



# Parliament Fact Sheet



No. [2]

## LAW MAKING

The law is the framework within which citizens of nations consent to be governed. The theory of democracy is that once people elect their lawmakers (legislators), they recognise the legitimacy of the laws made on their behalf by the lawmakers and consent to abide by those laws. Parliaments legislate by examining bills (proposed laws), making amendments, and agreeing to their final form. These bills then become 'Acts of Parliament'.

### HOW A BILL BECOMES LAW

A bill passes through several stages before it can become an Act of Parliament. All bills follow a formula prescribed in the Standing Orders (procedural rules) of the National Parliament of Solomon Islands.

#### Notice of Submission

It is usually the duty of the executive government to propose new legislation for passage in Parliament. They may at any time give notice of their intention to present a bill to Parliament. However, an ordinary Member may also propose a 'Private Member's Bill' by giving a notice of his or her intention to present the bill. This notice must not be less than twelve clear days before the first reading of the bill.

#### Examination by the Speaker

The next step is that the Speaker carefully studies the details of the bill and what implications it has. The Speaker also checks the bill to make sure that it complies with the requirements of the Standing Orders. This is important because if the Speaker is not satisfied, he or she can decide that no further proceedings be held regarding the bill.

### Presentation and Publication

A bill has no formal existence until it is presented or introduced in the House. There is no debate at this stage, but the bill is now publicly available. The bill must have an 'explanatory note' that sets out the policy it seeks to achieve. Once a bill is introduced, it is a formal legislative proposal that may or may not progress, depending on its level of support in the House. The copies of the bill together with the 'explanatory notes' must be distributed to every Member.

#### First Reading<sup>1</sup>

The next stage is the first reading. This cannot occur until the next sitting day after the whole text of the bill is published and distributed to all the Members of Parliament. The short title of the bill is placed on the Order Paper<sup>2</sup> for the First Reading.

In Solomon Islands Parliament debate on a bill is not allowed during the first reading. As soon as the Clerk reads the short title of the bill, then it is regarded as being read the first time in the House. When this happens, the House will then set a date for the Second Reading.

#### Second Reading

This is the main debate on the general merits and principles of the bill. If it passes a second reading, this can be viewed as a commitment to the final passage of the bill, subject to any

<sup>1</sup> The term 'reading' dates back to the days in Britain when bills were literally read out loud to the House. Nowadays, only the title is read out loud.

<sup>2</sup> The Order paper is the document which sets out the business of Parliament for any one sitting day; the agenda of business.

further amendments. At the end of the debate, any select committee amendments that did not have the unanimous support of the committee are the subject of a single decision on whether they should be adopted. All unanimous committee amendments are considered subsumed into the bill if the second reading is agreed. The bill can also be defeated at this stage.

When a bill has been read a second time it shall stand committed to a Committee of the Whole House unless it is being referred by Parliament to a select committee.

### **Select Committee**

Once a bill has been referred to a select committee, the committee cannot discuss the principle of the bill but only the details of it. Such a committee has the power to make amendments to the bill as they see fit.

Select committee meetings are usually held in private. However, the committee normally calls for public submissions, hears evidence on those submissions, and recommends amendments to the House. This is important since the bill will affect some particular person or group in society, and it is important to hear their views.

The committee's report consists of the bill reprinted with the recommended amendments shown and a 'commentary', which is the committee's narrative explanation of its recommendations and the issues it considered.

### **Committee of the Whole House**

The House forms itself into a committee, to which all members belong, for the bill's next stage. The Speaker does not preside over the committee and procedures are a little more relaxed, but this process is very important in the passage of the bill. The committee has the delegated authority from the House to consider the bill in detail and make further amendments. The Speaker usually calls out the number of the clause in succession, and any Member who wants to make an amendment must say so. After Members have spoken on these clauses, the decision of the committee is being sought.

Sometimes, Members, particularly Ministries in charge of a bill release their amendments in advance in the form of a 'supplementary order paper'. If these have significant policy implications, they can be considered by a select committee to ensure the changes have adequate

scrutiny. Otherwise, the use of this mechanism to introduce major policy changes may be viewed as a device to avoid such scrutiny.



*Bills are debated in the Chamber before they are passed by Parliament.*

### **Third Reading**

This is the final stage in the House. It is the last opportunity to debate and decide whether the bill should be passed in the form in which it has emerged from the committee of the Whole House. It is more of a debate for summing up than on the provisions in detail.

Once a bill's third reading has been agreed, it has been 'passed' by the House but it has one further step before it becomes law.

### **Royal Assent**

The last step in the process of law making is to take it to the Sovereign (represented by the Governor General) for signing. It is the Sovereign's role to sign a bill into law by giving it the 'Royal assent'. Assent is given on the advice of the Prime Minister or most senior Minister available.

### **DELEGATED LEGISLATION**

The terms 'delegated legislation', 'subordinate legislation', and 'regulations' are often used synonymously to refer to legal instruments, often technical in nature, made under powers delegated by Parliament when passing legislation. An example would be a regulation to set fees for a cost-recoverable service provided by a public organization. While Parliament is not involved in making these legal instruments, specific procedures have been put in place in Standing Orders to ensure they are all subject to the scrutiny of Parliament and, if necessary, they can be disallowed as a result. A select committee carries out the detailed scrutiny.

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## HOW PARLIAMENT MAKES A LAW

