

LEGISLATION

Bills:

Parliamentarians seek to alter existing law by introducing a “bill” into Parliament. The reason for the *bill* would have come by way of constituents, research from academics, law reform bodies and so on.

- Drafting of a bill is normally carried out by the Parliamentary counsel’s office
- Once formulated, the bill may be introduced into Parliament and begins the route of readings
- In a bicameral parliament, this will occur twice
- The *second reading* of the bill includes the (relevant) minister’s second reading speech. Part of this process provides an insight into the motivations behind and purpose of the proposed enactment. Debates will then follow the speech.¹

Explanatory memoranda (or XMOs or EMs):

- Documents created at the time of the bill’s first reading
- Explain the provisions of the bill in simple terms
- Aids to understanding the proposed legislation in lay person’s terms, and include a brief statement of the purpose of the enactment as well as a clause by clause explanation
- EMs are usually attached to the parent bill. You can find EMs on ComLaw

Legislation facts:

- *Acts* and *Statutes* are the same
- A principal Act is an entirety
- An amendment Act must be read with a principal Act
- A reprint is a whole Act²

Delegated Legislation:

- Delegated or subordinate legislation is law made by Ministers, advised by public servants, under powers delegated to them in parliamentary acts, e.g., the Traffic Act imposes the amount of fines for offences

- You can also find more information on the [A.C.T. Legislation Register](#)
- The administrative function is delegated to some other body, which also reviews the procedures involved

Regulations are laws made by a government minister, a Governor or Governor-General. There are also statutory rules and statutory instruments, by-laws, rules and so on. Generally all delegated legislation would be known as “regulations”.

To find the hardcopy of legislation or delegated legislation, it is important to know whether it is Commonwealth or State and a title helps.

Quick Glossary for Legislation:

Amending Act: an Act of Parliament that amends an earlier Act. An amending Act may operate by substituting, inserting, omitting or repealing words or provisions in the original Act.

Amendment: a change or alternation to a document, for example, amending a statement of claim.

Bill: a legislative document in the form of a proposed Act of Parliament that has not been passed by parliament and received the royal assent. Commonwealth bills require approval by the House of Representatives and the Senate and assent by the Governor-General (‘royal assent’).

Commencement date: the date on which a particular piece of legislation becomes operational. The method of determining commencement dates is prescribed by statute in each jurisdiction. An act comes into operation on the date of commencement specified in the Act.

Enact: to cause a bill to become an Act; to pass into law. The enacting words of the legislation appear at the beginning of the Act and indicate the legislative body that is passing the Act. The enacting words differ between the Federal and respective State Parliaments.

Proclaimed legislation: Publicly announced, published or declared Acts.

Repeal: the deletion, omission or reduction in scope of a statutory provision by another statute. A later statute that provides for the addition of words to a section is an amendment rather than a repeal.

Repealed legislation: statutory provisions which have been repealed. In statutory interpretation, it is possible to look at the repealed provisions in order to ascertain the original intention of the Act.

Reprint Act: an Act that is reprinted to incorporate all amendments made to it since its enactment.

Second reading speech: speech given by the relevant minister in Parliament outlining the policy underlying a proposed law (bill) during the second reading.

Statute: an Act passed by parliament.

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Updated 24/01/2007