

Parliament Brief: The legislative process

Published date: 25 May 2020

The law is the framework within which citizens consent to be governed, having elected their law-makers.

Parliament legislates by examining bills (proposed laws), making amendments to them, and agreeing their final form. The bills then become Acts of Parliament.

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The Chamber of the House of Representatives

- [Government bills](#)
- [Members' bills](#)
- [Local bills](#)
- [Private bills](#)
- [How a bill becomes law](#)
- [Introduction](#)
- [First reading](#)
- [Select committee](#)

- [Second reading](#)
- [Committee of the whole House](#)
- [Third reading](#)
- [Royal assent](#)
- [Access to Bills and Acts of Parliament](#)
- [Delegated legislation](#)
- [Further Reading](#)
- [How Parliament Makes a Law](#)
- [Bill introduced](#)
- [1st reading*](#)
- [Select committee](#)
- [2nd reading*](#)
- [Committee of the whole House](#)
- [3rd reading*](#)
- [Royal assent](#)

Government bills

Once the Government takes office it establishes a legislative programme that will enable it to implement its policies. Sometimes the Government consults with interested parties before a bill is introduced. Most Acts of Parliament start their lives as Government bills.

Members' bills

Bills that affect public policy but are not part of the Government's legislative programme can be introduced by members other than Ministers. However, the House has limited time to consider such bills. To keep the number of Members' bills within the ability of the House to consider them, there is a ballot for their introduction. As soon as fewer than eight members' bills are before the House for first reading, a ballot is held. Each member can have no more than one bill in each ballot.

Every second Wednesday of the House's sitting programme is set aside for Members' business so that Members' bills can be debated and passed into law if they have the support of the House.

The political reality is that most Members' bills do not get passed. The Government may agree to support a Member's bill and make advisory and drafting services available during its passage or adopt a Member's bill as a Government bill. Either way, Members' bills can have an impact on the Government's legislative priorities.

Local bills

Local bills are promoted by local authorities and deal with matters confined to a particular locality to allow a function not authorised in the general law to be undertaken. For example, a local bill would be required if a city council needed to make alternative use of some land given to it 100 years ago for another purpose. The local member of Parliament is likely to be the member in charge of a local bill.

Private bills

Private bills provide for a particular interest or benefit in the form of an exemption from the general law for an individual or group of people. Most private bills today relate to corporate activities. The promoter of a private bill asks a member of Parliament to take charge of the bill as it progresses through the House.

How a bill becomes law

A bill passes through several stages before it can become an Act of Parliament. These are explained and summarised in a flow chart on the back page. The Government decides how to prioritise the Government bills and regularly revises its priorities. All other bills follow the formula prescribed in the Standing Orders (procedural rules) of the House of Representatives. This ensures they cannot be unreasonably prevented from making progress if they have the support of a majority of other members once they are before the House.

Introduction

A bill becomes publicly available when introduced. It must have an explanatory note that sets out the policy it seeks to achieve.

First reading

The term 'reading' dates back to the days in Britain when bills were literally read out to the House. It has never been the practice in New Zealand. Only the title is read aloud.

The Attorney-General examines all bills for apparent inconsistencies with the New Zealand Bill of Rights Act 1990 and may report to the House.

The first reading is the first opportunity for the House to debate the bill. The member in charge of the bill leads off the debate, which is limited to two hours for Government bills and just over an hour for other bills. At the end of the debate the House decides if the bill should be read a first time. If it is defeated in this vote, that is the end of the bill. If the first reading is agreed, the bill is referred to a select committee.

Select committee

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. Reporting dates may be extended if it turns out more time is needed for the committee to consider the bill.

A committee normally calls for public submissions, hears evidence on those submissions, and recommends amendments to the House. 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.

Once the committee has presented its report, the bill is available for second reading any time from the third sitting day after presentation (see Parliament Brief, 'Select Committees').

Second reading

This is the main debate on the principles of the bill. This stage is a debate of up to two hours led off by the member in charge of the bill. At the end of the debate any select committee amendments that did not have the unanimous support of the committee are voted on together. All unanimous amendments are incorporated once the bill passes its second reading. The bill can also be defeated at this stage.

Committee of the whole House

The committee consists of all members of the House. The Deputy Speaker or an Assistant Speaker presides over the committee. The committee has delegated authority from the House to consider the bill in detail and make further amendments members may propose in writing. Sometimes members, particularly Ministers in charge of a bill, release their amendments in advance in the form of a supplementary order paper.

There is no specific time limit on this stage and members have opportunities for up to four 5-minute speeches on each provision. On large bills of a controversial nature, this process can take place over several days.

At this stage some bills, for instance, a Statutes Amendment Bill, can be divided into several smaller bills with new names, depending on the principal Acts they amend.

Once the final form of the bill has been agreed, it returns to the House and is reprinted to show any new amendments that were made.

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 a debate more for summing up than on the provisions in detail. The debate can last up to two hours.

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 Sovereign (The Queen, represented in New Zealand by the Governor-General) forms part of Parliament but is completely separate from the House. 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 the most senior Minister available) and the Attorney-General.

Access to Bills and Acts of Parliament

Bills and Acts are available from many major public libraries and at:
www.legislation.govt.nz

They can also be purchased from:

Legislation Direct, telephone +64 4 568 0025,

P.O Box 12418, Thorndon, Wellington 6144

Email: ldorders@legislationdirect.co.nz

Delegated legislation

The terms 'delegated legislation', 'subordinate legislation', 'disallowable instruments', and 'regulations' are 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 organisation. While Parliament is not involved in making these legal instruments, specific procedures have been put in place in Standing Orders to ensure they are subject to the scrutiny of Parliament. If necessary, they can be disallowed as a result. A select committee, the Regulations Review Committee, carries out the detailed scrutiny and considers complaints about regulations on grounds set out in the Standing Orders.

Further reading

[McGee, David, Parliamentary Practice in New Zealand, 4th edition, edited by Mary Harris and David Wilson. Auckland, Oratia Books, 2017](#)

[Standing Orders of the House of Representatives](#)

How Parliament Makes a Law

Bill introduced

- No debate

1st reading*

- Initial debate

Select committee

- Hears public submissions.
- Recommends amendments.
- Reports to the House explaining recommendations.

2nd reading*

- Main debate on the principles of the bill as it emerged from the select committee.
- Select committee amendments adopted.

Committee of the whole House

- Detailed consideration of each clause or part.
- Further amendments can be made.

3rd reading*

- Final debate on whether it should be passed in the form emerging from committee of the whole House.

Royal assent

- Governor-General assents to the bill becoming an Act of Parliament.
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*At any of these steps, a vote in the House can result in the bill being defeated

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