

# Justice and Community Safety Directorate

## Legislative drafting

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## Making and changing laws

New laws are introduced and old ones are changed or repealed for a number of reasons. These may include changes in government which means the Assembly is controlled by a party with different ideas about many matters. A new Assembly may make new laws often as a result of promises made to the people prior to the election.

In addition, Ministers may respond to public opinion by introducing new laws or changing existing ones.

## How the Assembly makes laws

Under the self-government legislation, the Legislative Assembly has the power to make laws. The Executive has the responsibility of governing the Territory and executing and maintaining enactments and subordinate laws.

Most Bills (proposed laws) deal with the business of the Executive and are introduced by a Minister. Bills presented by non-executive Members are known as private Members' Bills.

The ACT Parliamentary Counsel prepares Bills and regulations for both government and non-government Members.

There are several steps in passing legislation. To become an Act (or law) a Bill must pass through the following stages:

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### **Presentation**

A Minister or Member gives formal notice to the Assembly that a new Bill will be presented. At a later date the Member or Minister presents the Bill in the chamber, the long title of the Bill is read and each other member is given a copy of the new Bill.

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## **Agreement in Principle**

The Minister or Member presenting the Bill moves that the Bill be agreed to in principle and makes a presentation speech, which explains the need for the legislation. After a Bill is introduced, debate is usually adjourned to allow Members to get more information about the Bill from experts and members of the community.

Copies of the Bill are made available for sale to the public. When the Bill comes up later for discussion, all Members are entitled to make a speech with the Minister or Member who presented the Bill having the right of reply.

At the conclusion of that debate the Assembly votes on whether it agrees to the Bill in principle. If the Assembly agrees, the Bill may proceed to the detail stage or the detail stage may be dispensed with. If the Assembly disagrees the Bill is negatived. The Assembly may refer a Bill to a committee for inquiry and report.

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## **Detail stage**

During this stage the Bill can be considered clause by clause and amendments may be moved. Each Member may speak twice to each proposed amendment. Many Bills are amended in the detail stage. Each clause and amendment must be agreed to by the Assembly.

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## **Agreement to the Bill**

Finally the Assembly decides whether to pass the Bill with amendments that may have been agreed to during the detail stage. A majority of Members must agree with the Bill for it to be passed.

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## **Becoming an Act**

Once the Bill has been certified as having been passed by the Assembly, it is notified in the [Legislation Register](#) and becomes an Act, that is, part of the law of the Australian Capital Territory.

Detailed information about the Assembly's law-making and other business is available in fact sheets produced by the Assembly and available on the [Assembly website](#).

The [Legislation Register](#), which is maintained by the Parliamentary Counsel's Office, provides information on all ACT Laws.