

Passage of Legislation

One of the main functions of Parliament is to make laws for the 'peace, order and good government' of the state. To make laws, Parliament must pass legislation which is also known as 'statutes' or Acts of Parliament. An Act of Parliament starts as a bill in either the Legislative Assembly (lower house) or the Legislative Council (upper house). A bill is a draft of a proposed law which must be passed by both houses before it can become law. A minister or member of either house may introduce a bill. The formal stages that a bill must go through are:

Notice of Motion

Before a bill is introduced the minister/member responsible for the bill will give notice. The notice is published in the notice paper of that house as a 'Bill Notice of Motion'.

Introduction and First Reading

In accordance with Legislative Assembly Standing Orders, a bill introduced in the Legislative Assembly must be accompanied by an explanatory memorandum, which is a brief summary of the bill. If a bill does not have an explanatory memorandum it cannot be introduced.

The minister/member stands and presents a copy of the bill to the house at the appropriate time. After introduction, the house decides if the bill should be read a first time. This is usually agreed to without debate. The bill is 'read' a first time when the Clerk reads the title of the bill to the house.

Second Reading

The minister/member in charge of the bill starts the second reading debate with a speech that explains the intended effect of the proposed legislation. All members are entitled to make one speech on that debate with the minister/member in charge of the bill having a right of reply in which the various arguments raised in debate are answered.

The second reading is the most important stage through which a bill passes because the whole principle or policy of the bill is at issue. At the end of the second reading, the main vote on the bill is taken.

Committee of the Whole House (Legislative Council) or Consideration in Detail (Legislative Assembly)

When a bill has passed the second reading, the house forms itself into a 'committee', presided over by the Chair of Committees in the Legislative Council, or goes into consideration in detail in the Legislative Assembly. The bill is then dealt with clause by clause to ensure that when it becomes an act, it will carry out Parliament's intention.

At this stage, amendments can be moved to the clauses of the bill. In some cases a bill may be committed to the Committee of the Whole House or to consideration in detail more than once, mostly to tidy up amended clauses.



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It is possible to bypass the Committee of the Whole House or consideration in detail stage when a bill is not controversial. In other words, if all members of a house agree with the bill, it need not be referred to the Committee of the Whole House or to consideration in detail and may proceed directly to the third reading.

Referral to Legislation Committee or Standing Committee

In the Legislative Council, bills may be referred to an appropriate standing committee for its consideration and report to the Committee of the Whole House. This is a good example of how the Legislative Council performs its review function. Similarly, in the Legislative Assembly, bills may be referred to a select or standing committee or a legislation committee.

Third Reading

Once the house has dealt with the bill in Committee of the Whole House or consideration in detail, the next stage is the third reading. Although this stage is mainly formal, the bill is occasionally debated again when its subject matter is controversial, although new material cannot be introduced.

Presentation to Other House

Once agreed upon, the bill is then sent to the other house where, following receipt by message (a formal means of communication between the houses) rather than introduction, the same procedure takes place.

Disagreement

If the two houses cannot agree on amendments made to a bill, informal negotiations usually occur. As a last resort, each house may appoint a

number of members to meet to try to settle the difference. This procedure is known as a Conference of Managers. If the Conference of Managers fails to reach agreement, the bill fails.

Royal Assent and Proclamation

Having passed through both houses, the bill is certified by the Clerk of the Legislative Council in his role as the Clerk of the Parliaments and is then presented to the Governor, who assents to it in the name and on behalf of the monarch. On assent, the bill becomes an Act of Parliament. Some Acts of Parliament specify that they, or portions of them, do not come into operation until they are proclaimed by order of the Governor (on the advice of the Executive Council). A notice of proclamation must be published in the Western Australian Government Gazette.

Money Bills

Under section 46 of the Constitution Acts Amendment Act 1899, all bills that involve expenditure of public moneys must originate in the Legislative Assembly. This is to ensure that the initiation of proposals for public expenditure remains in the hands of the government (which is formed from the party or parties having a majority in the Legislative Assembly).

