

# He Pēhea te Hanga Ture How Legislation is Made



## Introduction

**You probably know that Parliament is where our laws are made - but how much do you know about how it happens? How does a law go from words on paper to being enforced in practice?**

“Talofa lava, o lo'u i goa o Afa. I am Afa and I have been a public servant for many years now, most of it working in the policy space.

I will be working alongside you as we learn about the process for how legislation is passed in Parliament and how laws come into effect here in Aotearoa New Zealand.”



First, let's understand the terms that we come across in the context of legislation.

- **Bill:** New laws begin as documents called bills. They are drafts of proposed new laws or legislation.
- **Act:** An Act is a law passed by Parliament. Before an Act is passed by Parliament it is called a bill.
- **Legislation:** Legislation is the term used to encompass laws made by an Act of Parliament or under the authority of an Act.
- **Law:** the framework within which citizens consent to be governed, having elected their law-makers.

## Sources of legislation

The need for new laws can be driven by many factors:

- Ministers make laws to implement the government's priorities.
- Ministers introduce bills to highlight or address emerging issues.

Other events can drive the need for legislation:

- A nationwide issue or crisis may require a response and funding that needs to be approved by Parliament.
- Members of the public and community groups can lobby a minister to bring about change.
- The growing need to keep up with technology and innovation.

Most government proposals need the approval of the House of Representatives to be implemented. Where legislation is required, a draft bill is then approved by the Cabinet for introduction to the House.

## Types of bills

The law-making process begins when a bill is introduced in Parliament. Not all bills are the same though. They can be categorised based on their origin and the agenda they serve.

- **Government bill** – the most common type of bills, they are part of the government's legislative programme, introduced into the House of Representatives by a member of Parliament in his or her capacity as a minister.
- **Members' bill** – a non-government bill promoted by a member of Parliament who is not a minister.
- **Local bill** – promoted by local authorities, dealing with matters confined to a particular locality.
- **Private bill** – promoted by a person or a body of persons to change a law that currently only applies to a specific people or organisations.

No matter what type of bill, the staged passage of the bill to become an Act of Parliament is the same. It passes through several stages in Parliament to ensure that it is subject to public debate and scrutiny, and can provide opportunities for it to be amended or changed.

## Stages of passing legislation in Parliament

### First Reading

- Initially the bill is introduced to the House of Representatives, and members have the time to read and consider it.
- A bill is then scheduled to have its First Reading. A reading is a debate and a vote.
- The minister or MP in charge of the bill leads off the First Reading debate.
- At the end of the debate, the House votes on the bill. If it passes the vote, it is sent to the appropriate select committee.

The First Reading can occur no sooner than the third sitting day after a bill's introduction.

A bill becomes publicly available after it is introduced to the House of Representatives.

### Select Committee

- The Select Committee (usually made up of 8 -10 MPs from different parties) examines the bill in detail and prepares a report for the House.
- They also hold public hearings and submissions on the bill and decide what changes, if any, should be made to the bill.
- Once the Select Committee has presented its report, the bill is available for Second Reading.

Once a bill has been referred to a Select Committee, the committee usually has six months to report to the House, unless the House specifies a different date.

### Second Reading

- The bill is read for the second time in the House of Representatives and this is the main debate on the principles of the bill and the amendments proposed during the Select Committee's consideration of the bill.
- The House then decides whether to agree to the amendments that the Select Committee has recommended and whether the bill should proceed to the next stage.

The term 'reading' dates back to the days in Britain when bills were literally read out to the House. In New Zealand, only the title is read aloud.

## Committee of the Whole House

- A Committee of the Whole House is a committee that includes all of the members of the House of Representatives.
- At the Committee of the Whole House, the bill is debated in detail by all members of the House of Representatives and this is the final opportunity for them to make any further amendments.
- After this, the committee reports to the House and the bill is ready for the Third Reading.

The House forms itself into a committee to enable more interactive and detailed discussion than what can occur under the House's usual debating rules.

There is no time limit for this stage. Large or controversial bills may take several days.

## Third Reading

- The Third Reading provides the last opportunity for the House of Representatives to debate the bill. The debate summarises the journey of the bill through all its stages.
- Once a bill's Third Reading has been agreed by vote, it has been passed by the House of Representatives. It now has one final step before it becomes law.

At any of the readings in the House, if the bill loses the vote, it goes no further.

## Royal Assent

- The bill is signed into law by the Sovereign or the Sovereign's representative in New Zealand, the Governor-General, who gives the Royal Assent.
- After the Governor-General gives the Royal Assent, the bill becomes an Act of Parliament.
- The Royal Assent is given on the advice of the Prime Minister and the Attorney-General.

“And there you have it - from just an idea for change, all the way to being signed off by our head of state, that's how we make a law in New Zealand.

Have you been to the public galleries at Parliament? They are open to the public at any time when the House is sitting. This is a great place to watch the action unfold on the floor of the House!

And the Parliament has a presence on TV and online as well, so you can experience everything without being physically in Parliament.”

For a more in-depth exploration, check out these websites:

[Step by step explanation of the legislation process](#)

[Acts of Parliament are published here](#)

[NZ Parliament – visit & learn](#)

[Parliament TV](#)