



## 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.

### INTRODUCTION INTO PARLIAMENT

Bills may be introduced into the House of Assembly by a Minister or by a Private Member (a member who is not a Minister). 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. But it is possible for the Bill to be defeated at this stage.

### 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 of the Bill.

In the House of Assembly a Minister may seek the ‘leave’ of the House to insert their second reading speech in Hansard without having to read it to the House. Ordinarily, once the Minister has moved the second reading, the debate is adjourned to a future day to allow Members an opportunity to consider the Bill. However, the Second Reading of a Bill can take place immediately after the first reading if the House agrees that the matters addressed in the Bill are urgent and need to be dealt with straight away. This requires the suspension of the Standing Orders.

During the Second Reading Debate, Members from both sides of the House express their opinions in the debate on the principles of the Bill. 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 debate a vote is then taken on the question: “That the Bill be read a second time”. Amendments may be moved to this question which would have the effect of delaying the vote on the Second Reading to another time, or to refer the Bill to a Select or Standing Committee (to take evidence and consider particular matters) or the Bill may be defeated by the Members voting against the Second Reading.

### 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. Each clause and each amendment moved is voted on individually. This is a less formal procedure and Members may

speak more than once in Committee. In complex Bills, this process can be very time consuming. For example the *Natural Resources Management Bill* comprised of 237 clauses and 4 schedules. At the Committee stage, a total of 315 amendments were proposed to the Bill.

When the House becomes a Committee of the Whole, the Speaker leaves the Chair, the Mace is placed under the Table and the Committee is presided over by the Chairman of Committees. At the end of the Committee stage, the Chairman reports 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 however, debate is restricted to the content of the Bill as it appears after the Committee Stage. If the House agrees to the Third Reading, the Bill has passed all stages. It is then sent with a message to the other House, (Legislative Council) for the process to be repeated.

### **THE OTHER HOUSE (LEGISLATIVE COUNCIL)**

If the Legislative Council proposes amendments to the Bill, it is returned to the House of Assembly and the Council's amendments are considered in Committee (the same procedure as the Committee of the Whole). Messages advising the results of these considerations will pass between the two Houses twice more, if necessary, to seek agreement between the Houses. 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**

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.

### **MONEY BILLS**

Money Bills (Bills for the appropriation or expenditure of money) have extra rules associated with their introduction. As the Government is formed in the Assembly, a Money Bill may only be introduced by a Minister in the House of Assembly. However, with some Ministers being members of the Council, it is an established practice that Money Bills can originate in the Legislative Council provided that any money clauses are shown in "erased" type. The Legislative Council would then request for the House of Assembly to amend the Bill by "inserting" the erased clauses as if they had originated in that House.

### **For further information:**

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