

BILLS AND LAWS

In a democracy, laws are formal rules which society uses to define how people and organisations are expected to behave. Australia is a representative democracy, which means people are elected to Parliament to represent Australians and make laws on their behalf.

Section 51 of the Australian Constitution gives the federal Parliament the “power to make laws for the peace, order, and good government of the Commonwealth” in relation to certain matters. In Parliament, a bill is a proposal for a new law or a change to an existing one. If it is passed by the Parliament, it becomes a law, also known as an Act of Parliament. A bill is usually created to address an important issue facing the Australian community.

Origin of bills

Bills may originate in different ways:

- Government departments make many suggestions for bills. A department may advise its minister about a specific problem that exists. The minister may then arrange for a bill to be drafted to fix the problem.
- Community groups, businesses or lobby groups may be interested in changing or improving a specific area of Australian law. They can approach members of parliament with suggestions for bills.
- Political parties have their own policy ideas about how Australia should be governed. In Parliament, parties introduce bills which aim to put their policies into action.
- Sometimes the Parliament sets up a parliamentary committee to examine a current issue. If the issue requires action, the committee may suggest that a bill is introduced.

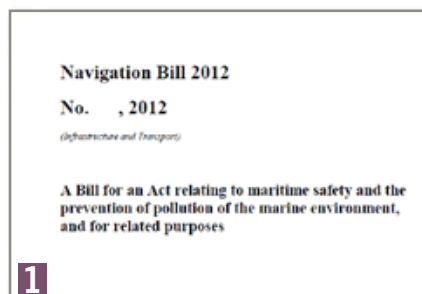
Most bills are introduced into the House of Representatives and then sent to the Senate. However, bills may commence in the Senate, except for money and taxation bills. Almost all bills are introduced by a government minister, who is responsible for the passage of the bill through the Parliament. Other members of parliament can also introduce their own bills, called private members’ or private senators’ bills.

A bill becomes an Act of Parliament if it is passed with a majority vote in the House of Representatives and the Senate. The bill must be agreed to in identical form by both chambers, and given Royal Assent by the Governor-General (see *Making a Law*). If an Act does not specify a date on which it will commence, it comes into effect on the 28th day after it receives Royal Assent.

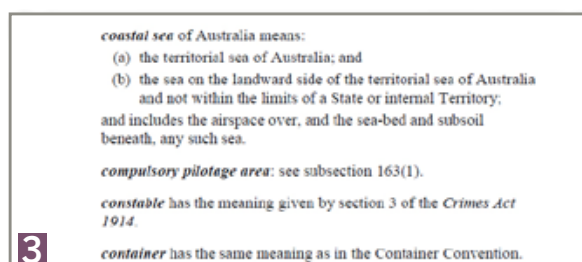
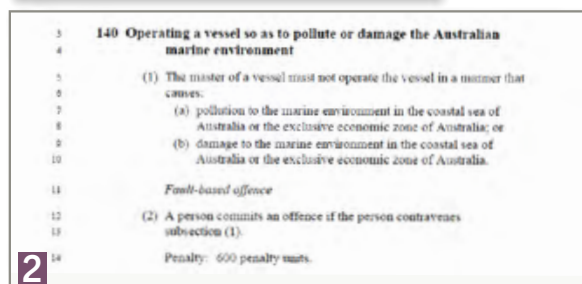
Parts of a bill

A bill includes some or all of the following features:

- The title, which describes the content and the year of the bill; for example, Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008. If several bills about the same subject and with the same title are introduced in the same year, they each have a number; for example, Defence Amendment (Parliamentary Approval of Overseas Service) Bill 2008 (No.2).
- The date on which the Act will begin to operate.
- A list of definitions, like a glossary.
- A schedule containing lists or more complex details. The schedule is like an appendix.
- Clauses, subclauses and paragraphs that make up the main part of the bill, to outline what the bill is about and how it will work as a law.



1. Bill title and year
2. Excerpt from bill clauses and sub-clauses
3. Excerpt from bill definitions



Rule of law

Australia's legal system is based on the 'rule of law', which includes the following principles:

- All Australians should be treated equally by the law and should obey the law.
- The law should be fair, so that people and authorities are willing to be ruled by it.
- Laws should be clearly expressed and in general terms.
- Laws should be stable and not change frequently.
- Law-making should be guided by open and clear rules.
- The Judiciary (courts) should be independent and free of influence by government.
- Natural justice should be observed.
- The courts should be easily accessible.
- Crime-preventing agencies must not change the law.

History

The law-making process used in the Australian Parliament is derived from the British Parliament and its practices, developed over many centuries. The word 'bill' probably comes from the Latin word *bullā*, or seal, referring to the seal on documents written by a king or person in authority. During the 16th century in England, the word 'bill' came to mean a draft for an Act of Parliament.

LINKS

APH website

House of Representatives Infosheet: *Making laws*
www.tinyurl.com/Infosheet7

Senate Brief: *The Senate and Legislation*
www.aph.gov.au/Senate/briefs/brief08

MANAGING AUSTRALIAN LAW – AN EXAMPLE

