

How laws are made

This topic explainer steps students through the seven stages of making statutory law in the ACT Legislative Assembly.

Learning goals

- As the legislature, the Legislative Assembly is responsible for making statutory law for the ACT.
- There are seven stages in the statutory law-making process in the ACT Legislative Assembly.

Curriculum links

Year 8 AC9HC8K03



Consider leading your lesson with the activity at the end of the explainer.

The legislative process

The ACT Legislative Assembly is the Territory's parliament and consists of 25 elected members, called Members of the Legislative Assembly (MLAs). They introduce, debate, and vote on bills (ideas for laws) for the ACT.

Laws made by the Assembly are statutory law, one of two main sources of law in a Westminster system democracy.

Statutory law-making occurs in seven stages:

1. Drafting

An MLA takes their idea for a law to the Parliamentary Counsel's Office (PCO), a government agency made up of lawyers who specialise in writing bills. The MLA and PCO work together to draft the bill until the MLA thinks that it reflects their idea.

Where do ideas for laws come from? – From political parties, community advocacy or feedback, the public service, election promises, committee recommendations, petitions, and National Cabinet.



2. Presentation

The MLA presents their bill in the Assembly chamber. They give a speech sharing what the bill is about after which the Assembly adjourns (pauses) the debate until a later date.

Why do bills get adjourned? – Because only the presenting MLA and their party have seen the bill before now. The bill is adjourned to give other MLAs time to consider it and consult with Canberrans.

3. Inquiry and scrutiny

While the bill is adjourned, Standing Orders – the Assembly’s rule book – requires that all bills are sent to two committees:

- One committee looks at how the bill impacts on people’s human rights.
- The other committee can choose to look at the ideas in the bill and will sometimes hold an inquiry to ask Canberrans for their views.

What are committees? – Small groups of MLAs that do detailed inquiry and scrutiny on a set subject area (e.g., health, education, planning).

4. Agreement in principle

After both committees report back, the debate starts again. This is the first debate on the bill in the Assembly chamber. At this stage, MLAs may speak and share whether they agree or disagree with the general idea of the bill.

At the end of the debate, MLAs vote on whether they agree with the bill ‘in principle’ or not – whether they think the general idea of the bill is worth progressing with. To pass, a majority of members must vote for the bill.

What happens if a bill is not agreed to in principle? – Bills that fail may be reintroduced, but only after 12 months has passed **or** after the bill has been substantively re-written. This prevents the same issue being put before the Assembly repeatedly.

5. Detail stage

Sometimes, MLAs agree with the general idea of a bill but want to make changes to improve it. The detail stage lets MLAs propose to add, change, or remove specific parts of the bill. These proposals are called amendments. Each amendment is debated and voted on.

Do all bills have amendments? – No. Sometimes bills don’t need to be amended, so the Assembly may choose to skip the detail stage if all members agree.

6. Agreement

This is the final vote on the bill. There is not debate. To pass, majority of members must vote for the bill.

What happens if a vote ties? – A majority of members must vote in support of something for it to pass. The Assembly has an odd number of members to prevent ties from happening. If a vote ties, it fails, because it did not have the support of a majority.

7. Notification

Unlike the rest of Australia, the ACT does not have a representative of the monarch – such as a governor-general, governor, or administrator – to sign bills into law. Instead, we have a process called ‘notification’.

The Clerk of the Assembly checks the bill accurately reflects what was passed in the chamber and signs it. Then, the Speaker writes to PCO to request that the bill be ‘notified’ on the Legislation Register, the website where all laws for the ACT are kept.

No longer a draft law, the bill is now called an Act.

Classroom activities

There is one in-class activity associated with this topic available on our website:

- [Activity: Ordering the legislative process](#) ( PDF 124KB)

Other resources

There are a range of other helpful resources available on this topic, the best of which we have compiled below:

- [\[ACT\] Factsheet: How laws are made](#) (parliament.act.gov.au )
- [\[ACT\] Guide: The legislative process](#) (parliament.act.gov.au )
- [\[ACT\] Factsheet: Assembly committees](#) (parliament.act.gov.au )
- [\[ACT\] Guide: The committee inquiry process](#) (parliament.act.gov.au )
- [\[ACT\] Website: ACT Legislation Register](#) (legislation.act.gov.au )
- [\[Federal\] Factsheet: Sources of law](#) (peo.gov.au )