



THIRTY-SEVENTH PARLIAMENT

**WORK OF THE LEGISLATIVE COUNCIL
CHAMBER IN 2006**

14 MARCH 2006 TO 7 DECEMBER 2006

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

March 2007

LEGISLATIVE COUNCIL PROCEDURE OFFICE

WORK OF THE LEGISLATIVE COUNCIL CHAMBER IN 2006

14 MARCH 2006 TO 7 DECEMBER 2006

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ISBN 1 921243 06 6

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WORK OF THE LEGISLATIVE COUNCIL CHAMBER IN 2006

14 MARCH 2006 TO 7 DECEMBER 2006

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 2006. The sitting period during 2006 was from 14 March 2006 to 7 December 2006. This period continues 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.¹ 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 but only prior to the dissolution of the Legislative Assembly in preparation for a State general election as was the case in 2005. In these circumstances the usual four year parliament will comprise just one session and not four as was the case previously. If the policy is maintained the 37th Parliament will comprise one session.
- 1.4 The addition of calendar year reporting of statistical information 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 2006. Some of these procedural issues from the first half of the

¹ The 2005-2006 Annual Report of the Department of the Legislative Council can be viewed on the Parliament House website at www.parliament.wa.gov.au. Go to "Legislative Council" click on "Publications" and follow the link to the annual report.

parliamentary year are contained in the 2005-06 Annual Report of the Department of the Legislative Council.

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

3 RULES OF THE HOUSE

3.1 The Sessional Orders put in place on 30 June 2005 that operated during 2005 sittings from 16 August 2005 expired on 31 December 2005. The Council commenced its 2006 sittings on 14 March 2006 under its Standing Orders. This temporarily brought to an end the Sessional Orders regime that had operated in the latter half of 2006. The Sessional Orders first arose from recommendations of the *Report of the Select Committee on the Rules, Orders and Usages of the House*, tabled on 12 March 2003.² They have operated in several forms for various periods since 20 March 2003.

3.2 Sessional Orders allocated specified times for Government business, motions, non-official business (private Members' business) and consideration of ministerial statements and standing and select committee reports. Members' statements took the place of the traditional adjournment debate.

3.3 New Sessional Orders were adopted on 23 March 2006. This Sessional Order, with minor modifications, reflected the three previous Sessional Orders that had been put in place in March and December 2003 and June 2005. The 2006 Sessional Orders, like previous Sessional Orders, altered the schedule of sittings and times allocated for specific business under the Standing Orders.

3.4 The 2006 Sessional Orders maintained the traditional three day weekly sitting pattern, which included two evening sittings on Tuesday and Wednesday, but altered the times of sitting so that the House commenced sittings earlier on a Tuesday (3.00pm instead of 4.30pm), Wednesday (2.00pm instead of 3.30pm) and Thursday (10.00am instead of 11.00am). Set times were scheduled for concluding business so that the House rose at 10.25pm at the latest on Tuesday and Wednesday and at 6.00pm on Thursday, unless the Sessional Order was suspended.³ The number of sitting weeks in the calendar year was increased when compared with the previous Sessional Orders

² 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).

³ The House did not return to the 2004 Sessional Orders experiment of four day sittings which included a Friday sitting in 15 of the 19 sitting weeks. Regular Friday sittings were included for the first time under the 2003 Sessional Orders.

to 22,⁴ more closely resembling the number of sitting weeks scheduled when the House operated under Standing Orders.

3.5 In the Legislative Council the Government does not presently command a majority of votes and is not in a position to unilaterally require the House to sit beyond the hours specified in the Standing or Sessional Orders. The objects of the Sessional Orders since 2003 have been to provide, amongst other things:

- i) for additional Government business time;
- ii) for specified times for opposition and non-official business while retaining a similar total hours of sitting that occurred under the Standing Orders;
- iii) a balance between Members' parliamentary and electorate responsibilities; and
- iv) more 'family friendly' hours by reduction of evening sittings/late sittings.

4 SESSIONAL ORDERS - HAVE THEY ACHIEVED THEIR OBJECTIVES ?

4.1 Sessional Orders have operated for 229 of the 401 sitting days since the Thirty-Sixth Parliament commenced on 1 May 2001. Since they first became operational on 1 April 2003, the Sessional Orders have been in place for all but 41 sitting days. The tables, figures and text below attempt a comparative analysis between the various procedural regimes to determine whether the Sessional Orders have achieved their intended objectives.

i) Increased Government business time

4.2 An analysis of times under the Standing Order and Sessional Order regimes indicates that Government business time⁵ has increased during periods in which a Sessional Order has operated.

4.3 Three factors have contributed to this increase in Government business time. These are:

- a) Increased time for orders of the day and total weekly sitting hours under Sessional Orders;

⁴ 2002 - 25 weeks; 2003 - 18 weeks; 2004 - 19 weeks; 2005 - 18 weeks; 2006 - 22 weeks.

⁵ Under Sessional Orders, Government business time has been calculated as time other than that spent on motions on notice/urgency motions, disallowance motions, consideration of committee reports and ministerial statements, questions without notice, Members' Statements and non-official business. Not all non-official business time has been counted as, during times allocated to Members supporting the Government, the House has proceeded with Government business. Under Standing and Temporary Orders, Government business time has been calculated as time other than that spent on motions on notice/urgency motions, disallowance motions and the adjournment debate. The calculation of time assumes 15 minutes per sitting day is allocated to formal business at the commencement of each day.

- b) Government policy on sessions; and
- c) a decision by Members supporting the Government not to take non-official business.

Increased time for Orders of the Day and total weekly sitting hours under Sessional Orders

- 4.4 All of the Sessional Orders regimes since 2003 were structured in a manner that provided significant blocs of time for orders of the day. Tuesdays were set aside for orders of the day, other than a period for formal business, question time and members statements (which replaced the traditional adjournment debate).
- 4.5 Under Standing Orders the orders of the day comprised approximately 8.75 hours of a standard 16 hour sitting week with the Government requiring the support of the Greens (WA) or opposition Members to extend the sittings of the House. By contrast, under Sessional Orders in their various forms, the orders of the day have comprised approximately 12 - 13 hours of a 19.5 hour sitting week.
- 4.6 Matters debated during orders of the day include not only Government business but also disallowance motions, debate on the budget papers and debate on the Address-in-Reply following a prorogation. Government business therefore constitutes only a portion of total time devoted to orders of the day.
- 4.7 Table 1 below shows the periods over which the Standing, Sessional and Temporary Orders have operated and the total number of hours and total time devoted to Government business.

Table 1

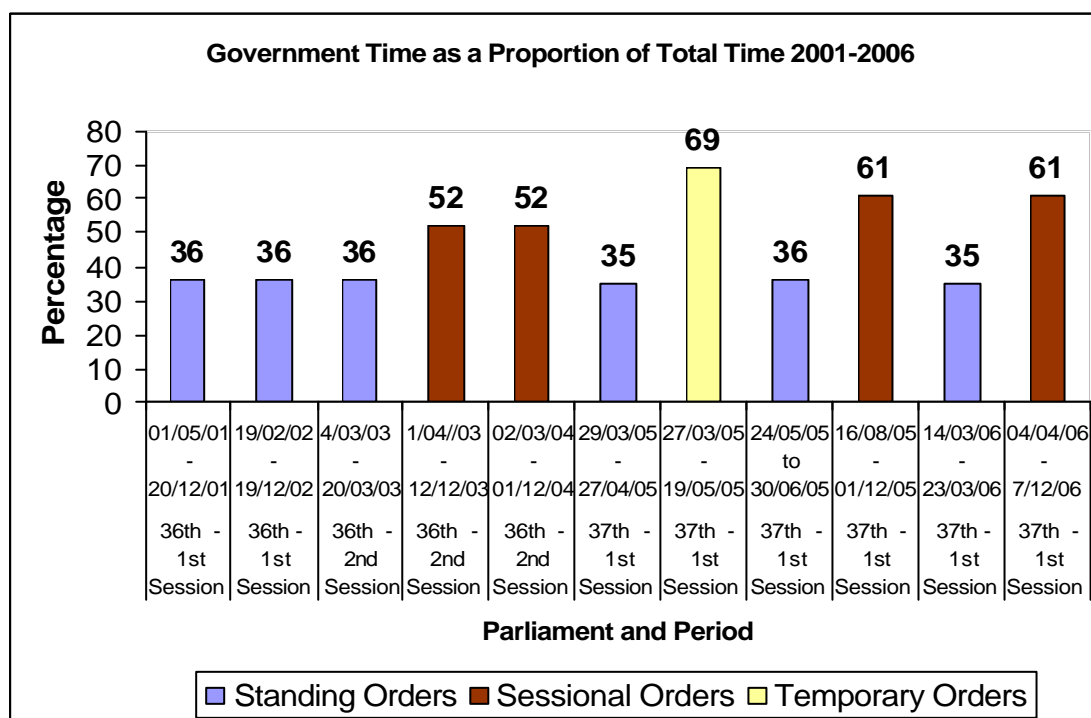
Sitting Hours under Rules of the House 2001 to 2006

PARLIAMENT/SESSION/YEAR	PERIOD	SITTING DAYS	SITTING HOURS	GOVT. HOURS (APPROX)
36th Parliament - 1 st Session under Standing Orders (2001)	01/05/01 - 20/12/01	58	325	117
36th Parliament - 1 st Session and part 2 nd Session under Standing Orders (2002)	19/02/02 - 19/12/02	75	455	164
36th Parliament - 2 nd Session under Standing Orders (2003)	4/03/03 - 20/03/03	9	47	17
36th Parliament - 2 nd Session under Sessional Orders MKI (2003)	1/04/03 - 12/12/03	63	388	202
36th Parliament - 2 nd Session under	02/03/04 -	70	423	220

Sessional Orders MKII (2004)	01/12/04			
37th Parliament - 1st Session under Standing Orders (2005)	29/03/05 - 27/04/05	8	34	12
37th Parliament - 1st Session under Temporary Order (2005)	27/04/05 - 19/05/05	9	74	51
37th Parliament - 1st Session under Standing Orders (2005)	24/05/05 - 30/06/05	9	44	16
37th Parliament - 1st Session under Sessional Orders MKIII (2005)	16/08/05 - 01/12/05	30	190	115
37th Parliament - 1st Session under Standing Orders (2006)	14/03/06 - 23/03/06	6	31	11
37th Parliament - 1st Session under Sessional Orders MKIV(2006)	4/04/06 - 7/12/06	59	362	222

4.8 Figure 1 below shows Government business time as a proportion of total time under the three procedural regimes in place from 2001-2006.⁶

Figure 1



⁶ It should be noted that detailed recording of Government business time has only occurred since 2003. Government business time for 2001 and 2002 has been estimated based on the times allocated to Government by the order of business under the Standing Orders and in the manner set out in the previous footnote.

Effect of Government sessions policy on Government time

- 4.9 As a result of the current Government's policy on sessions there is only an official opening and Address-in-Reply debate after a State general election. Unlike in the Assembly, where a debate is permitted following the Premier's speech outlining the Government's intended legislative program for the year, no general debate has replaced the Address-in-Reply in the Council. This leaves the debate on the budget papers as the only general debate each year other than in a year following prorogation for a general election as occurred in 2005.
- 4.10 The absence of an annual Address-in-Reply debate has resulted in an increase in time devoted to Government business. For example, in 2005 over 26 hours were devoted to the Address-in-Reply. This debate did not occur in 2006. If the Government's policy is maintained, no Address-in-Reply debate will occur until the opening of Parliament in 2009 after the next State general election. During the remainder of this session (2007 and 2008), this will result in approximately 78 hours of additional time available to the Government during orders of the day that otherwise would have been spent on debating the Address-in-Reply.
- 4.11 An attempt to determine the relative influence on Government business time of the change to Sessional Orders and the Government's policy on sessions can be made by comparing the additional time the Government would have had if there were no Address-in-Reply debate during 2002 when the Standing Orders operated.
- 4.12 If the Government's policy on sessions had dispensed with the prorogation in August 2002, the proportion of Government business time would have increased. For example, if no Address-in-Reply debate occurred in 2002 and the Government had an additional 26 hours of orders of the day to deal with its business, the Government's proportion of total time would have increased from approximately 36 percent to around 42 percent (179 hours from a total of 430 hours). This is still well below the proportion of total time devoted to Government business under the four versions of Sessional Orders since 2003. Under the Sessional Orders regime, Government business time has averaged over 58 percent during the four periods in which they have operated.
- 4.13 In 2006 the average proportion of total time devoted to Government business has been approximately 61 percent. This is less than the 69 percent achieved under Sessional Orders MKIII in 2005 and greater than the 52 percent achieved under Sessional Orders MKI and MKII during 2003 and 2004 (See Figure 1). It is clear that under any version of the Sessional Orders, Government business time is significantly greater than under the Standing Orders regime even if there had been no Address-in-Reply debate in 2002.

-
- 4.14 Given the current political composition of the House, the Government does not command a majority of votes. Under the Standing Orders, Members supporting the Government cannot, without the support of other Members, extend the sittings of the House. The Government's decision to support the introduction of Sessional Orders combined with its policy on sessions has resulted in significant gains for Government business time when compared with the Standing Orders regime.

Decision by Members supporting the Government not to take Non-Official Business

- 4.15 In 2006, the ALP was allocated seven periods for non-official business totalling 14 hours. On each occasion, ALP members elected not to submit an item of non-official business. The Sessional Orders provide that in the event that no non-official business is submitted, the House is to proceed to orders of the day in the order determined by the Leader of the House. This effectively provided the Government with an additional 14 hours to deal with its legislative program.

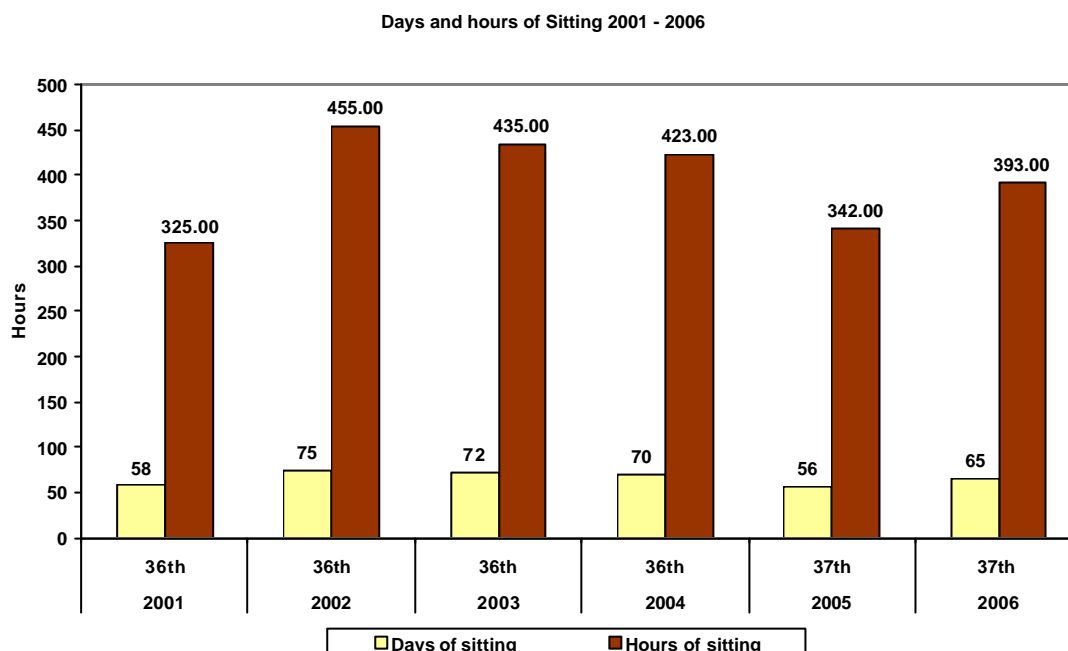
ii) Specified times for opposition and non-official business while retaining similar total hours

- 4.16 The object of specifying time for opposition business (such as motions being taken for a lengthier period than one hour per day, a specific period for non-official business and a period for the consideration of reports of standing and select committees and ministerial statements) has been achieved.
- 4.17 In relation to total annual sitting hours under the Sessional Orders, these have been less than the high point under Standing Orders in 2002 when the House sat a total of 455 hours over 75 sitting days. However, an analysis of hours under Standing Orders and Sessional Orders from the commencement of the ALP Government in 2001 indicates that average hours have actually increased marginally under Sessional Orders. In 2001 and 2002 under Standing Orders average hours of sitting were 390 per annum.⁷ Since 2003, when Sessional Orders were first introduced, sitting hours have averaged 398 per annum. This average includes the period under the Temporary Order in 2005 (9 days) and periods when the Standing Orders operated (32 days).

⁷ This average from 2001 and 2002 includes hours from the first year of the ALP Government in 2001. Total sitting days and time are generally less following a change in Government or State general election than in other years. Sittings in 2001 did not commence until 1 May and there were only 58 sitting days that year. Similarly the first year of the second term of the ALP Government in 2005 following the State general election involved fewer sitting days and hours than is usually the case in subsequent years.

4.18 Figure 2 shows the total days and hours of sitting from 2001 to 2006.

Figure 2

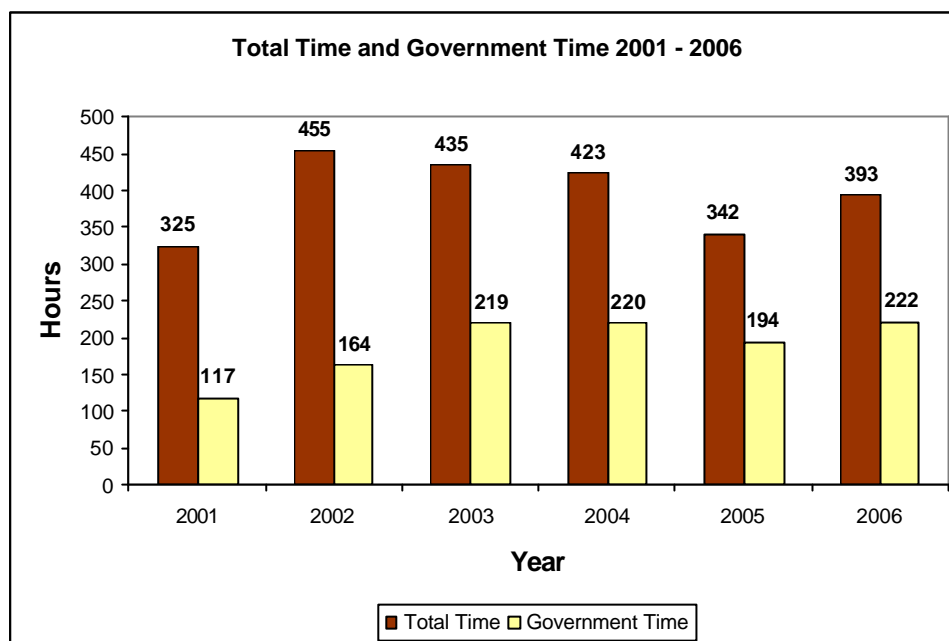


4.19 Sitting hours per day (excluding meal breaks) average approximately 6 hours whether under Standing Orders or Sessional Orders. Despite the reduced annual sitting days and sitting times compared with 2002 under Standing Orders, the number of hours of Government business time has increased under the Sessional Orders when compared with previous years under the Standing Orders.

4.20 For example, in 2006 under the Sessional Orders Government business time accounted for 222 hours over 59 sitting days compared with 164 hours over 75 sitting days in 2002 under Standing Orders. This represents a 35 percent increase in Government business time under Sessional Orders and was achieved over 10 fewer sitting days. The total Government business hours in 2006 is also comparable to the yearly total of Government business time achieved under Sessional Orders MKI (2003) and MKII (2004), which involved an experiment with four day weekly sittings. Total Government business time in 2006 was also achieved over fewer sitting days than under the 2003 and 2004 Sessional Orders (See Table 1 and Figure 3).

4.21 Figure 3 below shows Government business time compared with total sitting time from 2001 to 2006.

Figure 3



iii) Balance between Member's parliamentary and electorate responsibilities

4.22 The intent of the original Sessional Order was to reduce the weeks of sitting and arrange the yearly sitting schedule so that two weeks of sitting were followed by a two week recess so as to assist Members with their electorate responsibilities. This was largely abandoned in 2006 with three periods of three consecutive sitting weeks and four occasions where only a one week break separated sitting periods. For example in May/June 2006, immediately prior to the winter recess, the House sat for seven out of nine weeks. This 2006 sitting pattern did not achieve the balance achieved under previous Sessional Orders.

iv) More 'family friendly' hours

4.23 Whatever the meaning of this expression, sittings of the House could not be described as 'family friendly', even with the four sitting day experiment under Sessional Orders MKI (2003) and MKII (2004). The four day sittings that eliminated one evening sitting but included Fridays were abandoned under Sessional Orders MKIII in 2005 and did not return in 2006.

4.24 The Sessional Orders regimes have had significant success in reducing the prevalence of late night sittings beyond midnight with all of them specifying a finish time for daily sittings (10.25pm.) unless the Sessional Orders are suspended. To this extent

they have eased some of the burden on Members and staff who have not been required to sit unreasonable hours.

4.25 The times the House has sat after midnight in the previous 10 years are listed in Table 2 below.

Table 2.

YEAR	NUMBER OF TIMES HOUSE SAT AFTER MIDNIGHT
1996	15
1997	7
1998	8
1999	3
2000	1
2001	2
2002	4
2003	0
2004	0
2005	4
2006	0

4.26 In the seven year period from 1996 to 2002 when Standing Orders operated the House sat beyond midnight on 40 occasions. For the four years from 2003 when Sessional Orders first came into operation, this has occurred only four times.⁸ All of these were during the period when the House was dealing with the Government's electoral reform legislation and subject to the Temporary Orders.

Bills passed and relationship with Sessional Orders

4.27 It is difficult to determine whether there is any direct correlation between the establishment of the Sessional Orders regime and the volume of Bills passed by the House. This is due to many factors that impact on the Council's capacity to pass Bills. These include the number of Bills introduced, their length and complexity, the degree

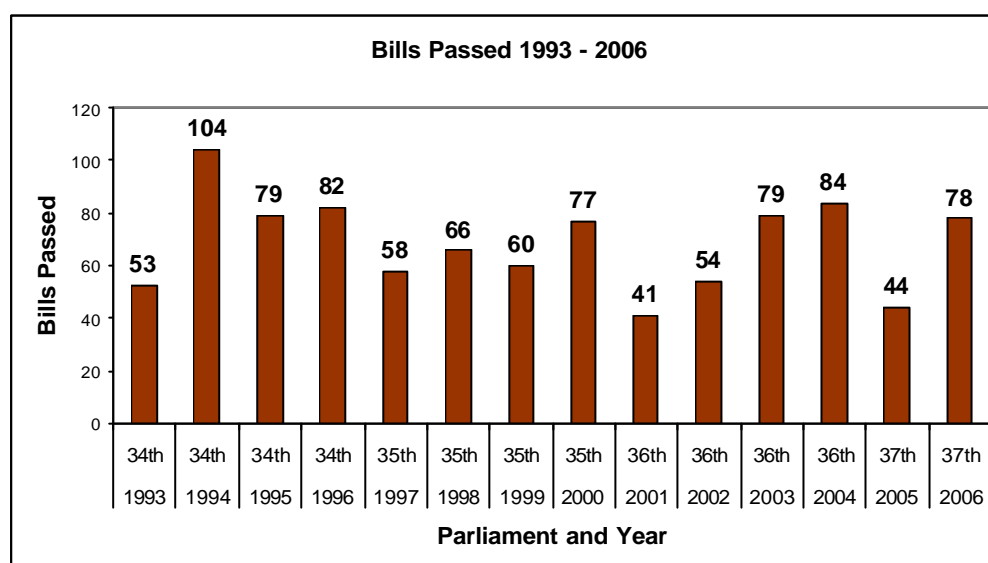
⁸ 27/04/05, 29/04/05, 3/05/05 and 4/05/05.

to which a particular Bill is contentious, whether a Bill requires amendment or referral to a committee and the political composition of the Chamber.

4.28 During the four years 2003-2006 that Sessional Orders have operated, the Council has passed an average of 71 Bills per annum. This is well above the average achieved from 1997, when minor parties gained the balance of power, until the commencement of Sessional Orders in 2003. During this six year period the Council passed an average of just over 59 Bills per annum.

4.29 Figure 3 below shows the number of Bills passed by the Council from 1993 to 2006.⁹

Figure 3.



Suspension of Standing and Sessional Orders

4.30 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.

4.31 From 4 April, when the Sessional Orders first took effect for 2006, until 7 December, the Sessional and Standing Orders were suspended on eight occasions. Two of these were on the last sitting day so as to enable the completion of the remaining stages of the *Financial Legislation Amendment and Repeal Bill 2006*, *Financial Management Bill 2006* and *Auditor General Bill 2006* at that day's sitting. The incidence of

⁹ The average number of Bills passed by the Council each year during 1993-2006 (13 years) is 68.5.

suspension was less than in 2005 when the House suspended Sessional or Standing Orders on eight occasions from August to December.

5 AMENDMENTS

- 5.1 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 proposed in the Council, the use of SNPs assists 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.
- 5.2 The political composition of the House during 2006, 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), 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, the official opposition or the Greens (WA) (who hold the balance of power) on proposed amendments with a view that they be agreed to.
- 5.3 In 2006 the Procedure Office gathered statistical information on the number of amendments published in SNPs proposed by Government, and each of the parties represented in the Chamber. These are shown in Appendix 3.

6 BILLS

- 6.1 In 2006 the Council passed 78 Bills, 77 of which became Acts of Parliament.¹⁰ Of these the Council amended 34. This compares with 44 Bills passed in 2005 following the re-election of the ALP Government.¹¹ 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

¹⁰ The Council also initiated and passed the Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005, a private member Bill introduced by Hon Paul Llewellyn MLC (Greens (WA)). This Bill was transmitted to the Assembly on 26 October 2006 and was not considered by the Assembly in 2006. It has yet to become an Act of Parliament.

¹¹ 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 ALP 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.

certainly not a qualitative measure of performance. The scrutiny and passage of legislation is only one, albeit significant, activity of the House.¹²

- 6.2 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.
- 6.3 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. The clearance rate of Bills in the Council has also improved. For example, in 2003 the Council ended the year with 44 Bills remaining on its Notice Paper. In 2006 only 32 remained and of these nine had been initiated and passed in the Assembly in October or November 2006. These and other statistics relevant to Bills are contained in Appendix 3.

Bills Proceeding to Third Reading by Leave

- 6.4 Leave was granted on 26 occasions to dispense with Committee of the Whole stage and to proceed to the Third Reading of the Bill. They were:
- *Agriculture and Related Resources Protection Amendment Bill 2005;*
 - *Appropriation (Consolidated Fund) Bill (No. 1) 2006;*
 - *Appropriation (Consolidated Fund) Bill (No. 2) 2006;*
 - *Appropriation (Consolidated Fund) Bill (No. 3) 2005;*
 - *Appropriation (Consolidated Fund) Bill (No. 4) 2005;*
 - *Auditor General Bill 2006;*
 - *BHP Billiton (Termination of Agreements) Agreement Bill 2005;*
 - *Coal Miners' Welfare Amendment Bill 2005;*
 - *Criminal Code Amendment (Cyber Predators) Bill 2005;*
 - *Curriculum Council (Fees and Charges) Bill 2006;*
 - *Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005;*
 - *Energy Operators (Powers) Amendment Bill 2005;*
 - *Financial Legislation Amendment and Repeal Bill 2006;*
 - *Financial Management Bill 2006;*

¹² During 2006, two Bills were initiated in the Council and 75 were received from the Assembly; 33 were carried over from 2005, giving a total of 110 Bills. 71% of proposed legislation on the Council's Notice Paper was passed (78 Bills). 29% remained on the Notice Paper. This compares with the 2005 result of 57% of proposed legislation on the Council's Notice Paper being passed (44 Bills) and 43% remaining on the Notice Paper (33 Bills).

- *Industrial Training Amendment Bill 2006;*
- *Medical Amendment Bill 2005;*
- *Nurses and Midwives Bill 2005;*
- *Pawnbrokers and Second-hand Dealers Amendment Bill 2005;*
- *Perth International Centre for Application of Solar Energy Repeal Bill 2005;*
- *Railway Discontinuance Bill 2006;*
- *Stamp Amendment Bill 2006;*
- *State Flag Bill 2006;*
- *Statutes Law Revision Bill 2005;*
- *Trade Measurement Administration Bill 2005;*
- *Trade Measurement Bill 2005; and*
- *Volunteers (Protection from Liability) Bill 2006.*

6.5 Leave was granted on three occasions to proceed to the Third Reading of the Bill on the same sitting day as the Committee of the Whole stage was concluded. The Bills were:

- *Family Legislation Amendment Bill 2006;*
- *Iron Ore (FMG Chichester Pty Ltd) Agreement Bill 2006; and*
- *Local Government Amendment Bill 2006.*

6.6 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 Table Officers 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.

6.7 A practice had developed in the Council so that 'leave' could be granted to proceed through all remaining stages of an amended Bill, including its Third Reading, immediately after the committee stage was concluded. This practice appears contrary to the Standing Orders. SO 244 permits the adoption of the Committee of the Whole's report on a Bill by leave on the same day that such consideration is concluded but requires the Third Reading of an amended Bill to be delayed until the next day so that a new print of the Bill can be prepared incorporating the amendments. Proceeding to the Third Reading on the same day as the adoption of the report of the Committee of the Whole has some risks. If an error were to be found that could not be rectified by means of a Clerk's amendment, any further change to the Bill could only be effected by an amendment to the Bill in the Assembly or by an amendment Bill.

- 6.8 In circumstances where the Bill has not been amended leave is not required to enable the House to adopt the report of the Committee of the Whole on the day it is presented. In addition, there is a proviso to the requirement under SO 243 that a subsequent day is fixed for the Third Reading after the adoption of the report. This proviso is that if a Bill passes through the Committee stage *without opposition and has not been amended* the Third Reading may be immediately moved. The proviso was inserted on 18 August 1976 as a result of a report of the then Standing Orders Committee. Prior to the amendment a subsequent day was always required to be fixed for the Third Reading regardless of whether or not the Bill was amended.
- 6.9 The practice of being able to move to the Third Reading of any unamended Bill immediately following the adoption of the committee's report ceased following a ruling by the President on 13 April 2006. The *Yallingup Foreshore Land Bill 2005* had been agreed to by the Committee of the Whole without amendment following several divisions on amendments proposed by the Opposition. The application of the proviso to SO 243 arose after the adoption of the Committee of the Whole's report when the Parliamentary Secretary with carriage of the Bill sought to immediately move the third reading:

‘Point of Order

Hon Norman Moore raised the following Point of Order -

My understanding of SO 243 indicates that when a Bill has been opposed in the committee stage, it cannot be moved to the third reading on the same day. It needs to be considered at a later date.

President's Ruling

The President ruled as follows -

Honourable Members, I have been asked to provide a ruling with regard to the application of SO 243 to the Yallingup Foreshore Land Bill 2005, which is the order of the day that is being considered by the House. The Yallingup Foreshore Land Bill 2005 passed through the committee stage and the report has been adopted. I am advised, and it is my understanding, that the Bill was not amended during the committee stage. However, there was debate and, more importantly, opposition to the Bill during the committee stage. SO 243 reads -

When the report is finally adopted a subsequent day shall be fixed on motion for the third reading;

Provided that where a Bill passes through the Committee stage without opposition and has not been amended the third reading may immediately be moved and the Bill read a third time.

The meaning of those words is plain. I will repeat them -

Provided that where a Bill passes through the Committee stage without opposition . . .

In this case there was opposition -

and has not been amended . . .

*The Bill was not amended; however, we must consider the two ingredients involved, because clearly there has been opposition to the Bill. Therefore, the Bill cannot be read a third time at this day's sitting.*¹³

- 6.10 The Procedure and Privileges Committee has considered the matter and recommended that SO 243 be amended to provide that when a Bill has not been amended in Committee of the Whole the third reading may be moved immediately.¹⁴ Observations made in that report on the practice of seeking leave to proceed through all remaining stages of an amended Bill, including its third reading, immediately after the adoption of the Committee of the Whole's report have resulted in that practice ceasing.

Initiation of Bills

- 6.11 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.
- 6.12 The opportunity for Bills to be initiated in the Council has been further reduced by reason of successive rulings by Speakers of 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.¹⁵
- 6.13 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 Constitution 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,

¹³ LC Minutes of Proceedings No. 68, 13 April 2006, pp.552-3

¹⁴ Standing Committee on Procedure and Privileges Report No 9 *SO 243: Day fixed for third reading* - tabled 30 May 2006 (TP 1552).

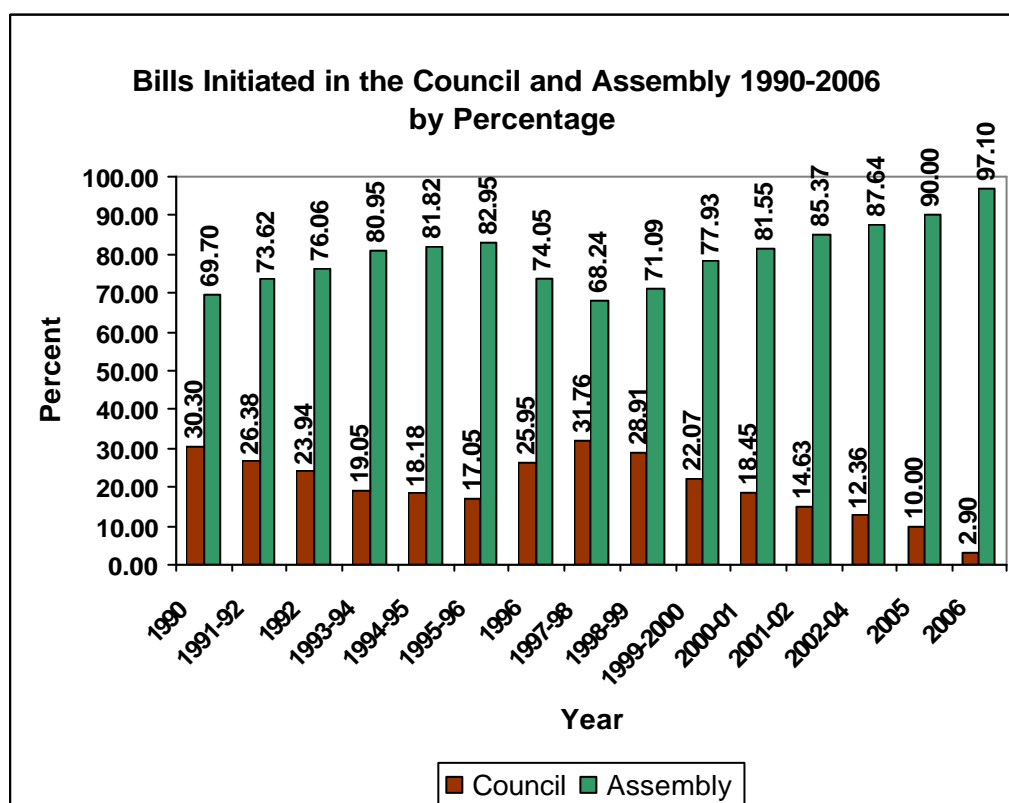
¹⁵ *New South Wales v Commonwealth* (1908) 7 CLR 179 at p. 200, (the Surplus Revenue case) Isaacs J. See also *Brown v West and Another* (1990) 91 ALR 197, Mason CJ, Brennan, Deane, Dawson and Toohey JJ at pp. 204-205.

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 appropriating phrase, to make a determination on whether a Bill falls within section 46.¹⁶

6.14 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. Another factor which may contribute to this trend is that minor parties have held the balance of power in the Council since May 1997.

6.15 Figure 4 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 minor parties gained the balance of power from 1997. In 2006 less than three percent of Bills introduced were initiated in the Council.

Figure 4



¹⁶ 1997 WAPD Vol 341, at p. 4911. Ruling by Speaker Strickland in relation to the Land Administration Bill 1997, Tuesday 19 August 1997.

7 PROCEDURAL HIGHLIGHTS

Dividing Bills

Electoral Legislation Amendment Bill 2006 and Standing Order 222

7.1 Standing Order 222 provides:

“Such matters as have no proper relationship to each other shall not be included in one and the same bill.”

7.2 The rule is designed to ensure that the House is not put in a position of having to accept a provision, unrelated to other provisions of a Bill, on the basis that the Bill stands or falls with that provision in it. It is a prohibition against “non-financial” tacking.

7.3 It is also a protection for the public. Mason’s Manual of Legislative Procedure¹⁷ states at section 729 that *“the main object of a provision requiring that every act shall embrace but one subject which shall be expressed in its title is to prevent a legislative body and the public from being entrapped by misleading titles, whereby legislation relating to one subject might be obtained under the title of another; and in the accomplishment of this object the provision is not to receive narrow or technical construction.”*

7.4 The Legislative Assembly were advised that the Bill, if introduced into the Council, would breach SO 222 as it contained matters that had no proper relation to each other. The provisions amending:

- a) the *Constitution Acts Amendment Act 1899* to enable the Salaries and Allowances Tribunal to determine an allowance in respect of the office of Parliamentary Secretary pursuant to section 6 of the *Salaries and Allowances Act 1975*; and
- b) the *Salaries and Allowances Act 1975* regarding the provision of payment for an allowances for a Parliamentary Secretary, Chairman, Deputy Chairman or a member of committees of a House or joint committees of both Houses,

had no relation with the principal policy of the Bill to introduce public funding of candidates and parties and minimum thresholds for election funding and return of deposits.

¹⁷ The American Society of Legislative Clerks & Secretaries 1989.

7.5 The Legislative Assembly on 14 September 2006 agreed to divide the Bill into three Bills.¹⁸ This was not without some hesitation or comment in relation to the ‘legality’ of the advice.

7.6 The application of the standing order is a matter of procedure within the sanctioned rights of the Legislative Council. The *Constitution Act 1889* section 34 provides in part:

*The Legislative Council shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or the Speaker, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the **passing, intituling, and numbering of Bills**, and for the presentation of the same to the Governor for Her Majesty's assent. [Emphasis added]*

7.7 Further the *Parliamentary Privileges Act 1891* section 1 provides that the Legislative Council and Legislative Assembly of Western Australia, and their members and committees, have and may exercise

- a) the privileges, immunities and powers set out in this Act; and
- b) to the extent that they are not inconsistent with this Act, the privileges, immunities and powers by custom, statute or otherwise of the Commons House of Parliament of the United Kingdom and its members and committees as at 1 January 1989.

7.8 This law of Parliament provides the framework for, and determines the nature of, parliamentary procedure, which consists of the rules and arrangements made by either House for discharging its constitutional functions within that framework. The principle distinction for practical purposes between parliamentary law and procedure is that any change in the law of parliament can only be effected by statute, whereas either House is free to modify its own procedures by its independent action.

Local Government Amendment Bill 2006

7.9 This Bill was divided by the Council following an instruction to the Committee of the Whole moved by a member of the Greens (WA). The Bill dealt with reforms to local government by:

- i) changing the date for local government ordinary elections; and

¹⁸ Electoral Legislation Amendment Bill 2006 (158 - 2), Electoral Reform (Electoral Funding) Bill 2006

- ii) replacing the first past the post voting system for local government elections with the preferential system used in the State Parliamentary system of voting.
- 7.10 There was general agreement on the first reform but significant opposition by the Western Australia Local Government Association to the change in voting system.
- 7.11 Two new Bills were printed on the assumption that the House would agree to the Bill being divided. The first, the Local Government Amendment Bill 2006 contained those clauses that dealt with the change of election date. The second, the Local Government Amendment Bill (No. 2) 2006, contained those provisions relating to the proposed change to the system of voting.
- 7.12 Following the splitting of the Bill and the agreement by the House to the action of the Committee of the Whole, the Local Government Amendment Bill 2006 dealing with the election date was passed without amendment. The other Bill, which had now become a Council Bill, was referred to a standing committee to report in 2007. The passing of the Bill dealing with the election date caused some confusion. The Bill considered by the House was the newly printed Bill reflecting its agreement to split the original Bill. No change needed to be made to this Bill and it passed without being amended. The proviso to the Standing Orders which permits a Bill which has not been opposed and is not amended to be third read on the same day as the report from the Committee of the Whole is adopted was also invoked.
- 7.13 However, such a Bill is only a ‘working copy’ for the benefit of the Committee of the Whole and the House. When the original Bill is returned to the Assembly it must reflect the decision of the Council. This meant that the message to the Assembly returning its original Bill was accompanied by a schedule that set out the amendments made to the Bill. This schedule indicated the clauses that had been deleted from that Bill but were now contained in the newly created Local Government Amendment Bill (No. 2) 2006.

State Flag Bill 2006

- 7.14 This Bill was introduced in the Assembly as a Private Member’s Bill to provide legal status to the Western Australian State flag. It was only after the Bill had passed both Houses and was ready for assent by the Governor when it was discovered that the Bill contained some significant inaccuracies.
- 7.15 In addition to a narrative description of the flag, the Bill contained a Schedule with a picture of the flag. This picture, taken from the Department of Premier and Cabinet’s website, contained several errors which were reproduced in the Bill. The question was what could be done in relation to these errors as the Bill had passed both Houses.

-
- 7.16 Joint Standing Order 12 of the two Houses deals with clerical errors in Bills. It permits the Clerk of the Parliaments to report the error to the House in which the Bill originated and for that House to deal with the matter as with other amendments.
- 7.17 The Clerk of the Parliaments duly reported the error to the Speaker and the matter was resolved when the Legislative Council agreed to a resolution, also passed by the Assembly, that the reproduction of the flag in the Schedule to the State Flag Bill 2006 be replaced by a correct reproduction of the flag. Three weeks after first passing both Houses, the Bill finally received the Royal Assent on 24 August 2006.

Daylight Saving Bill (No. 2) 2006

- 7.18 This Bill was introduced in the Assembly as a Private Member's Bill co-sponsored by a Member of the Opposition and an independent Member (formerly a Member of the Government). The Bill passed both Houses and came into effect at midnight on 3 December 2006, with WA now remaining only two hours behind NSW and Victoria over this summer and for at least the next two summers on a trial basis.
- 7.19 The Bill was not passed without some resistance in the Legislative Council. Members of the major parties were given a free vote on the Bill. A division was taken on the question 'That the Bill be read a first time' in the Legislative Council, and that set the tone for the next three weeks in the House. A small number of country-based Members proceeded to lengthy debate. The ensuing delays attracted considerable criticism in the media.
- 7.20 Perhaps the most sinister element of the extensive media coverage of the Bill's passage through the Parliament was the repeated calls for the abolition of the Legislative Council. The independent Member who co-sponsored the Bill indicated to the media that in early 2007 he will introduce another Private Member's Bill to initiate a referendum in 2009 on the question as to whether to abolish the Legislative Council.
- 7.21 Under the Western Australian constitutional framework the Council or the Assembly cannot be abolished, their Members reduced or a change made that would result in their membership not being chosen directly by the people unless:
- the second and third reading of a Bill affecting any of the above is passed by both Houses with the concurrence of an absolute majority; and
 - prior to the presentation of the Bill for the Governor's Assent, the Bill has been approved in a referendum by a majority of electors.¹⁹

¹⁹ See *Constitution Act 1889*, section 73.

Reversing amendments made in Committee of the Whole

- 7.22 The Residential Parks (Long-stay Tenants) Bill 2006 had been amended in the Committee of Whole. However, as a result of correspondence from the Caravan Industry Western Australian Branch expressing concern about the amendments, the House agreed to a motion to recommit the Bill into Committee of the Whole to reconsider the clauses that had been amended.
- 7.23 The Government sought to delete from the Bill the amendments that had been previously made to two clauses and a schedule to return them to the wording that appeared in the original Bill.
- 7.24 The Bill's recommittal did not offend the rule against considering the same question or require a rescission of a previous decision of the House. This is because when the Bill was recommitted for the purpose of being reconsidered, it is recommitted to a new Committee of the Whole to consider the Bill with the amendments that had been made by the previous Committee. The Standing Orders permit that the procedure applied for such a reconsideration of clauses is the same as applied to the original Committee of the Whole.
- 7.25 The amendments were reversed in the Committee of the Whole and the Bill read a third time a week later.

Consideration of Messages from the Legislative Assembly

- 7.26 An amendment made by the Council to the Energy Safety Bill 2005 changed the time for the Director of Energy Safety to submit the first draft energy safety business plan from three months to three weeks before the start of the next financial year. The amendment was made by the Council on 25 May 2006. However, it was not considered by the Assembly until 13 June. Due to the delay in progressing the Bill through Parliament, it would not have been possible for the Director of Energy Safety to submit the first draft energy safety business plan three weeks before the start of the next financial year in the likely event that the Bill became law on or before 30 June 2006.
- 7.27 As a consequence, the Assembly disagreed with the Council amendment and sought to substitute its amendment. This amendment deleted the original time period of three months so that the Director was required to submit the first draft energy safety business plan "before the start of the next financial year". This was designed to provide time for the Minister to receive and approve the plan before the end of June 2006.
- 7.28 When the Assembly's Message was received the Leader of the House moved 'That the amendment made by the Council not be insisted upon and that the substituted amendment proposed by the Assembly be agreed to'. The Opposition lead speaker

indicated that he would oppose the motion. However, no amendment to the motion was moved so as to delete “not” after Council and insert “not” after Assembly. This amendment, if agreed to, would have resulted in the motion reading as follows: ‘That the amendment made by Council be insisted upon and that the substituted amendment proposed by the Assembly not be agreed to’.

- 7.29 The moving of an amendment to the Leader’s motion would have resulted in the debate on the amendment superseding the original question so that the amendment would be dealt with first. If the amendment were agreed to or disagreed to the question on the principal motion (amended or otherwise) would then be put. By failing to move an amendment, there was a risk that the Council would merely defeat the Leader’s motion resulting in the two Houses not agreeing to the Bill in identical terms.
- 7.30 This possibility did not eventuate with the Leader’s motion being agreed to on division 13 votes to 12. However, the case illustrates the point that care should be taken when dealing with Messages, particularly those that seek to substitute an amendment.

8 CONCLUSION

- 8.1 The Procedure Office welcomes feedback from Members on the material presented in this report.
- 8.2 Should you have any suggestions for improvement or wish to discuss any aspect of the procedural or statistical summaries presented in this report please telephone Nigel Pratt, Clerk Assistant (House), on 9222 7376 or Grant Hitchcock, Parliamentary Officer (Projects), on 9222 7891.

APPENDIX 1
CHAMBER PUBLICATIONS 2006

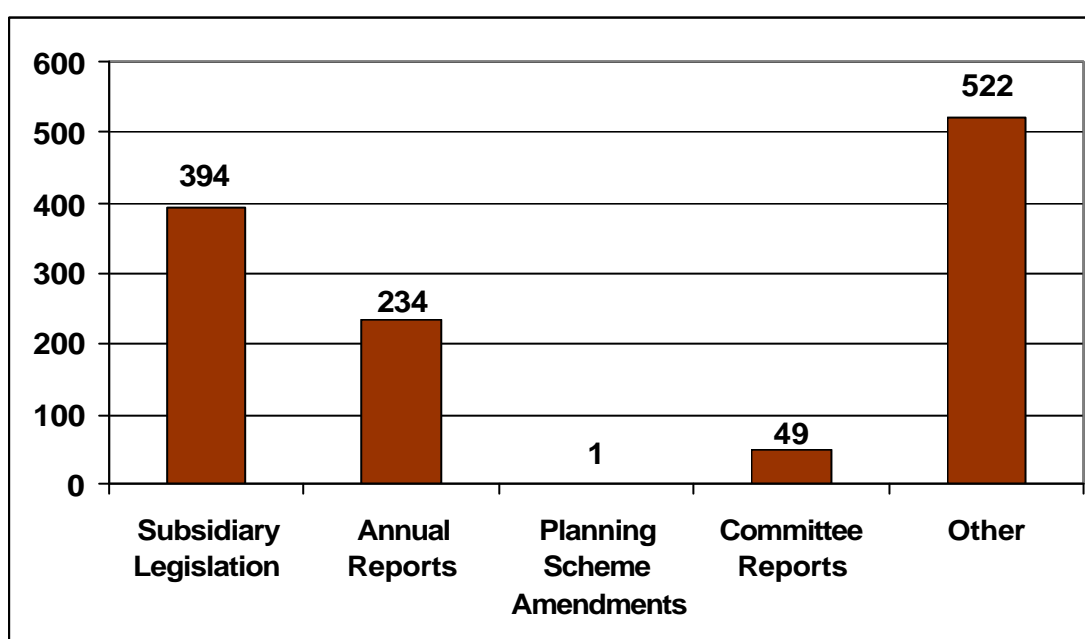
Chamber Publications 2006

Chamber Publications 2006	Number
Weekly Bulletins	22
Business Programs	68
Daily Notice Papers	68
Minutes of Proceedings	68
Tabled Papers Lists	67 ²⁰
Supplementary Notice Papers (Amendments)	84
Questions Book (Questions on Notice)	68

²⁰ On one occasion, no papers were tabled on a sitting day.

Tabled Papers 2006

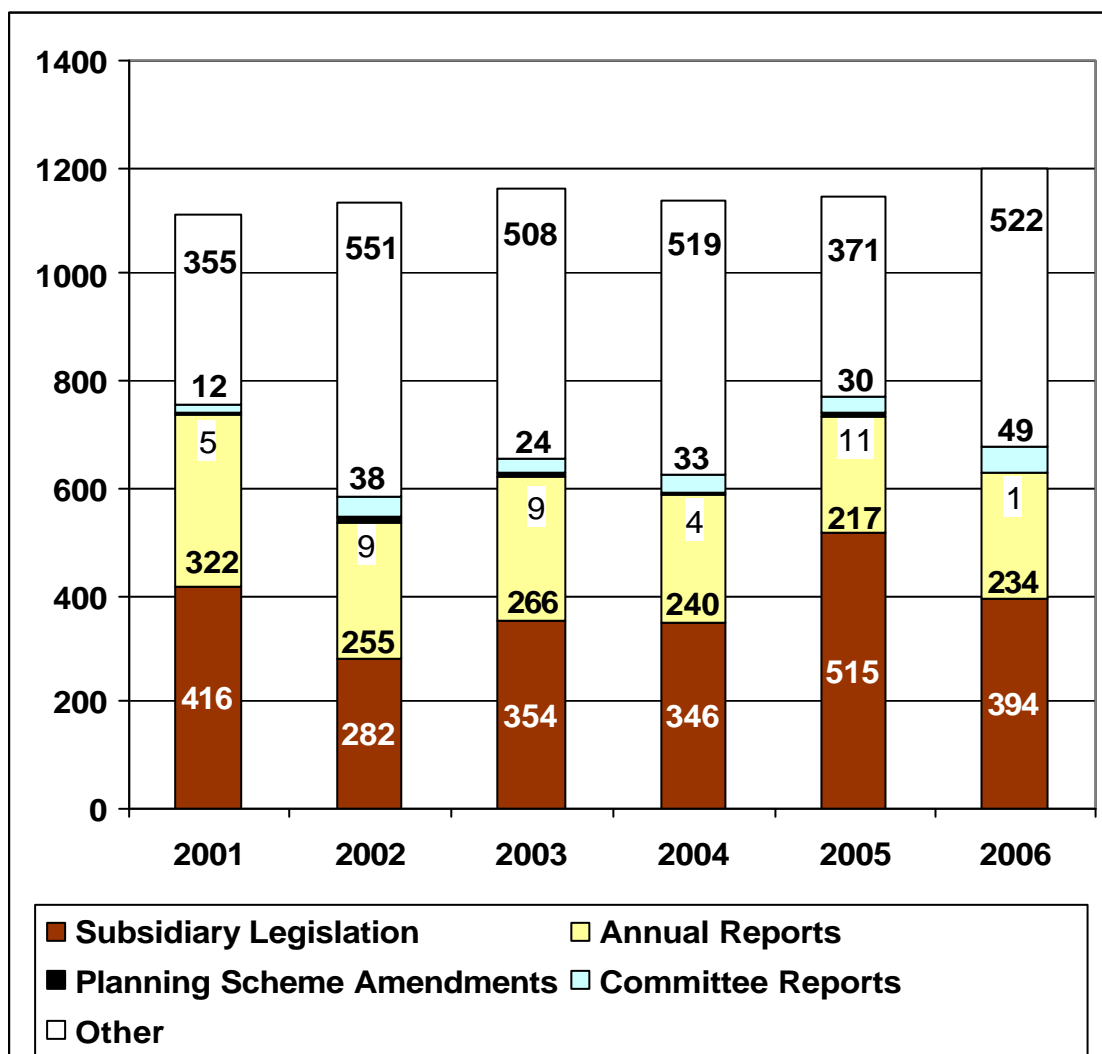
	2006
Subsidiary Legislation	394
Annual Reports	234
Planning Scheme Amendments	1
Committee Reports**	49
Other	522
TOTAL	1200



**Committee Reports includes committees administered by both Houses (Committees on the Corruption and Crime Commission, and Delegated Legislation) which tabled 20 reports during 2006. Two 'special reports' comprising a request for an extension of time and a notification to the House of a committee's resolution to commence an inquiry have been excluded.

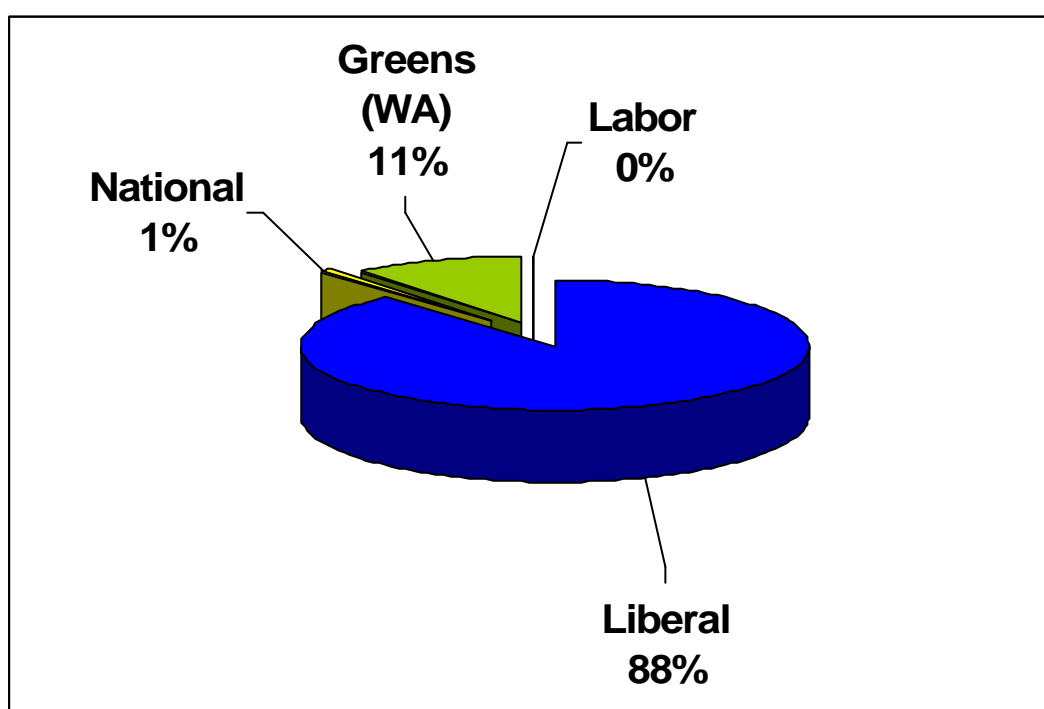
Tabled Papers 2001 - 2006

	2001	2002	2003	2004	2005	2006
Subsidiary Legislation	416	282	354	346	515	394
Annual Reports	322	255	266	240	217	234
Planning Scheme Amendments	5	9	9	4	11	1
Committee Reports	12	38	24	33	30	49
Other	355	551	508	519	371	522
TOTAL	1110	1135	1161	1142	1144	1200



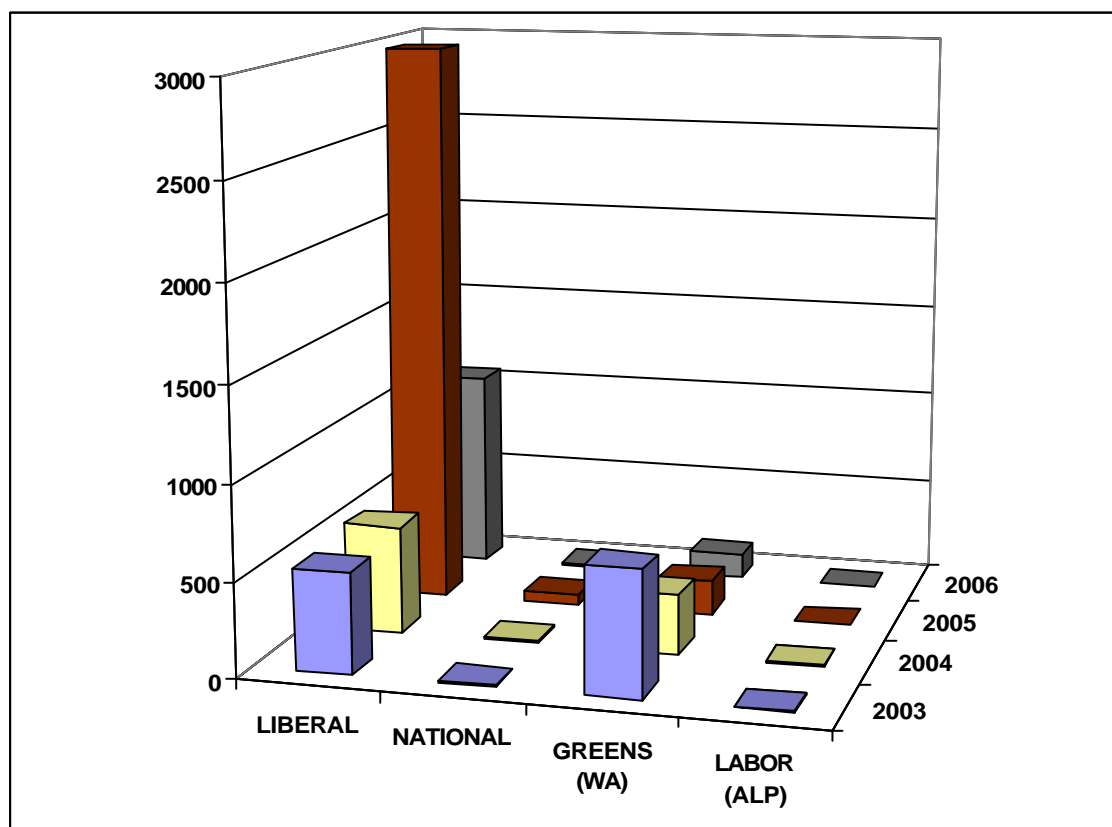
Questions on Notice 2006

Questions asked by	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Leader of the Opposition	4	0	0	51	2	1	1	0	0	59
Deputy Leader of the Opposition	0	2	4	14	4	3	1	1	1	30
Liberal	119	12	114	97	379	20	107	115	4	967
National	3	1	1	1	4	0	0	1	1	12
Greens (WA)	10	24	31	31	15	1	7	8	2	129
Labor (ALP)	0	0	0	0	0	0	0	0	0	0
TOTAL	136	39	150	194	404	25	116	125	8	1197



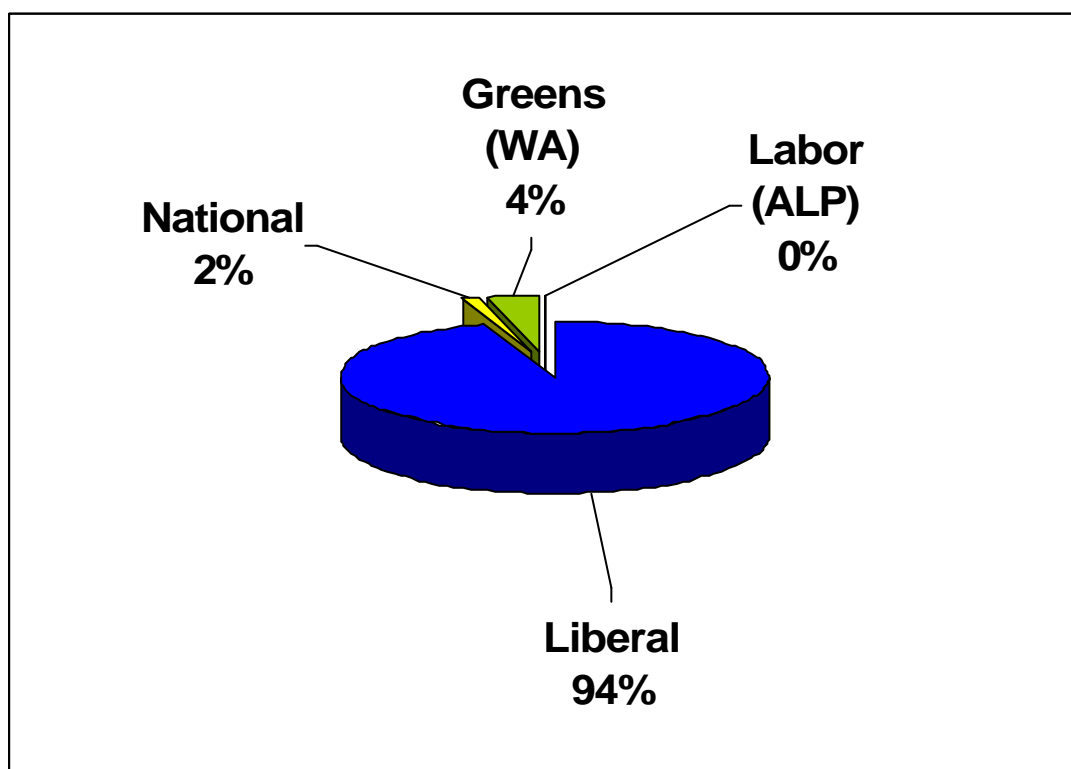
Questions on Notice 2003 - 2006

Questions asked by	2003	2004	2005	2006
Leader of the Opposition	86	71	21	59
Deputy Leader of the Opposition	88	28	139	30
Liberal	358	471	2835	967
National	6	17	49	12
Greens (WA)	656	324	181	129
Labor (ALP)	2	3	0	0
TOTAL	1212	935	3227	1197



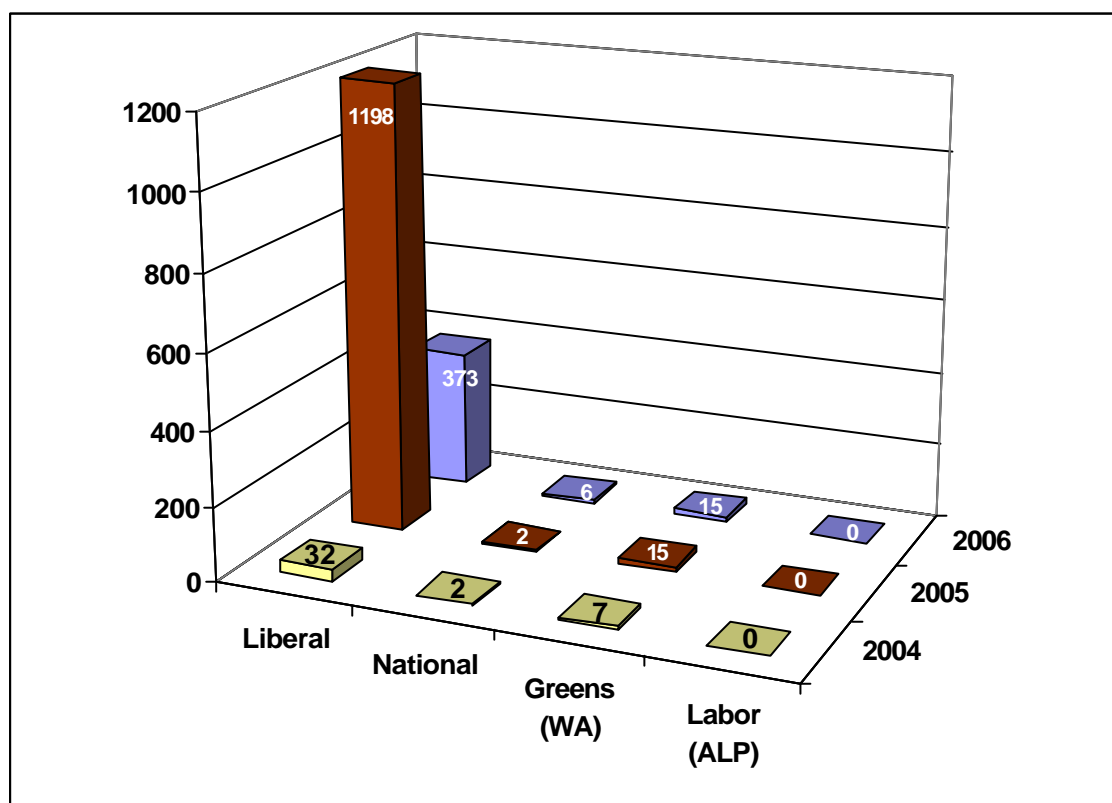
Questions on Notice Not Answered Within 9 Sitting Days 2006

Questions asked by	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	0	0	1	3	0	0	4
Liberal	15	4	0	1	1	243	3	89	13	369
National	5	1	0	0	0	0	0	0	0	6
Greens (WA)	0	1	2	4	0	3	1	4	0	15
Labor (ALP)	0	0	0	0	0	0	0	0	0	0
TOTAL	20	6	2	5	1	247	7	93	13	394



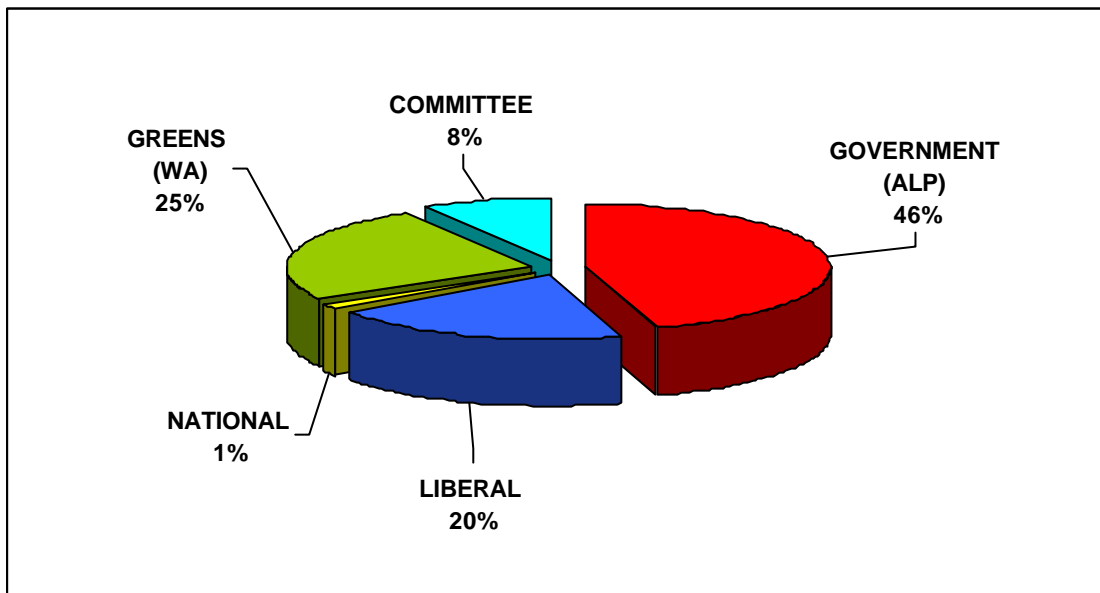
Questions on Notice Not Answered Within 9 Sitting Days 2004 - 2006

Questions asked by	2004	2005	2006
Liberal	32	1198	373
National	2	2	6
Greens (WA)	7	15	15
Labor (ALP)	0	0	0
TOTAL	43	1207	394



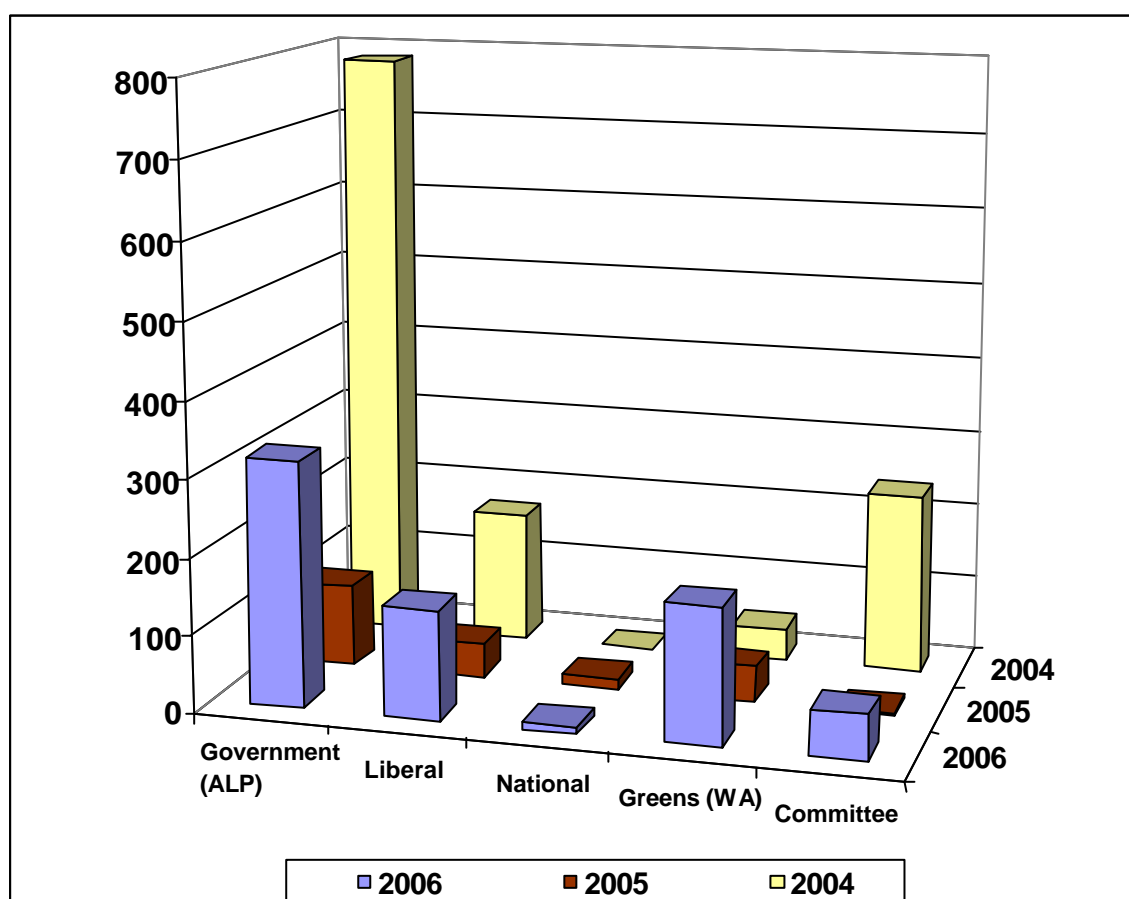
Amendments Contained in Supplementary Notice Papers 2006

GOVERNMENT (ALP)	LIBERAL	NATIONAL.	GREENS (WA)	COMMTTEE.	TOTAL
320	142	10	176	60	708



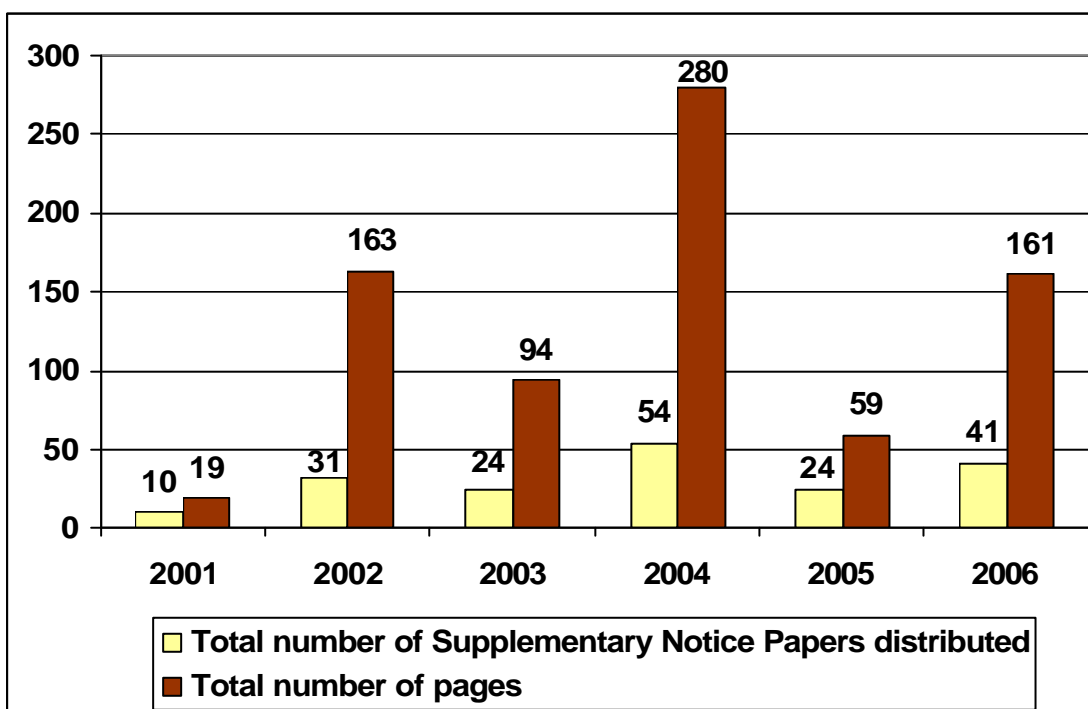
Amendments Contained in Supplementary Notice Papers 2004-2006

	Amendments Proposed 2004	Amendments Proposed 2005	Amendments Proposed 2006
Government (ALP)	784	108	320
Liberal	170	45	142
National	0	13	10
Greens (WA)	42	46	176
Committee	236	3	60
TOTAL	1232	216	708



Sets of Amendments Circulated 2001-2006

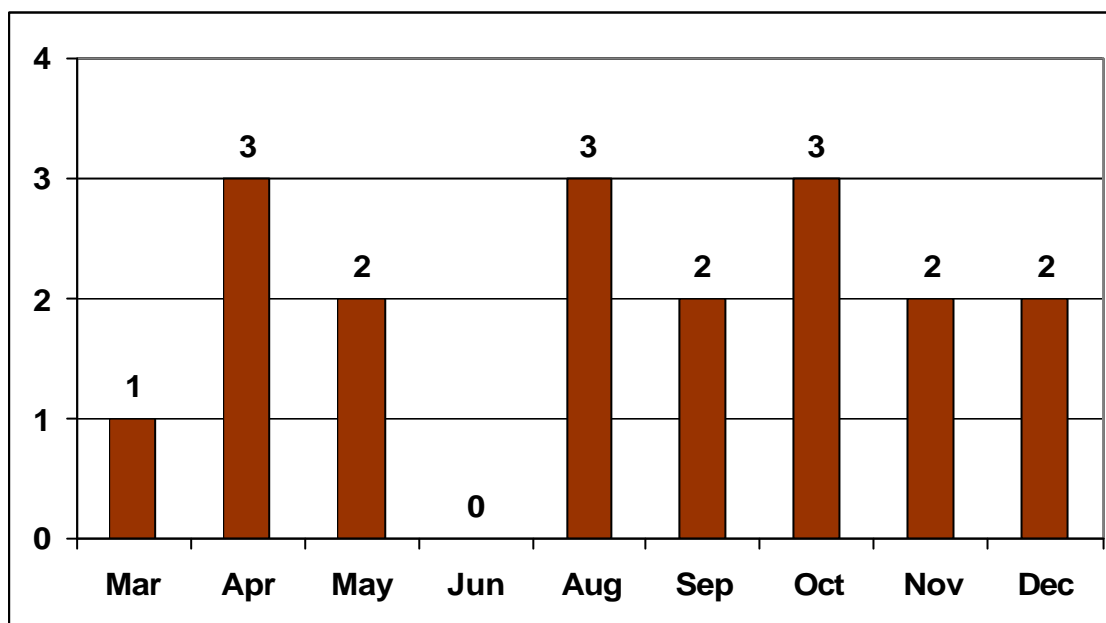
Year	Total number of Supplementary Notice Papers distributed	Total number of pages
2001	10	19
2002	31	163
2003	24	94
2004	54	280
2005	24	59
2006	41	161



APPENDIX 2
PROCEDURES IN THE HOUSE

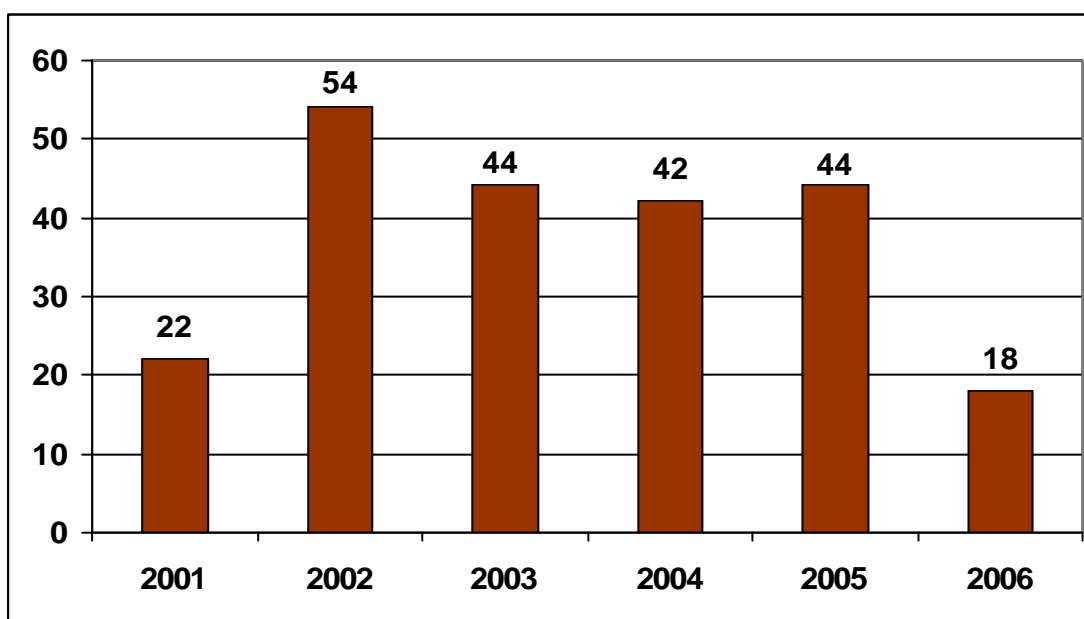
Statements by Ministers and Parliamentary Secretaries 2006

Statements by Ministers and Parliamentary Secretaries 2006								
Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec
1	3	2	0	3	2	3	2	2



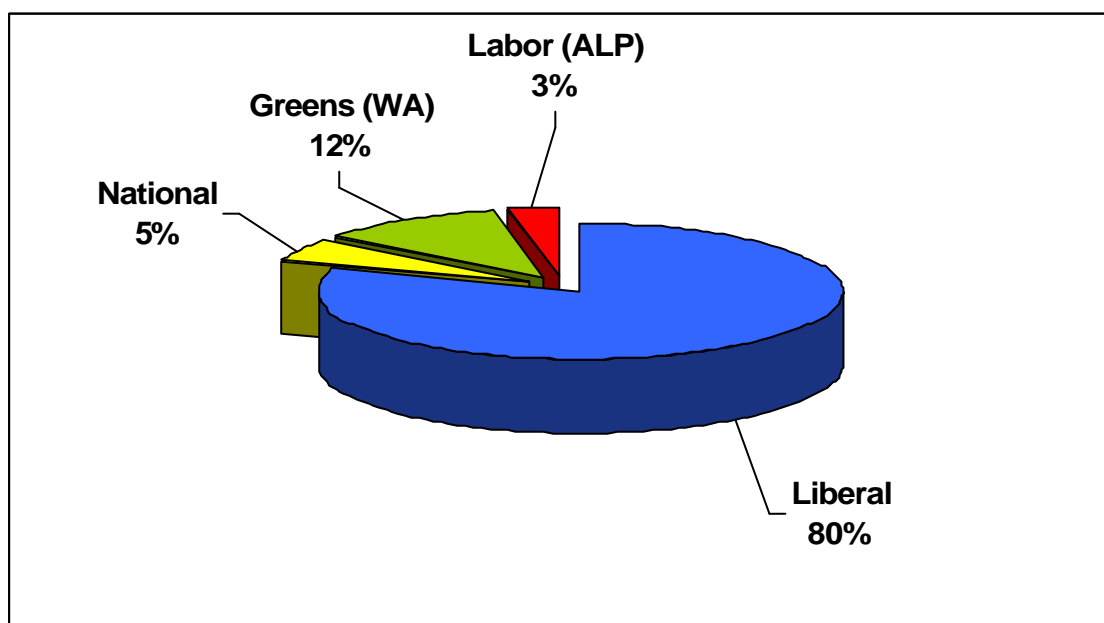
Statements by Ministers and Parliamentary Secretaries 2001-2006

Statements by Ministers and Parliamentary Secretaries 2001-2006					
2001	2002	2003	2004	2005	2006
22	54	44	42	44	18



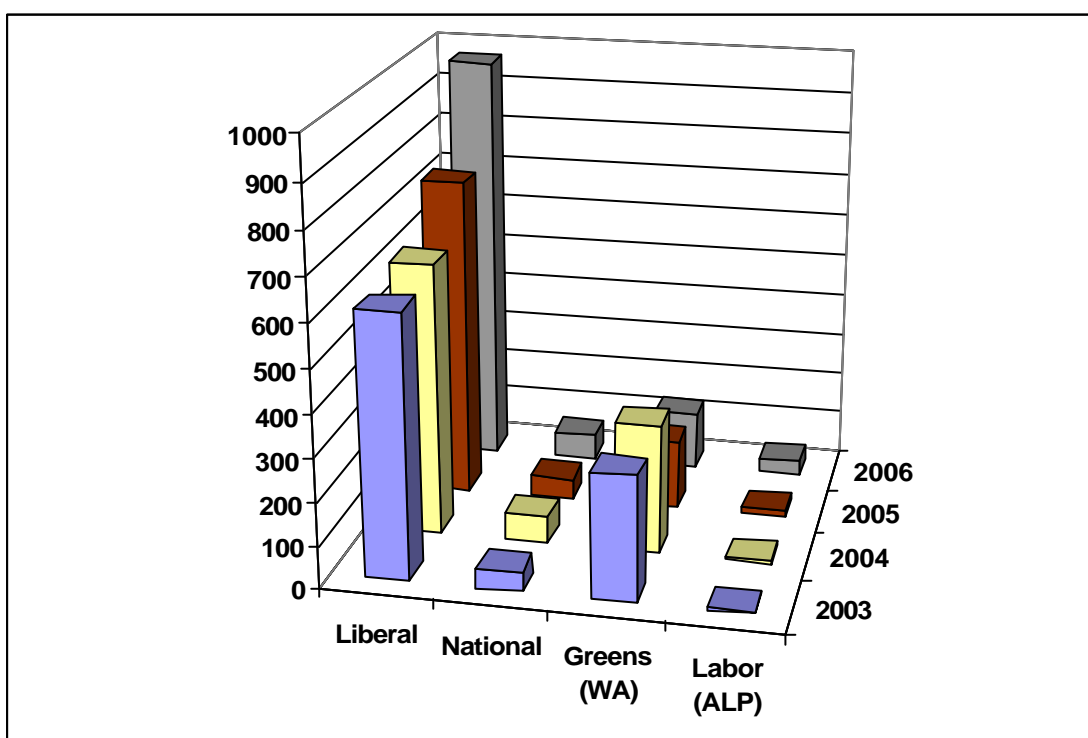
Questions without Notice 2006

Questions asked by	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Leader of the Opposition	13	14	21	35	15	11	23	29	7	168
Deputy Leader of the Opposition	7	10	19	15	8	6	11	17	3	96
Liberal	59	62	116	111	69	44	60	140	43	704
National	6	1	9	6	8	3	7	16	3	59
Greens (WA)	13	12	22	22	12	8	13	26	6	134
Labor (ALP)	3	2	4	4	4	2	2	11	3	35
TOTAL	101	101	191	193	116	74	116	239	65	1196



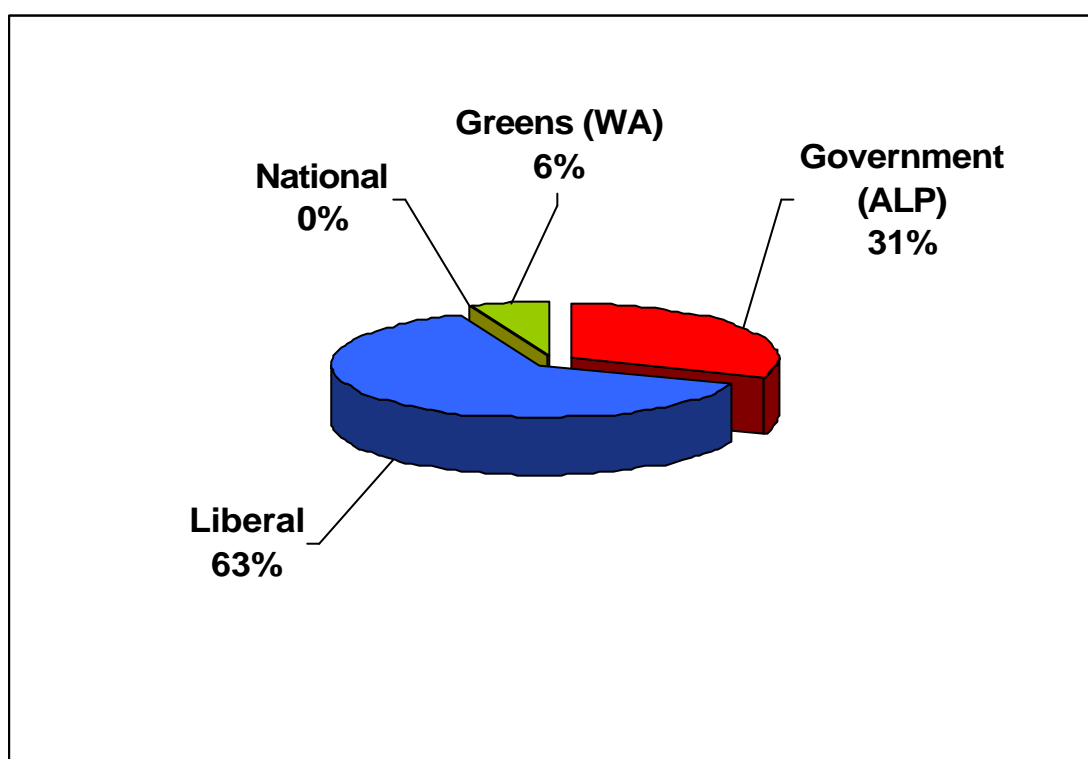
Questions without Notice 2003 - 2006

Questions asked by	2003	2004	2005	2006
Leader of the Opposition	141	166	131	168
Deputy Leader of the Opposition	52	27	80	96
Liberal	447	443	509	704
National	44	63	47	59
Greens (WA)	290	301	163	134
Labor (ALP)	5	6	14	35
TOTAL	1088	1133	957	1196



Motions on Notice 2006

	No. of Motions Moved
Government (ALP)	5 ²¹
Liberal	10
National	0
Greens (WA)	1
TOTAL	16

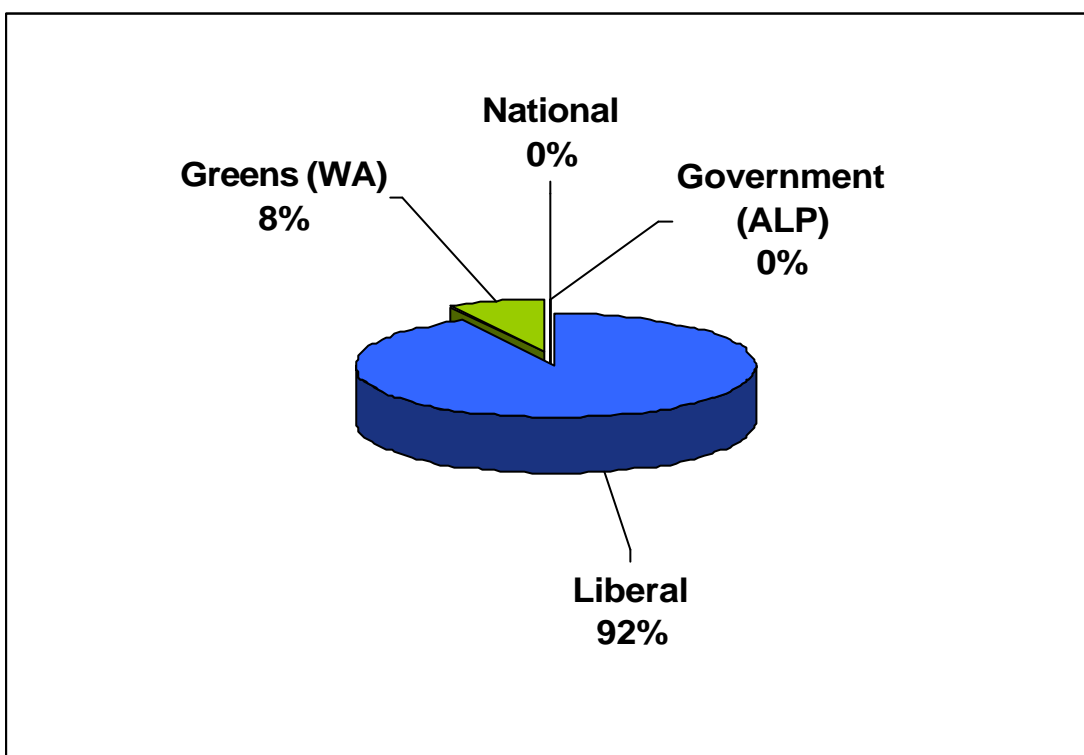


NOTE: MOTIONS ON NOTICE ARE THOSE MOTIONS PUBLISHED IN THE NOTICE PAPER UNDER THE "MOTIONS" HEADING.

²¹ One motion was moved by the Government during the period under Standing Orders prior to the adoption of Sessional Orders on 23 March 2006. The remaining motions for 2006 were moved under Sessional Orders.

Non-Official Business (Sessional Orders) (Thursday) 2006

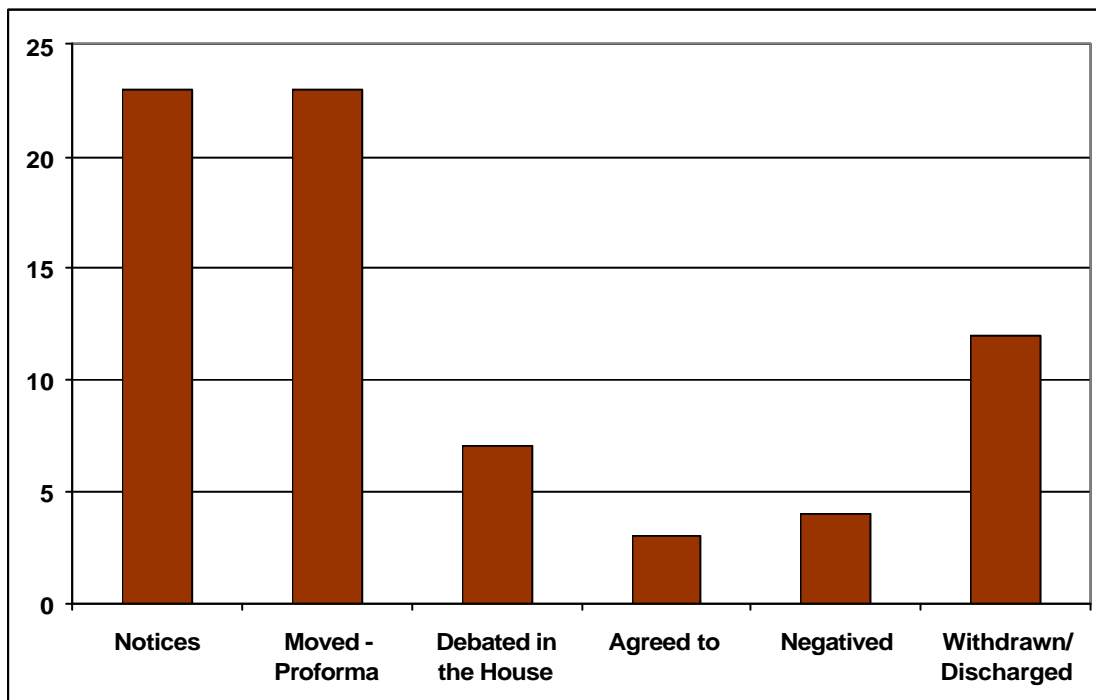
	Total
Government (ALP)	0
Liberal	12
Greens (WA)	1
National	0



NOTE: ALP MEMBERS WERE PROVIDED WITH SEVEN 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 ONE OPPORTUNITY AND THE LIBERAL PARTY RAISED A MATTER INSTEAD.

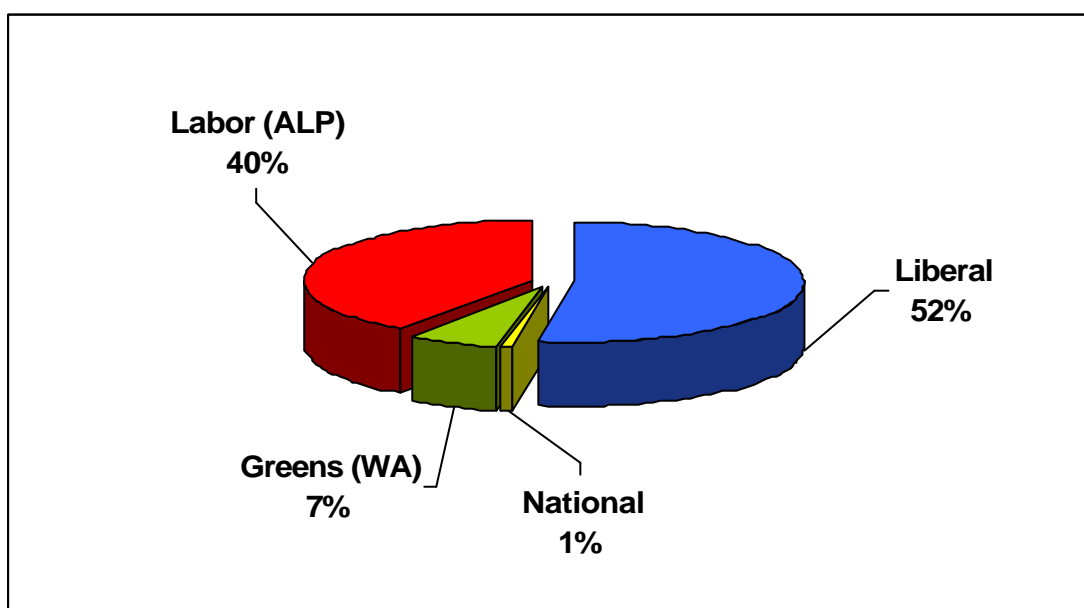
Disallowance Motions 2006

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Disallowance Motions (Notices)	0	1	8	2	0	1	7	4	0	23
Moved - <i>Pro-forma</i>	1	1	7	2	0	2	4	2	4	23
Debated in the House	0	0	1	3	1	1	0	0	1	7
Agreed to	0	0	0	1	0	1	0	0	1	3
Negated	0	0	1	2	1	0	0	0	0	4
Withdrawn/Discharged	2	0	3	3	0	1	0	2	1	12
Remaining on Notice Paper	1	2	6	6	1	1	7	6	4	4



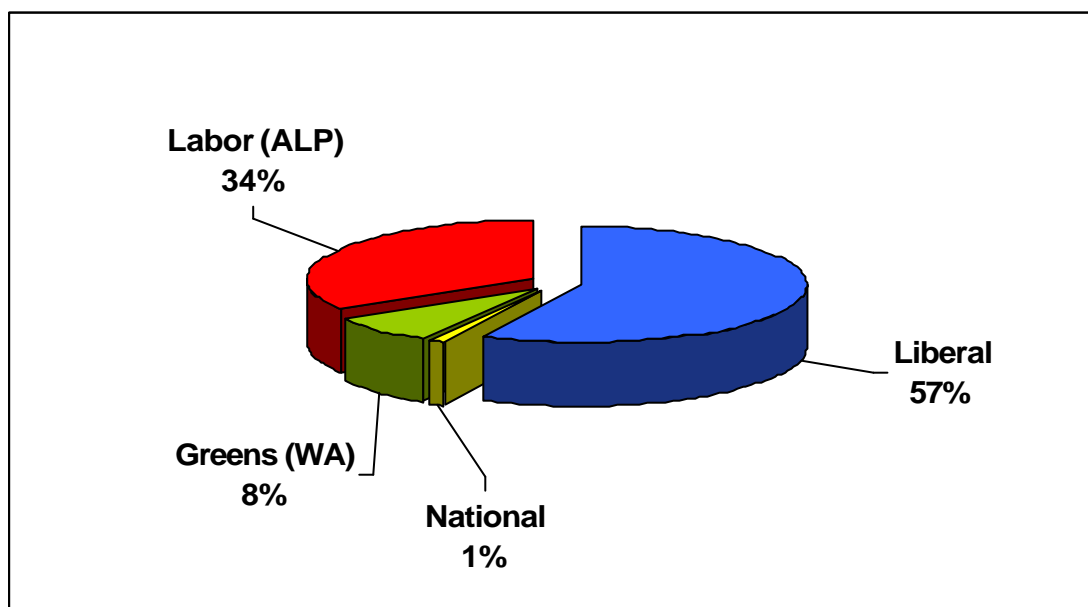
Number of Speakers during Adjournment Debate/Members' Statements 2006

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Liberal	11	1	15	10	8	6	4	5	4	64
National	0	0	0	0	0	0	0	0	1	1
Greens (WA)	0	1	1	0	1	2	0	3	0	8
Labor (ALP)	4	1	17	8	1	6	7	3	2	49
TOTAL	15	3	33	18	10	14	11	11	7	122



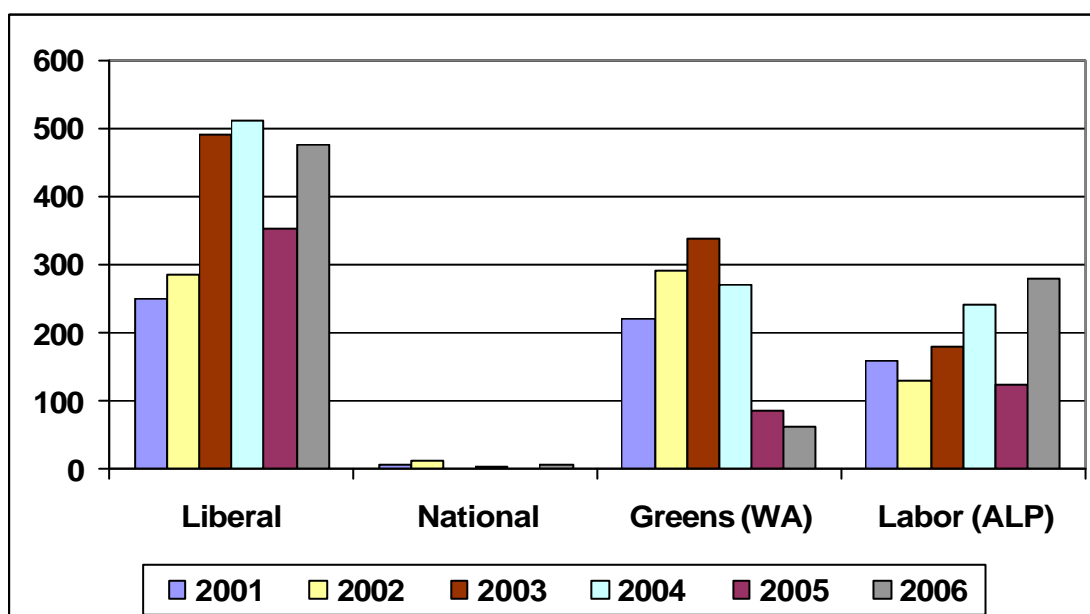
Time Spent in Adjournment Debate/Members' Statements 2006 (minutes)

	Mar	Apr	May	Jun	Aug	Sep	Oct	Nov	Dec	TOTAL
Liberal	85	12	123	67	56	49	34	42	34	475
National	0	0	0	0	0	0	0	0	9	9
Greens (WA)	0	6	6	0	9	16	0	27	0	64
Labor (ALP)	27	15	81	49	8	37	44	8	12	281
TOTAL	112	33	210	116	73	102	78	77	55	829



Time Spent in Adjournment Debate/Members' Statements 2001-2006 (minutes)

	2001	2002	2003	2004	2005	2006
Liberal	251	287	492	510	353	475
National	7	14	0	6	0	9
Greens (WA)	219	291	340	269	86	64
Labor (ALP)	158	130	180	243	126	281
TOTAL	635	722	1013	1028	565	829



APPENDIX 3
BILLS AND AMENDMENTS

Bills Passed 2006

BILL NO.	BILLS PASSED 2006	ASSENT DATE
1.	LA 052-1B Agriculture and Related Resources Protection Amendment Bill 2005	12/04/2006
2.	LA 140-1 Appropriation (Consolidated Fund) Bill (No. 1) 2006	04/07/2006
3.	LA 141-1 Appropriation (Consolidated Fund) Bill (No. 2) 2006	04/07/2006
4.	LA 111-1 Appropriation (Consolidated Fund) Bill (No. 3) 2005	30/08/2006
5.	LA 112-1 Appropriation (Consolidated Fund) Bill (No. 4) 2005	30/08/2006
6.	LA 099-2 Auditor General Bill 2006	21/12/2006
7.	LA 146-1 Betting and Racing Legislation Amendment Bill 2006	13/12/2006
8.	LA 092-1 BHP Billiton (Termination of Agreements) Agreement Bill 2005	30/11/2006
9.	LA 065-1 Censorship Amendment Bill 2005	08/05/2006
10.	LA 014-1 Coal Industry Superannuation Amendment Bill 2005	17/05/2006
11.	LA 016-2 Coal Miners' Welfare Amendment Bill 2005	17/05/2006
12.	LA 053-2 Commissioner for Children and Young People Bill 2005	04/10/2006
13.	LA 086-1 Commonwealth Powers (De facto Relationships) Bill 2005	26/06/2006
14.	LA 084-2 Consumer Protection Legislation Amendment and Repeal Bill 2005	13/12/2006
15.	LA 114-2 Criminal and Found Property Disposal Bill 2005	16/11/2006
16.	LA 087-1 Criminal Code Amendment (Cyber Predators) Bill 2005	30/03/2006
17.	LA 115-2 Criminal Investigation (Consequential Provisions) Bill 2005	16/11/2006
18.	LA 116-2 Criminal Investigation Bill 2005	16/11/2006
19.	LA 169-1 Curriculum Council (Fees and Charges) Bill 2006	30/11/2006
20.	LA 105-2 Dangerous Sexual Offenders Bill 2005	30/03/2006
21.	LA 175-1B Daylight Saving Bill (No.2) 2006	24/11/2006
22.	LA 158-3B Electoral Legislation Amendment Bill 2006	08/12/2006
23.	LA 163-2 Electoral Reform (Electoral Funding) Bill 2006	26/10/2006
24.	LC 097-1 Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005	has not yet passed in the LA
25.	LA 068-1 Energy Operators (Powers) Amendment Bill 2005	05/05/2006

	BILL NO.	BILLS PASSED 2006	ASSENT DATE
26.	LA 094-2	Energy Safety Bill 2005	21/06/2006
27.	LA 095-1	Energy Safety Levy Bill 2005	21/06/2006
28.	LA 142-2	Family Legislation Amendment Bill 2006	04/07/2006
29.	LA 150-1	Financial Legislation Amendment and Repeal Bill 2006	21/12/2006
30.	LA 100-2	Financial Management Bill 2006	21/12/2006
31.	LA 019-2	Gene Technology Bill 2005	09/06/2006
32.	LA 011-1	Health Amendment Bill 2005	09/06/2006
33.	LA 063-1	Hospitals and Health Services Amendment Bill 2005	04/10/2006
34.	LA 080-1	Human Tissue and Transplant Amendment Bill 2005	11/05/2006
35.	LA 165-1	Industrial Training Amendment Bill 2006	11/12/2006
36.	LA 127-1	Iron Ore (FMG Chichester Pty Ltd) Agreement Bill 2006	03/10/2006
37.	LA 123-1	Labour Relations Legislation Amendment Bill 2006	04/07/2006
38.	LA 144-1	Land Information Authority Bill 2006	16/11/2006
39.	LA 085-1	Legal Aid Commission Amendment Bill 2005	26/06/2006
40.	LA 166-2	Liquor and Gaming Legislation Amendment Bill 2006	13/12/2006
41.	LA 155-2	Local Government Amendment Bill 2006	08/12/2006
42.	LA 017-1	Machinery of Government (Miscellaneous Amendments) Bill 2005	26/06/2006
43.	LA 106-1	Medical Amendment Bill 2005	06/10/2006
44.	LA 088-1	Medical Radiation Technologists Bill 2005	09/06/2006
45.	LA 147-1	Misuse of Drugs Amendment Bill 2006	22/09/2006
46.	LA 017-1	Motor Vehicle (Third Party Insurance) Amendment Bill 2005	17/05/2006
47.	LA 103-1	Nurses and Midwives Bill 2005	06/10/2006
48.	LA 036-2	Optical Dispensers Repeal Bill 2005	11/05/2006
49.	LA 164-2	Parliamentary Legislation Amendment Bill 2006	16/11/2006
50.	LA 129-2B	Parole and Sentencing Legislation Amendment Bill 2006	22/09/2006
51.	LA 096-1	Pawnbrokers and Second-hand Dealers Amendment Bill 2005	04/10/2006
52.	LA 029-1	Perth International Centre for Application of Solar Energy Repeal Bill 2005	03/10/2006
53.	LA 134-2	Prisons and Sentencing Legislation Amendment Bill 2006	08/12/2006

BILL NO.	BILLS PASSED 2006	ASSENT DATE
54.	LA 078-1 Railway Discontinuance Bill 2005	30/03/2006
55.	LA 131-1 Railway Discontinuance Bill 2006	13/12/2006
56.	LA 021-2 Residential Parks (Long-stay Tenants) Bill 2005	04/07/2006
57.	LA 098-1 Retail Shops and Fair Trading Legislation Amendment Bill 2005	04/10/2006
58.	LA 143-1 Revenue Laws Amendment Bill 2006	04/07/2006
59.	LA 063-1 Road Traffic Amendment Bill 2005	26/10/2006
60.	LC 010-1 Royal Commissions (Powers) Amendment Bill 2005	04/07/2006
61.	LA 154-1 Shipping and Pilotage Amendment Bill 2006	13/12/2006
62.	LA 139-2 Solicitor-General Amendment Bill 2006	30/06/2006
63.	LA 172-1 Stamp Amendment Bill 2006	11/12/2006
64.	LA 124-1 State Flag Bill 2006	24/08/2006
65.	LC 032-1 Statutes Law Revision Bill 2005	04/07/2006
66.	LA 133-1 Superannuation Legislation Amendment and Validation Bill 2006	31/05/2006
67.	LA 108-1 Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005	06/10/2006
68.	LA 107-2 Swan and Canning Rivers Management Bill 2005	06/10/2006
69.	LA 028-2 Swan Valley Planning Legislation Amendment Bill 2005	19/04/2006
70.	LA 093-2 Taxi Amendment Bill 2005	30/03/2006
71.	LA 120-2 Terrorism (Preventative Detention) Bill 2005	22/09/2006
72.	LA 060-2 Tobacco Products Control Bill 2005	12/04/2006
73.	LA 045-1 Trade Measurement Administration Bill 2005	11/05/2006
74.	LA 046-1 Trade Measurement Bill 2005	11/05/2006
75.	LA 135-1 Treasurer's Advance Authorisation Bill 2006	31/05/2006
76.	LA 136-1 Volunteers (Protection from Liability) Bill 2006	26/10/2006
77.	LA 128-1 Water Efficiency Labelling and Standards Bill 2006	21/12/2006
78.	LA 003-1 Yallingup Foreshore Land Bill 2005	08/05/2006

Bills that did not Complete Passage 2006

BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2006			
NO.	BILL NO	BILL NAME	STAGE REACHED
1.	LA 149-2	Acts Amendment (Consent to Medical Treatment) Bill 2006	Second reading adjourned (Wednesday, December 6 2006)
2.	LA 070-1B	Alcohol and Drug Authority Repeal Bill 2005	Second reading continuation of remarks Hon Helen Morton (Thursday, April 6 2006)
3.	LA 066-1	ANZAC Day Amendment Bill 2005	Second reading adjourned (Tuesday, November 8 2005)
4.	LA 117-1	Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006	Second reading adjourned (Thursday, December 7 2006) - Discharged and referred to Standing Committee on Legislation
5.	LA 118-2	Biosecurity and Agriculture Management Bill 2006	Second reading adjourned (Thursday, December 7 2006) - Discharged and referred to Standing Committee on Legislation
6.	LA 119-1	Biosecurity and Agriculture Management Rates and Charges Bill 2006	Second reading adjourned (Thursday, December 7 2006) - Discharged and referred to Standing Committee on Legislation
7.	LA 121-1	Chemistry Centre (WA) Bill 2006	Second reading adjourned (Wednesday, June 28 2006)
8.	LC 001-1	Constitution Amendment Bill 2005	Second reading adjourned (Wednesday, March 30 2005)
9.	LA 145-2	Criminal Law and Evidence Amendment Bill 2006	Second reading adjourned (Thursday, November 23 2006)
10.	LA 113-2B	Dental Bill 2005	Second reading adjourned (Thursday, May 11 2006)
11.	LA 161-2	Fines Legislation Amendment Bill 2006	Second reading adjourned (Wednesday, December 6 2006)
12.	LA 148-1	Fish Resources Management Amendment Bill 2006	Second reading adjourned (Tuesday, December 5 2006)
13.	LA 110-2	Food Bill 2005	Second reading adjourned (Thursday, June 22 2006)
14.	LA 030-1C	Gas and Electricity Safety Legislation Amendment Bill 2006	Second reading adjourned (Thursday, August 24 2006)
15.	LA 018-1	Gene Technology Amendment Bill 2005	Third reading adjourned (Tuesday, June 13 2006)

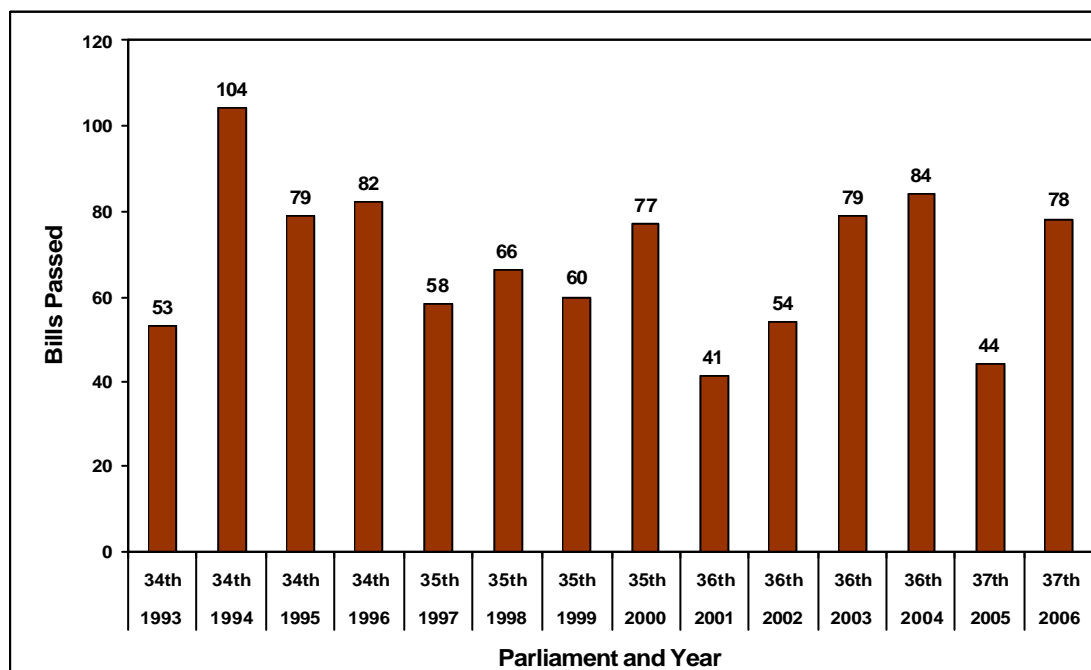
BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2006			
NO.	BILL NO	BILL NAME	STAGE REACHED
16.	LA 089-1	Local Government (Miscellaneous Provisions) Amendment Bill 2005	Second reading adjourned (Thursday, September 28 2006)
17.	LA 104-2	Local Government (Official Conduct) Amendment Bill 2005	Second reading adjourned (Thursday, October 19 2006)
18.	LC 180-1	Local Government Amendment Bill (No. 2) 2006	Committee (Thursday, November 23 2006) - Discharged and referred to Environment and Public Affairs Committee
19.	LA 122-1	Minerals and Energy Research Amendment Bill 2006	Second reading adjourned (Thursday, June 29 2006)
20.	LA 176-2	Owner-Drivers (Contracts and Disputes) Bill 2006	Second reading adjourned (Wednesday, December 6 2006)
21.	LA 041-1	Parental Support and Responsibility Bill 2005	Committee (Tuesday, December 5 2006)
22.	LC 008-1	Public Notaries Amendment Bill 2005	Second reading continuation of remarks Hon Peter Foss (Thursday, April 7 2005)
23.	LA 167-1	Racing and Wagering Legislation Amendment Bill 2006	Second reading adjourned (Wednesday, November 22 2006)
24.	LA 168-1	Racing and Wagering Western Australia Tax Amendment Bill 2006	Second reading adjourned (Wednesday, November 22 2006)
25.	LA 171-1	Road Traffic Amendment (Drugs) Bill 2006	Second reading adjourned (Tuesday, December 5 2006)
26.	LA 177-1	Road Traffic Amendment Bill 2006	Second reading adjourned (Tuesday, December 5 2006)
27.	LC 170-1	Statutes (Repeals and Minor Amendments) Bill 2006	Second reading adjourned (Wednesday, October 18 2006) - Discharged and referred to Standing Committee on Uniform Legislation and Statutes Review
28.	LA 137-1B	Sunset Hospital Site Bill 2006	Second reading adjourned - continuation of remarks Hon Ken Travers on the motion of Hon Giz Watson (Thursday, November 2 2006)
29.	LC 015-1B	Trans-Tasman Mutual Recognition (Western Australia) Bill 2005	Second reading adjourned (Tuesday, June 21 2005)

BILLS ON NOTICE PAPER THAT DID NOT COMPLETE PASSAGE IN THE COUNCIL 2006			
NO.	BILL NO	BILL NAME	STAGE REACHED
30.	LA 138-2	Water Resources Legislation Amendment Bill 2006	Second reading adjourned (Thursday, December 7 2006) - Discharged and referred to Standing Committee on Public Administration
31.	LA 125-1B	Wills Amendment Bill 2006	Second reading adjourned (Wednesday, June 28 2006)
		PRIVATE MEMBERS' BILLS	
32.	LC 002-1	Integrity of Parliamentary Process Bill 2005 <i>Hon Peter Foss</i>	Second reading adjourned (Wednesday, March 30 2005)

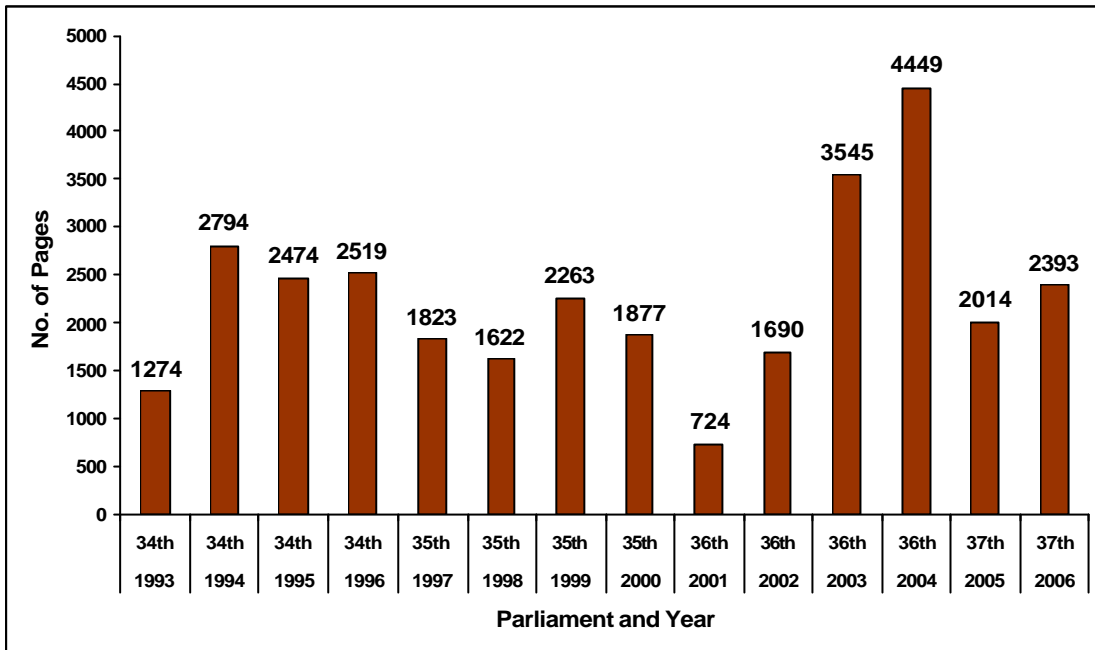
Bills Passed and Legislation Volume Comparison 1993-2006

Bills Passed and Pages of Legislation Considered 1993-2006			
Year	Parliament	Pages of Legislation	Bills Passed
1993	34th	1274	53
1994	34th	2794	104
1995	34th	2474	79
1996	34th	2519	82
TOTAL	34th	9061	318
1997	35th	1823	58
1998	35th	1622	66
1999	35th	2263	60
2000	35th	1877	77
TOTAL	35th	7585	261
2001	36th	724	41
2002	36th	1690	54
2003	36th	3545	79
2004	36th	4449	84
TOTAL	36th	10408	258
2005	37th	2014	44
2006	37th	2393	78
TOTAL (to date)	37th	4407	122

Bills Passed 1993-2006

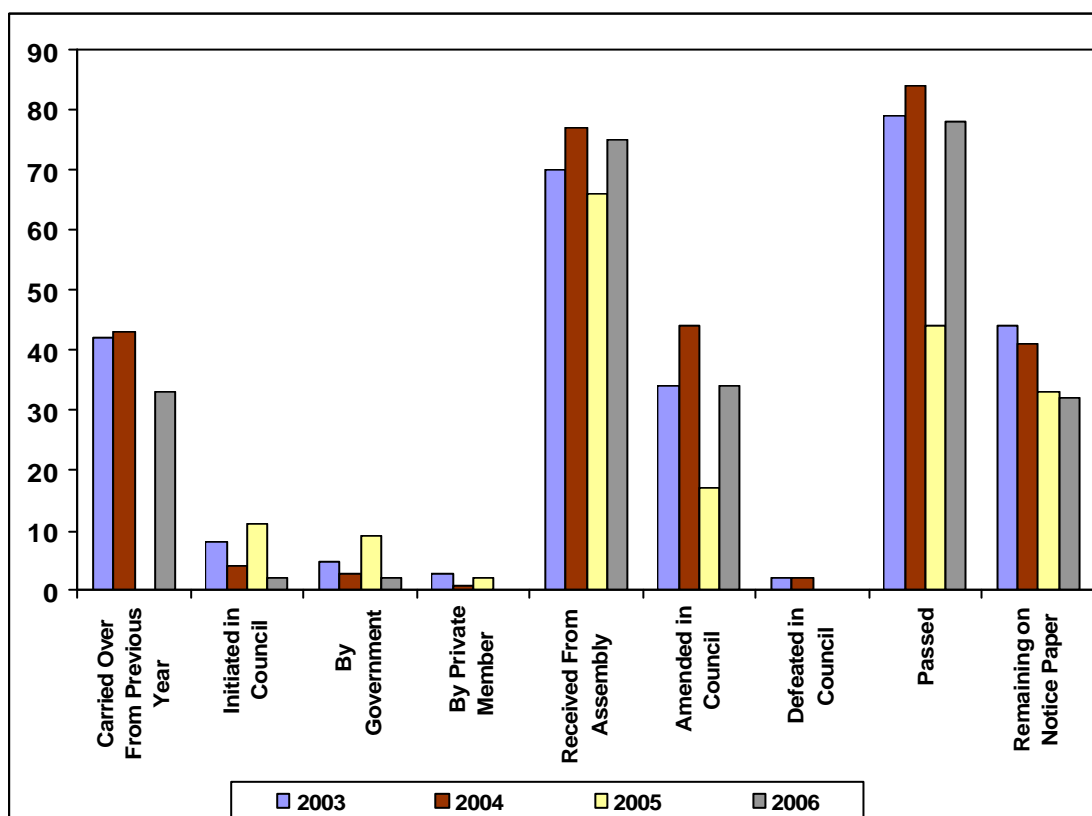


Pages of Legislation Considered 1993-2006



Bills 2003 - 2006 Comparison

Particulars	2003	2004	2005	2006
Carried Over From Previous Year	42	44	0	33
Initiated in Council	8	4	11	2
By Government	5	3	9	2
By Private Member	3	1	2	0
Received From Assembly	70	77	66	75
Amended in Council	34	44	19	34
Defeated in Council	2	2	0	0
Passed	79	84	44	78
Remaining on Notice Paper	44	41	33	32



BILLS WITH PROPOSED AMENDMENTS PUBLISHED IN SUPPLEMENTARY NOTICE PAPERS (2006)								
	BILL No.	BILL SHORT TITLE	Proposed amendments in published Supplementary Notice Papers (SNPs)					TOTAL
			GOVT. (ALP)	LIBERAL.	NATIONAL.	GREENS (WA)	COMMITTEE.	
1	LA 070-1B	Alcohol and Drug Authority Repeal Bill 2005	1					1
2	LA 099-2	Auditor General Bill 2006	25			23		48
3	LA 065-1	Censorship Amendment Bill 2005	2					2
4	LA 053-2	Commissioner for Children and Young People Bill 2005	55	35		8		98
5	LA 086-1	Commonwealth Powers (De facto Relationships) Bill 2005		2				2
6	LA 114-2B	Criminal and Found Property Disposal Bill 2005	6				1	7
7	LA 115-2	Criminal Investigation (Consequential Provisions) Bill 2005	7				1	8
8	LA 116-2	Criminal Investigation Bill 2005	29			31	6	66
9	LA 105-2	Dangerous Sexual Offenders Bill 2005		10				10
10	LA 175-1	Daylight Saving Bill (No. 2) 2006		5		2		7
11	LA 158-3B	Electoral Legislation Amendment Bill 2006	1			8		9
12	LA 163-2	Electoral Reform (Electoral Funding) Bill 2006	4			2		6
13	LA 094-2	Energy Safety Bill 2005	6			2	16	24
14	LA 100-2	Financial Management Bill 2006	19			14		33
15	LA 150-2	Financial Legislation Amendment and Repeal Bill 2006	35					35
16	LA 019-2	Gene Technology Bill 2005				2		2
17	LA 080-1	Human Tissue and Transplant Amendment Bill 2005				1		1

BILLS WITH PROPOSED AMENDMENTS PUBLISHED IN SUPPLEMENTARY NOTICE PAPERS (2006)								
	BILL No.	BILL SHORT TITLE	Proposed amendments in published Supplementary Notice Papers (SNPs)					TOTAL
			GOVT. (ALP)	LIBERAL.	NATIONAL.	GREENS (WA)	COMMITTEE.	
18	LA 123-1	Labour Relations Legislation Amendment Bill 2006	6	24				30
19	LA 144-1	Land Information Authority Bill 2006		2		1		3
20	LA 166-2	Liquor and Gaming Legislation Amendment Bill 2006		2		7		9
21	LA 089-1	Local Government (Miscellaneous Provisions) Amendment Bill 2005	2					2
22	LA 104-2	Local Government (Official Conduct) Amendment Bill 2005		4	10			14
23	LA 017-1	Machinery of Government (Miscellaneous Amendments) Bill 2005	21	17				38
24	LA 088-1	Medical Radiation Technologists Bill 2005		4				4
25	LA 147-1	Misuse of Drugs Amendment Bill 2006	2					2
26	LA 164-2	Parliamentary Legislation Amendment Bill 2006	1					1
27	LA 041-1	Parental Support and Responsibility Bill 2005	16				36	52
28	LA 129-2B	Parole and Sentencing Legislation Amendment Bill 2006	6			3		9
29	LA 134-2	Prisons and Sentencing Legislation Amendment Bill 2006	9	1		2		12
30	LA 078-1	Railway Discontinuance Bill 2005				2		2
31	LA 021-2	Residential Parks (Long-stay Tenants) Bill 2005		12				12
32	LA 098-1	Retail Shops and Fair Trading Legislation Amendment Bill 2005	6	9				15
33	LA 063-1	Road Traffic Amendment Bill 2005	9	1				10

BILLS WITH PROPOSED AMENDMENTS PUBLISHED IN SUPPLEMENTARY NOTICE PAPERS (2006)								
	BILL No.	BILL SHORT TITLE	Proposed amendments in published Supplementary Notice Papers (SNPs)					TOTAL
			GOVT. (ALP)	LIBERAL.	NATIONAL.	GREENS (WA)	COMMITTEE.	
34	LA 154-1	Shipping and Pilotage Amendment Bill 2006				1		1
35	LA 108-1	Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005	11					11
36	LA 107-2	Swan and Canning Rivers Management Bill 2005	16	1				17
37	LA 028-2	Swan Valley Planning Legislation Amendment Bill 2005				2		2
38	LA 120-2	Terrorism (Preventative Detention) Bill 2005	2			59		61
39	LA 060-2	Tobacco Products Control Bill 2005	23	9		3		35
40	LA 128-1	Water Efficiency Labelling and Standards Bill 2006		4				4
41	LA 138-2	Water Resources Legislation Amendment Bill 2006				3		3
TOTAL AMENDMENTS PROPOSED BY PARTY			320	142	10	176	60	708
78 BILLS PASSED DURING 2006								
34 BILLS AMENDED DURING 2006								
36 OF THE BILLS PASSED HAD PROPOSED AMENDMENTS PUBLISHED IN SNPs								
41 BILLS WITH PROPOSED AMENDMENTS IN SNPs								

APPENDIX 4
SITTING SCHEDULE 2006

Sitting Schedule 2006



LEGISLATIVE COUNCIL SITTING DATES 2006

WEEK 1	Tuesday, 14 March	—	Thursday, 16 March
WEEK 2	Tuesday, 21 March	—	Thursday, 23 March
RECESS 1 WEEK			
WEEK 3	Tuesday, 4 April	—	Thursday, 6 April
WEEK 4	Tuesday, 11 April	—	Thursday, 13 April
RECESS 2 WEEKS			
WEEK 5	Tuesday, 2 May	—	Thursday, 4 May
WEEK 6	Tuesday, 9 May	—	Thursday, 11 May
RECESS 1 WEEK			
WEEK 7	Tuesday, 23 May	—	Thursday, 25 May
WEEK 8	Tuesday, 30 May	—	Thursday, 1 June
RECESS 1 WEEK			
WEEK 9	Tuesday, 13 June	—	Thursday, 15 June
WEEK 10	Tuesday, 20 June	—	Thursday, 22 June
WEEK 11	Tuesday, 27 June	—	Thursday, 29 June
RECESS 7 WEEKS			
WEEK 12	Tuesday, 22 August	—	Thursday, 24 August
WEEK 13	Tuesday, 29 August	—	Thursday, 31 August
RECESS 1 WEEK			
WEEK 14	Tuesday, 12 September	—	Thursday, 14 September
WEEK 15	Tuesday, 19 September	—	Thursday, 21 September
WEEK 16	Tuesday, 26 September	—	Thursday, 28 September
RECESS 2 WEEKS			
WEEK 17	Tuesday, 17 October	—	Thursday, 19 October
WEEK 18	Tuesday, 24 October	—	Thursday, 26 October
WEEK 19	Tuesday, 31 October	—	Thursday, 2 November
RECESS 1 WEEK			
WEEK 20	Tuesday, 14 November	—	Thursday, 16 November
WEEK 21	Tuesday, 21 November	—	Thursday, 23 November
RECESS 1 WEEK			
WEEK 22	Tuesday, 5 December	—	Thursday, 7 December