

Parliament of Victoria

How a law is made

There are three kinds of laws in Australia: statute laws made by parliament, delegated laws made by government, and common law, which is based on decisions made by the courts.

One of the key functions of parliament is making and changing statute laws. This is a summary of the process that is followed in Victoria. ►



The idea

The process for creating a statute law begins with an idea (a policy). This idea might come from an MP or a political party, or it might come from the community. Public opinion, the media, advocacy groups and experts can all play a role in determining the need for new laws.



Preparing the bill

A bill is a proposal for a new law. In Victoria, most bills are written by legal experts in the Office of the Chief Parliamentary Counsel. These draft bills are considered by MPs and parties, who may seek input and make adjustments before they are presented to parliament.

The passage of a bill through parliament

Introducing a bill to parliament begins a process of checks and balances that are intended to ensure the proposed law is in the best interests of the community and does not present a risk of unintended consequences.

Any member of parliament can introduce a bill, usually it will be a government member. A bill introduced by a non-government member is called a private member's bill.

A bill can be introduced in either the lower or upper house but most are introduced in the lower house, where government is formed. Any bill concerned with raising or spending funds (financial bills) must be introduced in the lower house.

To become a law, a bill must pass with a majority of votes in both houses. The following process describes the typical steps that are involved in making and changing laws in the Victorian Parliament.

1st reading: Introduction of the bill

The full title of the bill is read.

3rd reading: Voting on the bill

The bill may be debated again. Members vote on whether to pass the bill. If the bill passes, it goes to the Governor for Royal Assent.

2nd reading: Examining the principles

The general principles and purpose of the bill are explained and members give speeches to state their position.

Committee of the whole

Also known as 'Consideration in detail', this step is sometimes taken to examine and vote on each clause of the bill. Amendments may also be debated and voted on. Any amendments must be agreed to by both houses.

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2nd reading: Examining the principles

The general principles and purpose of the bill are explained and members give speeches to state their position.

3rd reading: Voting on the bill

The bill may be debated again and members vote on whether to pass the bill. If the bill passes, it moves to the other house.

1st reading: Introduction of the bill

The full title of the bill is read.



Royal Assent

Royal Assent is the process by which a bill receives formal approval to become an official Act of Parliament. This role is performed by the Governor of Victoria, our state's representative of the Sovereign.



Commencement

The commencement of an Act of Parliament is the date from which it comes into effect. In Victoria, this can be a day specified in the Act itself or on a day decided by the Governor.