000 employees it conducts business under an operating license and a customer charter, and is guided by a Customer Advisory Council.

Under many statutes, ministers formulate regulations upon the advice of their departmental officials. The regulations require the approval of the Governor in Council. Both the Legislative Assembly and the Legislative Council can review the regulations and, if necessary, disallow them.

In rare cases, both houses of parliament must approve the regulations before they may take effect. Regulations, part of what is

often called 'delegated legislation' or 'subsidiary legislation', are a very important aspect of modern government.

Statutory Authorities and Committees

With the growing scale of government in our society, it has become very difficult for ministers to be totally answerable for much of the work of their departments. This problem has become even greater since the creation of what are known as 'statutory authorities' or 'statutory corporations'. They are authorities or businesses which are created by an act of parliament, or statute, and must report annually to parliament.

The number of statutory authorities exceeds 300 but there are also a range of councils, trusts and committees which report to their respective ministers. For example, the Minister for the Environment, apart from direct responsibility for the Department of Environment and the Department of Parks and Wildlife (and the administration of some 20 acts of parliament) has several statutory authorities, councils and trusts within the portfolio.

Included in the listing are the Botanic Gardens and Parks Authority, the Conservation Commission of Western Australia, the Environmental Protection Authority, the Keep Australia Beautiful Council (WA), the Waste Authority and the Zoological Parks Authority.

Governmental Accountability

Modern governments, their departments and agencies, are accountable for their performance. Apart from Parliament, elections and the avenues for citizens to voice their opinions through mediums such as the media, various institutions or bodies have been created to help ensure that governments are accountable and follow correct procedures.

Citizens need to know how these agencies function or work. The most important statutory officers with these accountability roles

include the Auditor General; the Parliamentary Commissioner for Administrative Investigations (often known as the Ombudsman); the Information Commissioner; the Commissioner for Public Sector Standards and the Public Sector Commissioner; the Commissioner of the Corruption and Crime Commission; and the Parliamentary Inspector of the same authority.

Office of the Auditor General

The Auditor General's role is to annually audit the financial records of government departments and agencies. The audit is an official check of accounts to ensure that the payment of monies is proper and legal. The Auditor General is a key provider of independent and impartial information on public sector accountability and performance to the Parliament.

The Office of the Auditor General has a long history in Western Australia (and elsewhere) but in recent years, particularly since the passage of the *Financial Administration and Audit Act 1985*, the Auditor General's office has also begun to conduct examinations on the efficiency and effectiveness of the performance of government agencies. The present relevant legislation is the *Auditor General Act 2006* and the *Financial Management Act 2006*.

Parliamentary Commissioner for Administrative Investigations (the State Ombudsman)

The Parliamentary Commissioner, established in 1971, is more commonly known as the Ombudsman. The main task of the Ombudsman is to carry out an independent and impartial investigation of a complaint relating to a 'matter of administration'. In certain circumstances, the investigations can include the police force.

The Ombudsman may make recommendations concerning complaints, but has no power to force any department or agency to take certain steps. As the Ombudsman reports to the Parliament on the outcome of investigations, any criticism by the Ombudsman is a

strong incentive for government agencies to comply with any recommendations made.

The Information Commissioner

The *Freedom of Information Act 1992* (FOI) gives people the right to apply to access documents held by ministers, state government departments, local government authorities and statutory authorities. The access to documents includes applications for amendment of personal information. The Information Commissioner requires agencies to assist the public to obtain the required information at the lowest reasonable cost. Each government agency has a nominated FOI officer who assists people in lodging an application.

Sometimes only part of the document will be provided if it contains information considered to be exempt. For requests concerning other than personal information there is an application fee (about \$30) and additional charges for dealing with the application. Sometimes these costs can be quite high but there are some allowances for people who are financially disadvantaged.

Commissioner for Public Sector Standards

The Commissioner for Public Sector Standards is an independent statutory officer appointed by the Governor and reports to the Parliament. This office and its functions were established under the *Public Sector Act 1994*.

The Commissioner is required to establish and monitor standards and proper procedures in the public sector. This applies to all public sector employees and bodies, including chief executive officers. It does not cover elected officials such as members of Parliament or local government representatives.

These standards relate to matters of recruitment, selection, appointment, transfer, performance and termination of employment in the public sector. In addition, the Commissioner is

required to establish codes of conduct for ethics and integrity. Also under the *Public Interest Disclosure Act 2003*, the Commissioner has a role to assist authorities and public officers to comply with this Act. It facilitates the disclosure of public interest information by providing protection for those who make disclosures and those who are the subject of disclosure.

Public Sector Commissioner

In 2008 the government created the Public Sector Commission under the *Public Sector Management Act 1994*. The Premier delegated his powers as Minister to the Public Sector Commissioner to broadly enhance the independence, professionalism and integrity of the Western Australia public sector. Specific functions mentioned for the Commission include:

- ensuring overall public sector operational efficiency;
- oversight of Chief Executive Officers;
- management of the Senior Executive Service;
- administering public service classification and appointment processes;
- redeployment and voluntary severance arrangements; and
- remuneration setting for government boards and committees.

The Public Sector Commission website also includes details for the registration of lobbyists. Towards the end of 2006, the Western Australian Government decided to establish a code of conduct between lobbyists and government representatives, including a Register of Lobbyists.

The purpose of the register is to provide information to the public, as well as the Government, as to who is engaged in lobbying activities with government and whom lobbyists represent in their dealings with government. Further legislation was contemplated in the 38th Parliament, but it did not eventuate.

Corruption and Crime Commission

At the beginning of 2004, the Corruption and Crime Commission (CCC) replaced the Anti-Corruption Commission (ACC), which had been established in 1996. A key purpose of the ACC had been to receive and investigate allegations of corruption against public officers. The CCC has similar objectives but its powers are more comprehensive, including the power to compel witnesses to give evidence and the power to hold public hearings. The CCC's primary functions are to:

- investigate allegations of misconduct by public officers;
- monitor the reporting and subsequent investigation by agencies;
- conduct education programmes in the public sector and general community; and
- develop and implement corruption prevention strategies in the public sector.

The CCC, which is effectively a permanent Royal Commission can, through its Commissioner, confirm to the public that investigations are ongoing, disclose information and comment on outcomes if it is thought to be in the public interest.

The inaugural Commissioner, Kevin Hammond, was a former Chief Judge of the District Court. The present Commissioner, since 1 April 2015 is the Hon John McKechnie QC, former Senior Puisne Judge and Senior Judge General Division of the Supreme Court of Western Australia. Significantly, the CCC's activities are overseen by a Parliamentary Inspector.

Parliamentary Inspector of the Corruption and Crime Commission

The Parliamentary Inspector of the CCC audits the operations of the CCC to ensure compliance with the laws of the State, including allegations of misconduct by officers of the Commission. Importantly, the Inspector assesses the effectiveness and appropriateness of the CCC's procedures and may make

recommendations to the Commission for other agencies and appropriate authorities.

The Inspector reports to Parliament and its Joint Standing Committee on the Corruption and Crime Commission. The first person to assume the role of Parliamentary Inspector from 2004 was Malcolm McCusker QC. The present Parliamentary Inspector, announced on 9 January 2013, is Hon Michael Murray QC.

Commissioner for Children and Young People

In 2006 the *Commissioner for Children and Young People Act* was passed. Fifteen roles of the Commissioner specified in the Act include advocating for children and young people in Western Australia and investigating, advising and reporting independently to Parliament about issues that concern children and young people.

A Joint Standing Committee on the Commissioner for Children and Young People monitors, reviews and reports to Parliament on the exercise of the roles of the Commissioner. It also examines the annual and other reports of the Commissioner. The inaugural Commissioner, Michelle Scott, was appointed by the Governor on 7 December 2007.

Having Your Say as a Citizen

After a historical examination of citizenship David Heater (1990), wrote that citizen 'is a person furnished with knowledge of public affairs, instilled with attitudes of civic virtue and equipped with skills to participate in the political arena'. Some of the avenues open to citizens to have a say include:

- when eligible, voting effectively in both Legislative Assembly and Legislative Council elections. This means careful consideration of the distribution of preferences. Of course, the same approach should be adopted for the federal Parliament and local government elections;

- contacting or making a deputation to your member of Parliament. This can normally be arranged by telephoning or emailing the electorate office in your district or region;
- writing, telephoning, faxing or e-mailing the department, statutory authority, or agency that handles the relevant matters of concern;
- preparing a petition to be presented by a member to Parliament. This is recorded in *Hansard*. In the Legislative Council all petitions are referred to a standing committee for consideration;
- establishing a website to communicate with other interested community members often nowadays by forms of social media;
- writing to the editor of a major or community newspaper to express your concern. Remember to keep your letter short, if you hope to have it published;
- writing a submission to a Parliamentary committee, which may be investigating a particular matter. Generally, these committees invite the public, through newspaper advertisements, to write submissions. Some committees also hold hearings in which you may be invited to appear;
- conducting research and analysis. A key to success may be a well-researched and substantiated proposal;
- organising a public meeting. To avoid inconvenience to the public it is advisable to seek police permission;
- helping to form a 'pressure group' to further your cause. You should seek advice on drawing up constitutions and handling money;
- contacting an existing association or union, which may be able to assist you;
- hiring a professional lobbyist to make representations to government;
- printing special pamphlets or placing advertisements in community or major newspapers can also be considered;

- telephoning radio announcers on a talk-back show. The producer will indicate if you are to be given air-time. Sometimes it may be possible to e-mail the talk-back show host;
- seeking interviews on television, although this may be very difficult to arrange. Your concern should have community interest;
- taking court action. On rare occasions groups or individuals may choose to take action in the courts. Sometimes, too, appeals are made to international law or the United Nations;
- joining a political party. Only about two per cent of the adult population join an existing political party. The percentage is higher in Europe and North America. This is an effective way of having a say on matters and one way to begin a political career; and
- forming a new political party. This will need new members as well as funds. Formal registration of the political party in accordance with the legislative provisions must be undertaken to have its name included on the ballot paper for Western Australian elections.

Chapter 10: The Courts and Tribunals

More than 250 years ago, a famous French philosopher, the Baron de Montesquieu, published a book *The Spirit of the Laws* (1748), in which he claimed that liberty (which he defined as the right to do whatever the law permitted) existed in England because of the way in which the system of government was organised. He recognised the three arms of government as follows:

- **the legislative arm:** the law-making section of government;
- **the executive arm:** the law-administering or 'executive' section of government; and
- **the judicial arm:** the law-adjudicating or judicial section of government.

Montesquieu thought that separating the arms of government prevented any one person from becoming excessively powerful. Each branch of government was, he suggested, held in balance, with each checking and in turn being checked by the other branches.

Western Australia's Constitution does not exactly follow the ideas set down by Montesquieu because the legislative branch and the executive branch are not really separated. By convention, the members of the government (part of the executive) have to be members of parliament. Parliament is the legislative or law-making branch of the government (see Appendix Nine).

In at least one very important respect the views of Montesquieu are still a feature of Western Australia's system of government. The judicial branch, i.e. the courts of law, is separate. As such, it is said that Western Australia has an 'independent judiciary' or an independent court system. This, however, overlooks the fact that Parliament can still act as 'the highest court in the land'. If either house of Parliament is sitting, a person may be brought before the 'bar' of that house and fined or even imprisoned. This judicial action is a very drastic measure and is rarely invoked.

The Court System

Courts have the authority to interpret acts of parliament and decide if previous court decisions (precedents) apply to a particular case. There are two types of disputes that courts hear. Western Australian courts have jurisdiction (the right to administer the law or justice) to hear both civil and criminal disputes. A civil dispute is a dispute between two or more persons in a community. Sometimes the term 'private dispute' is used. On the other hand, a criminal dispute is sometimes called a 'public dispute', because it involves public agencies, such as the police or the Department of Public Prosecutions, prosecuting (bringing the case before the court) alleged criminal offences.

In nearly all civil cases, a plaintiff (as the party which commences the action) has to persuade the magistrate or judge that the facts he or she alleges are true on the *balance of probabilities*. If after hearing both sides, the magistrate or judge thinks that the plaintiff's case is more likely to be true, then the plaintiff will be entitled to a favourable verdict.

In criminal cases, the standard of proof is much stricter. The prosecution has to do much more than tip the scales its way. It must prove the accused person's guilt *beyond reasonable doubt*. Regardless of how strong the prosecution's evidence may be, if the judge or jury has reasonable doubt (or reservation) that the accused is guilty, the accused is entitled to be acquitted. In Western Australia, there is a detailed Criminal Code which sets out most criminal offences and maximum penalties.

In both civil and criminal cases, the rules of evidence are complex. They are designed to ensure that both parties can present the cases to the court as fully and fairly as possible.

Rule of Law

A fundamental tenet of English common law adopted in Australia is that everyone should be treated equally before the law. This

principle, known as the 'rule of law', also means that governmental power cannot be exercised in an arbitrary manner. It must be exercised in accordance with due process or proper procedures including no retrospective criminal laws. One major problem is ensuring access to the law for all members of society. Legal aid can be provided in some cases but it is often limited in scale (see www.legalaid.wa.gov.au).

The Court Hierarchy

The court system has evolved into a hierarchy in order to enable appeals from various levels of the court system to more senior courts. Another function of the court hierarchy is that it enables an effective allocation of civil and criminal cases between the courts.

The High Court

The High Court is the superior court in Australia. Its original role was mainly to decide matters relating to Australia's Constitution. However, today the number of constitutional cases heard each year is less than ten per cent of its cases.

The High Court hears appeals, if there are strong legal arguments to cause a case to be heard, against decisions taken by other federal courts and state (and territory) supreme courts.

The High Court also hears a limited range of cases at first instance (i.e. without an earlier hearing in a lower court). These include disputes:

- in which the Commonwealth Government is involved;
- between state governments; and
- between people living in different states.

Until 1980, the High Court sat in the various state capitals. However, it now has a permanent home in Canberra although it does sit in other capital cities from time to time. Appeals to the Privy Council in England from the High Court and all Federal Courts were severed in

two stages, in 1968 and 1975. Appeals to the Privy Council from all State courts were ended by the *Australia Acts* in 1986.

The Supreme Court of Western Australia

The Supreme Court has a Chief Justice and other *puisne* (or assistant) justices. The Supreme Court mainly sits in Perth. However, it also goes on circuit to some ten country locations each year.

The Supreme Court is the superior court in Western Australia with responsibility for both civil and criminal matters. It is also the main appeal court of the state.

The Supreme Court is divided into two divisions - the General Division and the Court of Appeal. The General Division deals with criminal offences of a serious nature, such as wilful murder, armed robbery and serious breaches of Commonwealth drug enforcement.

A jury of 12 community members decides whether a person, accused of a criminal offence, is guilty or not guilty. It should be noted that in certain circumstances a request for a 'trial by judge alone' may be granted.

The General Division also deals with civil matters in which the amount involved in the dispute is more than \$500,000. Under its probate jurisdiction the court may also grant authority for the administration of deceased estates and disputes with wills. Disputed elections and corporations law matters are also handled by the Supreme Court.

The Court of Appeal of the Supreme Court is also the highest Western Australian court of appeal from Western Australian courts.

The District Court of Western Australia

The District Court is the intermediate court in Western Australia, presided over by a judge. This Court deals with serious criminal offences, for which the maximum penalty is 20 years imprisonment

(for instance, serious assaults, breaking and entering). Again, a jury of 12 community members decides whether a person, accused of a criminal offence, is guilty or not guilty. An accused person may choose to have a trial by judge alone, and not by jury. In civil law, the court deals with matters generally involving claims up to \$750,000 but it has unlimited jurisdiction in damages and personal injury claims. Appeals from the Magistrates Court and some tribunals are heard by the District Court. Appeals from the District Court are heard by the Supreme Court of Appeal.

Magistrates Court

The Magistrates Court of Western Australia, which began operations on 2 May 2005, amalgamated the former Court of Petty Sessions, Local Court and Small Claims Tribunal into a single court. The Magistrates Court of Western Australia now has multiple registries located around the State to deal with criminal and civil matters.

Criminal Matters

Some criminal offences, known as 'simple offences' are dealt with in the Magistrates Court. More serious criminal offences, known as 'indictable offences' commence in the Magistrates Courts, with the most serious being heard in the District or Supreme Courts.

Civil Matters

The civil jurisdiction of the Magistrates Court deals with civil cases that involve:

- general procedure claims for debt or damages up to \$75,000;
- minor case claims for debt or damages up to \$10,000;
- consumer/trader claims over the sale, supply or hire of goods or services up to \$75,000;
- residential tenancy matters involving amounts up to \$10,000; and

- claims for the recovery of 'real property' up to a gross rental value of \$50,000.

The Family Court of Western Australia

The Family Court of Western Australia, which was created in 1975, is presided over by judges and magistrates. It hears all matters of family law, such as disputes about marriage, divorce, maintenance, residence, contact and adoption. By intergovernmental agreement, the Family Court hears federal cases. The Court has a counselling service for people seeking assistance with regard to separation and matters affecting the welfare of children. It also has jurisdiction over separated and defacto couples.

The Children's Court

The Children's Court deals with offences by or against juveniles (children). Members of the public are not normally permitted into these courts.

The Children's Court deals with all complaints of offences alleged to have been committed by young people between the ages of 10 and 17 years (inclusive). If a young person who is charged with an offence, then turns 18 years, the person still appears before the Children's Court.

The Children's Court jurisdiction is not limited to criminal matters. If a child has been seriously abused or neglected, an application can be made by a police officer or an officer from the Department for Child Protection for the Court to make a declaration that the child is in need of care and protection. The Court may order that the child be committed to the Department for Child Protection for a period. If such an order is made, the child is described as a ward of the state and may be placed in foster care.

The President of the Children's Court is a judge with the same status as a judge of the District Court of Western Australia. A judge of the Children's Court has the same powers in sentencing as a Supreme

Court judge, and can also hear appeals against the decisions of the Children's Court magistrates or justices of the peace.

The President of the Children's Court deals with the most serious cases. Other cases may be heard by magistrates and justices of the peace. However, a justice of the peace is not able to impose any detention. Only judges can deal with matters requiring sentences of detention or imprisonment.

Drug Court

In Western Australia Drug Courts have been introduced to address substance abuse within a criminal justice framework. A Drug Court is a court under the Magistrates Court; however, specialist pilot Drug Courts also operate in the Perth Children's Court and the District Court at Perth. They can help break the cycle of substance abuse and offending by nominating a treatment program - and making the treatment part of the court process.

To be considered, offenders must enter an early plea of guilty. The Court then uses judicial authority to manage the offender in appropriate treatment. Defendants who are referred to the Drug Court will be subject to specific bail conditions encouraging abstinence and rehabilitation. A range of Drug Diversion programs include the Pre-sentence Opportunity Program (POP), Indigenous Diversion Program (IDP) and the Supervised Treatment Intervention Regime (STIR).

Other Specialist Courts

Other specialist courts include the Family Violence Courts, which focus on the safety of victims and seek to address the causal factors of an offender's violent behaviour with the aim of producing better outcomes for victims of family violence and reduce the damaging inter-generational and societal effects that family violence causes. The Aboriginal Community Court, launched in 2006, is a court designed to be more culturally inclusive of Aboriginal people than traditional courts with an approach targeted towards reducing

recidivism among participants. The magistrate is assisted by Aboriginal elders and other respected people. Recent developments include an Intellectual Disability Diversion Program (IDDP), a joint initiative by the Department of Corrective Services and the Disability Services Commission operated out of Central Law Courts to reduce recidivism, the rate of imprisonment and to improve the ways the justice system deals with people with intellectual disability. A separate court listing has also been created at the Central Law Courts for those the Court has been alerted to or identified as having mental health issues. The aim is to deal with such people in a more appropriate manner, than in the general sentencing courts, by assisting in the provision of treatment, care and support.

Office of the State Coroner

When a person dies apparently from non-natural causes or where the cause of death is not known, a doctor cannot issue a death certificate and the Coroner must be advised.

Once a report of death is received, usually from police, doctors or hospital authorities, the Coroner has legal control over the body of the deceased, and he or she must establish the:

- manner in which the death arose;
- cause of death;
- particulars needed to register the death; and
- identity of the deceased.

In some cases the Coroner may comment and make recommendations about public health and safety or the administration of justice to help prevent similar deaths happening.

Liquor Commission of Western Australia

The Liquor Commission of Western Australia was established under the *Liquor Control Act 1988*. It replaced the Liquor Licensing Court from 7 May 2007. In making its decisions the Commission takes into

account the objects of the Act which includes the sale, supply and consumption of liquor. It seeks to minimise the harm or ill health caused to individuals or groups of people caused by liquor.

The Commission aims to cater for the requirements of consumers of liquor with the proper development of the liquor industry and related services, including licensed facilities. Adequate controls over persons directly or indirectly involved in the sale, disposal and consumption of liquor are provided.

The Liquor Commission determines liquor licensing matters referred by the Director of Liquor Licensing. It reports annually to the Minister for Racing and Gaming, and provides advice to that Minister when requested.

Prisoners Review Board of Western Australia

The Prisoners Review Board of Western Australia, formerly the Parole Board of Western Australia, was established on 28 January 2007. It has the authority to grant, defer or refuse parole, taking into account factors affecting the offender, victims of crime and, most importantly, the safety of the community. The legislation provides for a seven member board including nominees from the judiciary, government departments and the police force.

Inspector of Custodial Services

The Inspector of Custodial Services (the Office) is an independent statutory body that provides external scrutiny to the standards and operational practices of custodial services in Western Australia. Core responsibilities of the Office include comprehensive inspections of all non-police custodial facilities in Western Australia and preparation of reviews and issue papers on relevant issues. The Inspector has autonomous authority to decide which facilities to inspect and in what order. However, the *Inspector of Custodial Services Act (2003)* provides that the responsible minister may direct the Inspector to conduct an inspection or review of a custodial service. Broadly, the Office aims to improve public

confidence in the justice system, reduce re-offending and ensure the justice system provides value for money.

The Western Australian Industrial Relations Commission

The Western Australian Industrial Relations Commission (WAIRC), as constituted under the *Industrial Relations Act 1979*, conciliates and arbitrates industrial disputes, sets conditions of employment and fixes wages and salaries by making industrial awards, approves enterprise agreements and makes decisions of claims of unfair dismissal. The Commission consists of a President, a Chief Commissioner, a Senior Commissioner, and other Commissioners as required. There are provisions for appeals to the WAIRC, which also deals with the State Wage Case and other cases of importance.

Of increasing importance have been the changes to the Australian Industrial Relations Commission (AIRC), which from 1904 to 2006 established national awards. In the 1907 Harvester Judgment, Justice Higgins ruled that employers had to pay a 'reasonable and fair wage' defined as a wage 'appropriate to the needs of the average employee regarded as a human being in a civilised society'. From 2006 the wage setting powers of the AIRC were transferred to the Australian Fair Pay Commission. Then from 2010 the AIRC was scheduled to become a division within Fair Work Australia with wage setting responsibilities to comply with ten minimum conditions.

Setting the salaries of Parliamentarians has historically been a contentious issue. Members of Parliament have been paid for their services since 1900. Nowadays a three member Salaries and Allowances Tribunal annually determines and recommends rates of remuneration for Members of Parliament (including additional allowances for ministers and other roles such as President and Speaker), the judiciary and leading public sector office holders. The basic salary for a Member of Parliament from 23 June 2015 was \$154 223 per annum.

State Administrative Tribunal (SAT)

The Western Australian State Administrative Tribunal (SAT) was established in 2004 as an independent body that makes and reviews a wide range of administrative decisions made by Government agencies, public officials and local governments.

SAT is headed by a president, two deputy presidents and a large number of experienced members. Individuals, businesses, public officials and vocational boards can bring before SAT many different types of applications related to civil, commercial and personal matters. Given its very wide jurisdiction, the matters coming before SAT are divided into four streams to enable the procedures to be adapted to the needs of the people using SAT. The streams are human rights, vocational regulation, commercial and civil disputes, and development and resource issues.

Matters not within SAT's jurisdiction include: workers' compensation; liquor licensing; mining; building contract disputes; industrial relations; and racing penalties.

Although the schedule of hearings heard by SAT are listed by *The West Australian* in the 'courts section', it is not a court and strict rules of evidence do not apply. SAT's approach is informal, flexible and transparent. SAT encourages the resolution of disputes through mediation. Parties are allowed to be represented by lawyers with most hearings being held in public. SAT provides reasons for all decisions, with most of them being published on its website.

Other Legal Offices

Director of Public Prosecutions

The Office of the Director of Public Prosecutions was established in Western Australia in 1991. Since then the office has become an important part of the judicial system. The main aim of the Director of Public Prosecutions (DPP) is to provide citizens with an independent and effective criminal prosecution service which is fair

and just. The DPP initiates and conducts criminal prosecutions in the Supreme Court and District Court. In addition the DPP conducts all appellate (appeal) work flowing from those prosecutions. The founding DPP was Robert Cock QC, and on 27 January 2010 Joseph McGrath SC was appointed the new DPP.

The Solicitor General

The Solicitor General is the principal or main legal adviser to the Western Australian Attorney General, who is a government minister. The Solicitor General appears in court as Counsel for the State and when requested by the Attorney General, for agencies of the state and other bodies. In addition, the Solicitor General provides advice to the government. To help ensure that the Solicitor General can give independent legal advice to the government, the office has the same security of permanent employment as a judge of the Supreme Court. On 6 December 2011 it was announced that Grant Donaldson SC was appointed the new Solicitor General for Western Australia.

Sheriff's Office

The Sheriff's Office was established in 1970. The office's duties include the provision of juries, warrants for unpaid fines and responsibility for court security. The office serves and executes processes for all courts and encompasses bailiff appointments and the management of civil enforcement matters.

Justices of the Peace

Justices of the Peace (JPs) are formally appointed by the Governor who authorises them to carry out a wide range of official administrative and judicial duties in the community. Some of the more common tasks include the witnessing of documents such as passport applications and wills. In many centres, predominantly in regional areas, JPs are required to preside in magistrates courts. Other duties relate to bail applications, complaints, summonses, warrants and search warrants. Due to the range of volunteer

services performed by JPs, appointees are required to complete a training course and undertake on-going training.

Jury System

Historically juries have been an integral part of the judicial system. A jury is a group of 12 people chosen to decide on the innocence or guilt of an accused person in a criminal trial. The electoral roll maintained by the Western Australian Electoral Commission is the database for jury selection with potential jurors being randomly chosen. Jury service is an important civic duty. It is co-ordinated by the Office of the Sheriff of Western Australia. Exemptions from jury duty, which have been reduced, are permitted on certain occasions.

The jury system, despite its apparent costs and time of its operation, remains by tradition the centre-piece of the criminal trial system. A key defence, and considered strength of the system is that it allows citizens to be tried by their peers - people who typically face similar problems, stresses, worries (and even temptations).

On the other hand it is argued that a major weakness of the jury system is that the jurors may often not understand the judge's ruling on matters of law and be confused by the complicated detail presented in a case. At times, regardless of the detail, jurors may often bring their own prejudices and thoughts to the trial, and might be unduly affected by recent events. Given the range of exemptions from jury duty (even if now reduced) a jury may not be representative of the whole population.

Chapter 11: Parliament House and State Symbols

The Legislative Council first met in temporary buildings near the corner of St George's Terrace and Barrack Street, opposite Irwin Street in Perth. Subsequently the Legislative Council and later the Legislative Assembly (from 1890) conducted their proceedings in various locations near the present day site of Council House or the Perth Town Hall in Hay Street.

In 1897, a commission of seven Members of Parliament was appointed by the government to:

**inquire into and report upon a site and
suitable plans for the proposed new
houses of Parliament.**

Two leading members of the commission, the Hon. John Winthrop Hackett and Mr George Leake (a future Premier), strongly favoured what was called the Barracks' site. This was not the majority view of the commission, however, which supported a central city site.

Eventually, on 23 March 1900, the Barracks' site, being land bounded by Harvest Terrace, Malcolm Street, St George's Terrace and Hay Street was made an 'A' class reserve and set aside for Parliament House.

Today, the Barracks' Arch is a reminder of the Barracks behind which the Parliament was built. During the 1960s, Parliament considered demolishing the Barracks. After many public protests, the archway was left standing.

The foundation stone for Parliament House was laid by Governor Lawley on 31 July 1902, with the first stage of the building ready for the Parliamentary session which commenced on 28 July 1904. The building was always intended to have an eastern frontage overlooking the city, but it was 60 years before the eastern frontage was completed on 23 March 1964. Extra accommodation was added in 1978, with further extensions in 2003 and 2004.

The Forrest Foyer: The Ground Floor

After climbing the outside stairs at the main entrance, a visitor, after obtaining a security pass, enters what is known as the Forrest Foyer. This foyer has been named after Sir John Forrest, the first Premier of Western Australia. A display cabinet provides a reminder of the State's political history with a central chandelier brought to Western Australia in 1851 being another feature.

The passages to the north side and the south side of the Forrest Foyer display sketches depicting the development of Parliament House and also contributions from local government bodies throughout Western Australia. Offices of some of the members of Parliament are on this level, as are rooms for the Parliamentary Education Office.



Sir John Forrest



Sir James Lee Steere

The First Floor: The Lee Steere Foyer

After walking up the central spiral staircase a visitor to the Parliament will enter the Lee Steere Foyer. A main feature is a sculpture of Sir James Lee Steere, the first Speaker of the Legislative Assembly (1890 to 1903), and previously the Speaker of the Legislative Council.

This foyer features photographs and resumés of several women Parliamentarians who have achieved a number of 'firsts for women'.



Edith Cowan



May Holman

This notable group consists of:

- **Edith Cowan (1921-1924):** the first woman elected to an Australian Parliament in 1921 when she won the seat of West Perth in the Legislative Assembly.
- **Mary Alice (May) Holman (1925-1939):** the first woman to represent the Labor Party when she was elected unopposed to the seat of Forrest left vacant by her father JB Holman.
- **Dame Florence Cardell-Oliver (1936-1956):** the first woman in Australia to become a Cabinet Minister in 1949 when she was appointed Minister for Health, Supply and Shipping, after she had been (since 1947) an Honorary Minister Without Portfolio.
- **Ruby Hutchison (1954-1965):** the first woman elected to the Upper House in the Western Australian Parliament when she won a seat as a Member for South Province in the Legislative Council in 1954.

- **Dr Carmen Lawrence (1986-1994):** in February 1990 became the first woman Premier in Australia.
- **Margaret McAleer (1974-1993):** in 1974 became the first woman to represent the Liberal Party in the Legislative Council.
- **Carol Martin (2001-2013):** in February 2001 was the first Aboriginal woman elected to an Australian Parliament when she won the seat of Kimberley in the Legislative Assembly.



Dr Carmen Lawrence



Carol Martin

The corridor walls display many paintings donated by local government bodies.

One passage (towards the north) leads to the chamber (floor) entrance of the Legislative Council. Above the Legislative Council entrance is the Royal Coat of Arms. The anteroom of the Legislative Council has cabinets which display historical documents.

The other passage leads to the Legislative Assembly. The anteroom includes an Honour Board which recognises members of the Legislative Assembly who have served the nation in war and

conflict. Photographs of all Premiers of Western Australia are mounted in the hallway outside the Legislative Assembly chamber.

On the same level is the Members' Dining Room. There, members discuss business with their colleagues and may host guests.

Aboriginal People's Gallery (Public Gallery Level)

The spiral staircase to the second floor leads to the Aboriginal People's Gallery and the Aboriginal Peoples Meeting Room. The gallery and meeting room were opened by the Governor of Western Australia, Lieut. Gen. John Sanderson, on 28 July 2004. On this occasion a historic joint meeting of the Legislative Assembly and Legislative Council was conducted to celebrate the centenary of the building of Parliament House at the Harvest Terrace site.

To the north is the Legislative Council public gallery and to the south is the Legislative Assembly public gallery.

Except during the ceremony that marks the opening of Parliament, the public galleries are open to anyone to visit. There are certain rules and laws which apply to people watching Parliament in action.

There is a sign showing part of a 1913 Act which reads:

Any person who advisedly disturbs either house while in session is guilty of a misdemeanour and is liable to imprisonment for three years.

Today, offenders are more likely to be escorted from the gallery and in severe cases fined for their misdemeanour.

Other notices warn visitors that:

- standing in the gallery is not permitted;
- strict silence is to be maintained;
- smoking is not permitted;
- no mobile phones or pagers; and

- no recording devices or photography permitted.

Some of these rules are relaxed for newspaper and television journalists. However, they may not take photographs unless they have special permission and they are not allowed to use their own tape recorders. Today there is a live in-house television broadcast of proceedings from both houses.

Members of the public may monitor through the Internet the Parliamentary debates of the Legislative Assembly and the Legislative Council when they are sitting. The website address is: www.parliament.wa.gov.au.

The public gallery level also houses the Parliamentary library, the *Hansard* staff, and party rooms. Rooms are also provided for members of the media who report on the proceedings of Parliament. An area in the gallery is reserved for accredited members of the media.

State Symbols

The Western Australian Flag

As with each of the original states of the federation, Western Australia's flag retains the union jack and the blue ensign background, but replaces the Southern Cross with its own emblem.

The black swan was confirmed in a dispatch by Governor William Robinson on 27 November 1875 as the emblem. A design showing the black swan had been selected for Western Australia's first postage stamp in 1854. Earlier, in the 1830s it had appeared on bank notes when the colony was generally referred to as the Swan River Colony.



It is interesting to note that the direction that the swan faced was changed in 1953 to look towards the union jack in accordance with heraldic principles.

The Coat of Arms

A coat of arms for Western Australia was not recognised until one was granted by Royal Warrant on 17 March 1969. It is used, for instance, on official letters.



It features two kangaroos holding two boomerangs, a shield depicting a black swan, the crown and two Mangles' kangaroo paws.

Floral Emblem



Mangles' kangaroo paw, common in Kings Park, is Western Australia's floral emblem. This was proclaimed on 9 November 1960.

Animal (Faunal) Emblem



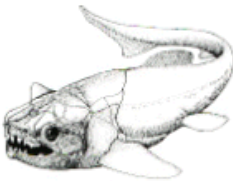
The numbat, or banded anteater, one of the State's most attractive marsupials, was proclaimed on 25 July 1973 as the animal emblem of Western Australia. An adult numbat is generally about 40 centimetres long, of which slightly less than half is its tail.

Bird (Ornithological) Emblem



The black swan, first recorded by the Dutch navigator Willem De Vlamingh in 1697, was proclaimed as the State's bird emblem on 25 July 1973. It was already the State's symbol on the flag and was included in the design of the coat of arms.

Fossil Emblem



The latest in the list of Western Australian emblems is the designation of the gogo fish as the State's fossil emblem. It was proclaimed on 5 December 1995.

Personal Flag of the Governor of Western Australia



The personal flag of the Governor of Western Australia is the blue ensign, including the black swan State emblem surmounted by the Crown of Saint Edward.

Australian Flag



The Australian flag includes the union jack (in the left corner) and the Southern Cross constellation. The large white star with seven points represents the six states and the territories. The blue ensign design of the flag was not officially adopted until the *Flags Act 1953*.

The Aboriginal Flag



The Aboriginal flag was designed by Harold Thomas, an Aboriginal artist, in 1971. The black represents the Aboriginal people, the red the earth and their spiritual relationship to the land, and the yellow the sun, the giver of life. The flag was proclaimed under the *Flags Act 1953* on 14 July 1995.

The National Anthem

Western Australia does not have an official anthem. Until 1974 'God Save the Queen' was the National Anthem for Australia. Now known as the Royal Anthem, it is still played alongside the Australian National Anthem at public engagements in Australia when the Queen is present. 'Advance Australia Fair' was proclaimed as Australia's National Anthem on 19 April 1984. Earlier, in 1977, a poll had been conducted to decide if Australians preferred 'Advance Australia Fair', 'Waltzing Matilda', 'Song of Australia' or 'God Save the Queen'. 'Advance Australia Fair' achieved the highest percentage of votes.

Australians all let us rejoice,
For we are young and free;
We've golden soil and wealth for toil;
Our home is girt by sea;
Our land abounds in nature's gifts
Of beauty rich and rare;
In history's page, let every stage
Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.

Beneath our radiant Southern Cross
We'll toil with hearts and hands;
To make this Commonwealth of ours
Renowned of all the lands;
For those who've come across the seas
We've boundless plains to share;
With courage let us all combine
To Advance Australia Fair.
In joyful strains then let us sing,
Advance Australia Fair.

Appendix One: Barnett Ministry

Constitution Acts Amendment Act 1899, Section 43(2)

Barnett Ministry as at 21 July 2015 see:

<http://www.parliament.wa.gov.au/parliament/memblast.nsf/WPolOffHold>

Ministerial Changes

Ministries are subject to change during the life of the Parliament. The Government Gazette contains all official appointments regarding Ministers, their portfolios, their responsibilities and their Parliamentary Secretaries.

See <http://www.slp.wa.gov.au/index.html> for the relevant version of the *Gazette*.

Shadow Cabinet/Opposition Spokespersons as at 21 July 2015 see:

<http://www.parliament.wa.gov.au/parliament/memblast.nsf/WShadPolOffHold>

Appendix Two: Members of the 39th Parliament

Members of the Legislative Council [as at 21 July, 2015]

President Hon Barry House		
Chairman of Committees Hon Adele Farina		
Members in Order of Election in each Region		
Member	Region	Party
Hon James (Jim) Chown	Agricultural	LIB
Hon Martin Aldridge	Agricultural	NAT
Hon Darren West	Agricultural	ALP
Hon Brian Ellis	Agricultural	LIB
Hon Paul Brown	Agricultural	NAT
Hon Ricky (Rick) Mazza	Agricultural	S and F
Hon Robyn McSweeney, BA, JP	South West	LIB
Hon Sally Talbot, BA(Hons), DPhil, ARCM	South West	ALP
Hon Barry House, BEc, JP	South West	LIB
Hon Adele Farina, BA, LLB	South West	ALP
Hon Nigel Hallett	South West	LIB
Hon Colin Holt, BSc(Zoology)	South West	NAT
Hon Kenneth (Ken) Baston	Mining and Pastoral	LIB
Hon Jacqueline (Jacqui) Boydell	Mining and Pastoral	NAT
Hon Stephen Dawson	Mining and Pastoral	ALP
Hon Mark Lewis, MA(AppSc), AdvDip, AssocDip	Mining and Pastoral	LIB
Hon Robin Chapple	Mining and Pastoral	GWA
Hon Dave Grills, Dip(OHS), Dip(WPT&AS), AdvDip(BusMan)	Mining and Pastoral	NAT
Hon Simon O'Brien	South Metropolitan	LIB
Hon Sue Ellery, BA	South Metropolitan	ALP
Hon Nicholas (Nick) Goiran, BCom, LLB	South Metropolitan	LIB
Hon Kate Doust, BA	South Metropolitan	ALP
Hon Phil Edman	South Metropolitan	LIB

Hon Lynn MacLaren	South Metropolitan	GWA
Hon Alanna Clohesy, BSocSc(Social Policy) (Hons)	East Metropolitan	ALP
Hon Helen Morton, AssocDip(OT)	East Metropolitan	LIB
Hon Donna Faragher, BA(Hons), GradDipEd, MEd(Hons)	East Metropolitan	LIB
Hon Samantha Rowe, BBus(IntBus)	East Metropolitan	ALP
Hon Alyssa Hayden	East Metropolitan	LIB
Hon Amber-Jade Sanderson	East Metropolitan	ALP
Hon Peter Collier, BA, DipEd	North Metropolitan	LIB
Hon Ken Travers	North Metropolitan	ALP
Hon Michael Mischin, LLB(Hons), BJuris(Hons)	North Metropolitan	LIB
Hon Martin Brian Pritchard	North Metropolitan	ALP
Hon Elizabeth (Liz) Behjat	North Metropolitan	LIB
Hon Peter Katsambanis, LLB, BComm	North Metropolitan	LIB
ALP - Australian Labor Party (11); GWA - Greens (WA) (2); LIB. - Liberal Party (17); NAT - The Nationals (5); S and F - Shooters and Fishers (1).		



Hon Barry House MLC
President of the Legislative Council
(2009 to present)

Members of the Legislative Assembly

[as at 21 July, 2015]

Speaker Hon Michael Sutherland		
Deputy Speaker Wendy Duncan		
Member	District	Party
Peter Abetz, BAgSci (Hons), BD	Southern River	LIB
Francesco (Frank) Alban	Swan Hills	LIB
Lisa Baker, BSc, GradDipDevtStudies	Maylands	ALP
Hon Colin Barnett, BEc (Hons), MEC	Cottesloe	LIB
Ian Blayney, ADipAgric	Geraldton	LIB
Ian Britza	Morley	LIB
Ms Elizabeth (Libby) Mettam, BA, MPA	Vasse	LIB
Dr Antonio (Tony) Buti, BPhE (Hons), DipEd, MIndRel, LLB (Hons), D.Phil	Armadale	ALP
Giovanni (John) Castrilli, DipAccounting	Bunbury	LIB
Vincent (Vince) Catania	North West Central	NAT
Roger Cook, BA, GradDipBus (PR), MBA	Kwinana	ALP
Murray Cowper, ExecCert (Bus), DipBusMangt, DipSearch&Rescue	Murray-Wellington	LIB
Mia Davies, BMM	Central Wheatbelt	NAT
Hon John Day, BSc, BDSc	Kalamunda	LIB
Wendy Duncan, BA, GradDipSecStud, GradDip (Business)	Kalgoorlie	NAT
Eleni Evangel, BA	Perth	LIB
Josephine Farrer	Kimberley	ALP
Hon Joseph (Joe) Francis	Jandakot	LIB
Janine Freeman, BEc, GradDipOH&S	Nollamara	ALP
Hon Brendon Grylls	Pilbara	NAT
Glenys Godfrey, FIPA, GAICD	Belmont	LIB
Hon Dr Kim Hames, MBBS, JP	Dawesville	LIB
Hon Liza Harvey	Scarborough	LIB
Chris Hatton, BEd, GradCertEdAd	Balcatta	LIB
Hon Albert Jacob, BEnvDes, MArch, JP	Ocean Reef	LIB
Dr Graham Jacobs, MBBS, DRCOG, FRACGP	Eyre	LIB

Member	District	Party
Hon Robert (Rob) Johnson, JP	Hillarys	LIB
William (Bill) Johnston	Cannington	ALP
David (Dave) Kelly, BA	Bassendean	ALP
Antonio (Tony) Krsticevic, BBus	Carine	LIB
Sean L'Estrange, BEd, DipTch, MEd, GradDip(Resource Man), GradDipMan(Defence), psc(j)	Churchlands	LIB
Hon Francis (Fran) Logan, BA (Hons)	Cockburn	ALP
Ronald (Shane) Love, BCom	Moore	NAT
Hon Mark McGowan, BA, LLB, GradDipLegPrac	Rockingham	ALP
John McGrath	South Perth	LIB
Simone McGurk, BA(Melb), BA(Mur)	Fremantle	ALP
Hon William (Bill) Marmion, BE, MBA	Nedlands	LIB
Paul Miles	Wanneroo	LIB
Andrea Mitchell, BPE, DipEd, FAICD	Kingsley	LIB
Nathan Morton, BSci, GradDipEd	Forrestfield	LIB
Michael (Mick) Murray	Collie-Preston	ALP
Hon Dr Michael (Mike) Nahan, BA(Econ), MA(AgEcon), PhD(Econ)	Riverton	LIB
Dean Nalder, BBus, Grad Dip(AppFin&Inv)	Alfred Cove	LIB
Jan Norberger	Joondalup	LIB
Paul Papalia CSC, GradDipBusEd(Admin)	Warnbro	ALP
John Quigley, LLB, JP	Butler	ALP
Margaret Quirk, LLB(Hons), MA	Girrawheen	ALP
Hon Terrence (Terry) Redman, BSc, DipEd	Warren-Blackwood	NAT
Hon Michelle Roberts, BA, DipEd	Midland	ALP
Rita Saffioti, BBus	West Swan	ALP
Hon Anthony (Tony) Simpson	Darling Range	LIB
Hon Michael Sutherland, BA, DipEd, LLB	Mt Lawley	LIB
Christopher (Chris) Tallentire, BAgribus (Hons)	Gosnells	ALP
Matthew (Matt) Taylor, BSc (Hons)	Bateman	LIB
David Alan Templeman, DipTchg, Bed	Mandurah	ALP
Peter Tinley AM, BA (ProfStud), MDefStud	Willagee	ALP

Member	District	Party
Hon Terrence (Terry) Waldron	Wagin	NAT
Peter Watson	Albany	ALP
Benjamin (Ben) Wyatt, LLB, MSc	Victoria Park	ALP
ALP - Australian Labor Party (21); LIB - Liberal Party (31); NAT- The Nationals (7);		



Hon Michael Sutherland MLA
Speaker of the Legislative Assembly
(2013 to present)

Appendix Three: Order of Business

Legislative Council Order of Business

Times	Tuesday	Wednesday	Thursday
10.00 - 10.15am			10.00 am House meets Formal Business*
10.15 - 11.35am			Non-Government Business [80 minutes]
11.35 - 12.35pm			Private Members’ Business [60 minutes]
12.35 - 1.00 pm			Orders of the Day
1.00 - 2.00pm			Lunch
2.00 - 2.15pm			2.00 pm House meets Formal Business*
2.15 - 3.00pm		Motions on Notice [2 hours] †	
3.00 – 3.15pm			3.00pm House meets Formal Business*
3.15 – 4.15pm	Orders of the Day	Afternoon tea	Afternoon tea
4.15 pm - 4.30 pm			
4.30 pm - 5.00 pm	Questions without Notice	Questions without Notice	Questions without Notice
5.00 pm - 5.20pm	Orders of the Day	Consideration of Committee Reports [1 hour] †	Orders of the Day**
5.20 - 6.00 pm			Members’ Statementsº
6.00 - 7.30 pm	Dinner	Dinner	
7.30 pm - 9.45 pm	Orders of the Day**	Orders of the Day **	
9.45 pm - 10.25 pm	Members’ Statementsº	Members’ Statementsº	

Note: All times are approximate and time periods are not to scale.

* Formal Business is: prayers, condolence motions, reporting of Governor's messages, petitions, Ministerial statements, papers for tabling, notices of questions, notices of motions to introduce Bills, notices of motions to disallow statutory instruments, notices of motions, and motions without notice (see SO 14). No maximum time is set for Formal Business – the House proceeds to other business after Formal Business has concluded.

† When the 2 hours allocated for Motions on Notice concludes prior to 4.15 pm (afternoon tea), Consideration of Committee Reports will commence at that time. If Motions on Notice commence after 2.15 pm, the 2 hour allocation for that debate will conclude after Questions without Notice, and Consideration of Committee Reports will conclude after the dinner break.

** When in Committee of the Whole House immediately prior to the time for Members' Statements to commence, debate will be interrupted shortly prior to the assigned time to allow for reporting to the Council.

- ⁹ Members' Statements may be extended by an additional 10 minutes, and Assembly messages may be taken after Members' Statements, pursuant to Standing Order 5 (5).

Legislative Assembly Order of Business

Times	Tuesday	Wednesday	Thursday
9.00am			9.00 am House sits Prayers, Petitions, Papers, Notices, Brief Ministerial Statements
9.10am			Grievances
10.10am			Government Business (or Committee Reports)
11.00am			Government Business
12.00pm		12.00 pm House sits Prayers, Petitions, Papers, Notices, Brief Ministerial Statements	
12.15pm		Government Business	
12.50pm			Members' Statements (90 second statements)
1.00pm		Lunch Break	
2.00pm	2.00 pm House sits Prayers, Brief Ministerial Statements	Questions without Notice (approx 45 minutes)	Questions without Notice (approx 45 minutes)
2.05pm	Questions without Notice (approx. 45 minutes)		
2.45pm	Petitions, Papers, Notices	Government Business (or Matter of Public Interest)*	Government Business (or Matter of Public Interest)*
2.50pm	Government Business (or Matter of Public Interest)*		
3.45pm	Government Business	Government Business	Government Business
3.50pm		Private Members' Business	
4.00pm			House adjourns (approx. 7.00 pm)
5.00pm		House adjourns (approx. 5.00 pm)	
6.00pm	Dinner Break		
7.00pm	Government Business		House adjourns (approx. 7.00 pm)
9.00pm		House adjourns (approx. 10.00 pm)	
10.00pm			

Note: All times are approximate and time periods are not to scale.

***One Matter of Public Interest per week, on any day.**

Appendix Four: Legislative Assembly Election Results

Year	Premier	Seats (Contested)	Labor	Ind / Other	Non Labor	Nationalist Liberal United Party	National; Country P.
1890	Forrest, J	30 (11)					
1894	Forrest, J	30 (15)					
1897	Forrest, J	44 (26)		7		37a	
1901	Throssell, G	50 (41)	6	5		39b	
1904	James, W	50 (40)	23	9		18c	
1905	Rason, C (Lib)	50 (39)	15			35	
1908	Moore, N (Lib)	50 (41)	22			28	
1911	Scaddan, J (ALP)	50 (40)	34			16	
1914	Scaddan, J (ALP)	50 (35)	26			16	8
1917	Lefroy, H (Lib)	50 (40)	15	1	6	16	12
1921	Mitchell, J (N)	50 (39)	17	3	4	10	16
1924	Collier, P (ALP)	50 (38)	27	1		9	13d
1927	Collier, P (ALP)	50 (41)	27			16	7
1930	Mitchell, J (N)	50 (39)	23	1		16	10
1933	Collier, P (ALP)	50 (41)	30	1		8	11
1936	Collier, P (ALP)	50 (40)	26	3		8	13
1939	Willcock, J (ALP)	50 (40)	27	4		7	12
1943	Willcock, J (ALP)	50 (38)	30	3		7	10
1947	McLarty, R (LCP)	50 (30)	23	2		13	12
1950	McLarty, R (LCP)	50 (38)	23	3		15	9
1953	Hawke, A (ALP)	50 (28)	26			15	9
1956	Hawke, A (ALP)	50 (34)	29	2		11	8
1959	Brand, D (LCP)	50 (39)	23	2		17	8
1962	Brand, D (LCP)	50 (39)	24			18	8
1965	Brand, D (LCP)	50 (39)	21			21	8
1968	Brand, D (LCP)	51 (37)	23			19	9
1971	Tonkin, J (ALP)	51 (51)	26			17	8

Year	Premier	Seats (Contested)	Labor	Ind / Other	Non Labor	Nationalist Liberal United party	National; Country P.
1974	Court, C (LCP)	51 (50)	22			23	6e
1977	Court, C (LCP)	55 (55)	22			27	6f
1980	Court, C (LCP)	55 (54)	23			26	6g
1983	Burke, B (ALP)	57 (57)	32			20	5h
1986	Burke, B (ALP)	57 (57)	32			19	6i
1989	Dowding, P (ALP)	57 (57)	31			20	6i
1993	Court, R (Lib-Nat)	57 (57)	24	1		26	6i
1996	Court, R (Lib-Nat)	57 (57)	19	3		29	6i
2001	Gallop, G (ALP)	57 (57)	32	4		16	5i
2005	Gallop, G (ALP)	57 (57)	32	2		18	5i
2008	Barnett, C (Lib)	59 (59)	28	3		24	4i
2013	Barnett, C (Lib)	59 (59)	21			31	7i

Lib	Liberal	a	Ministerialists 29, Opposition 8
ALP	Labor	b	Ministerialists 19, Opposition 20
LCP	Liberal Country Party	c	Ministerialists 18
N	Nationalist	d	Majority Country Party 7, Executive Country Party 6
Nat	National Party	e	National Alliance
		f	National Country Party 3, National Party 3
		g	National Country Party 3, National Party 3
		h	National Country Party 3, National Party 2
		i	National Party of Australia

Appendix Five: Premiers of Western Australia

Premiers: Periods of Service

Premier	Party	Period of Service as Premier
Hon John Forrest, MLA	M	20/12/1890 – 14/02/1901
Hon George Throssell, MLA	M	14/02/1901 – 27/05/1901
Hon George Leake, MLA	M	27/05/1901 – 21/11/1901 23/12/1901 – 24/06/1902
Hon Alfred Morgans, MLA	M	21/11/1901 – 23/12/1901
Hon Walter James, MLA	M	01/07/1902 – 10/08/1904
Hon Henry Daglish, MLA	ALP	10/08/1904 – 25/08/1905
Hon Cornthwaite Rason, MLA	Lib	25/08/1905 – 01/05/1906
Hon Newton Moore, MLA	Lib	07/05/1906 – 16/09/1910
Hon Frank Wilson, MLA	Lib N	16/09/1910 – 07/10/1911 27/07/1916 – 28/06/1917
Hon John Scaddan, MLA	ALP	07/10/1911 – 27/07/1916
Hon Henry Lefroy, MLA	Lib	28/06/1917 – 17/04/1919
Hon Hal Colebatch, MLC	N	17/04/1919 – 17/05/1919
Hon James Mitchell, MLA	N	17/05/1919 – 16/04/1924 24/04/1930 – 24/04/1933
Hon Philip Collier, MLA	ALP	17/04/1924 – 23/04/1930 24/04/1933 – 19/08/1936
Hon John Willcock, MLA	ALP	20/08/1936 – 31/07/1945
Hon Frank Wise, MLA	ALP	31/07/1945 – 01/04/1947
Hon Ross McLarty, MLA	Lib	01/04/1947 – 23/02/1953
Hon Albert Hawke, MLA	ALP	23/02/1953 – 02/04/1959
Hon David Brand, MLA	Lib	02/04/1959 – 03/03/1971
Hon John Tonkin, MLA	ALP	03/03/1971 – 08/04/1974
Hon Charles Court, MLA	Lib	08/04/1974 – 25/01/1982
Hon Ray O'Connor, MLA	Lib	25/01/1982 – 25/02/1983
Hon Brian Burke, MLA	ALP	25/02/1983 – 25/02/1988

Premier	Party	Period of Service as Premier
Hon Peter Dowding, MLA	ALP	25/02/1988 – 12/02/1990
Hon Carmen Lawrence, MLA	ALP	12/02/1990 – 16/02/1993
Hon Richard Court, MLA	Lib	16/02/1993 – 15/02/2001
Hon Geoffrey Gallop, MLA	ALP	15/02/2001 - 25/01/2006
Hon Alan Carpenter, MLA	ALP	25/01/2006 – 23/09/2008
Hon Colin Barnett, MLA	Lib	23/09/2008-

Min	Ministerialists	ALP	Australian Labor Party
Lib	Liberal Party	N	Nationalist Party



**Hon Colin James Barnett MLA
Premier of Western Australia
(2008 to present)**

Appendix Six: Opposition Leaders

Opposition Leaders: Periods of Service

Opposition Leader	Party	Period of Service as Leader
Henry Daglish, MLA	ALP	25/08/1905 - 27/09/1905
William Johnson, MLA	ALP	04/10/1905 - 27/10/1905
Thomas Henry Bath, MLA	ALP	22/11/1905 - 03/08/1910
John Scaddan, MLA	ALP	03/08/1910 - 07/10/1911
Frank Wilson, MLA	Lib	01/11/1911 - 27/07/1916
William Johnson, MLA	ALP	19/09/1916 - 31/10/1916
John Scaddan, MLA	ALP	31/10/1916 - 10/04/1917
Philip Collier, MLA	ALP	09/05/1917 - 17/04/1924
Sir James Mitchell, MLA	N	17/04/1924 - 24/04/1930
Philip Collier, MLA	ALP	24/04/1930 - 24/04/1933
Sir Charles Latham, MLA	CP	24/04/1933 - 07/10/1942
Arthur Watts, MLA	CP	08/10/1942 - 01/04/1947
Frank Wise, MLA	ALP	01/04/1947 - 26/06/1951
Albert Hawke, MLA	ALP	03/07/1951 - 22/02/1953
Sir Ron McLarty, MLA	LCP	22/02/1953 - 01/03/1957
David Brand, MLA	LCP	01/03/1957 - 01/04/1959
Albert Hawke, MLA	ALP	02/04/1959 - 31/12/1966
John Tonkin, MLA	ALP	01/01/1967 - 02/03/1971
Sir David Brand, MLA	Lib	03/03/1971 - 05/06/1972
Sir Charles Court, MLA	Lib	05/06/1972 - 08/04/1974
John Tonkin, MLA	ALP	08/04/1974 - 15/04/1976
Colin Jamieson, MLA	ALP	16/04/1976 - 21/02/1978
Ronald Davies, MLA	ALP	21/02/1978 - 18/09/1981
Brian Burke, MLA	ALP	18/09/1981 - 19/02/1983
Raymond O'Connor, MLA	Lib	19/02/1983 - 15/02/1984
William Hassell, MLA	Lib	15/02/1984 - 25/11/1986
Barry MacKinnon, MLA	Lib	25/11/1986 - 12/05/1992
Richard Court, MLA	Lib	12/05/1992 - 06/02/1993

Opposition Leader	Party	Period of Service as Leader
Carmen Lawrence, MLA	ALP	16/02/1993 - 07/02/1994
Ian Taylor, MLA	ALP	07/02/1994 - 12/10/1994
James McGinty, MLA	ALP	12/10/1994 - 15/10/1996
Geoffrey Gallop, MLA	ALP	15/10/1996 - 16/02/2001
Richard Court, MLA	Lib	16/02/2001 - 26/02/2001
Colin Barnett, MLA	Lib	26/02/2001 - 09/03/2005
Matthew (Matt) Birney, MLA	Lib	09/03/2005 - 24/03/2006
Paul Omodei, MLA	Lib	24/03/2006 - 17/01/2008
Troy Buswell, MLA	Lib	17/01/2008 - 04/08/2008
Colin Barnett, MLA	Lib	04/08/2008 - 23/09/2008
Eric Ripper, MLA	ALP	23/09/2008 - 22 /01/2012
Mark McGowan	ALP	23 /01/2012 -

CP County Party

Lib

Liberal Party

ALP Australian Labour Party

N

Nationalist Party

LCP Liberal Country Party



**Hon Mark McGowan, MLA
Leader of the Opposition
(2012 to present)**

Appendix Seven: Legislative Council Election Results

Year	Seats	Labor (ALP)	Nationals Liberal	Country Party	Greens (WA) / Other
1890	15	-	-	-	-
1894	21	-	-	-	-
1896	21	-	-	-	-
1898	24	-	-	-	-
1900	24	-	-	-	-
1902	30	-	-	-	-
1904	30	-	-	-	-
1906	30	-	-	-	-
1908	30	-	-	-	-
1910	30	-	-	-	-
1912	30	6	24	-	-
1914	30	5	19	3	3
1916	30	7	15	6	2
1918	30	3	18	7	2
1920	30	5	17	5	3
1922	30	3	17	7	3
1924	30	6	14	7	3
1926	30	5	16	7	2
1928	30	6	14	8	2
1930	30	5	15	8	2
1932	30	7	14	7	2
1934	30	7	13	7	3
1936	30	8	13	7	2
1938	30	8	13	7	2
1940	30	8	12	7	3
1944	30	8	12	7	3
1946	30	8	13	7	2

Year	Seats	Labor (ALP)	Nationals Liberal	Country Party	Greens (WA) / Other
1948	30	7	15	7	1
1950	30	8	14	8	-
1952	30	9	13	8	-
1954	30	13	9	8	-
1956	30	13	9	8	-
1958	30	13	9	8	-
1960	30	13	9	8	-
1962	30	13	9	8	-
1965	30	10	12	8	-
1968	30	10	12	8	-
1971	30	10	13	7	-
1974	30	9	18	3	-
1977	32	10	18	4	-
1980	32	9	19	3	1 NP
1983	34	13	19	1	1 NP
1986	34	16	14	4 NPA	-
1989	34	16	15	3 NPA	-
1993	34	14	15	3 NPA	1 IND 1 G
1996	34	12	14	3 NPA	3 G 2 AD
2001	34	13	12	1 NPA	5 G 3 ON
2005	34	16	15	1 NPA	2 G
2008	36	11	16	5 NPA	4 G
2013	36	11	17	5 NPA	2 G 1 S/F

NPA National Party of Australia (Nats)

G Greens (WA)

NP National Party (of Western
Australia)

IND Independent

AD Australian Democrats

S/F Shooters and Fishers
Party (WA)

ON Pauline Hanson's One Nation

Appendix Eight: Voting System Models

Legislative Assembly Preferential Voting System

Electors show their preferences by marking the ballot paper with numbers. The winning candidate must obtain an absolute majority (50% + 1) of the formal vote of first preferences. Example:

First Count	First Preference
Ben Anderson (Consensus)	80
Joe Bloggs (Action)	70
Connie Smith (People’s)	40
Peter Young (Progressive)	10 (<i>eliminated</i>)
	200 (<i>absolute majority 101</i>)

Second Count	
Ben Anderson (Consensus)	80 (+2) = 82
Joe Bloggs (Action)	70 (+3) = 73
Connie Smith (People’s)	40 (+5) = 45 (<i>eliminated</i>)
	200 (<i>absolute majority 101</i>)

Peter Young was eliminated and his ten votes were distributed to the remaining candidates according to Young’s second preferences.

Third Count	
Ben Anderson (Consensus)	82 (+15) = 97
Joe Bloggs (Action)	73 (+30) = 103
	200

Connie Smith was eliminated and her 45 votes were distributed to the remaining candidates according to Smith’s second (and third) preferences. Joe Bloggs was declared the winner as he achieved an absolute majority (although he was not ahead on the first count).

Western Australia was the first State in Australia to adopt the preference voting system sometimes known as the alternative vote.

When it was first adopted in 1907 electors had the option of casting preferences so the system was really optional preferential which is the current law in Queensland and New South Wales. In 1911 the Parliament made it obligatory to cast a preference for each candidate in order to achieve a valid vote. This is the current law which also prevails for the House of Representatives.

Legislative Council Proportional Representation Voting System

In 1987 legislation was passed by the Western Australian Parliament for the introduction of the proportional representation (PR) voting system for Legislative Council elections in multi-member regions similar to the Australian Senate.

The PR voting system for the Legislative Council was designed to ensure that a political party, or group, gains seats in a multi-member electorate (region) in proportion to the total vote received by that party or group. Thus if a political party receives one third of the vote it can be expected to win one third of the seats.

In a six member region this would be two seats. Although simple in principle the steps applying the formula are quite complicated. It involves achieving a quota, distributing surplus votes at a transfer value, and excluding candidates with the least votes to continuing candidates according to the preferences on the ballot papers.

A key step to be elected to the Legislative Council is the requirement for a candidate to obtain a quota, or proportion of votes necessary to secure election in one of the six multi-member regions. The quota is calculated using the following formula:

$$\frac{\text{Total number of valid votes in region} + 1}{\text{Number of seats in the region} (6 + 1)} \quad (\text{divided by})$$

Votes from excluded candidates are also distributed to continuing candidates according to preferences indicated on the ballot paper. In 2007 the PR formula was modified for the transfer of surplus votes to be undertaken according to the Weighted Inclusive Gregory Method (WIGM).

Under the WIGM the value of a ballot never increases. This procedure for the transfer of surplus votes is the complex aspect of PR. In some cases over 200 counts are necessary before a result is achieved. This formidable task is undertaken by a computer program. A model PR (WIGM) can be examined at the Western Australian Electoral Commission website www.waec.wa.gov.au. In particular see 'Voting and Enrolment (Proportional Representation Voting System)'.

One feature of the PR system used for the Legislative Council (and Senate) is the high percentage of ticket voting (some 95 per cent) whereby voters place the numeral one (1) beside the list of party candidates of their choice. This means the distribution of preferences of an elector automatically becomes the same as the registered preferences submitted by the political party to the Electoral Commission before election day.

Example: South Metropolitan Region 2013 (Roll 351,927)

Party	Votes	% Vote	Quotas	Ticket %	Seats Won
Liberal	145,053	47.38	3.3165	96.84	3
Labor	113,026	36.92	2.5842	95.73	2
Greens	26,911	8.79	0.6153	89.79	1
Australian Christians	5,946	1.94	0.1359	87.72	
Family First	5,466	1.79	0.1063	77.66	
Independents	5,100	0.97	1.67	74.72	
Shooters & Fishers	4,651	1.52	0.1063	89.25	
National	0.0	0.0	0.0	0.0	
Other Parties	0.0	0.0	0.0	0.0	
Formal	306,153	97.24			
Informal	8,702	2.76			
Total	314,855				
Quota*	43,737				

$$\frac{*306,153 + 1}{6+1} = 43,737 \text{ votes}$$

Appendix Nine: Three Arms of Government

LEGISLATIVE	EXECUTIVE	JUDICIAL
Law-Making	Carrying Out or Executing the Law	Judging or Adjudicating on the Law
The Government of Western Australia		
Parliament	Government	Courts
Legislative Council Upper House of Parliament House of Review Legislative Assembly Lower House of Parliament House of Government <i>Parliamentary Committees</i> Examine and report on issues concerning Western Australia <i>Select Committees</i> Appointed to undertake a particular or select task <i>Standing Committees</i> Appointed for the Life of the Parliament for a continuing task. <i>Joint Committees</i> Made up of members from both Houses of Parliament	Governor Represents the Head of State of Western Australia (the Monarch of the United Kingdom) Executive Council Supreme Executive Authority in W.A. Premier Head of Government in Western Australia Cabinet (Ministry) Administer Government Departments and Report to Parliament Departments e.g. Education Health Police Statutory Authorities e.g. Lotteries Commission, Water Corporation.	High Court Highest Court in Australia Supreme Court Highest Court in Western Australia <i>General Division</i> <i>Court of Appeal</i> District Court Magistrates Court Family Court Children’s Court Drug Court Coroner’s Court Liquor Licensing Court Tribunals e.g. State Administrative Tribunal, Prisoners Review Board Other Legal Offices e.g. Office of the Director of Public Prosecutions, Office of Solicitor General Sheriff’s Office
Independent Agency Officers include: Auditor General, Ombudsman (Parliamentary Commissioner for Administrative Investigations), Commissioner for Public Sector Standards/Public Sector Commissioner, Corruption and Crime Commissioner and Parliamentary Inspector of the Corruption and Crime Commission		

Glossary

Absolute majority: in electoral terms 50 per cent plus one of the valid votes cast (including preferences) required for election under the preference (alternative) voting system used for Legislative Assembly elections. For constitutional purposes it is the nearest whole number above exactly half of the normal membership of the Legislative Assembly and Legislative Council.

Acclamation: a vote without a ballot (or division) being taken.

Act (of Parliament): a bill which has become law after being passed by the Legislative Assembly and the Legislative Council at three readings in each house and been assented to by the Governor and proclaimed.

Address-in-Reply: the formal answer of each house to the speech made by the Governor at the opening of each session of Parliament.

Adjournment (of debate): the decision of the house to postpone further debate on the subject immediately before it.

Amendment: an alteration or change to legislation or a motion before the house.

Another place: a term sometimes used in one chamber of a two chamber Parliament to refer to the other chamber, also referred to as 'the other place'.

Appropriation: a procedure that must be followed by parliament before a government is authorised to spend public funds, including the requirement that money bills must be introduced in the Legislative Assembly.

Assent: the State Governor giving royal approval to a bill by signing it. This is necessary for a bill to become an act.

Aye: the word used for voting 'yes' in Parliament.

Backbencher: Members of Parliament who are not members of the ministry or shadow ministry. Presiding officers (President and Speaker) are excluded from the backbench label.

Balance of power: the control held by a minority party/group or Independents who use their 'balance of power' when voting on issues when no party or coalition, or Alliance, has a majority of members in either chamber of the Parliament.

Balance of probabilities: the standard of proof required in civil matters, whereby the version of the facts is most probable.

Bar of the House: a brass barrier at the main entrance to the Legislative Assembly and Legislative Council.

Beyond reasonable doubt: in criminal proceedings, a standard of proof that stipulates that a charge must be proven with no reservations.

Bicameral: from the Latin *bi*, meaning 'two' and *camera* meaning chambers or rooms. So 'bicameral' means having two houses or chambers.

Bill: a proposal for an act that has been presented to Parliament.

By-election: an election to fill a seat in the Legislative Assembly that has become vacant by resignation, death or retirement between general elections.

Cabinet: a committee consisting of the senior members of the governing party (or coalition). The current (2013) cabinet comprises all of the 17 Ministers of the Crown (limited by statute to 17 members). The cabinet has no legal existence and is not mentioned in Western Australia's constitutional documents. In Western Australia the term cabinet is used interchangeably with the term ministry (see minister).

Casual vacancy: a vacancy, usually in reference to the Legislative Council, caused by the retirement, death, or resignation of a member.

Caucus: the Members of Parliament belonging to a particular political party; used mainly in relation to the Labor Party.

Censure motion: a motion moved in either house which is very critical of, and which seeks to attach blame to, a minister, another member, or the government.

Citizen: from the Anglo-Norman word *citezein*. This is based on the Latin *civitas*, meaning 'city'. A citizen is an inhabitant of a state or country who has certain rights and responsibilities.

Clause: one of the numbered parts of a bill. After a bill has become an act its clauses are referred to as sections.

Coalition: a combination or alliance (but not a fusion) of two or more political parties (or groups) for the purpose of achieving government (or opposition).

Code of Conduct: specific expression of required behaviour (generally expected to be consistent with a code of ethics). On 28 August 2003 the Legislative Assembly adopted a 'Code of Conduct' resolution.

Code of ethics: values which guide the membership of a group or society.

Cognate debate: a debate which takes place, by special leave, at the second reading stage of a bill, which enables similar bills with similar subject matter to be discussed at the same time.

Common law: law based on custom and court decision as distinguished from statute law. Common law traditions help protect individuals from arbitrary government by upholding principles such

as due process, the rule of law and *habeas corpus* (specification of reasons for arrest).

Concurrent power: a power which under the Australian Constitution, may be exercised by both the Commonwealth and the States.

Conference of Managers: a rarely used provision whereby the 'managers' of the two houses (usually three members from each house) meet when a bill has been amended by one house and the amendments have been disagreed to by the other house and no resolution has been configured by way of message between the Houses.

Confidence: the willingness of the Legislative Assembly to endorse governmental power, by majority vote, for a party (or coalition or alliance) of parties and independent members.

Conscience vote: a vote in Parliament (usually relating to a moral issue) when members are able to make their own decision on how to vote, regardless of the political party line.

Constituency: an electorate (district or region). The people within the electorate are known as constituents.

Constitution: from the Latin *constitutio* meaning 'arrangement' or 'order'. A constitution is a basic set of rules by which a state (or nation) is governed.

Contempt: an offence against the orderly management of either House, or disobedience to the authority or orders of the house, or interference with or obstruction of the work of a member of Parliament or a Parliamentary witness.

Convention (of the Constitution): an unwritten practice concerning the powers, processes and procedures of Parliament and government mostly based on the 'Westminster Model'.

Crossbench: one of a set of seats for Members of Parliament who belong neither to the government nor the opposition.

‘Cross the floor’: when a member votes in a division against the stated position of the member’s own party.

Crown privilege: a special exemption claimed by ministers which may allow some important papers to be kept secret. Often known as public interest immunity.

Deadlock: a situation that occurs when either house fail to agree on an issue, obstructing the passage of legislation.

Delegated laws: most acts of Parliament are passed in broad terms leaving many details of the process of legislation to be decided. Regulations, rules, orders, warrants and ordinances, having the force of law, can often be made within the terms of an act of Parliament. Some types of delegated legislation must be tabled for scrutiny in Parliament, with each house having the power to reject or amend them. In the Western Australian Parliament, the Joint Standing Committee on Delegated Legislation reviews the delegated legislation tabled in the Parliament.

Deliberative vote: the ordinary vote of a member (different from a casting or deciding vote).

Department (of Government): a group of public servants organised to administer a particular area of government activity, under the control of a minister.

Dissolution: action taken by the Governor, usually on the advice of the Premier, to bring the term of the Legislative Assembly to an end, making a general election for a new Legislative Assembly necessary.

Division: a vote which requires that the ‘ayes’ move to the right of the Chair and ‘noes’ to the left. The result is recorded in the ‘Votes and Proceedings’ or ‘Minutes’ of the Legislative Assembly or Legislative Council respectively and in *Hansard*. Before a vote is

taken the bells are normally rung for two minutes to recall absent members to the chamber. The doors are then locked for the count to be taken.

Donkey vote: a ballot paper which is marked 1,2,3,4 etc. down or up the ballot paper, thought to be numbered in this way by a voter who is indifferent to the outcome. It is still a valid vote (estimated to be about 1 per cent or so of the formal vote).

Dorothy Dix question: a question asked in Parliament by a member, often at a minister's request, to allow a minister to give a prepared reply.

Due process: proper observance of legal procedures designed to fairly protect the rights of people accused of civil or criminal charges.

Elector: a person entitled to vote in an election.

Electorate: a geographical area (district in the Legislative Assembly and region in the Legislative Council) that is represented by a Member of Parliament. Sometimes also known as a seat, and can also refer to all persons entitled to vote.

Endorsement: a person, who in the pre-selection process is chosen (endorsed) by a political party/group to stand as a candidate in an election.

Estimates Committees: committees which examine the proposed annual expenditures produced in the name of the Treasurer in the budget documents.

Executive: government ministers and their departments in their role as administrators of the law.

Executive Council: the formal meeting of the Governor with the Ministers of the Crown. Many day to day activities of government,

including the promulgation of regulations, require the approval of the Governor in Executive Council.

Faction: an organised group operating within a political party that seeks to influence party policy-making or ensure that certain of its members are elected to party office. A term most frequently used in relation to the Labor Party.

Federal: from the Latin *foedus*, meaning treaty, agreement, alliance or league.

Federalism: a system of government in which a written constitution distributes formal authority between a central government and regional (states, provinces, cantons) governments, as well as the processes of this system. Under these processes the national Parliament has greatly expanded its area of responsibility and influence through constitutional amendment, judicial interpretation and fiscal dominance.

Federation: the forming of a nation, such as Australia on 1 January 1901, by the joining of a number of States (colonies) which give up some of their powers and responsibilities to a national government.

Filibuster: a tactic to delay a bill which has raised strong objections. The word comes from the Spanish *filibustero*, meaning “freebooter”. Despite this, ‘filibuster’ since the 1880s has referred to a tactic by which a member uses long speeches to delay a bill or motion’s progression.

First past the post: the method of voting requiring electors to indicate their choice of candidate by placing a tick or cross in a square opposite the name of a candidate. Local government elections in Western Australia are conducted under this formula. The candidate with the most votes is declared the winner. Sometimes this method of voting is called the plurality voting formula.

Franchise: a word of French origin, meaning 'free'. Today it means a citizen's right to vote.

Gag: a procedure for stopping a debate while some members still wish to speak. This Parliamentary manoeuvre is often known as a 'closure'.

Gerrymander: the drawing of boundaries of electoral districts in a way which gives one political party or group an unfair advantage in elections by maximising its potential vote. The word dates back to

1812 when Governor Gerry, from the American State of Massachusetts, unfairly drew boundaries to the advantage of his party group. It was said the boundaries looked like a salamander. Hence 'gerry' was linked to 'mander' to become gerrymander.

Government: is based on the Latin word *gubernare* 'to steer'. The term 'government' is a general one which is used to describe both the group or body that has power and the system for making and enforcing decisions. In other words, it means the whole system for ruling part or all of a country.

Government Gazette: the *Government Gazette* is an official weekly publication which records all Acts of Parliament and details of Executive Council decisions, including regulations. The *Gazette* also contains details of state government appointments, transfers and promotions.

Governor: the representative of the monarch who under the Western Australian constitutional documents has wide formal powers.

Grants Commission (Commonwealth): established in 1933 to examine the finances of the states and to recommend levels of assistance to states to help ensure comparable standards of living across Australia with comparable levels of taxation.

Grievance: the opportunity in Parliament, dating back to the ancient practice in the House of Commons, for members to briefly raise matters of concern. In the Legislative Assembly grievances are heard once every sitting week.

Guillotine: the time limit set on discussion of a bill. Such a motion is also known as a 'time allocation order'.

Hansard: the name given to the full printed records of the speeches and proceedings of the Parliament, named after the Hansard family who printed the Journals of the House of Commons in England from 1774. The people who write the present record of the Parliamentary debates are called *Hansard* reporters.

How to Vote Card: a card or piece of paper distributed by parties/groups and independents, indicating to electors how they should record their preferences when voting.

In-camera: in private or in secret.

Informal vote: a vote that cannot be allowed in the election count because the ballot paper has not been filled in properly. The instructions are always printed at the top of each ballot paper. Sometimes known as a spoiled or invalid vote.

Interjection: a remark to interrupt, or respond to a point made during a debate. Sometimes interjections are reported in *Hansard*.

Judicature: the entire court structure.

Jurisdiction: the right, power or authority to administer justice over certain matters or territory (or what type of cases can be heard).

Leader of the House: the government member holding the portfolio 'Leader of the House' who arranges and manages the government business in the Legislative Assembly or Legislative Council. In modern Parliaments, this person has taken over some of the duties once performed by the whip.

Leave of the House: the unanimous permission of all members in the chamber at the time to do something which otherwise could not be done.

Legislature: the institution of government invested with the power of making, amending, and repealing laws for the 'peace, order and good government' of society.

Letters Patent: an official royal document giving the Governor authority to perform certain acts or duties.

Liberty: the power or right to do as one chooses (usually in accordance with the law).

Maiden Speech: the first speech in Parliament by a newly elected member. It is traditional for this speech (sometimes called 'the first speech' or 'inaugural speech') to be heard without interruption.

Malapportionment: the term used in an electoral system which incorporates a weighting (or bias) in favour of some voters against others. In Western Australia this weighting has often been geographic, favouring rural voters against metropolitan voters.

Mandate: the government's claim that once elected they have the right and responsibility to implement their policies.

Marginal seat: a seat that is not considered 'safe' because the party or person who holds the seat only has a small margin often judged as less than 56 per cent of the two-party preferred vote.

Message: the most common form of official communication between the houses.

Minister: is charged with the responsibility of administering specific statutes passed by Parliament. Apart from administering relevant government departments, a minister has broad responsibility for specific statutory corporations, boards, trusts, councils and

committees. At least one minister must be a member of the Legislative Council.

Ministerial statement: a statement made by a minister in either house pursuant to the standing orders.

Minority Government: government by a party or coalition of parties that does not have a majority of members in the Legislative Assembly and therefore has to rely on support in the lower house of Independents and members of other parties to retain government.

Notice of Motion: the process of providing the house with notice of an intended motion. The notice of motion must be in writing, signed by the mover and orally presented at the time the presiding officer calls for notices at the beginning of the sitting day.

Notice Paper: the daily document, known as *Notices and Orders of the Day* in the Legislative Assembly and *Daily Notice Paper* in the Legislative Council, which sets out the business for a particular day and the outstanding business before each house.

Oath: the *Constitution Act 1889* provides that no member may sit or vote in the Parliament until that member has taken an oath or affirmation of allegiance as set out in the Act.

Opposition: by convention ‘Her Majesty’s Loyal Opposition’, is the party or coalition of parties with the second largest number of members in the Legislative Assembly or lower house.

Pairs: if a Member of Parliament is absent from Parliament for a period, an informal arrangement can usually be made with a member of the opposite party to be absent from any division called during that period. Although published in *Hansard* a pair is not recognised by the Standing Orders.

Parliamentary Counsel: the principal government officer responsible for drafting bills and delegated legislation.

Parliamentary privilege: the rights and immunities enjoyed by each house collectively, and by members of each house individually, which are maintained under the Constitution for the performance of Parliament's duties. This broadly means that a member cannot be sued for slander or libel for any statements made 'under the protection of Parliament'.

Parliamentary procedure: the unwritten traditions (or 'custom and usage') and written rules for conducting Parliamentary business.

Petition: a formal request signed by at least one person placed before either the Legislative Council or Legislative Assembly with the object of persuading Parliament to take the action sought. Each house has a set of rules relating to the tabling of petitions.

Plaintiff: the party which commences an action in a civil legal proceeding.

Platform: policies or plans for a political party or candidate.

Pledge: a document signed by all Labor party candidates which binds them to a vote in the Parliament as a majority of 'caucus' determines, to refrain from contesting a seat against an endorsed Labor candidate, and to carry out the platform of the party.

Point of Order: the action by a member seeking a decision by the presiding officer as to whether or not the house is following its standing orders and established practices.

Political Party: a voluntary group of persons with a common ideology or similar views on broad issues who form an association with the aim of winning seats, and perhaps forming government by means of the electoral process.

Politics: from the Greek word *polis*, meaning city-state, is a human activity concerned with making rules or decisions and developing a consensus which will reduce the conflicts that arise from the differences in people's interests and beliefs.

Polity: in modern political discourse means the political fabric of a state. It encompasses the political system, its values, sentiments and political culture.

Populism: a political style of leadership and policies that reflects the interests and attitudes of 'common people'. In the late nineteenth century a group of disaffected farmers in the United States called themselves the Populist Party.

Portfolio: the area of responsibility or duties of a minister in a government; the department for which a minister is responsible.

Power: can be traced from the Latin *posse*, which means 'to be able'. It is the capacity to enforce one's will.

Preamble: an opening introductory statement or series of statements to a constitution or to an act of Parliament. It may include: certain facts necessary to bring the constitution into effect; sources of authority for the constitution; and a mission statement.

Prerogative Powers (of the Crown): the rights and powers, apart from those conferred by statute, which are recognised by the common law as belonging to the Crown.

Presiding Officer: a Member of Parliament elected to be in charge of (preside over) the business, proceedings and administration of a house of Parliament. In the Legislative Council the presiding officer is known as the President, and in the Legislative Assembly, the Speaker.

Private Member's Bill: a bill which is introduced by a member who is not a member of the ministry.

Proclamation: a public announcement of the commencement date of an act made by the Governor in Council. Acts of Parliament do not come into operation until they have been proclaimed.

Prorogue (the Parliament): from the Latin word meaning 'to prolong', meaning to suspend a session of Parliament and

discontinue the meeting of the houses until the next session without holding an election.

Public sector: all parts of the community or economy which are owned and either fully or partly controlled by government.

Public service: the various government departments and their employees, often called 'public servants'.

Quorum: the minimum number of members of each house of Parliament who must be present for each house to carry out official business such as voting on legislation. In the Constitution a quorum requires the presence of at least one third of the Legislative Council or Legislative Assembly, exclusive of the President or the Speaker.

Quota: the number of votes required by an individual candidate under the proportional representation system used in Legislative Council elections. It is calculated by dividing the number of formal votes by the number of seats available plus one then adding one more vote.

Recess: the period between prorogation and the commencement of a new session. Sometimes the term is inaccurately used to describe a period of adjournment.

Reference: a matter that has been referred to a committee for consideration and report; a subject being considered by a committee.

Referendum: from the Latin *referre*, meaning to 'carry back', report, or 'refer for consideration'. A referendum is a method of referring a question or set of questions to the people. In Australia, a referendum is usually a public vote on a proposed plan to change Australia's Constitution. In the Western Australian Constitution the removal of the Office of Governor (or reduction of powers) and reduction or abolition of the Legislative Council or Legislative Assembly requires approval by the people in a referendum, in

addition to an absolute majority of the members of both Houses of the Western Australian Parliament.

Regulations: the main form of delegated legislation which are subsidiary laws made by ministers under the authority of certain acts of Parliament, and approved by the Governor in Executive Council. Regulations can be disallowed by either house of Parliament and, in some cases, may need to be affirmed (or approved) by both houses of Parliament before they may have effect. **Repeal (of an Act):** the removal of an act of Parliament from the statute books.

Representative government: a form of government in which people trust their 'power' to a group of elected persons to make laws. In colonial days it meant that more than half the members of the Legislative Council were elected.

Reserve Power: a power that may be exercised under certain circumstances by the Governor to restrict, refuse or over-ride the authority of the elected government.

Responsible government: a system in which government ministers are drawn from the Parliament, have the 'confidence' of the 'lower house' (Legislative Assembly), and are responsible to the Parliament for the administration of their 'portfolio'. Also, the Governor by convention accepts the advice of the Premier of the day.

Royal Commission: an inquiry into a matter of public interest established under the *Royal Commissions Act 1968*. As it is created by the Governor in Executive Council, the Commission reports to the Governor rather than to the Parliament. Most Royal Commissions are conducted by serving or retired judges.

Royalties for Regions: a policy formulated by the National Party of Western Australia before the 2008 state election. The policy involved the redirection of government spending from major population centres, particularly the Perth metropolitan area, to the rural regions of the state. The funding formula for this policy was

broadly based on setting aside 25 per cent of Western Australia's mining and petroleum royalties revenue.

Rule of law: the idea that people are equal before the law with the expectation that due process or proper processes are followed.

Rules: describe the required behaviour of members of a particular group.

Secede: to withdraw or break away from a federation. Sometimes the word 'secession' is used.

Select Committees: a group of members, usually five, selected by a House, or both Houses in the case of a Joint Select Committee, to carry out an inquiry according to their terms of reference. They usually dissolve once the inquiry is completed or if Parliament is prorogued (whichever event first occurs).

Session: a series of meetings of the Parliament, commencing with the formal opening and concluding at prorogation.

Shadow Ministry (Cabinet): the most prominent members of the opposition in the Parliament who occupy the opposition front bench and who are usually given 'shadow' portfolios to match those of the government. These shadow ministers are sometimes called shadow spokespersons.

Sitting: a sitting commences when a presiding officer takes the chair, and concludes with the adjournment of the house.

Standing Committees: have a defined set of functions to perform and some may initiate their own inquiries within their terms of reference. Such committees, and their members, are appointed at the beginning of a Parliament for its duration.

Standing Orders: the rules of procedure, or permanent rules, used by the Legislative Council and Legislative Assembly for the conduct of business of each house.

State: the word is sometimes used as a short way of referring to a 'nation-state', which is a group of people living in a defined territory, with a system of government. A state is also one of the regions of a nation with a government for its own affairs. As such we speak of the State of Western Australia.

Statute: an act of Parliament which has been assented to and proclaimed.

Statutory Authority (or Corporation): a government agency established by an act of Parliament, more or less independent of day-to-day ministerial control, and usually not bound by public service rules to the same extent as ordinary government departments.

Sub judice: a matter under consideration or awaiting consideration by a court of law.

Ticket voting: a written statement of preferences lodged by a candidate or political party after close of nominations for use in interpreting the votes of electors who 'plump' for one group in the Legislative Council. Over 90% of electors ticket vote.

Transfer value: with the proportional representation voting system the formulae for the transfer value of votes above the quota is calculated by dividing the surplus votes cast for the elected candidate by the total number of votes received by the elected candidate.

Two-party preferred vote: a calculation of the aggregate support of the two main parties in an election (national, state or district) after all the preferences have been distributed.

Unparliamentary language: language which in the opinion of the Chair (Speaker, Deputy Speaker or Acting Speaker, President, or Chairman of Committees) is not appropriate for use in debate.

Vote: comes from the Latin *vovere*, meaning a vow. Before a person is able to vote in an election, it is necessary for that person to indicate that he or she has not previously voted in the same election.

Westminster system: the system of bicameral Parliamentary government of laws, practices and procedures developed in Britain (at Westminster Palace).

Whip: in origin a 'whipper in' was a person who rounded up the hounds in an English fox hunt. In Parliament, a whip is a member with the duty or responsibility to act as a marshal for the respective government and opposition parties.

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