



**2017 AUSTRALASIAN STUDY OF PARLIAMENT GROUP
NATIONAL CONFERENCE
HOBART, AUSTRALIA**

27 SEPTEMBER – 29 SEPTEMBER 2017

**THE WESTERN AUSTRALIAN PARLIAMENT'S RELATIONSHIP
WITH THE EXECUTIVE: RECENT EXECUTIVE ACTIONS AND
THEIR IMPACT ON THE ABILITY OF PARLIAMENTARY
COMMITTEES TO UNDERTAKE SCRUTINY**

Presented by Alex Hickman
Advisory Officer (Legal), Committee Office, Legislative Council of Western
Australia

ABSTRACT

In this paper the following two examples demonstrate the effect Executive action can have on the ability of parliamentary committees to undertake their scrutiny function:

- The Executive amending regulations during a statutory review of the Planning and Development (Development Assessment Panels) Regulations 2011 by the Standing Committee on Uniform Legislation and Statutes Review (Uniform Legislation Committee).
- A Minister's decision pursuant to the *Financial Management Act 2006* that it was reasonable and appropriate not to provide to the Parliament certain information concerning the conduct or operation of an agency to the Standing Committee on Estimates and Financial Operations (Estimates Committee) on the ground of Cabinet confidentiality.

In the first example, I will provide a brief overview of statutory reviews of legislation as well as some commentary on the Executive's action during the Uniform Legislation Committee's review.

In the second, I will highlight an example of the non-provision of information by the Executive to the Estimates Committee and the response of the Auditor-General of Western Australia. I will also draw attention to an interesting contrast between the powers of the Auditor-General and the Freedom of Information Commissioner with respect to obtaining this information.

Arguably, these examples reinforce the imbalance of power between the Executive and the Parliament, which can have an adverse impact on effective parliamentary scrutiny.