



Bills – The Legislative Process

The main business of Parliament is making new laws or amending existing laws. When changes to the law are recommended, the process as set down in the Standing Orders of the two Houses of the Parliament is followed. Bills may be introduced in either the House of Assembly or the Legislative Council but must be passed by both Houses before becoming law. Money Bills may only be introduced by a Minister in the House of Assembly. However, it is an established practice that such Bills can originate in the Legislative Council with any money clauses “erased” with a request for the House of Assembly to “insert” the clause.

Introduction to Parliament

Bills may be introduced into Parliament by a Minister or by a private Member. A Bill is initiated when a Member gives a Notice of Motion seeking leave (permission) to introduce the Bill, usually on the next sitting day. If the House agrees to this motion, the Bill is presented and read a first time.

First Reading

A “reading” today means that the Clerk of the House reads out the title of the Bill. In the days before printing was common, and all Members were not literate, the Clerk actually read the whole Bill for the information of Members.

No debate occurs on the first reading of a Bill.

Second Reading

After the first reading the Member introducing the Bill will move that it be read a second time and gives a speech outlining the purpose of and reasons for the Bill. This is usually followed by an Explanation of Clauses which details the effect of each clause. In the House of Assembly a Minister may seek the leave of the House to insert their speech in Hansard without having to read it to the House. After this second reading speech the debate is adjourned to a future day to allow Members an opportunity to consider the Bill. The second reading of a Bill can take place immediately after the first reading if it is declared urgent. This requires the suspension of the Standing Orders.

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 (or in some cases their conscience) and formulate their approach accordingly. There are varying time limits for speeches imposed on Members.

The second reading debate may extend over several days or weeks if a Bill is complex or important, or if many Members wish to participate in the debate. At the end of the second reading debate a vote is then taken on the question: “That the Bill be read a second time”. At this stage, amendments may be moved to the question which may have the effect of delaying the vote on the second reading to another time, or it may be the wish of the

House to refer the Bill to a Select or Standing Committee (a committee of Members which meets outside the Chamber to take evidence and consider particular matters) or the Bill may be defeated.

Committee Stage

The next stage in the consideration of a Bill is known as the Committee stage, when the House forms itself into a "Committee of the Whole". The Committee of the Whole deals with Bills clause by clause. It is at this stage that amendments to the Bill may be made. This is a less formal procedure and Members may speak more than once in Committee.

When the House becomes a Committee of the Whole, the Speaker leaves the Chair, which is taken by the Chairman of the Committees and the Mace is placed under the Table. At the end of the Committee stage, the Chairman reports the Bill to the Speaker, stating if the Bill has or has not been amended.

The Committee stage may be bypassed if there are no amendments or questions to be asked of the Minister and all Members agree.

Third Reading

Once the result of the Committee stage has been reported to the House the third reading may take place immediately or on another sitting day. The question: "That the Bill be read a third time" can also be debated. If the House agrees to the third reading, the Bill has passed all stages in that House. It is then sent with a message to the other House, for the process to be repeated.

The Other House

If the other House proposes amendments then the Bill is returned to the originating House and the amendments are considered in Committee (the same procedure as the Committee of the Whole). Messages will pass between the two Houses twice more if necessary to seek agreement on the wording. If no agreement is reached the originating House may propose a Conference of Managers of both Houses be convened to attempt to overcome the deadlock. The result of the Conference, which is held in private, is reported to the two Houses by their Managers.

Assent to the Bill

After the Bill has completed its passage through the Parliament it is presented to the Governor who when presiding in Executive Council gives assent to the Bill.

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This is a brief explanation of the legislative process. Reference should be made to the House of Assembly Standing Orders for further detail.