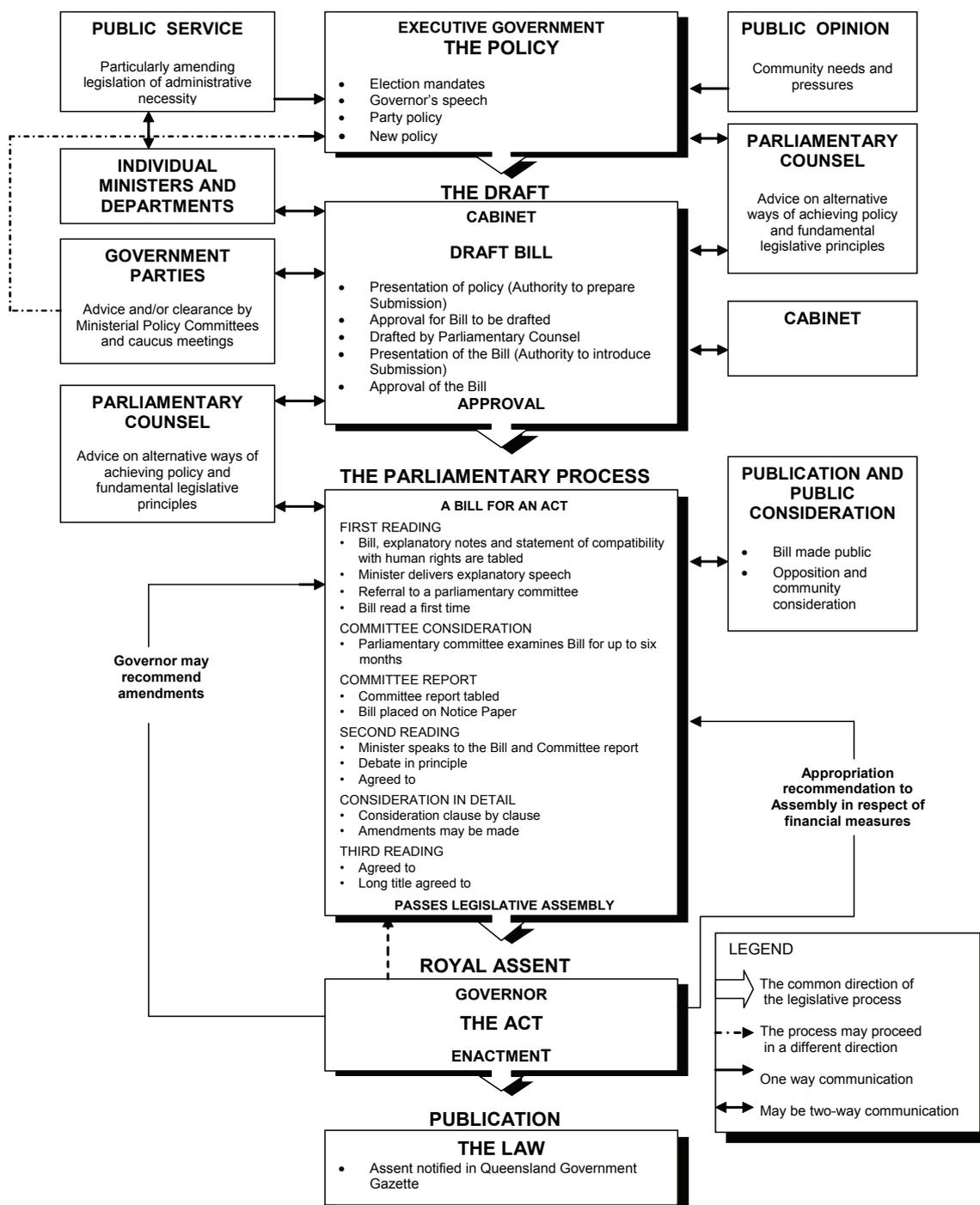




The Legislative Process - The Making of an Act (complex)

The Legislation Process (for ordinary non-urgent government bills having passage in the 'normal' way).



The Legislative Process - The Making of an Act (complex)

A bill is a proposal for a law, either a new law or a change to an existing law, placed before the Parliament for its consideration.

The majority of bills are introduced by the government. Ministers are responsible for introducing bills into the parliament. Individual Members of Parliament (MPs) who are not ministers may introduce bills and such bills are known as Private Member's Bills.

Stages prior to Introduction in the Parliament

The stages that occur before a government bill is introduced in Parliament are:

- Policy approval by the Government. All major new policies, new or major expenditure and contentious matters must be approved by Cabinet. For legislation this is called the "authority to prepare a bill" stage. The proposed legislation is then ranked in order of priority on the legislation program for the sitting by Cabinet;
- Drafting instructions are prepared by the department sponsoring the legislation and sent to the Office of the Parliamentary Counsel for the drafting of the bill;
- The draft bill and draft Explanatory Memorandum are submitted to Cabinet for "authority to introduce a bill" approval;
- Cabinet reviews the bill after drafting and before it is introduced in Parliament;
- The Minister responsible for the bill seeks a clearance from the parliamentary MPs of their party, for the bill's introduction;
- The final bill is printed ready for introduction in parliament.

First reading

After the bill has been introduced in the parliament, the Minister nominates a parliamentary committee to examine the bill. The Minister delivers a speech of up to one hour, explaining the principles and policies underpinning the bill. The Clerk of the Parliament reads the short title of the bill for a first time.

Committee consideration

The nominated parliamentary committee considers the bill and has up to six months to prepare a report on that bill unless there is a resolution by the House or by the Committee of the Legislative Assembly that the time period be altered.

Committee report

The committee tables the report and the bill is placed on the Notice Paper for the second reading debate.

Second reading

At least one calendar day after the bill has been placed on the Notice Paper, the motion for the "second reading" is moved by the Minister in charge of the bill. The Minister then speaks to the bill and also to the committee report for up to 30 minutes. The Leader of the Opposition (or nominee) responds for up to 30 minutes. The second reading debate continues with contributions from government and non-government members for up to 10 minutes each. The Minister concludes the second reading debate with a speech in reply of up to 20 minutes. The Clerk reads the short title of the bill a second time.

Consideration in detail

The next stage is consideration in detail where bills are examined clause by clause. During this stage, amendments may be proposed to individual clauses of the bill.

Third reading

The Minister in charge of the bill moves the motion for the "third reading". This is the last opportunity for the parliament to consider the bill. The motion may be debated but it is restricted to the content of the bill as it stands after consideration in detail and to why the bill should or should not be read a third time. Debate from the second reading or the consideration in detail stages cannot be repeated. The motion for the third reading can only be amended to dispose of the bill. Once the motion is agreed to, the Clerk reads the short title of the bill a third and last time after the third reading motion has been agreed to. The long title of the bill is then agreed to.

Enactment

Two parchment copies of the bill are signed by the Governor, on behalf of the King. This is called Royal Assent and the bill becomes known as an Act of Parliament.

When an Act has a commencement clause it usually states when an Act will come into force. It will specify that the Act comes into force-

- on a particular date or dates;
- or upon proclamation in the Government Gazette.

If an Act does not have a commencement clause, it will come into force on the date of assent when it is signed by the Governor.