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## STATUTORY RULES AND INSTRUMENTS

In addition to Acts, law is made by subordinate legislation, also known as “statutory rules”. “Statutory rules” include regulations, by-laws, ordinances and rules of a court. Statutory rules are laws made by the authority of an act of Parliament but do not need to be passed by Parliament. However, all statutory rules may be disallowed by either House of Parliament.

All statutory rules must be tabled in each House within 14 sitting days after being published in the Government Gazette. Any Member may move a motion to disallow a rule as long as notice of motion is given within 15 sitting days after the tabling. If such a motion is passed, the rule is revoked.

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LEGISLATIVE ASSEMBLY

**Parliament of New South Wales**

## **PASSAGE OF LEGISLATION No. 7**



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## THE LAW MAKING PROCESS

The New South Wales Parliament is a “bicameral parliament”, meaning that it has two Houses: the Legislative Assembly, also known as the Lower House, and the Legislative Council or Upper House.

Under the Westminster system of government which NSW has adopted, laws are made when both Houses agree to a bill which is then agreed to by the Crown. In NSW, the Governor represents the Crown.

A bill may be introduced into either the Upper or Lower House. After being passed by one House, it is then considered by the other. The process for passing through each House is similar.

Bills to raise or spend money (“money Bills”), may only be introduced in the Legislative Assembly.

## PREPARATION OF A BILL

A bill is a draft of a legislative proposal and an Act of Parliament, or statute, is a bill which has passed through the various stages in both Houses of Parliament and received the Royal Assent. Most bills are introduced into Parliament by Ministers and are prepared as part of the Government’s legislative program. These bills are prepared by Government Departments at the direction of Cabinet and are approved by Cabinet before introduction by the Minister. The Parliamentary Counsel’s Office drafts all Government bills.

In addition to government bills, Private Members (Members other than the Speaker or Ministers) may introduce bills into Parliament. The services of the Parliamentary Counsel’s Office are available to Private Members for drafting bills.

## STAGES IN THE PASSAGE OF A BILL

The main business of Parliament is making new laws or amending old laws. When changes to the law are recommended, a process set down in the Standing Orders is followed.

## Notice of Motion to Introduce a Bill, Introduction and First Reading

A bill is initiated when a Minister or Private Member gives a Notice of Motion to introduce the bill. The bill may be introduced on that same day or at a subsequent sitting. A bill is taken to be read a first time when it is introduced and no debate occurs at this stage.

## Second Reading

After a bill is introduced the Member responsible for the bill moves “That this bill be now read a second time” and gives a speech outlining the purpose of and reasons for the bill. After this second reading speech the debate is usually adjourned for at least five days.

During the second reading debate, Members from both sides of the House express their opinions, making the debate on the principles of the bill as comprehensive as possible.

Members consider the bill in the context of the policies of their Party and formulate their speeches accordingly.

The second reading debate may extend over several days or weeks if a bill is important. At this stage, amendments may be moved to the question which would have the effect, if agreed to, of delaying the second reading to a later time, sending the bill to a select or standing committee (a committee of Members which meet outside the Chamber to consider particular matters) or defeating the Bill. At the end of the second reading debate a vote is then taken on any amendment and on the question: “That this bill be now read a second time”.

## Consideration in Detail

The consideration in detail stage provides the House with an opportunity to consider a bill clause by clause. It is at this time that amendments can be made to a bill. Members may speak more than once during the consideration in detail stage. A bill is only considered in detail if a Member requests the House to do so.

## Third Reading

If no Member requests that a bill be considered in detail the Speaker will call on the Member with carriage of the bill to move the third reading forthwith. This motion can be debated but no amendment may be moved to the question “That this bill be now read a third time.”

If the House has considered a bill in detail the House must agree to the question “That this bill be now read a third time” after the consideration in detail stage. This motion can be debated and an amendment may be proposed to reconsider the bill in its entirety or a part of the bill. When the House agrees to the motion for the third reading, the bill has passed all stages in the Lower House. It is then sent with a message to the Legislative Council, the Upper House, for a similar process to be repeated.

If the Legislative Council proposes amendments then the bill is returned to the Legislative Assembly and the amendments are then considered in detail. Messages will pass between the two Houses until both agree with the wording or the debate is deadlocked. A referendum may be used to ultimately resolve a deadlock.

## The Royal Assent

Since the passing of the Australia Acts in 1986, the Governor of New South Wales has the power to assent to all bills that have been passed by the New South Wales Parliament.

When assented to a bill becomes an “Act”.

## Commencement

An Act comes into force as law 28 days after assent or at the time provided for in the Act, which is usually on a date to be proclaimed. The time when an Act comes into force is known as its “commencement”.

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