



THIRTY-SEVENTH PARLIAMENT

**WORK OF THE LEGISLATIVE COUNCIL
CHAMBER IN 2005**

29 MARCH 2005 TO 1 DECEMBER 2005

Published by authority of the
Clerk of the Legislative Council of Western Australia

May 2006

LEGISLATIVE COUNCIL COMMITTEE OFFICE

WORK OF THE LEGISLATIVE COUNCIL CHAMBER IN 2005

29 MARCH 2005 TO 1 DECEMBER 2005

Address:

Parliament House, Perth WA 6000, Telephone (08) 9222 7222

Website: <http://www.parliament.wa.gov.au>

ISBN 1 9208 8674 5

CONTENTS

1	PUBLICATION	1
2	FOCUS ON RESULTS.....	1
3	PROCEDURAL AND OTHER HIGHLIGHTS.....	2
	New Parliament.....	2
	Rules of the House	2
	Time Allocation	4
	Suspension of Standing and Sessional Orders	7
	Section 46 <i>Constitution Acts Amendment Act 1899</i>	7
	One Vote One Value Bill 2005	7
	Constitution and Electoral Amendment Bill 2005	11
	Planning and Development Bill 2005.....	12
	Initiation of Bills	15
	Parliamentary Privilege - Buchanan v Jennings.....	17
	Former Members' Business on the Notice Paper.....	18
	Bills Proceeding to Third Reading by Leave	19
4	AMENDMENTS	19
5	BILLS.....	20
6	CONCLUSION	21
	APPENDIX 1 CHAMBER PUBLICATIONS 2005	23
	Chamber Publications 2005	25
	Tabled Papers 2005.....	26
	Tabled Papers 2001-2005.....	27
	Questions on Notice 2005	28
	Questions on Notice 2003/2004/2005 Comparison	29
	Questions on Notice Not Answered within 9 Sitting Days 2005.....	30
	Questions on Notice not Answered within 9 Sitting Days 2004-2005 Comparison .	31
	Amendments Contained in Supplementary Notice Papers 2005	32
	Amendments Contained in Supplementary Notice Papers 2004-2005 Comparison.	33
	Sets of Amendments Circulated 2005.....	34
	APPENDIX 2 PROCEDURES IN THE HOUSE	35
	Statements by Ministers or Parliamentary Secretaries 2005	37
	Statements by Ministers or Parliamentary Secretaries (2001-2005).....	38
	Questions without Notice 2005.....	39
	Questions without Notice 2003/2004/2005 Comparison	40
	Motions on Notice 2005.....	41
	Non-Official Business (Sessional Orders) (Thursday) 2005.....	42
	Disallowance Motions 2005.....	44
	Number of Speakers during Adjournment Debate/Members' Statements 2005	45
	Time Spent in Adjournment Debate/Members' Statements 2005 (minutes)	46

Time Spent in Adjournment Debate/Members' Statements 2001-2005 Comparison (minutes)	47
APPENDIX 3 BILLS AND AMENDMENTS.....	49
Bills that did not Complete Passage 2005	53
Bills Passed and Legislation Volume Comparison 1993-2005	56
Bills Passed 1993-2005	56
Pages of Legislation Considered 1993-2005	57
Bills 2003/2004/2005 Comparison	58
APPENDIX 4 SITTING SCHEDULE 2005.....	61
Sitting Schedule 2005	63

WORK OF THE LEGISLATIVE COUNCIL CHAMBER IN 2005

29 MARCH 2005 TO 1 DECEMBER 2005

1 PUBLICATION

- 1.1 The Legislative Council Procedure Office has compiled these statistics on the operation of the Council Chamber for the information of Members and the public. The publication is for the calendar year 2005. The sitting period during 2005 was from 29 March 2005 to 1 December 2005. This period was during the first session of the 37th Parliament which followed the State general election on 26 February 2005.
- 1.2 This report augments the statistics provided in the annual report of the Department of the Legislative Council. The statistical information in this report is based on the calendar year rather than the financial year information contained in the annual report. Many of the graphs found in the annual report are replicated below but on the basis of calendar year statistics. This data provides more meaningful information to Members and the public on the work of the Council Chamber during the parliamentary year.
- 1.3 The decision to provide statistical information on the basis of a calendar year rather than for each session of Parliament was prompted by the Government's decision not to prorogue the Parliament in 2003 or 2004. For many years the Houses of Parliament have been prorogued in August of each year. As sessions generally lasted for 12 months statistical data from each session could produce meaningful comparisons between sessions. This is not the case if, as indicated by the Government, prorogation will not occur every year and indeed a session could continue for the life of a Parliament. This may be the case with the 37th Parliament.
- 1.4 The change also mirrors the way in which Bills are treated once passed and become Acts of Parliament on receiving the Royal Assent. Acts are numbered in accordance with the calendar year in which they are passed and not by session.
- 1.5 This report also contains a summary of some significant procedural and other matters that occurred in 2005.

2 FOCUS ON RESULTS

- 2.1 The Department's mission is to pursue excellence in supporting the Legislative Council. The Procedure Office achieves this by providing professional, advisory and administrative support to the Members and Officers of the Council. This

Department's purpose in gathering statistics is to help it provide better and more relevant services to Members and the public.

3 PROCEDURAL AND OTHER HIGHLIGHTS

New Parliament

- 3.1 The State general election held on 26 February returned the ALP Government for a second term. In the Council, both the Labor Party and Liberal Party increased their numbers. The only National Party Member was re-elected and Greens (WA) seats were reduced from five to two. The three former One Nation Party Members (later Independents) were not re-elected.
- 3.2 The political composition of the Council as from the time new Members took their seats on 24 May 2005 is:

Australian Labor Party	16 Members
Liberal Party of Australia	15 Members
Greens (WA)	2 Members
National Party of Australia	1 Member
TOTAL	34 Members

- 3.3 The 37th Parliament commenced on 29 March 2005. Members of the Council are elected for a fixed term of four years from the time they take their seats until 22 May following the date of their election. Accordingly, until 21 May 2005 the Council transacted business with Members elected in 2001. This influenced the Government's legislative program and led to extended sittings of the House to deal with the Government's electoral reform legislation, specifically the One Vote One Value Bill 2005 and Constitution and Electoral Amendment Bill 2005.

Rules of the House

- 3.4 The Sessional Orders put in place on 12 December 2003 that operated during 2004 sittings expired on 31 December 2004. The Council commenced its 2005 sittings on 29 March 2005 under its Standing Orders. This brought to an end, temporarily, the Sessional Orders regime that had operated since March 2003. The Sessional Orders arose from recommendations of the *Report of the Select Committee on the Rules, Orders and Usages of the House*, tabled on 12 March 2003.¹
- 3.5 Due to the priority accorded to the Government's electoral reform agenda, the House put in place a Temporary Order from 27 April to 21 May 2005, the latter date being the day on which the term of Council Members elected in the 2001 general election expired. The Temporary Order permitted the House to sit extended hours, including

¹ Tabled Paper No. 838. See also *Report of the Select Committee on the Rules, Orders and Usages of the House - interim report* - tabled on 5 March 2003 (Tabled Paper No. 793).

Fridays, on a motion agreed to by simple majority. The motion for extended sittings could not be amended and was to be resolved without debate. The Standing Orders were also amended for the same period to permit the House to commence sittings at the following times:

- Tuesday at 3:30pm (the usual time);
- Wednesday at 10:00am (rather than 4:00pm); and
- Thursday at 10:00am (rather than 11:00am).

3.6 The House sat during the following dates and times before the change of membership of the Council after 21 May 2005 at which time the Temporary Order and the amendments to the sitting times expired. The hours sat under the Temporary Order (excluding meal breaks) are set out in Table 1.

Table 1.

DAY & DATE	START TIME	FINISH TIME	HOURS & MINS
Thurs 28/04/05	10.00am	1:04am	12.19
Fri 29/04/05	11.00am	5.49pm	5.34
Tues 3/05/05	3.30pm	12.59am	7.58
Wed 4/05/05	10.00am	10.52pm	10.06
Thurs 5/05/06	10.00am	2.35am	11.37
Fri 6/05/05 ²	10.00am	9.06pm	8.51
Tues 17/05/05	3.30pm	10.02pm	5.02
Wed 18/05/05 ³	10.00am	10.30pm	6.19
Thurs 19/05/05	10.00am	5.34pm	6.19
TOTAL			74.5

² Passage of One Vote One Value Bill 2005 (named changed to Electoral Amendment and Repeal Bill 2005). The Council amendments were agreed to by the Assembly on 17/05/05. The Bill received the Royal Assent on 20/05/05.

³ Passage of Constitution and Electoral Amendment Bill 2005. This Bill increases the membership of the Legislative Assembly from 57 to 59 as from 2009. The Bill received the Royal Assent on 23/05/05.

- 3.7 The House sat an average of 8 hours and 15 minutes per sitting day during the Temporary Order compared with its average for the year of 6 hours and 6 minutes.
- 3.8 The 34 Members elected at the 2005 general election were sworn in on 23 May 2005. Thirteen Members were elected for the first time. The new Council commenced its sittings on Tuesday, 24 May 2005. The Council operated under the Standing Orders until 30 June 2005 when the House agreed to a further Sessional Order for the remainder of 2005 sittings. This Sessional Order, with minor modifications, reflected the two previous Sessional Orders that had been put in place in March and December 2003.

Time Allocation

- 3.9 An analysis of times under the Standing Order and Sessional Order regimes indicates that Government business time has increased during periods in which the Sessional Orders have operated.

Table 2.

SESSION/YEAR	SNAPSHOT PERIOD	SITTING DAYS	SITTING HOURS	GOVT. HOURS (APPROX.)
1st Session 36 th Parliament under Standing Orders (2001-2002)	01/05/01 - 21/03/02	70	391	139
1 st Session and part 2 nd Session 36 th Parliament under Standing Orders (2002-2003)	26/03/02 - 19/03/03	70	430	153
2 nd Session 36 th Parliament under Sessional Orders MKI (sittings 2003)	20/03/03 - 12/12/03	64	393	204
2 nd Session 36 th Parliament under Sessional Orders MKII (sittings 2004)	02/03/04 - 01/12/04	70	423	220
1 st Session 37 th Parliament under Temporary Order	28/03/05 - 30/06/05	9	74	51
1 st Session 37 th Parliament under Standing Orders	29/03/05-27/04/05 & 24/05/05 - 30/06/05	17	77	28
1 st Session 37 th Parliament under Sessional Orders	16/08/05 - 01/12/05	30	190	115

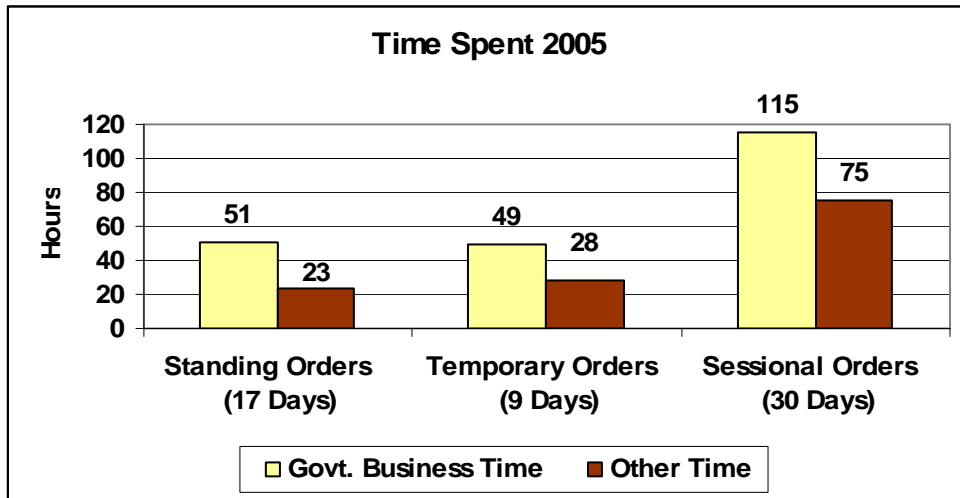
-
- 3.10 During 2005 the House sat for approximately 341 hours. Government business⁴ accounted for approximately 194 hours, being almost 57% of the House's total time in 2005.
- 3.11 During the period of Standing Orders, Government time accounted for approximately 28 hours, being 36% of total time. This reduced time for Government business under the Standing Orders may in part have been due to the Address-in-Reply and Budget debates. Both of these debates allow Members to engage in a wide ranging debate. The Standing Orders provide that the debate on the motion to adopt an Address-in-Reply to the Governor's speech takes precedence over all other business other than for a disallowance motion until the motion is determined.⁵ The tendency to move a motion to amend the adoption motion has in the past extended this debate. The Standing Orders also give precedence to the motion to take note of the Budget Papers for a total of 10 sitting days.⁶
- 3.12 During 2005, both the Address-in-Reply and the majority of the Budget debate had been completed in the first half of the year. This resulted in more time being available in the latter part of the year, during the operation of the Sessional Order, for Government business.
- 3.13 During the short period of Temporary Orders, Government time accounted for approximately 51 hours, being 68% of total time.
- 3.14 During the period of Sessional Orders from August to December 2005, Government time accounted for approximately 115 hours, being 60% of total time with an average over the 30 sitting days of 3.83 hours of Government business per day. Time spent under Standing, Temporary and Sessional Orders are shown in Figure 1.

⁴ Government business has been calculated as including all times under Orders of the Day less time taken during Formal Business, Address-in-Reply and Budget debates and debates on disallowance motions.

⁵ SO15.

⁶ SO49.

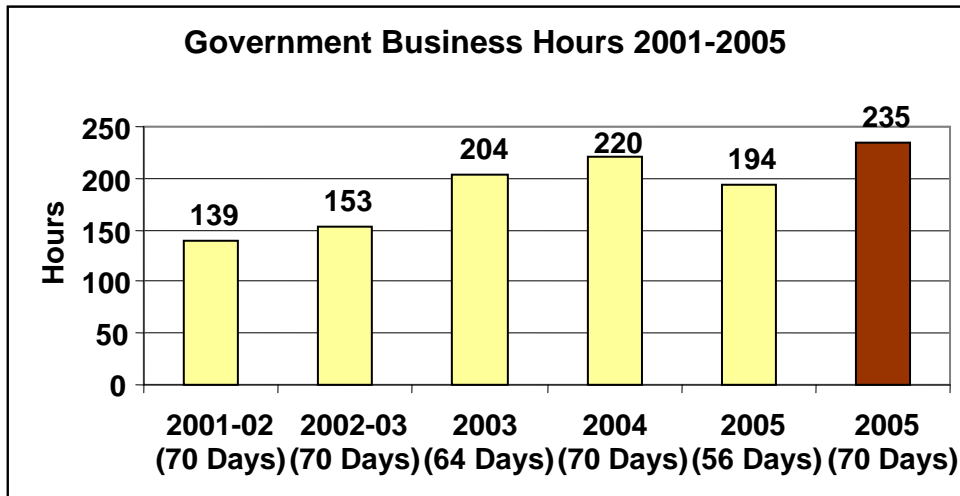
Figure 1



3.15 There has been a trend indicating increased Government business time since Sessional Orders were first put in place in March 2003. If there were 70 sitting days in 2005 under Sessional Orders as there were in 2004, projected Government business time would have been approximately 235 hours, taking into account the Address-in-Reply and Budget debates in the first half of the year of approximately 33 hours. If the Government continues with its policy of only proroguing the Parliament prior to a general election, an Address-in-Reply debate will not occur during 2006 sittings. If the House operates under a similar Sessional Order in 2006, it is likely that the trend for increased Government hours will continue.

3.16 Figure 2 shows Government business hours from 2001 to 2005. The bar in red indicates the estimated number of hours of Government business if the House had operated under Sessional Orders for 70 sitting days during 2005.

Figure 2



Suspension of Standing and Sessional Orders

3.17 As with the previous Sessional Orders, one of the consequences of the specific allocation of times for business was the need for the House to suspend them when matters arose that the Government argued were required to be dealt with urgently. As the Government did not command an absolute majority of votes, it required the co-operation of other Members to enable the Standing or Sessional Orders to be suspended.

3.18 From 16 August to December 1 2005, the Sessional and Standing Orders were suspended on eight occasions. Five of these were in November 2005 to enable time otherwise allocated to Motions, Non-Official Business or Committee Reports and Ministerial Statements to be devoted to Government business.

Section 46 *Constitution Acts Amendment Act 1899*

One Vote One Value Bill 2005

3.19 The Electoral Amendment and Repeal Bill 2005 (formerly known as the One Vote One Value Bill 2005) was passed by the Council on 6 May 2005 with the constitutional requirement of an absolute majority of 18 votes to 13. The Bill was amended in the Council, principally to:

- change the Bill's name to more accurately reflect its effect;
- retain the previous region names for the six regions;
- alter the number of Members elected from each region so that six Members would be elected from each region;

- ensure an equal division in the House between metropolitan and non-metropolitan seats; and
 - allow for a greater divergence of the one vote one value principal in large electorates so that the Mining and Pastoral Region retained five Assembly seats (Districts).
- 3.20 The amendments will result in two regions, the North Metropolitan Region and the South West Region having their membership reduced from seven Members to six. The other four Regions⁷ increased their membership from five to six. Both of these changes are to take effect at the 2009 election.
- 3.21 The original Bill provided for an increase in membership of the Council from 34 to 36. The division between metropolitan Members and non-metropolitan Council Members in the original Bill was 21-15. The amendments will alter this to retain an equal division between metropolitan and non-metropolitan seats in 2009, resulting in an 18-18 division between metropolitan and non-metropolitan Members. The existing division in the Council is 17-17. The amendments increased the number of non-metropolitan Members by three and reduced the number of metropolitan Members by three. Non-metropolitan Members are paid higher allowances than non-metropolitan Members pursuant to determinations made by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*. This Act provides for a standing appropriation from the Consolidated Fund in respect to Members' salaries and allowances.
- 3.22 A Point of Order was raised in relation to whether the increase in numbers in some regions resulted in the amendment transgressing section 46(3) of the *Constitution Acts Amendment Act 1899*. This provision prohibits the Council from amending any Bill so as to increase any proposed charge or burden on the people.
- 3.23 The Deputy Chairman made the following ruling -

I have been asked to rule on the appropriateness of amendment 13/4 proposed by Hon Christine Sharp on Supplementary Notice Paper No. 33, Issue No. 5. The Bill in its current form already provides for a total of 36 Members of the Legislative Council. The Governor has recommended by Message to the Legislative Assembly the necessary appropriation that covers that purpose. Amendment 13/4 proposed by Hon Christine Sharp does not affect the status quo. It does not increase the membership of the Legislative Council beyond the total of 36 proposed by the Bill. The Salaries and Allowances Tribunal is required to make annual determinations as to the quantum of

⁷ Agricultural, Mining and Pastoral, East Metropolitan and South Metropolitan.

Members' salaries and allowances. Under the Salaries and Allowances Tribunal Act 1975, the Tribunal's determination cannot exceed the number of Members that the law provides. When those determinations are published in the Government Gazette, they automatically have effect because of the standing appropriation provision in section 6(4) of the Act, which appropriates the consolidated fund accordingly. It would be inappropriate for this House to second guess what any particular Tribunal may determine as to the range and quantum of allowances in the future. For example, in 2009 the Tribunal may determine that there be identical salaries and allowances for all Members regardless of region. I am prepared to allow the Member to move the amendment.⁸

- 3.24 There was a dissent to the Deputy President's ruling. In upholding the Deputy President's ruling the President ruled as follows -

Members, I have read the ruling of the Deputy Chairman of Committees and the notice with reasons for dissent from that ruling, and I uphold the ruling of the Deputy Chairman of Committees. Hon Peter Foss is arguing for a very narrow interpretation of section 46(3) of the Constitution Acts Amendment Act 1899. This is the sort of interpretation that the Legislative Assembly may well and probably would hold, but it is not one that this House has countenanced in successive presidential rulings. I uphold the ruling of the Deputy Chairman of Committees.⁹

- 3.25 In fact it is the broad interpretation of section 46 of the *Constitution Acts Amendment Act 1899* by the Assembly that has been a source of tension between the Houses and one in which the Council has not in the past countenanced. This is because the Assembly has previously interpreted any amendment that results in, or even has the potential to result in, increased expenditure as a "burden" on the people. Of course almost every amendment that is made by the Council would have this effect. The Council maintains the narrower view that an amendment must result in an appropriation, not merely an additional expenditure, for it to transgress section 46(3).

- 3.26 When the Bill was returned to the Assembly with a request for that House to concur with the amendments made by the Council, a similar point of order was raised in relation to the amendment ruled on in the Council. The Speaker ruled as follows:

I have been asked to rule whether amendment 2 contained in Legislative Council message 3 on the One Vote One Value Bill 2005

⁸ 2005 WAPD Vol. 4, p.1229.

⁹ 2005 WAPD Vol. 4, p.1230.

is in order. I have been aware of this issue for a few days since it was canvassed in another place and in the media. In addition, this morning I received from the manager of opposition business a seven-page letter with attachments advising that he would be seeking a ruling and detailing the arguments he would be putting in the house. Although I think the proper place to put arguments is in the house, which of course the member subsequently has put, I appreciate the work done by the member in making his position clear to me. At the conclusion of this ruling I will table the letter from the member for Leschenault.¹⁰ I thank members for their contributions to this debate: the Leader of the National Party, the Leader of the Opposition, the Attorney General and the member for Wagin.

Section 46 of the Constitution Acts Amendment Act 1899 sets out the differences between the powers of the Legislative Assembly and the Legislative Council in respect of legislation and it has been the focus of a difference of views between the houses. Section 46(3) provides -

The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

The effect of amendment 2 from the Legislative Council is to increase the number of members in country areas by three and reduce the number of members in the metropolitan area by the same amount, leaving unchanged the overall number of members in the Legislative Council. The essence of the issue for determination is whether additional expenditure will be incurred through this amendment by reason of the fact that under the determination of the Salaries and Allowances Tribunal considerably higher allowances are paid to country members than to metropolitan members. On the face of it, the amendment does impose an additional burden on the people.

Hypothetically, if the amendment increasing the number of Council members in country regions were to take effect immediately, I think that, given the existing Salaries and Allowances Tribunal determination, the amendment would be likely to be ruled out of order. That, however, is not the case, as this change, if enacted, will come into effect for Council members who will take their seats in four years. Without doubt the tribunal will have to consider the situation of Council members, and, indeed, all members, afresh when this change comes into effect. It is not possible to know what the tribunal will do in four years. It might increase allowances, it might leave them at the

¹⁰ See Legislative Assembly Tabled Paper No.432.

same relative levels or it might even consider that the additional number of Council members in a region reduces the need for allowances at the level previously determined. It is my view that the position is too vague to say that the effect of this amendment is to impose an additional charge or burden on the people. I therefore rule the amendment in order and I table the letter from the member for Leschenault.¹¹

- 3.27 The above ruling appeared to indicate a retreat from the Assembly's previous view that any amendment with the potential to result in increased expenditure would transgress section 46(3).

Constitution and Electoral Amendment Bill 2005

- 3.28 Another Bill to arise from the negotiations between the Government, Greens (WA) and Hon Alan Cadby (IND.) in relation to electoral reform was the Constitution and Electoral Amendment Bill 2005. This Bill increased the membership of the Assembly by two to 59 Members as from 2009.
- 3.29 Council amendments proposed to increase the number of Assembly Members by a further additional member to a total of 60. The amendment was ruled out of order as it would require an additional appropriation from the Consolidated Fund.
- 3.30 The Deputy Chairman ruled as follows -

Before we deal with the clauses of this bill, I note that there are amendments listed on supplementary notice paper 37, issue 1. Before moving to deal with those amendments, I need to make a ruling on them. Before the Member moves the amendments, I advise the committee that I have considered the amendments proposed by Hon Murray Criddle and consider that they breach section 46 of the Constitution Acts Amendment Act 1899. I believe that the amendments are caught by section 46(3), which denies the Legislative Council the ability to amend a bill if the amendments would increase a burden or charge on the people; that is, if the amendment appropriates public moneys. The bill before the committee has a very narrow scope; that is, to increase the number of Members of the Legislative Assembly from 57 to 59. There can be no question that, by proposing an additional member, the amendment, if passed, would increase the burden on the people under section 46(3). I rule that the amendment

¹¹ 2005 WAPD Vol. 5, pp1602-1603.

*is out of order, because it contains an appropriation contrary to section 46(3) of the 1899 Act.*¹²

- 3.31 There was a dissent to the Deputy President's ruling. In upholding the Deputy President's ruling the President ruled as follows -

*I have considered the ruling of the Deputy Chairman of Committees and the written dissent of Hon Murray Criddle, and I uphold the ruling of the Deputy Chairman of Committees. I consider that the proposed amendment breaches section 46(3) of the Constitution Acts Amendment Act 1899. There is a difference between a regime that may or may not involve an increase in expenditure by virtue of electoral allowance, costs of office and ancillary services and a fundamental amendment involving a clear burden imposed by increasing the number of legislators. I would have ruled that any amendment to the Electoral Amendment and Repeal Bill 2005, previously considered by this chamber, to have been out of order if it had, for example, proposed an increase in the number of members from 34 to 36 in this chamber. Although I have upheld a narrow interpretation of section 46(3) in a past ruling, such an interpretation could not be extended to an amendment of the type proposed by Hon Murray Criddle.*¹³

Planning and Development Bill 2005

- 3.32 Another Bill during 2005 to give rise to a dispute between the Houses as to the correct interpretation of section 46(3) of the *Constitution Acts Amendment Act 1899* was the Planning and Development Bill 2005.
- 3.33 The Council amended the Bill to include the words "on just terms" after the word "compensation" in section 173 of the Bill. This clause dealt with the capacity of landowners to claim compensation for injurious affection of their land by planning decisions.
- 3.34 After the Council transmitted the Bill to the Assembly, the amendment was ruled out of order by the Speaker without the merits of the amendment being considered by that chamber. A message informing the Council of this fact was returned to the Council, but without any reason given and, importantly, without returning the Bill. The failure to return the Bill for consideration by the Council meant that the Bill had not passed in identical form in each House. Accordingly, the Bill could not receive the Royal Assent.

¹² 2005 WAPD Vol.5, p.1673.

¹³ 2005 WAPD Vol.5, p.1674.

- 3.35 At the request of the Council, the Assembly returned the Bill. The message accompanying the Bill informed the Council that the Speaker had ruled the amendment out of order because the amendment transgressed section 46(3) of the *Constitution Acts Amendment Act 1899* by reason of it resulting in an increased burden on the people. It was therefore, in the Speaker's view, an amendment that could not be made by the Council.
- 3.36 The Bill subsequently did pass in identical form as the Council did not insist upon its amendment. However, in agreeing not to insist upon its amendment or to make a further amendment, the Council did not accept the Assembly's view of the Council's lack of constitutional power to make the original amendment. The Council maintained that it could have insisted on its amendment as it did not result in an increased burden on the people in the accepted legal sense of that expression. The expression "increase any proposed charge or burden on the people" refers to an increase in an appropriation.
- 3.37 An appropriation is expenditure authorised by Parliament for a specific purpose or purposes for which the moneys appropriated might be expended. The principle was stated by Latham CJ in *Attorney-General for Victoria (at the Relation of Dale and Others) -v- The Commonwealth and Others*,¹⁴ at 253:
- ... there cannot be appropriations in blank, appropriations for no designated purpose, merely authorising expenditure with no reference to purpose.*
- 3.38 A Bill appropriating revenue or moneys is therefore one that contains a clause which requires that money be specifically appropriated for the purpose of the Bill. This requires a clause that legally segregates it from the general mass of the Consolidated Fund and dedicates it to the execution of some purpose which either the Constitution has itself declared, or Parliament has lawfully determined, shall be carried out.¹⁵
- 3.39 The Assembly's view, expressed in previous rulings by the Speaker, that any amendment made by the Council that has the effect, or even the possible effect, of increasing expenditure will transgress section 46(3) appears to have been applied to the Council amendment in this case:

The SPEAKER: *I refer to the Legislative Council amendments to the Planning and Development Bill 2005, in particular amendment 6, which inserts the words "on just terms" after the word "compensation". I have looked at the effect of the amendment and*

¹⁴ [1945] HCA 30; (1945) 71 CLR 237.

¹⁵ *New South Wales v Commonwealth* (1908) 7 CLR 179 at 200, (the Surplus Revenue case) Isaacs J. See also *Brown v West and Another* (1990) 91 ALR 197, Mason CJ, Brennan, Deane, Dawson and Toohey JJ at 204-205.

have received advice that the amendment would increase the levels of compensation payable by the responsible authorities, as defined in section 4 of the act. At least some of the funding, including from the Peel region scheme and the proposed greater Bunbury region scheme, will be provided from consolidated revenue through the budget of the Western Australian Planning Commission. Before I finally determine whether the amendment is in order, I ask the minister to advise whether the advice that she has received accords with my preliminary view that this amendment would lead to an increase in the level of compensation paid by the responsible authorities.

Ms A.J.G. MacTIERNAN: Thank you, Mr Speaker. There certainly is the possibility that that is the case. We have sought advice today from the State Solicitor on this matter. The advice that we have received is that because the insertion of the words “on just terms” has no supporting definition in the clause, it remains uncertain what breadth of meaning the judiciary would give to the addition of those words. Therefore, unlike what may be the case in other jurisdictions in which these words are used, in this state we have no definition; the words have just been introduced without a definition. Therefore, it is difficult to determine precisely what those words would mean. The State Solicitor has looked at the comments of the members of the Legislative Council, which indicate that they would be seeking the broadest possible application of this term and to apply a very subjective test. Therefore, this amendment definitely has the potential to increase the state’s liability.

Ruling by Speaker

The SPEAKER: I thank the minister. That being the case, I rule that amendment 6 is out of order under section 46(3) of the Constitution Acts Amendment Act 1899.¹⁶

- 3.40 This ruling, in contrast to the ruling on the One Vote One Value Bill 2005, appears to signal a return to the Assembly’s view that any amendment made by the Council that has the potential to increase expenditure will contravene section 46(3) of the *Constitution Acts Amendment Act 1899*.
- 3.41 The dispute in relation to the Planning and Development Bill 2005 did not result in a resolution to the issue of the correct interpretation of what constitutes an increase to

¹⁶ 2005 WAPD Vol 16, p.6767.

“any proposed charge or burden on the people” in section 46(3) or indeed the wider issue of the proper interpretation of section 46 *Constitution Acts Amendment Act 1899* generally. This is because the issue of a “proposed” law is one for the Houses to resolve between themselves and not one for the courts.¹⁷

Initiation of Bills

- 3.42 Section 46(1) of the *Constitution Acts Amendment Act 1899* prohibits the Council from initiating Bills appropriating revenue or moneys, or imposing taxation. Many Bills contain clauses that require moneys to be appropriated from the Consolidated Fund, or a tax imposed, in order for the policy of the Bill to be carried out. This reflects the policy that the House where the Government is formed should control matters of taxation and the appropriation of public funds. As a consequence fewer Bills originate in the Council than in the Assembly.
- 3.43 The opportunity for Bills to be initiated in the Council has been further reduced by reason of successive Speakers’ rulings in the Assembly on what constitutes a Bill appropriating revenue or moneys. The legally accepted view of what constitutes a Bill appropriating revenue or moneys is one that contains specific words appropriating the consolidated fund to the extent necessary.¹⁸
- 3.44 Successive Speakers’ rulings have expressed a view on what constitutes an appropriation that is much broader than the legally accepted understanding favoured by the Council. Speaker Strickland explained the Assembly’s position in 1997 when ruling the Land Administration Bill 1997 out of order. This Government Bill was initiated in the Council, passed by that House and then sent to the Assembly for its concurrence:

All the information provided by the Minister establishes a consistency of view by legal authorities on what constitutes a Bill appropriating money for the purposes of section 46 of the Constitutions Acts Amendment Act 1899. There can be no doubt that if the matter could go to a court, their view would be upheld. That is clear. What is more, that position has been clear for years, almost before living memory. Notwithstanding that, the Assembly has continued to take the view that it will look to the effect of a Bill, and not simply for an

¹⁷ Section 46(9) provides that “Any failure to observe any provision of this section shall not be taken to affect the validity of any Act whether enacted before or after the coming into operation of the *Constitution Acts Amendment Act 1977*.” Because the provision deals with a “proposed law”, the matter is not justiciable.

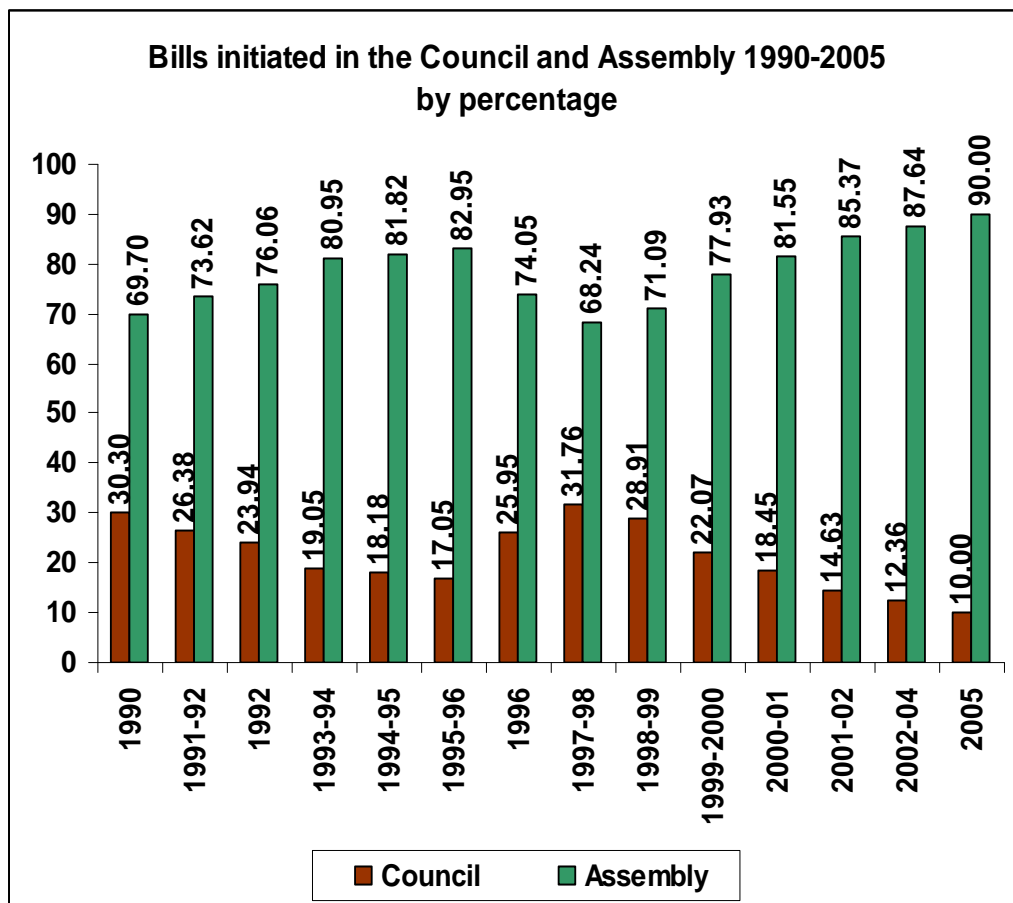
¹⁸ *New South Wales v Commonwealth* (1908) 7 CLR 179 at 200, (the Surplus Revenue case) Isaacs J. See also *Brown v West and Another* (1990) 91 ALR 197, Mason CJ, Brennan, Deane, Dawson and Toohey JJ at 204-205.

*appropriating phrase, to make a determination on whether a Bill falls within section 46.*¹⁹

3.45 Such rulings can have an influence on where a Bill is first introduced. As almost all Bills have some financial implications to the State, the views of successive Speakers as to what constitutes an appropriation may be one factor contributing to fewer Bills being initiated in the Council.

3.46 Another factor which may contribute to this trend is that Governments have not obtained a majority in the Council since May 1997. Figure 3 below shows the percentage of Bills initiated in the Council and the Assembly from 1990 as a proportion of total Bills introduced. Note the significant decline in Bills initiated in the Council since 1997-98. In 2005 only 10% of all Bills introduced were initiated in the Council.

Figure 3



¹⁹ 1997 WAPD Vol 341, p.4909 at 4911. Ruling by Speaker Strickland in relation to the Land Administration Bill 1997, Tuesday 19 August 1997.

Parliamentary Privilege - Buchanan v Jennings

3.47 The principal arising from the *Bill of Rights 1689* is that a member cannot be liable for anything said during debate in Parliament. This principle extends not only to Members but also to witnesses before parliamentary committees. Article 9 of the *Bill of Rights* provides:

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.

3.48 Until recently, this principle was thought to be broad enough to prevent the use of parliamentary debates to give meaning to unprivileged statements made outside of Parliament for the purpose of legal action against a member. This now is not the case as a result of the decision of the Privy Council in *Buchanan v Jennings*.

3.49 *Buchanan v Jennings* concerned a defamation action brought against Mr Owen Jennings, a Member of the New Zealand House of Representatives, for a comment he had allegedly repeated outside the House. In the course of debate in the House in late 1997, the Member had criticised activities of the New Zealand Work Board, in particular the actions of an employee relating to arranging some sponsorship. In February 1998 the Member renewed his criticism of the Board outside the House without repeating his allegations against the employee. However the Member was reported by a journalist as stating in an interview that “*he did not resile from his claim about the official’s relationship*”.

3.50 In the defamation action the plaintiff argued that in the interview the Member had “*adopted, repeated and confirmed as true*” what the Member had said earlier in the House even though the Member had not *actually* repeated the statement. This argument gave rise to the principle of “effective repetition”.

3.51 The New Zealand Court of Appeal held that freedom of speech in debate was not infringed when a Member was sued on later unprivileged statements which either affirmed or effectively repeated earlier privileged parliamentary remarks. This was so even where a record of those parliamentary statements was essential to give meaning to the statements made outside the House.²⁰ The decision was upheld by the Privy Council.²¹

3.52 The New Zealand Privileges Committee noted that the effective repetition principle would adversely affect the willingness of Members and witnesses to contribute to parliamentary proceedings and would have a “*potentially ‘chilling effect’ on public*”

²⁰ *Buchanan v Jennings* [2002] 3 NZLR 145.

²¹ *Buchanan v Jennings* [2005] 2 All ER 273.

debate, whereby members and witnesses are reluctant to submit themselves to subsequent interviews for fear of losing their parliamentary immunity.”²²

3.53 The Council’s Procedure and Privileges Committee considered this matter in light of its potential to affect the privileges of Members of the House. In its Eighth report it drew to the attention of Members the implications of *Buchanan v Jennings* in relation to “effective repetition” and parliamentary privilege.²³

3.54 The Procedure and Privileges Committee resolved that the following amendment to the law be considered -

no person may incur criminal or civil liability for making any oral or written statement that affirms, adopts or endorses words written or spoken in proceedings in Parliament where the oral or written statement would not, but for the proceedings in Parliament, give rise to criminal or civil liability.

3.55 The President, as Chairman of the Procedure and Privileges Committee has written to the Attorney General requesting that he consider a legislative solution to the matter.

Former Members’ Business on the Notice Paper

3.56 Fixed four year terms for the Council results in a member that retires or has not been re-elected remaining in their seat post-election until May 21. After 21 May 2005 business in the name of former Members on the Notice Paper was directed by the President to be removed. He advised the House in a statement as follows:

Standing Order 157 States “A Member on being requested by the Member who has given notice may move the motion of which notice has been given.” I note on the Notice Paper that listed under “Motions”, motions 6, 7, 10, 14, 19, and under “Orders of the Day”, 21 and 35, are motions in the name of now former Members who retired on 21 May 2005. Any such former Member is not in a position to request a Member to move a motion pursuant to Standing Order 157. The word “Member” in the Standing Order means a current Member.

I note, however, in regard to Order of the Day 21 - Local Government (Financial Management) Amendment Regulations 2005, Disallowance under Standing Order 152 - that the motion is deemed to have been moved pro-forma on Tuesday 3 May 2005. To put the

²² New Zealand, House of Representatives, Privileges Committee, Report 1.17G, *Question of privilege referred 21 July 1998 concerning Buchanan v Jennings*, May 2005, p.5

²³ Standing Committee on Procedure and Privileges Committee - Matters referred to the Committee and other Miscellaneous Matters (Report No. 8), tabled on 16 November 2005 (Tabled Paper No. 1012).

matter beyond doubt, it would be better for the House to resolve that question. With the other motions listed, another Member may give notice again if such a Member wished to pursue the matters for which notice was previously given.

I have instructed the Acting Clerk to remove Motions 6, 7, 10, 14 and 19, and the motion under Order of the Day 35 from the Notice Paper.²⁴

Bills Proceeding to Third Reading by Leave

3.57 Leave was granted on six occasions to dispense with Committee of the Whole stage and to proceed to the Third Reading of the Bill. They were:

- *First Home Owner Grant Amendment Bill 2005;*
- *Mining Amendment Bill 2005;*
- *Partnership Amendment Bill 2005;*
- *Stamp Amendment (Assessment) Bill 2005;*
- *Stamp Amendment (Taxing) Bill 2005;* and
- *Universities Legislation Amendment Bill 2005.*

3.58 In circumstances where a Bill is amended, it is desirable that the third reading be delayed to the next sitting to enable the preparation of a new printed version of the Bill. This is to ensure that the Clerks and Parliamentary Counsel have an opportunity to check that the amendments made are coherent and properly reflect the will of the House. This delay provides an opportunity for the Bill to be recommitted should further amendments be required. Such an opportunity is not available if leave is granted to proceed through all remaining stages of the Bill, including its third reading, immediately after the committee stage is concluded. In these circumstances any change will have to be effected by an amending Bill.

4 AMENDMENTS

4.1 The role of the House and its committees in scrutinising proposed legislation results in a considerable number of amendments being proposed. These amendments are listed on Supplementary Notice Papers (SNPs) issued in respect of each Bill. The use of SNPs does not exclude the capacity of Members to propose amendments from the floor of the House. Given the volume of amendments to Bills proposed, the predominant use of SNPs ensures the orderly consideration of amendments and provides some degree of notice to Members and to Members of the Government of the issues to be raised in debate during the Committee of the Whole House stage.

²⁴ 2005 WAPD Vol 6, p.2279-2280.

- 4.2 The political composition of the House during 2005, in which no party commanded an absolute majority of votes, has resulted in the need for the Government to obtain the support of the Greens (WA), Independents, or members of the Opposition to enable it to pass its legislative program. This has provided an opportunity for non-government Members to more readily negotiate with Government on proposed amendments with a view that they be agreed to. The electoral reform legislation was a case in point.
- 4.3 In 2005 the Procedure Office, gathered statistical information on the number of amendments published in Supplementary Notice Papers proposed by Government and each of the parties represented in the Chamber. These are shown in Appendix 3.

5 BILLS

- 5.1 In 2005, the Council passed 44 Bills.²⁵ The Council amended 19 of these. This was the fewest number of Bills passed by the Council since 2001, the first year of the current ALP Government.²⁶ The number of Bills passed by the Council in a year is not necessarily an accurate measure of the productivity of the House. It is certainly not a qualitative measure of performance. The scrutiny and passage of legislation is only one, albeit significant, activity of the House.
- 5.2 There has been a significant increase in the complexity of legislation and its volume in recent years. The House may have passed the same or even fewer Bills in the past but a comparison of the mere volume of Bills alone is not indicative of the House's workload or the quality of the legislation passed.

²⁵ As this was a new Parliament no Bills were carried over from 2004. During 2005, 11 Bills were initiated in the Council and 66 were received from the Assembly, giving a total of 77 Bills. 57% of proposed legislation on the Council's Notice Paper was passed (44 Bills), 43% remained on the Notice Paper (33 Bills).

²⁶ The average number of Bills passed by the Council each year during the previous 13 years is 67.8. In the 34th Parliament the Liberal-National Party Coalition Government had majorities in both Houses and passed 318 Bills, an average of almost 80 Bills per year. In the 35th Parliament the Liberal-National Party Coalition Government lost its majority in the Council on 22 May 1997 with three Greens (WA) Members and two Democrat Members holding the balance of power. A total of 261 Bills were passed in the 35th Parliament averaging just over 65 Bills per year. In the 36th Parliament during which the Labor Government also did not gain a majority of Members in the Council, a total of 258 Bills were passed at an average of 64.5 per annum. In the first year of the 37th Parliament, a total of 44 Bills were passed.

5.3 The Procedure Office is now including in its statistical summary the number of pages of legislation passed to enable a quantitative comparison of the volume of legislation with future years.

6 CONCLUSION

6.1 The Procedure Office welcomes feedback from Members on the statistics presented in this report.

6.2 Should you have any suggestions for improvement or wish to discuss any aspect of the statistical summaries presented in this report please telephone Nigel Pratt, Clerk Assistant (House) on 9222 7376 or Chris Hunt, Usher of the Black Rod on 9222 7382.

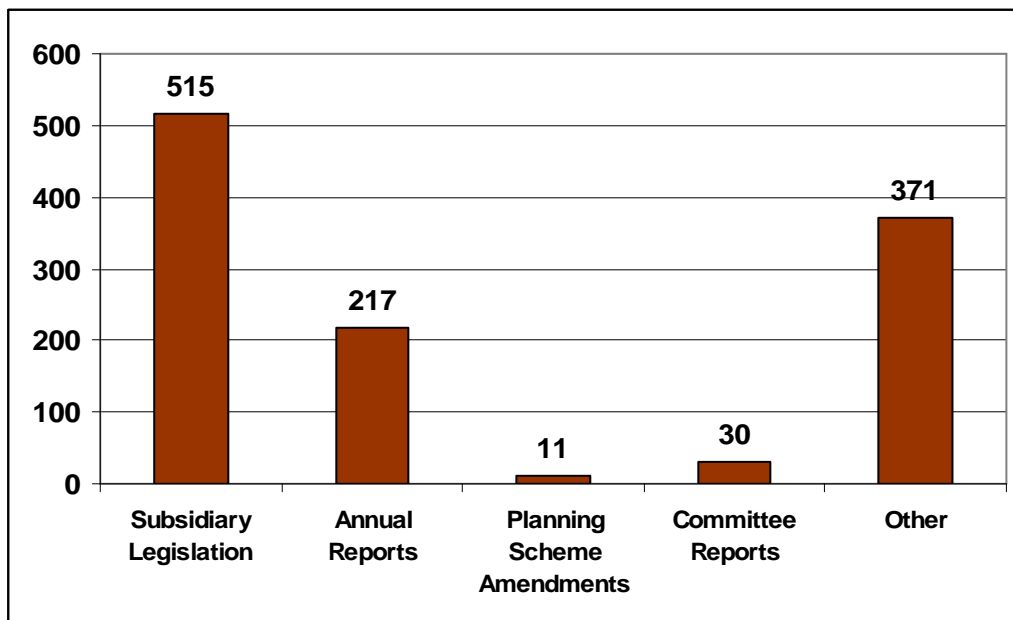
APPENDIX 1
CHAMBER PUBLICATIONS 2005

Chamber Publications 2005

Chamber Publications 2005	Number
Weekly Bulletins	55
Business Programs	56
Daily Notice Papers	55
Minutes of Proceedings	56
Tabled Papers Lists	56
Supplementary Notice Papers (Amendments)	22
Questions Book (Questions on Notice)	56

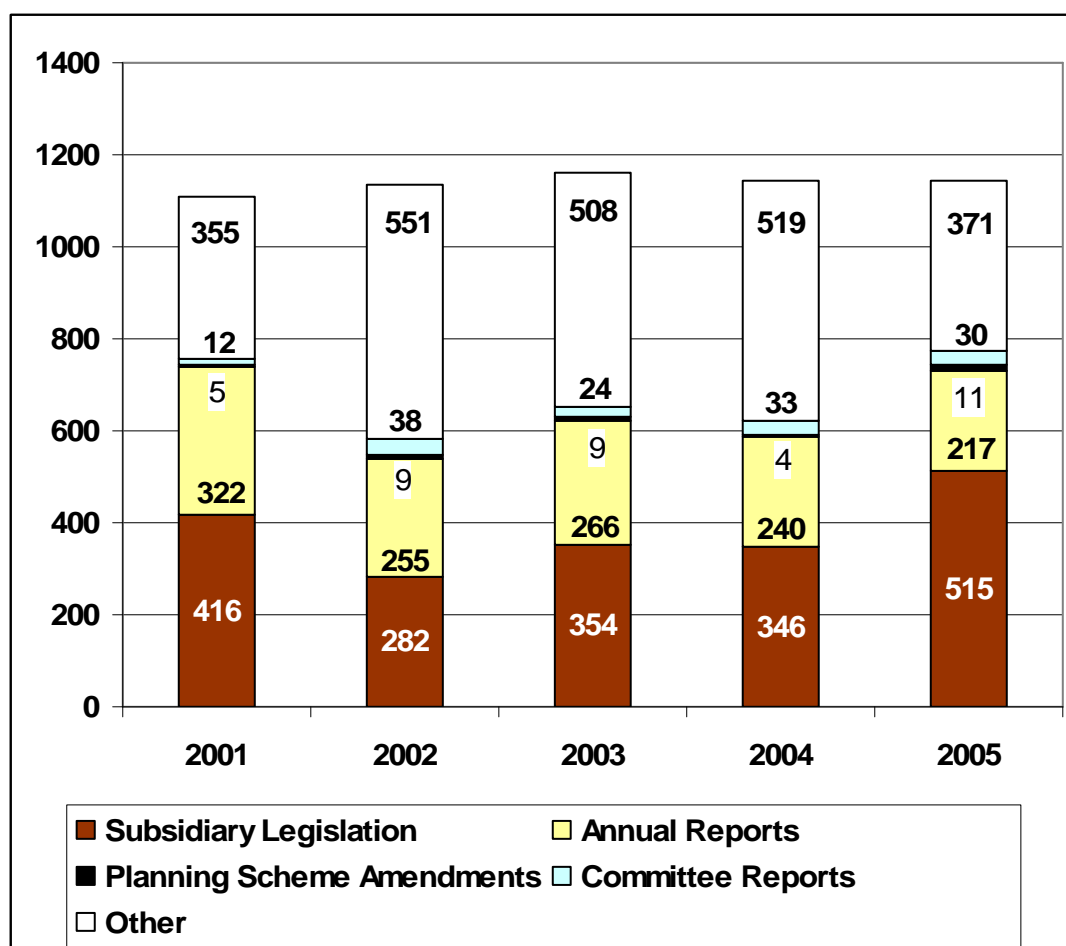
Tabled Papers 2005

	2005
Subsidiary Legislation	515
Annual Reports	217
Planning Scheme Amendments	11
Committee Reports	30
Other	371
TOTAL	1144



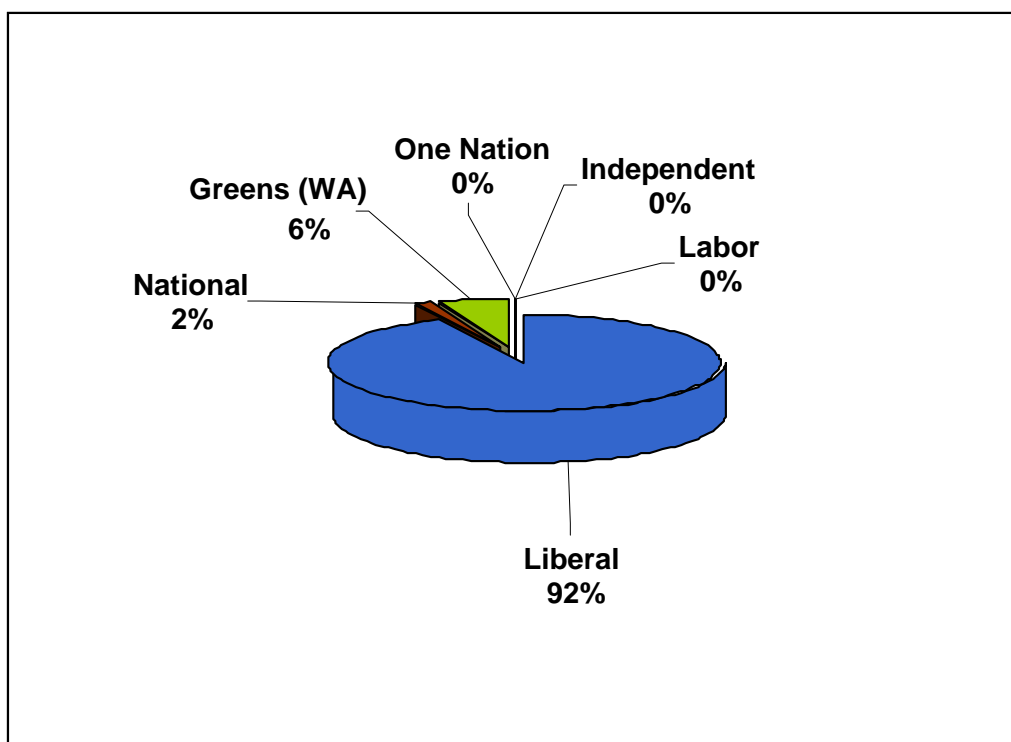
Tabled Papers 2001 - 2005

	2001	2002	2003	2004	2005
Subsidiary Legislation	416	282	354	346	515
Annual Reports	322	255	266	240	217
Planning Scheme Amendments	5	9	9	4	11
Committee Reports	12	38	24	33	30
Other	355	551	508	519	371
TOTAL	1110	1135	1161	1142	1144



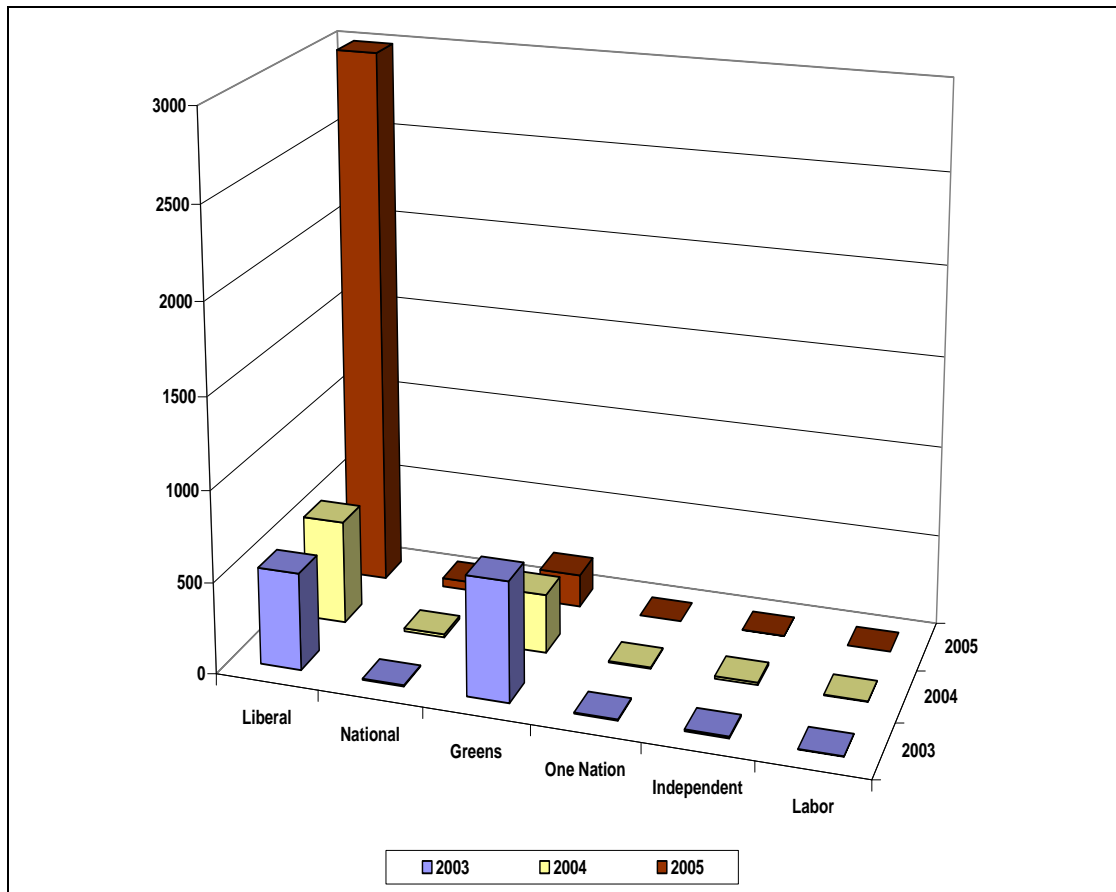
Questions on Notice 2005

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Leader of the Opposition	0	0	19	0	0	0	2	0	0	21
Deputy Leader of the Opposition	0	0	124	1	10	0	2	2	0	139
Liberal	51	1179	661	419	40	14	29	442	0	2835
National	0	0	0	1	0	0	1	47	0	49
Greens (WA)	10	20	11	11	16	28	8	77	0	181
Independent	0	1	1	0	0	0	0	0	0	2
Labor	0	0	0	0	0	0	0	0	0	0
TOTAL	61	1200	816	432	66	42	42	568	0	3227



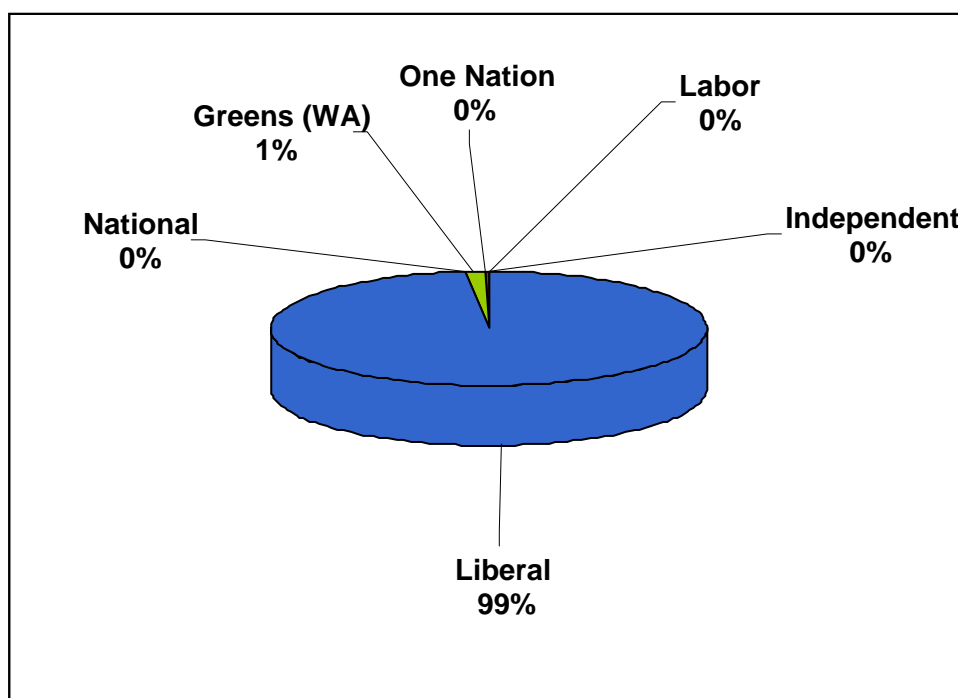
Questions on Notice 2003/2004/2005 Comparison

Questions on Notice	2003	2004	2005
Leader of the Opposition	86	71	21
Deputy Leader of the Opposition	88	28	139
Liberal	358	471	2835
National	6	17	49
Greens (WA)	656	324	181
One Nation	6	7	0
Independent	10	14	2
Labor	2	3	0
TOTAL	1212	935	3227



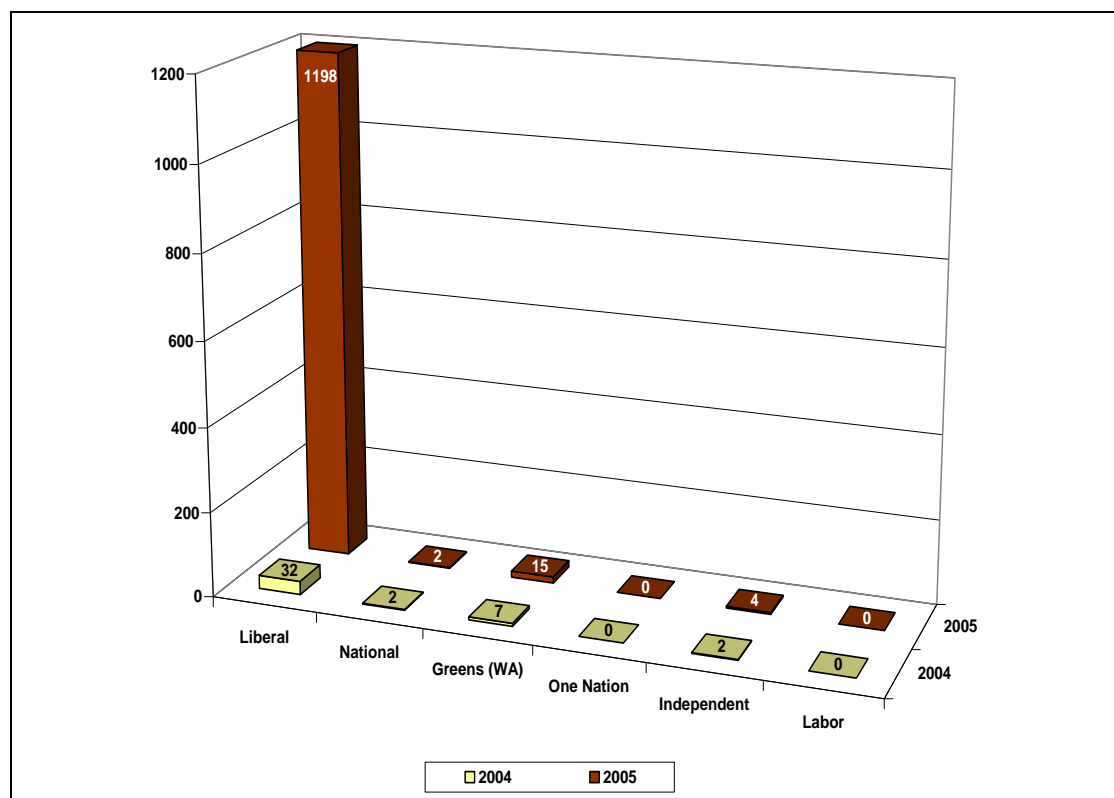
Questions on Notice Not Answered Within 9 Sitting Days 2005

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Leader of the Opposition	0	0	0	0	0	0	0	0	0	0
Deputy Leader of the Opposition	0	0	0	3	0	1	0	0	0	4
Liberal	0	0	873	170	152	2	1	0	0	1198
National	0	0	0	0	0	0	0	0	0	0
Greens (WA)	0	0	3	0	0	0	1	0	0	4
Independent	0	0	1	0	0	0	0	0	0	1
Labor	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	877	173	152	3	2	0	0	1207



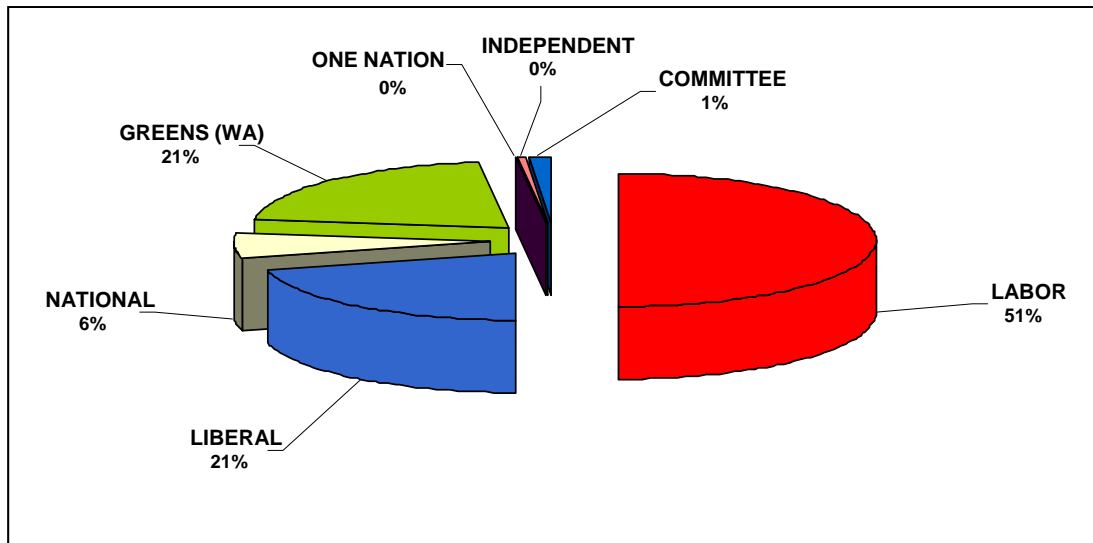
Questions on Notice Not Answered Within 9 Sitting Days 2004-2005 Comparison

Questions Not Answered within 9 Sitting Days	2004	2005
Liberal	32	1198
National	2	2
Greens (WA)	7	15
One Nation	0	0
Independent	2	4
Labor	0	0
TOTAL	43	1207



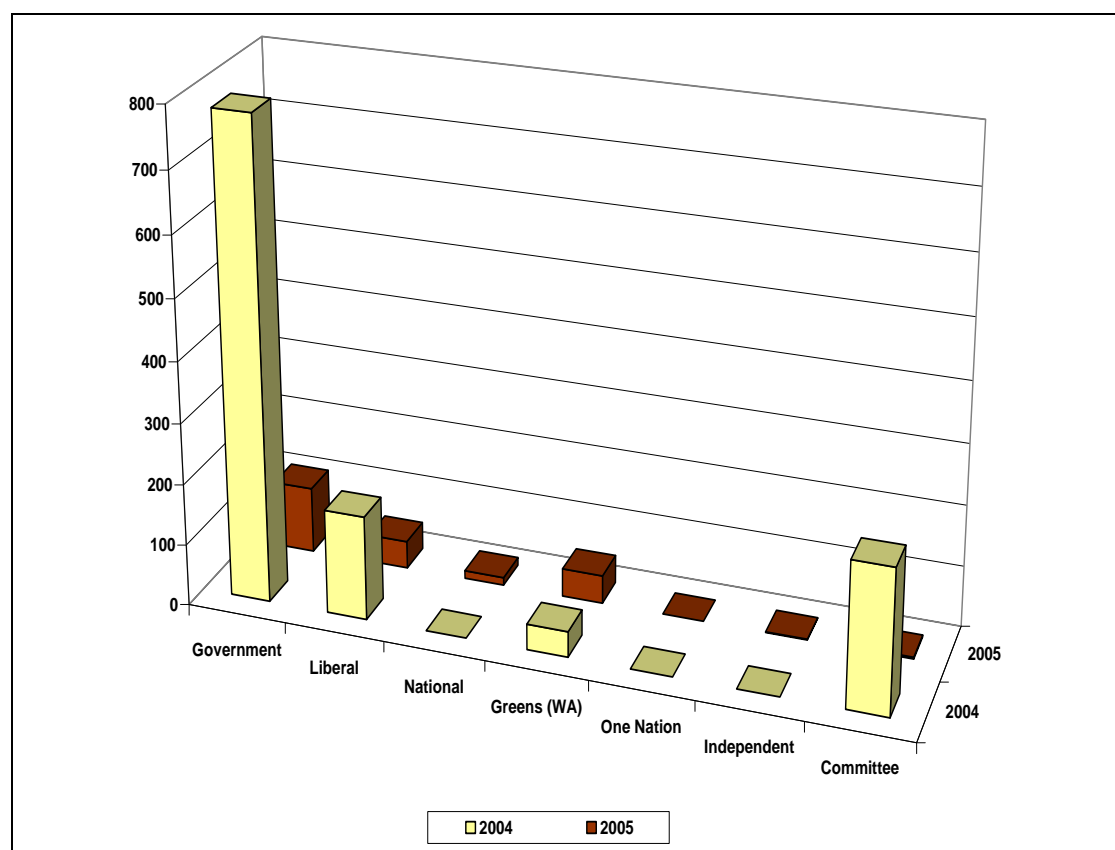
Amendments Contained in Supplementary Notice Papers 2005

LAB.	LIB.	NAT.	GREENS (WA)	ONE NATION	IND.	CTEE.	TOTAL
108	45	13	46	0	1	3	216



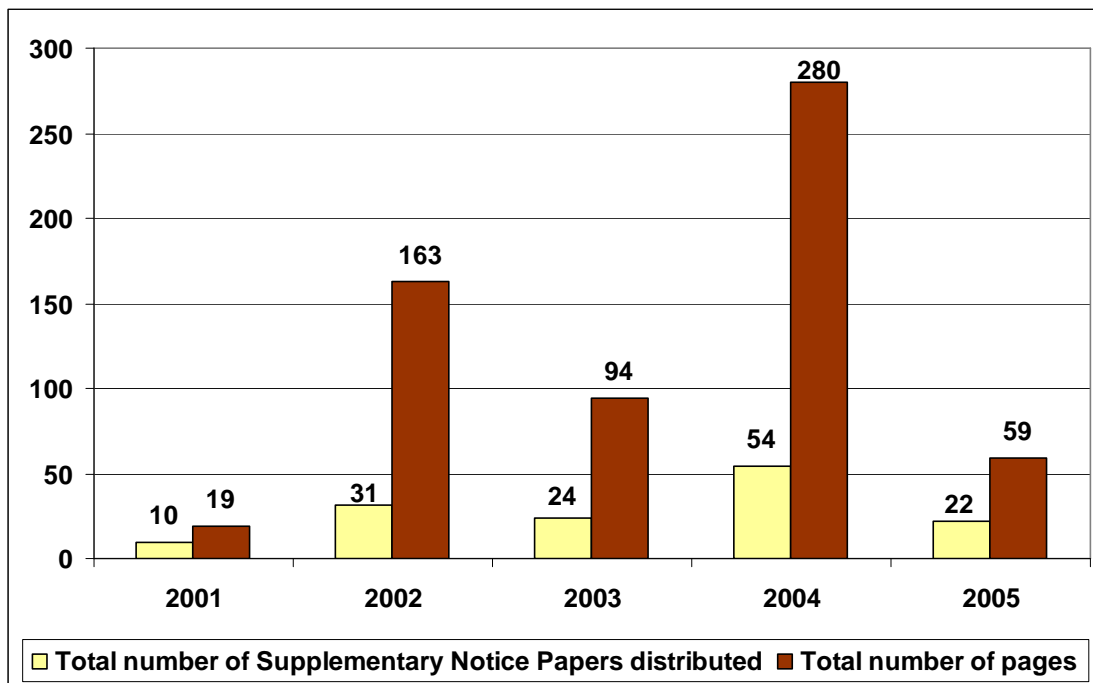
Amendments Contained in Supplementary Notice Papers 2004-2005 Comparison

	Amendments Proposed 2004	Amendments Proposed 2005
Government	784	108
Liberal	170	45
National	0	13
Greens (WA)	42	46
One Nation	0	0
Independent	0	1
Committee	236	3
TOTAL	1232	216



Sets of Amendments Circulated 2005

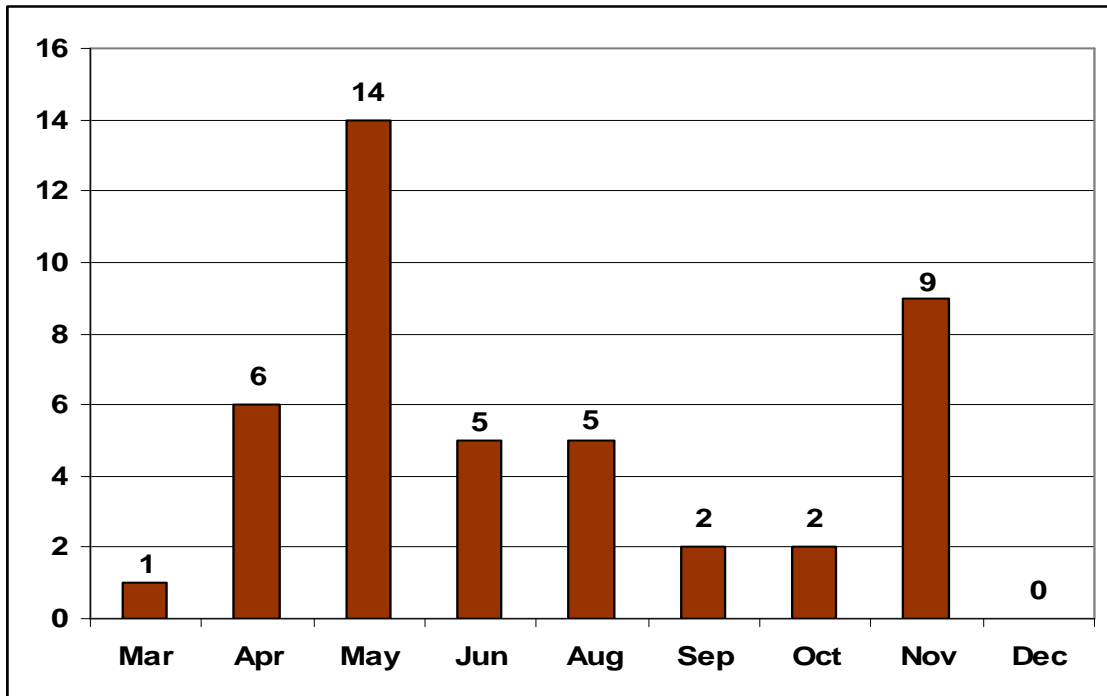
	Total number of Supplementary Notice Papers distributed	Total number of pages
2001	10	19
2002	31	163
2003	24	94
2004	54	280
2005	22	59



APPENDIX 2
PROCEDURES IN THE HOUSE

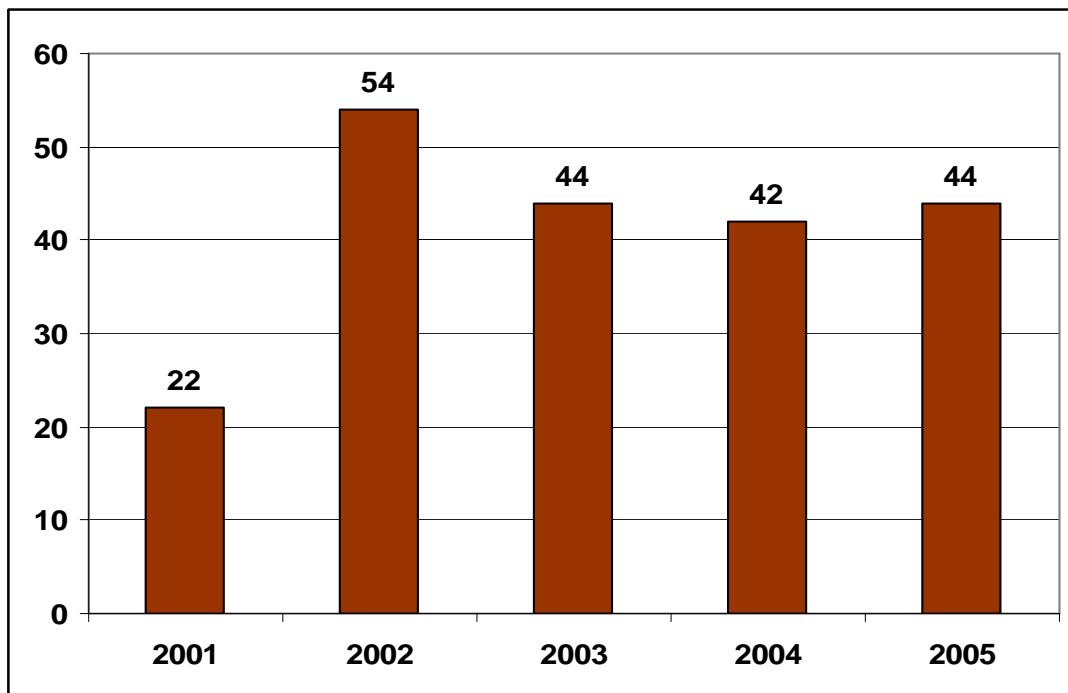
Statements by Ministers or Parliamentary Secretaries 2005

Statements by Ministers or Parliamentary Secretaries 2005								
Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec
1	6	14	5	5	2	2	9	0



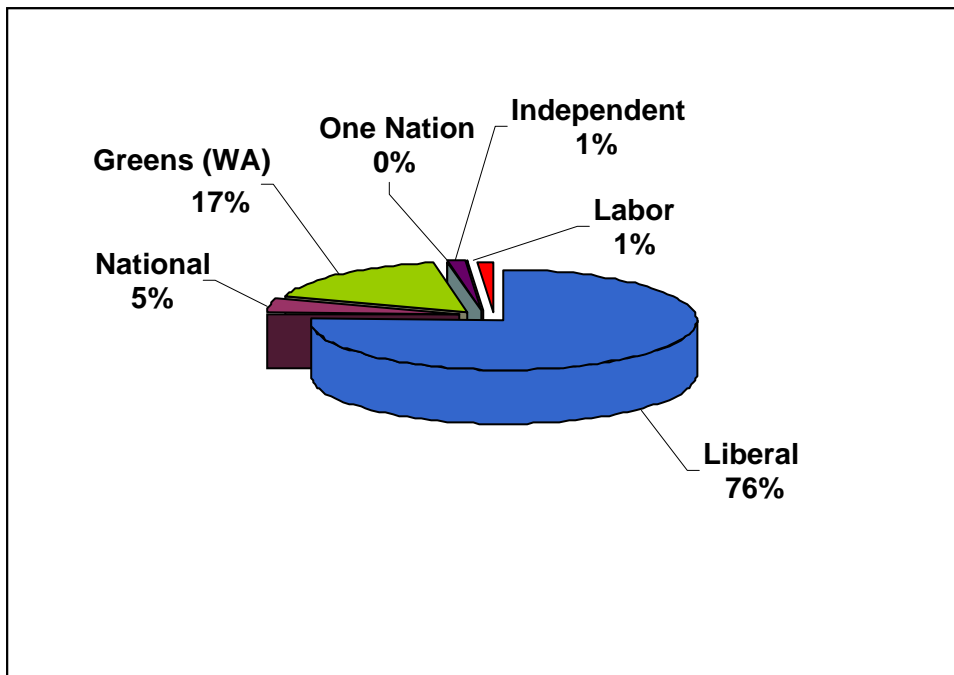
Statements by Ministers or Parliamentary Secretaries (2001-2005)

Statements by Ministers or Parliamentary Secretaries 2001-2005				
2001	2002	2003	2004	2005
22	54	44	42	44



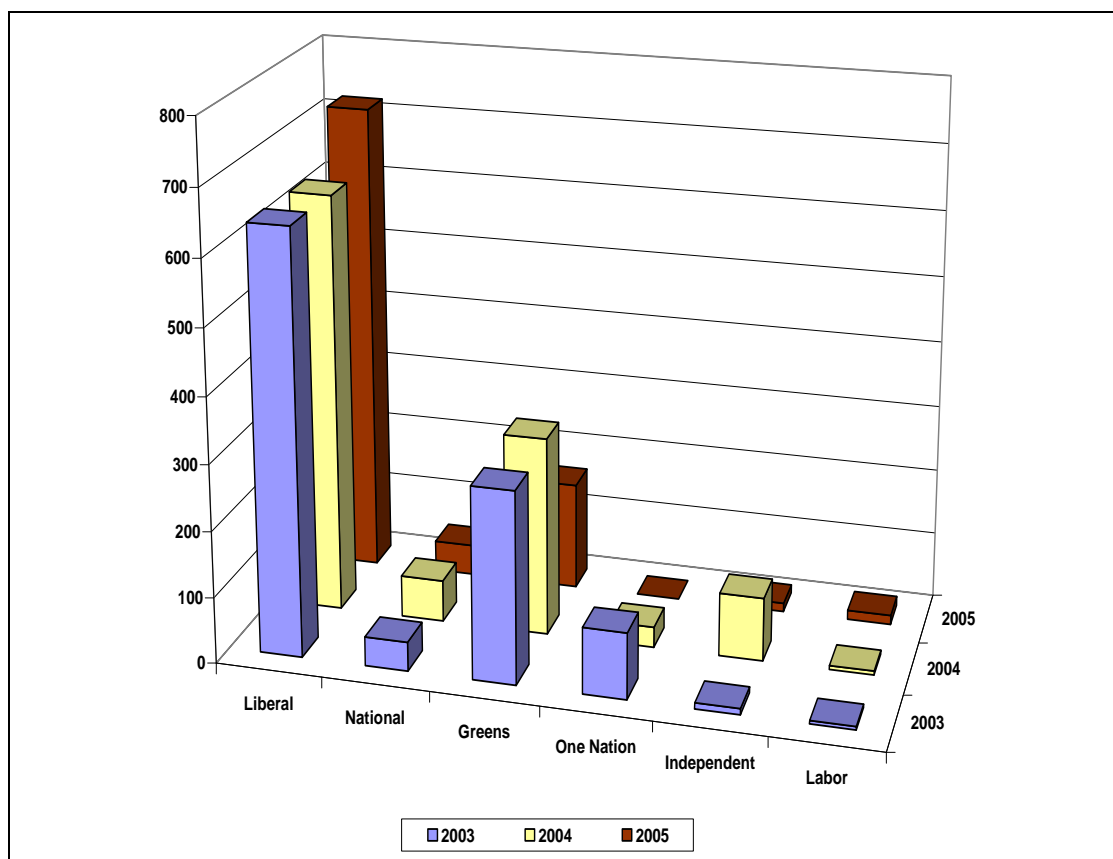
Questions without Notice 2005

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Leader of the Opposition	5	18	21	18	19	13	16	21	0	131
Deputy Leader of the Opposition	3	10	15	11	9	11	8	13	0	80
Liberal	19	57	72	56	73	61	72	99	0	509
National	3	4	9	7	7	5	4	8	0	47
Greens (WA)	10	33	45	16	17	10	13	19	0	163
Independent	2	7	4	0	0	0	0	0	0	13
Labor	0	0	2	2	2	2	1	5	0	14
TOTAL	42	129	168	110	127	102	114	165	0	957



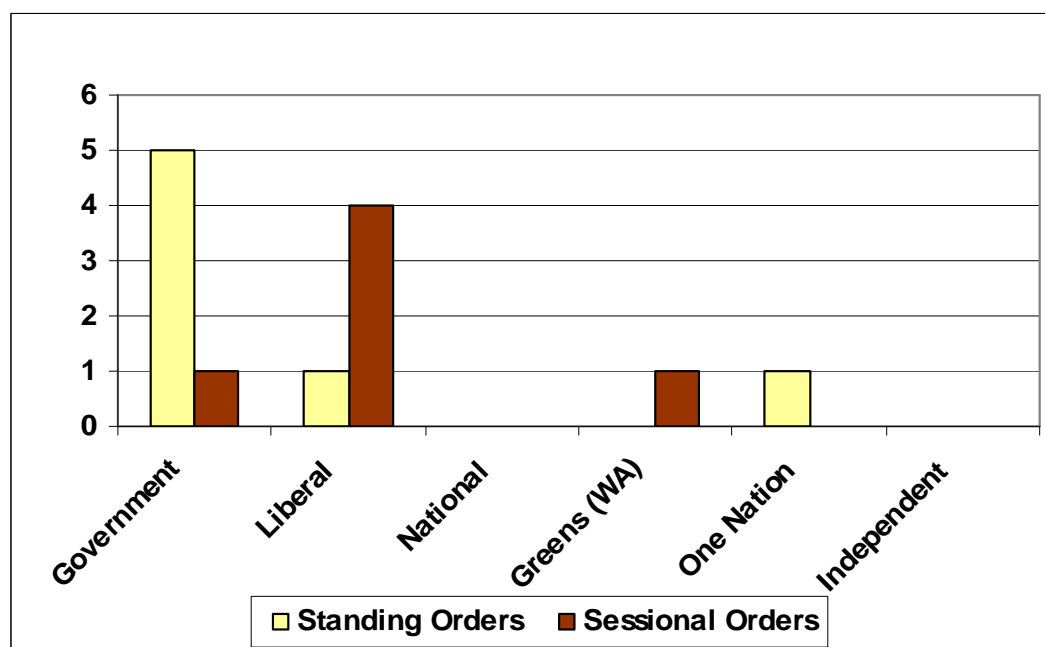
Questions without Notice 2003/2004/2005 Comparison

Questions without Notice	2003	2004	2005
Leader of the Opposition	141	166	131
Deputy Leader of the Opposition	52	27	80
Liberal	447	443	509
National	44	63	47
Greens (WA)	290	301	163
One Nation	100	31	0
Independent	9	96	13
Labor	5	6	14
TOTAL	1088	1133	957



Motions on Notice 2005

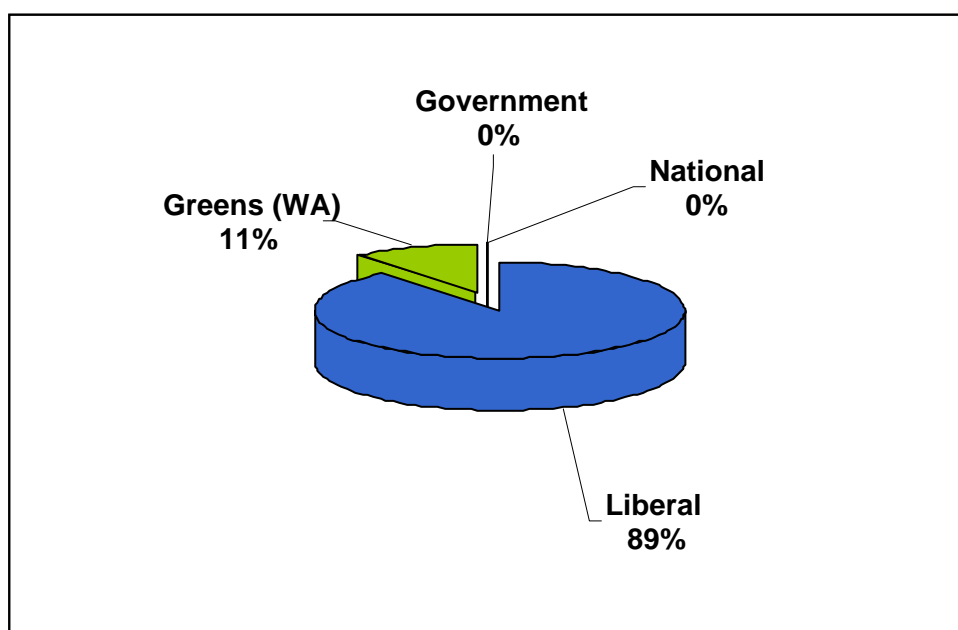
	Standing Orders	Sessional Orders
Government	5	1
Liberal	1	4
National	0	0
Greens (WA)	0	1
One Nation	1	0
Independent	0	0
TOTAL	7	6



NOTE: MOTIONS ON NOTICE ARE THOSE MOTIONS PUBLISHED IN THE NOTICE PAPER UNDER THE "MOTIONS" HEADING. SIX MOTIONS WERE DEBATED UNDER THE SESSIONAL ORDER ON WEDNESDAYS BETWEEN AUGUST AND DECEMBER 2005. ON ONE OCCASSION THE GOVERNMENT MOVED TO SUSPEND THE SESSIONAL ORDER TO ALLOW THE MOTION TO APPOINT A SELECT COMMITTEE TO INQUIRE INTO THE ADEQUACY OF FOSTER CARE ASSESSMENT PROCEDURES BY THE DEPARTMENT FOR COMMUNITY DEVELOPMENT TO BE COMPLETED. THE ADDITIONAL TIME SPENT ON THE MOTION WAS RECLAIMED BY THE GOVERNMENT DURING MOTIONS ON NOTICE AT THE NEXT SITTING.

Non-Official Business (Sessional Orders) (Thursday) 2005

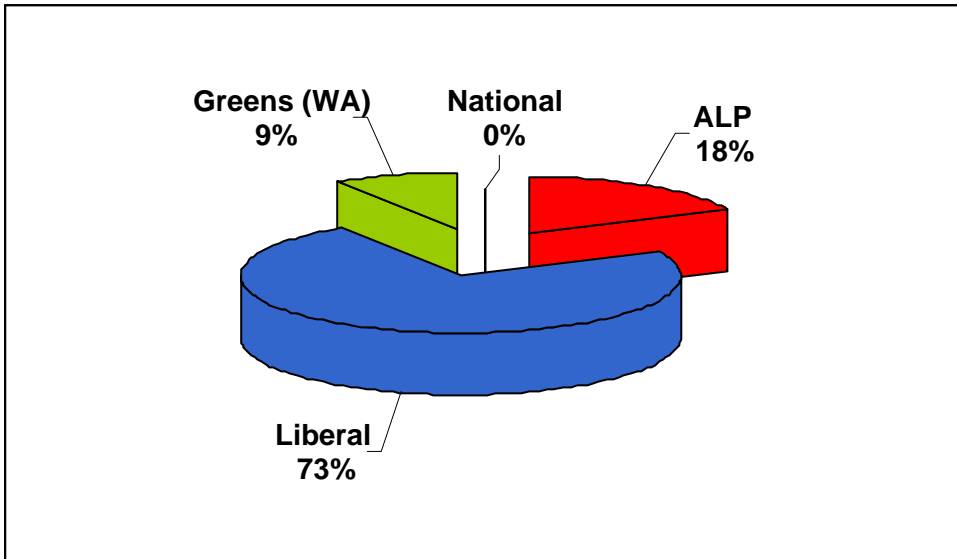
	Total
Government	0
Liberal	8
Greens (WA)	1
National	0



NOTE: ALP MEMBERS WERE PROVIDED WITH TWO OPPORTUNITIES TO RAISE MATTERS DURING NON-OFFICIAL BUSINESS BUT ON EACH OCCASION NO ALP MEMBER RAISED A MATTER AND ORDERS OF THE DAY WERE TAKEN INSTEAD.

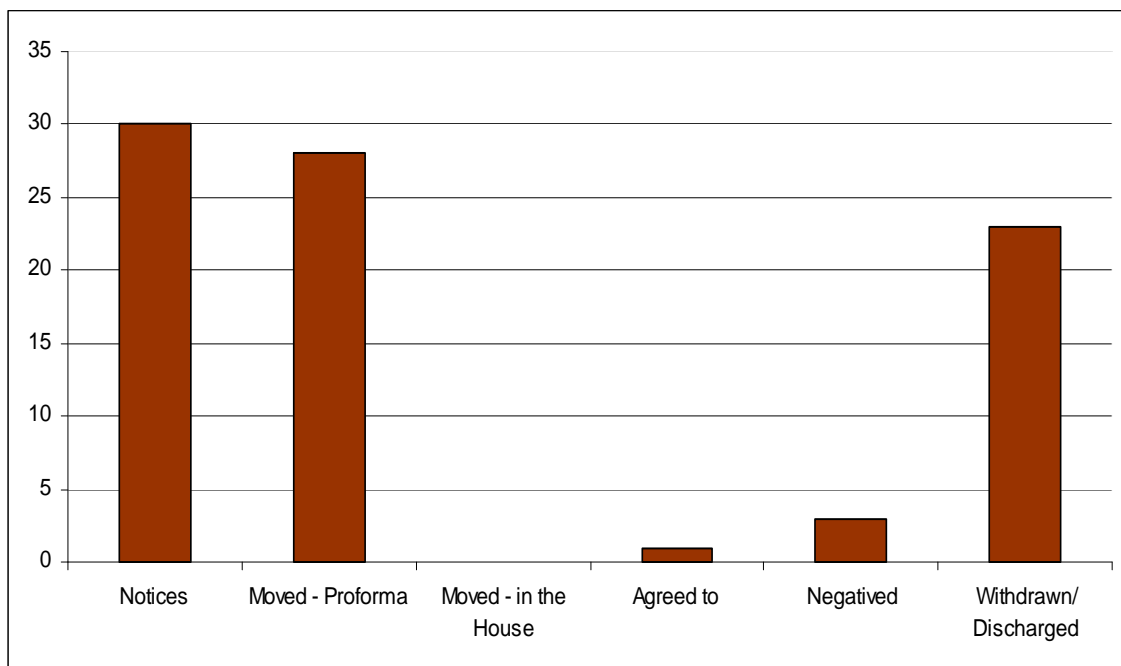
THE NATIONAL PARTY DID NOT RAISE NON-OFFICIAL BUSINESS ON ITS ROTATION AND THE LIBERAL PARTY RAISED TWO MATTERS INSTEAD. THE FINAL ROTATION UNDER THE SESSIONAL ORDER FOR 2005 WAS ALLOCATED TO THE LIBERAL PARTY BUT ON THIS OCCASION SESSIONAL ORDERS WERE SUSPENDED TO ALLOW ORDERS OF THE DAY TO BE TAKEN AND THE GOVERNMENT TO COMPLETE ITS LEGISLATIVE AGENDA FOR 2005.

Non-Official Business (if ALP Members Participated) 2005



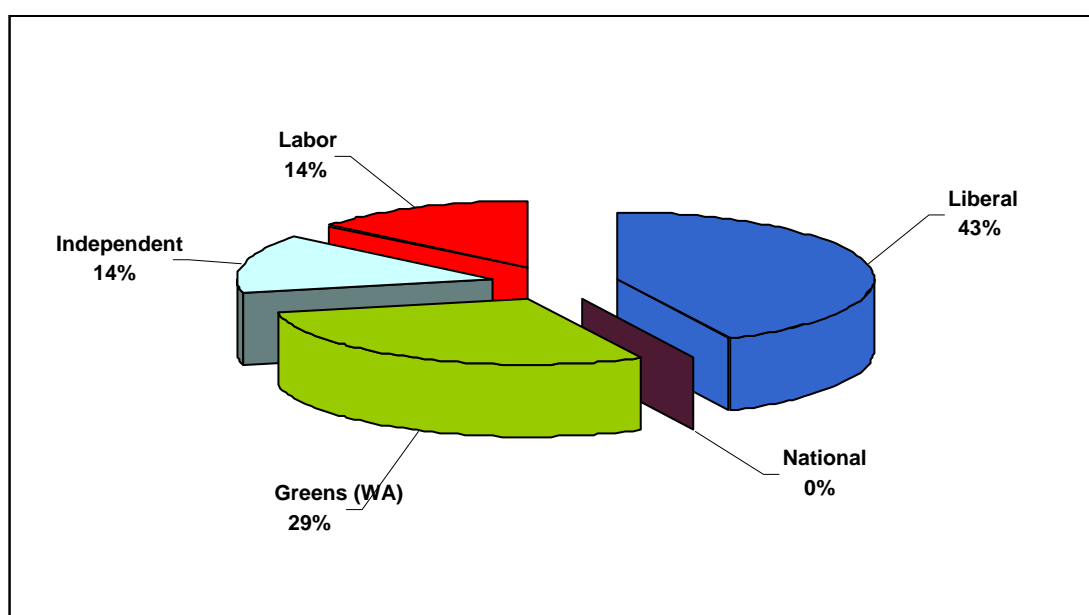
Disallowance Motions 2005

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Disallowance Motions (Notices)	0	2	16	2	1	3	3	2	1	30
Moved - Pro-forma	0	1	11	6	1	3	2	4	0	28
Moved - in the House	0	0	0	0	0	0	0	0	0	0
Agreed to	0	0	0	0	1	0	0	0	0	1
Negated	0	0	1	1	1	0	0	0	0	3
Withdrawn/Discharged	0	0	2	9	5	2	2	3	0	23



Number of Speakers during Adjournment Debate/Members' Statements 2005²⁷

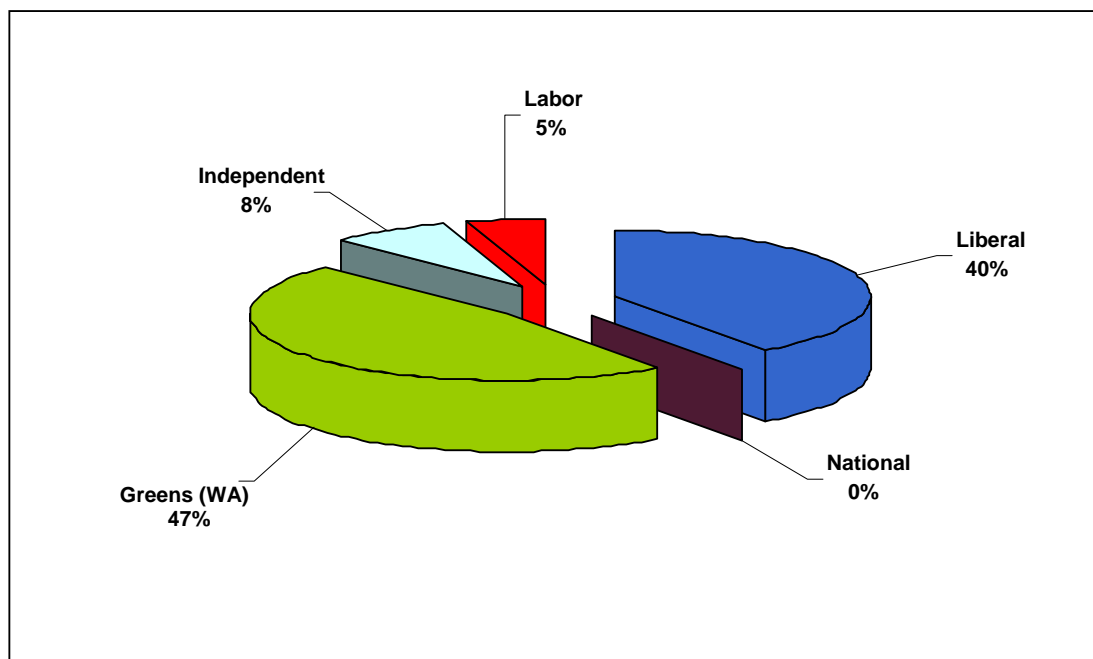
	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Liberal	3	6	6	4	4	9	10	9	0	51
National	0	0	0	0	0	0	0	0	0	0
Greens (WA)	2	1	2	0	1	3	1	1	0	11
Independent	1	2	3	0	0	0	0	0	0	6
Labor	1	2	1	2	2	3	10	7	0	28
TOTAL	7	11	12	6	7	15	21	17	0	96



²⁷ Under the Sessional Orders 'Members' Statements replaced the Adjournment Debate under Standing Orders.

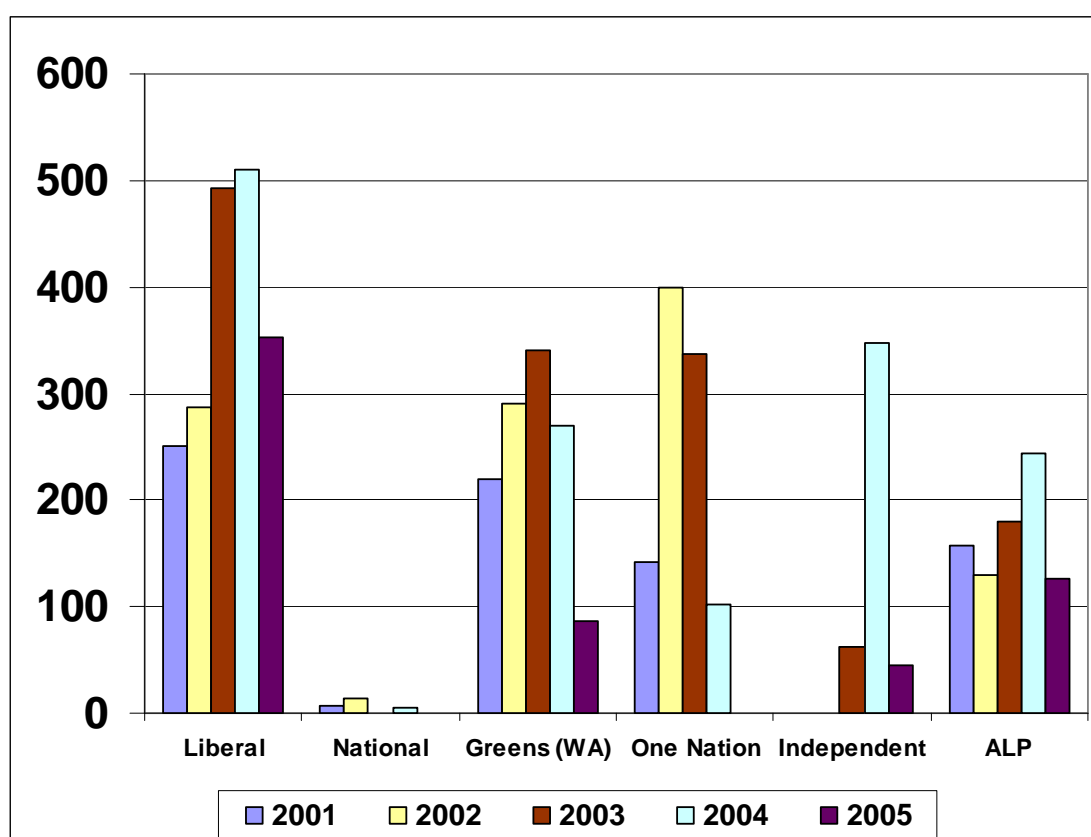
Time Spent in Adjournment Debate/Members' Statements 2005 (minutes)

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Liberal	16	30	46	24	40	64	72	61	0	353
National	0	0	0	0	0	0	0	0	0	0
Greens (WA)	19	4	14	0	7	24	8	10	0	86
Independent	3	14	28	0	0	0	0	0	0	45
Labor	2	3	2	0	9	17	51	42	0	126
TOTAL	40	51	90	24	56	105	131	113	0	610



Time Spent in Adjournment Debate/Members' Statements 2001-2005 Comparison (minutes)

	2001	2002	2003	2004	2005
Liberal	251	287	492	510	353
National	7	14	0	6	0
Greens (WA)	219	291	340	269	86
One Nation	142	400	338	102	0
Independent	0	0	63	347	45
ALP	158	130	180	243	126



APPENDIX 3
BILLS AND AMENDMENTS

Bills Passed 2005

	BILL NO.	BILLS PASSED 2005	ASSENT DATE
1.	LA 077-1	Acts Amendment (Higher School Leaving Age and Related Provisions) Bill 2005	18/11/2005
2.	LA 047-1	Appropriation (Consolidated Fund) Bill (No. 1) 2005	07/07/2005
3.	LA 048-1	Appropriation (Consolidated Fund) Bill (No. 2) 2005	07/07/2005
4.	LA 056-1	Chiropractors Bill 2005	12/12/2005
5.	LA 037-1	Constitution and Electoral Amendment Bill 2005	23/05/2005
6.	LA 022-1	Contaminated Sites Amendment Bill 2005	12/12/2005
7.	LA 072-1	Defamation Bill 2005	19/12/2005
8.	LA 039-2	Electricity Corporations Bill 2005	13/10/2005
9.	LA 033-1	Electoral Amendment and Repeal Bill 2005 (NB: Bill titled changed from - <i>One Vote One Value Bill 2005</i>)	20/05/2005
10.	LA 013-2	Emergency Management Bill 2005	27/09/2005
11.	LA 012-2	Financial Administration Legislation Amendment Bill 2005	27/06/2005
12.	LA 061-1	First Home Owner Grant Amendment Bill 2005	12/12/2005
13.	LA 038-1	Housing Societies Repeal Bill 2005	05/10/2005
14.	LA 074-1	Industrial Relations Amendment Bill 2005	21/09/2005
15.	LA 006-2	Limitation Bill 2005	15/11/2005
16.	LA 007-2	Limitation Legislation Amendment and Repeal Bill 2005	15/11/2005
17.	LA 027-1	Metropolitan Region Improvement Tax Amendment Bill 2005	12/12/2005
18.	LA 049-1	Mining Amendment Bill 2005	12/12/2005
19.	LA 005-1	Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2005	02/12/2005
20.	LC 004-1	Oaths, Affidavits and Statutory Declarations Bill 2005	02/12/2005
21.	LC 059-1	Occupational Therapists Bill 2005	19/12/2005
22.	LA 069-1	Optometrists Bill 2005	12/12/2005
23.	LA 055-1	Osteopaths Bill 2005	12/12/2005
24.	LA 009-1	Partnership Amendment Bill 2005	01/06/2005

	BILL NO.	BILLS PASSED 2005	ASSENT DATE
25.	LA 082-1	Perry Lakes Redevelopment Bill 2005	19/12/2005
26.	LA 020-1	Petroleum Legislation Amendment and Repeal Bill 2005	01/09/2005
27.	LA 057-1	Physiotherapists Bill 2005	12/12/2005
28.	LA 026-1	Planning and Development (Consequential and Transitional Provisions) Bill 2005	12/12/2005
29.	LA 023-1	Planning and Development Bill 2005	12/12/2005
30.	LA 058-1	Podiatrists Bill 2005	12/12/2005
31.	LA 071-1	Psychologists Bill 2005	12/12/2005
32.	LA 035-1	Rates and Charges (Rebates and Deferments) Amendment Bill 2005	07/07/2005
33.	LA 042-1	Revenue Laws Amendment Bill (No. 2) 2005	30/08/2005
34.	LA 050-1	Revenue Laws Amendment Bill (No. 3) 2005	29/08/2005
35.	LA 043-1	Revenue Laws Amendment Bill 2005	30/08/2005
36.	LA 075-1	Stamp Amendment (Assessment) Bill 2005	12/12/2005
37.	LA 076-1	Stamp Amendment (Taxing) Bill 2005	12/12/2005
38.	LA 090-2	Stamp Amendment Bill 2005	12/12/2005
39.	LA 054-1	Standard Time Bill 2005	15/11/2005
40.	LA 083-2	Terrorism (Extraordinary Powers) Bill 2005	19/12/2005
41.	LA 034-1	Treasurer's Advance Authorisation Bill 2005	01/06/2005
42.	LC 044-1	Universities Legislation Amendment Bill 2005	07/07/2005
43.	LA 051-1	Water Legislation Amendment (Competition Policy) Bill 2005	12/12/2005
44.	LA 073-1B	Workers' Compensation Legislation Amendment Bill 2005	27/09/2005

Bills that did not Complete Passage 2005

BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2005			
NO.	BILL NO	BILL NAME	STAGE REACHED
1.	LA 052-1B	Agriculture and Related Resources Protection Amendment Bill 2005	Second reading adjourned (Tuesday, September 20 2005).
2.	LA 066-1	ANZAC Day Amendment Bill 2005	Second reading adjourned (Tuesday, November 8 2005)
3.	LA 065-1	Censorship Amendment Bill 2005	Second reading adjourned Leader of the House (Thursday, December 1 2005)
4.	LA 014-1	Coal Industry Superannuation Amendment Bill 2005	Second reading adjourned (Tuesday, May 17 2005).
5.	LA 016-2	Coal Miners' Welfare Amendment Bill 2005	Second reading adjourned (Tuesday, May 17 2005).
6.	LA 053-2	Commissioner for Children and Young People Bill 2005	Second reading continuation of remarks Hon Giz Watson (Thursday, October 20 2005)
7.	LC 001-1	Constitution Amendment Bill 2005	Second reading adjourned (Wednesday, March 30 2005)
8.	LA 084-2	Consumer Protection Legislation Amendment and Repeal Bill 2005	Second reading adjourned (Wednesday, November 9 2005)
9.	LA 087-1	Criminal Code Amendment (Cyber Predators) Bill 2005	Second reading adjourned (Wednesday, November 9 2005)
10.	LA 105-2	Dangerous Sexual Offenders Bill 2005	Second reading adjourned (Thursday, November 17 2005)
11.	LA 068-1	Energy Operators (Powers) Amendment Bill 2005	Second reading adjourned (Wednesday, October 19 2005)
12.	LA 018-1	Gene Technology Amendment Bill 2005	Second reading adjourned (Tuesday, May 17 2005)
13.	LA 019-2	Gene Technology Bill 2005	Second reading adjourned (Tuesday, May 17 2005)
14.	LA 011-1	Health Amendment Bill 2005	Second reading adjourned (Tuesday, June 21 2005)
15.	LA 079-1	Hospitals and Health Services Amendment Bill 2005	Second reading adjourned (Wednesday, October 19 2005)
16.	LA 080-1	Human Tissue and Transplant Amendment Bill 2005	Second reading adjourned (Wednesday, October 19 2005)
17.	LA 017-1	Machinery of Government (Miscellaneous Amendments) Bill 2005	Second reading adjourned (Tuesday, August 30 2005)

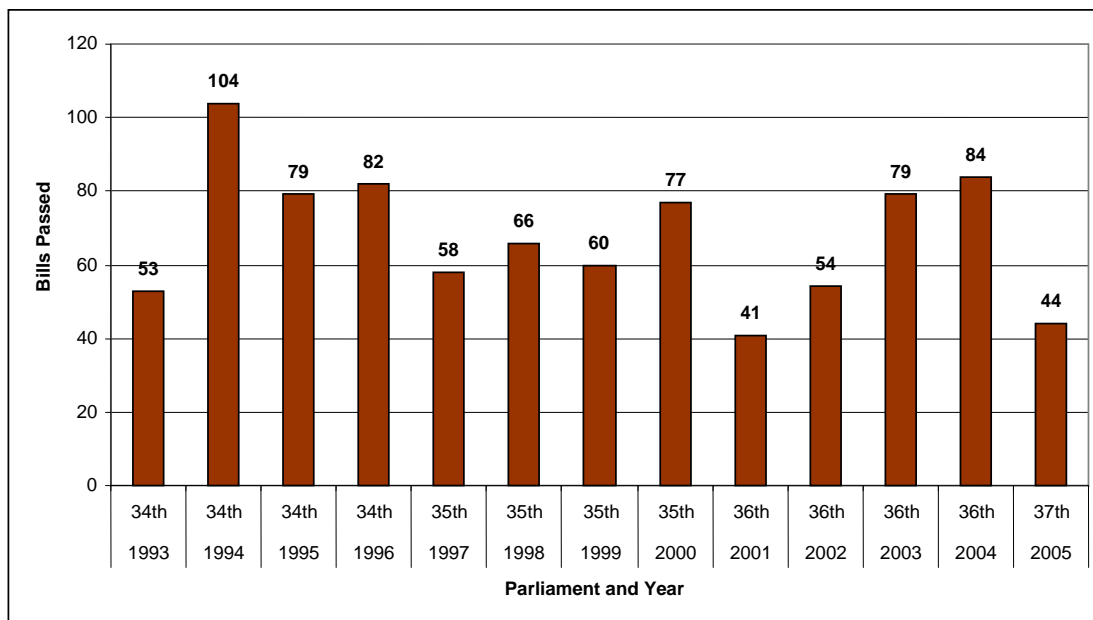
BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2005			
NO.	BILL NO	BILL NAME	STAGE REACHED
18.	LA 041-1	Parental Support and Responsibility Bill 2005	Discharged and referred to Standing Committee on Legislation (Wednesday, November 30 2005)
19.	LA 029-1	Perth International Centre for Application of Solar Energy Repeal Bill 2005	Second reading adjourned (Wednesday, October 19 2005)
20.	LC 008-1	Public Notaries Amendment Bill 2005	Second reading continuation of remarks Hon Peter Foss (Thursday, April 7 2005)
21.	LA 078-1	Railway Discontinuance Bill 2005	Second reading adjourned (Tuesday, November 8 2005)
22.	LA 063-1	Road Traffic Amendment Bill 2005	Second reading adjourned (Tuesday, September 20 2005)
23.	LC 010-1	Royal Commissions (Powers) Amendment Bill 2005	Second reading adjourned (Wednesday, March 30 2005)
24.	LC 032-1	Statute Law Revision Bill 2005	Discharged and referred to Standing Committee on Uniform Legislation and Statutes Review (Tuesday, November 15 2005)
25.	LA 028-2	Swan Valley Planning Legislation Amendment Bill 2005	Second reading adjourned (Tuesday, June 21 2005)
26.	LA 093-2	Taxi Amendment Bill 2005	Discharged and referred to Standing Committee on Legislation (Thursday, December 1 2005)
27.	LA 060-2	Tobacco Products Control Bill 2005	Second reading continuation of remarks Hon Giz Watson (Wednesday, October 12 2005)
28.	LA 045-1	Trade Measurement Administration Bill 2005	Second reading adjourned (Thursday, September 1 2005)
29.	LA 046-1	Trade Measurement Bill 2005	Second reading adjourned (Thursday, September 1 2005)
30.	LC 015-1B	Trans-Tasman Mutual Recognition (Western Australia) Bill 2005	Second reading adjourned (Tuesday, June 21 2005)
31.	LA 003-1	Yallingup Foreshore Land Bill 2005	Second reading (Thursday, June 30 2005)

BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2005			
NO.	BILL NO	BILL NAME	STAGE REACHED
		PRIVATE MEMBERS' BILLS	
32.	LC 97-1	Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005 <i>Hon Paul Llewellyn</i>	Second reading adjourned (Thursday, December 1 2005)
33.	LC 002-1	Integrity of Parliamentary Process Bill 2005 <i>Hon Peter Foss</i>	Second reading adjourned (Wednesday, March 30 2005)

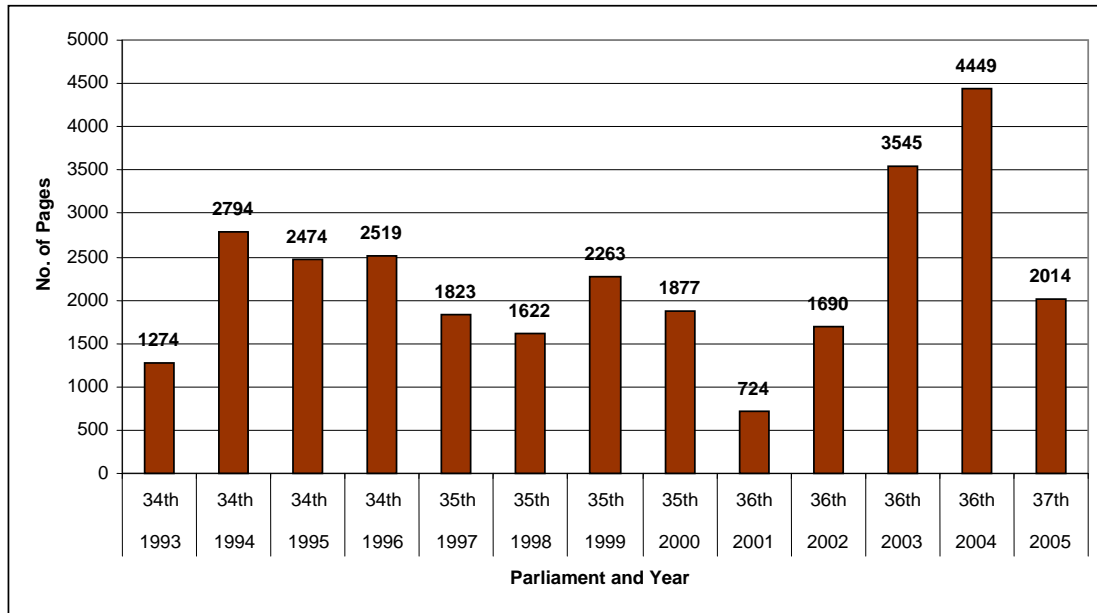
Bills Passed and Legislation Volume Comparison 1993-2005

Bills Passed and Pages of Legislation Considered 1993-2005				
Year	Parliament	Pages of Legislation	Bills Passed	Total
1993	34th	1274	53	
1994	34th	2794	104	
1995	34th	2474	79	
1996	34th	2519	82	318
1997	35th	1823	58	
1998	35th	1622	66	
1999	35th	2263	60	
2000	35th	1877	77	261
2001	36th	724	41	
2002	36th	1690	54	
2003	36th	3545	79	
2004	36th	4449	84	258
2005	37 th	2014	44	

Bills Passed 1993-2005

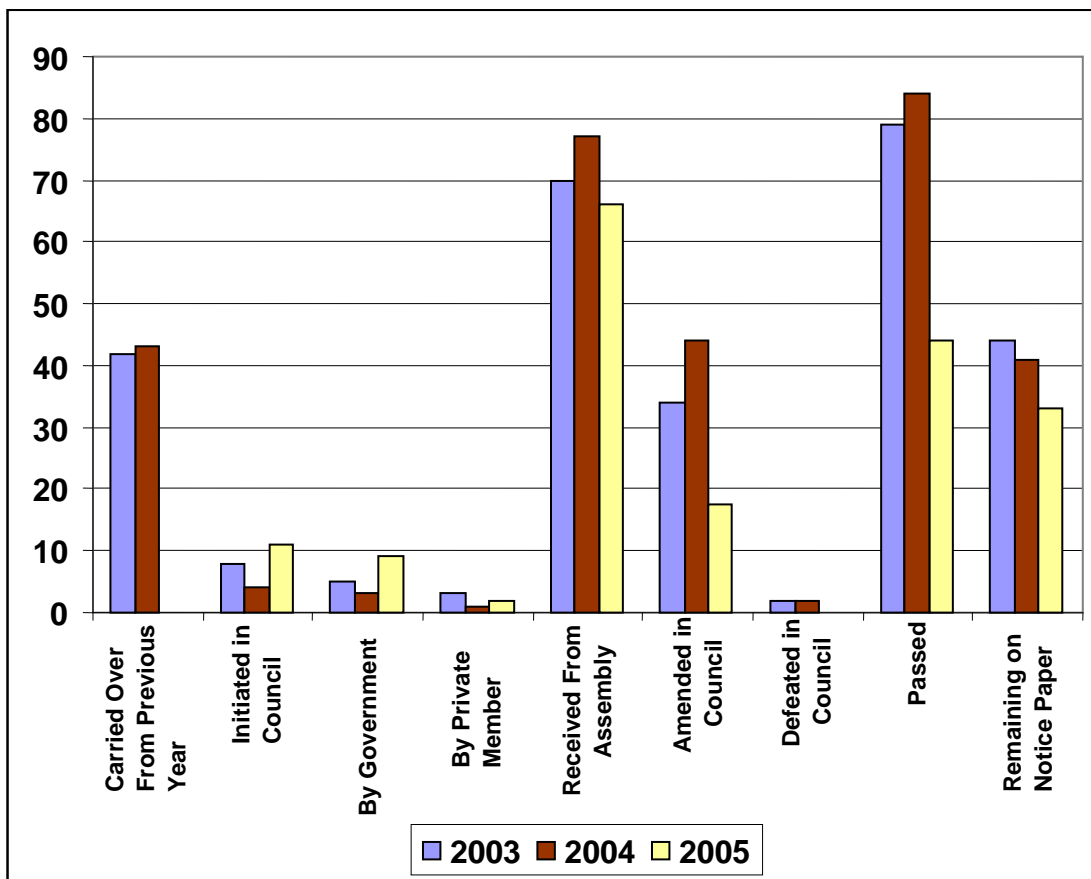


Pages of Legislation Considered 1993-2005



Bills 2003/2004/2005 Comparison

Particulars	2003	2004	2005
Carried Over From Previous Year	42	44	0
Initiated in Council	8	4	11
By Government	5	3	9
By Private Member	3	1	2
Received From Assembly	70	77	66
Amended in Council	34	44	19
Defeated in Council	2	2	0
Passed	79	84	44
Remaining on Notice Paper	44	41	33



BILLS WITH PROPOSED AMENDMENTS PUBLISHED IN SUPPLEMENTARY NOTICE PAPERS (2005)										
	BILL No.	BILL SHORT TITLE	Proposed amendments in published Supplementary Notice Papers (SNPs)							
			GOVT.	LIB.	NAT.	GREENS (WA)	ONE NATION	IND.	CTEE.	TOTAL
1	LA 065-1	Censorship Amendment Bill 2005	1							1
2	LA 037-1	Constitution and Electoral Amendment Bill 2005			2					2
3	LA 072-1	Defamation Bill 2005	2							2
4	LA 039-2	Electricity Corporations Bill 2005		11	9	15				35
5	LA 013-1	Emergency Management Bill 2005	2							2
6	LA 012-2	Financial Administration Legislation Amendment Bill 2005		7		1				8
7	LA 006-2	Limitation Bill 2005	26			1			2	29
8	LA 007-2	Limitation Legislation Amendment and Repeal Bill 2005	3							3
9	LC 005-1	Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2005	1							1
10	LC 004-1	Oaths, Affidavits and Statutory Declarations Bill 2005	6							6
11	LA 059-1	Occupational Therapists Bill 2005		1						1
12	LA 033-1	One Vote One Value Bill 2005 (NB: title changed to Electoral Amendment and Repeal Bill 2005)		10	2	8			1	21
13	LA 041-1	Parental Support and Responsibility Bill 2005	3							3
14	LA 082-1	Perry Lakes Redevelopment Bill 2005	39	1						40
15	LA 020-1	Petroleum Legislation Amendment and Repeal Bill 2005		2					1	3

BILLS WITH PROPOSED AMENDMENTS PUBLISHED IN SUPPLEMENTARY NOTICE PAPERS (2005)										
	BILL No.	BILL SHORT TITLE	Proposed amendments in published Supplementary Notice Papers (SNPs)							
			GOVT.	LIB.	NAT.	GREENS (WA)	ONE NATION	IND.	CTEE.	TOTAL
16	LA 026-1	Planning and Development (Consequential and Transitional Provisions) Bill 2005	3							3
17	LA 023-1	Planning and Development Bill 2005	9	1		13				23
18	LA 008-1	Public Notaries Amendment Bill 2005		1						1
19	LA 090-2	Stamp Amendment Bill 2005		2						2
20	LA 054-1	Standard Time Bill 2005	1							1
21	LA 083-2	Terrorism (Extraordinary Powers) Bill 2005	4			6				10
22	LA 060-2	Tobacco Products Control Bill 2005	8	9		2				19
TOTAL AMENDMENTS PROPOSED			108	45	13	46	0	1	3	216
TOTAL AMENDMENTS PROPOSED BY PARTY			108	45	13	46	0	0		
44 BILLS PASSED DURING 2005										
19 BILLS AMENDED DURING 2005										
18 OF THE BILLS PASSED HAD PROPOSED AMENDMENTS PUBLISHED IN SNPs										
22 BILLS WITH PROPOSED AMENDMENTS IN SNPs										

APPENDIX 4
SITTING SCHEDULE 2005

Sitting Schedule 2005



LEGISLATIVE COUNCIL SITTING DATES 2005

WEEK 1	Tuesday, March 29	—	Thursday, March 31
WEEK 2	Tuesday, April 5	—	Thursday, April 7
RECESS 2 WEEKS			
WEEK 3	Tuesday, April 26	—	Friday, April 29
WEEK 4	Tuesday, May 3	—	Friday, May 6
RECESS 1 WEEK			
WEEK 5	Tuesday, May 17	—	Thursday, May 19
WEEK 6	Tuesday, May 24	—	Thursday, May 26
RECESS 3 WEEKS			
WEEK 7	Tuesday, June 21	—	Thursday, June 23
WEEK 8	Tuesday, June 28	—	Thursday, June 30
RECESS 6 WEEKS			
WEEK 9	Tuesday, August 16	—	Thursday, August 18
WEEK 10	Tuesday, August 23	—	Thursday, August 25
WEEK 11	Tuesday, August 30	—	Thursday, September 1
RECESS 1 WEEK			
WEEK 12	Tuesday, September 13	—	Thursday, September 15
WEEK 13	Tuesday, September 20	—	Thursday, September 22
RECESS 2 WEEKS			
WEEK 14	Tuesday, October 11	—	Thursday, October 13
WEEK 15	Tuesday, October 18	—	Thursday, October 20
RECESS 2 WEEKS			
WEEK 16	Tuesday, November 8	—	Thursday, November 10
WEEK 17	Tuesday, November 15	—	Thursday, November 17
RECESS 1 WEEK			
WEEK 18	Tuesday, November 29	—	Thursday, December 1