

Did You Know?

People can have a say on laws

House of Representatives Committees are helping people to have their say in the development of laws that affect them. Through an increasing number of public reviews of legislation, House Committees are examining the detail of proposed laws (bills) and are listening to people's views about the content and effect of legislation before the Parliament.

The House of Representatives Legal and Constitutional Affairs Committee has been at the forefront of efforts by Members of the House to get people to have their say on proposed laws. Recently the House Legal Committee has been conducting public inquiries into two significant pieces of legislation.

The House Legal Committee has been considering the Privacy Amendment (Private Sector) Bill 2000, which implements the National Principles for the Fair Handling of Personal Information. There has been broad interest in the review, with more than 100 submissions received from a range of community and government organisations, as well as individuals concerned about the use of personal information by the private sector.

At the same time, the House Legal Committee has been reviewing the Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Bill 1999, which replaces existing offences under the Crimes Act with a more modern legal regime based on the Model Criminal Code. Interest in this review has come mainly from legal circles.

'There has been a recent increase in bills reviews by House Committees.'

Bills can be referred to a committee once the relevant Minister has introduced the bill into the House of Representatives. Most legislation is introduced into the House rather than the Senate. While historically only a small percentage of bills have been referred to House Committees, there has been a recent increase in bills reviews by such committees.

The relevant Minister or the House as a whole can decide to refer a bill to a committee for investigation. The terms of reference will usually specify a date by which the committee must report, typically giving the committee from three weeks to three months in which to complete its work. By comparison, a general committee investigation (such as the House Legal Committee's inquiry into human cloning) is usually conducted over a much longer period, typically from 10 to 12 months or longer. Shorter time frames apply to bills inquiries (as these legislative reviews are commonly known) because of the Government's wish to progress its legislative program without undue delay.

The scope of a bill inquiry is set out in the terms of reference provided to the committee. A committee generally is able to examine all the provisions of the bill. In examining the bill, a committee is seeking to determine whether the bill is likely to be able to achieve the policy aims underlying it.

To ensure that it gets the information it needs, a committee conducting a bill inquiry can call for public submissions, can take oral testimony at public hearings and can conduct on-site inspections to inform itself about important issues related to the draft legislation under review.

Once a Minister refers a bill to a committee the reference is listed on the House Notice Paper as work of that committee. At the same time the bill inquiry is advertised to the public. Background information on the bill under review can be obtained from the relevant committee secretariat.

Due to the shorter time frame associated with bills inquiries, there is only a limited time available for people to put their views before the committee. Once the committee receives submissions, it determines whether there is any need to discuss the matters raised in them with people at public hearings. Those hearings are organised with relatively short lead times to ensure that the committee's reporting deadline can be met.

At the conclusion of its inquiry, a committee will present a report to the House of Representatives. In that report, the committee members weigh up the competing views and arguments they have heard and make recommendations for action by the Government. While a committee cannot amend a bill itself, it can recommend amendments to the bill. A committee can also recommend improvements to the broader scheme or program in relation to a bill. A committee can suggest what to include in regulations, how to monitor and review new schemes or provisions after a certain period of operation, and, occasionally, amendments to the policy underlying a bill.

By convention, the Government has three months in which to respond to reports of parliamentary committees, although a committee may in fact wait somewhat longer than three months for a Government response.

After the Government has considered an advisory report on a bill, its response to the report is incorporated into further consideration of the bill in the House. If the proposals in the committee's report are accepted, the Government must amend the bill. These amendments will be incorporated during the consideration in detail stage of passage of the bill through the House.

By helping to inform the House about the operation and effects of proposed laws, and by allowing for public input, bills inquiries by House of Representatives Committees contribute to better laws that reflect the views of the people affected by those laws.

For more information on the bills inquiries referred to in this article, contact the House of Representatives Legal and Constitutional Affairs Committee.

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