

PREPARING A BILL FOR PARLIAMENT

One of the main responsibilities of ministers and the government is to prepare bills for submission to Parliament. This process may be complex and take a long time.

The process often begins in a Cabinet meeting where the government decides to solve a specific problem with a piece of legislation in the form of a bill. The Cabinet of a newly elected government also has a number of election promises to fulfil. Cabinet has to decide when and how the new policies will be introduced. These election promises may lead to bills being proposed.

Once the Cabinet agrees to do something, the relevant minister then follows a procedure for preparing and introducing bills into Parliament. There are many stages in the process. The main stages are set out below.

1. Cabinet agrees to a proposal and the minister directs the department to write what the Cabinet wants in the new bill (drafting instructions).
2. The drafting instructions may include ideas from a party committee made up of backbenchers, as well as ideas from a parliamentary committee of inquiry that has already reported its recommendations to the Parliament.
3. The department sends the drafting instructions to the Office of Parliamentary Counsel.
4. Parliamentary Counsel employs lawyers who specialise in writing or drafting bills. They write the draft bill and return it to the department and the minister.
5. The department checks the draft. Other departments that might be affected also scrutinise the draft. Often a party committee reads the draft bill to check agreement with party policy.
6. The bill is refined and the minister presents a final version to Cabinet for approval.
7. Once Cabinet has made any changes and approved the final version, Parliamentary Counsel prints the final version and delivers all the copies to Parliament House.
8. Staff in the department who assisted in the drafting of the bill write two documents. The first is the explanatory memorandum which outlines the sources, intention and main provisions of the bill that may not be clearly understood. The department also writes the speech for the Minister which he or she reads to the Parliament when the bill is introduced.
9. The government schedules the bill to appear on the House or Senate agenda.
10. The minister stands up in Parliament and presents both the bill and the Explanatory Memorandum to the Parliament and gives a copy of both to the Clerk. Copies of the bill are then distributed to all members or senators, and the bill is now public. The minister then moves that the bill be read a second time and then proceeds to read the second reading speech.

The bill then continues its passage through the Parliament, which might take days, weeks or even months.