

Reading an Amendment Bill

Background

The Northern Territory (NT) Government is committed to a reform program to modernise the NT's environmental laws and regulations aimed at environment protection and management.

In 2019 the *Environment Protection Act 2019* (EP Act) was enacted, replacing the *Environmental Assessment Act 1982*.

The reform program is now focused on the environmental regulation of the mining sector and introducing 'chain of responsibility' laws consistent with the recommendations of the 'Scientific Inquiry into Hydraulic Fracturing in the Northern Territory'.

Future reforms will focus on the management of wastes and pollution.

As the environmental reform program progresses, the EP Act, and other relevant legislation including the *Mining Management Act 2001*, will be progressively amended to incorporate any changes required as a consequence of the reforms.

This Fact Sheet has been developed to assist stakeholders to read an amendment Bill.

How legislation is amended

To change a principal Act (such as the EP Act) an amending Bill is prepared. The amending Bill sets out the amendments to be made to the principal Act (or Acts). Amending Bills must include amendments to an Act, and where appropriate may also include amendments to Regulations or other statutory instruments (such as By-laws and Rules).

Changes in an amending Bill can range from the deletion or insertion of a few words or sections, to the replacement ('repeal') of an entire Act, regulation or other statutory instrument.

A Bill is a draft Act of Parliament. Accordingly, an amendment Bill is a draft form of an amendment Act. As a draft, it allows people to understand what amendments are proposed and to which principal legislation. In its draft form, the Bill is open for changes and debate.

The first step for bringing a Bill to Parliament for consideration is through a Notice of Motion. The Minister responsible for the Bill gives notice to introduce the Bill. The Bill is then introduced by the Minister on the next sitting day of Parliament. The Bill is introduced to Parliament by its title. This is referred to as the First Reading. No questions or debate occurs at this time.

The subject of the Bill is considered and debated by Parliament during the Second Reading of the Bill. This debate commences with the Minister delivering the 'Second Reading Speech'. The Speech provides the Legislative Assembly with an understanding of the purpose of the Bill and the reason for the amendments. At this time, the Minister will table an 'Explanatory Statement'. The Statement identifies the purpose of each clause of the Bill, and describes the intent of the Bill. Once it has been tabled, it is made publicly available through the Northern Territory's Legislation database.

After the Second Reading Speech, debate on a Bill is usually suspended for a period of at least 30 days. This gives members of the Legislative Assembly and the public an opportunity to review and consider the Bill. The debate process will usually recommence at the next sittings of the Legislative Assembly, once the 30 day period has elapsed.

Once debate recommences, all members of the Legislative Assembly have the opportunity to deliver a speech about the Bill, which can include requests for specific information relating to the Bill from the Minister.

Following debate, the Bill moves into what is known as 'Committee Stage'. This provides an opportunity for members of the Assembly to ask the Minister specific questions about the proposed sections in the Bill. Amendments to the Bill may be proposed or made during this process.

The Bill is reviewed in its final form during the Third Reading. When a Bill has been read for a third time it has passed the House and becomes 'proposed law'. The proposed law is referred to the Administrator for its assent into law – the proposed law becomes an Act. The amendment Act brings about the changes to the principal Act(s) and any other legislation contained in it.

Once the Bill is passed and assented through the parliamentary process, the amendments will come into effect with the commencement date cited in the amendment Act. At this point, the amendment Act is repealed.

When the principal Act has been the subject of an amendment Act it will show an amendment history.

Reading an amendment Bill

The title of the amendment Bill captures the purpose of the amendment and the principal Act to which the amendment applies, for example, the *Environment Protection Legislation Amendment Act 2022*. In this example, the title informs the reader that the purpose of the Bill is to amend environment protection legislation – the EP Act and the EP Regulations.

The provisions of a Bill are referred to as clauses and sub-clauses (when the Bill becomes an Act the provisions are referred to as sections and sub-sections).

The Bill will include preliminary matters, such as the title of the Bill and the commencement date, followed by a Part of the Bill which sets out, one by one, the amendments to be made to the principal Act.

Amendments are usually in the form of inserting additional text or provisions to the principal Act or omitting text or provisions from the principal Act. Omitting text or provisions means the deletion of that text or those provisions from the principal Act.

In order to understand how the principal Act is being amended by an amendment Bill the amendment Bill will need to be read in conjunction with the principal Act. This is because the amendment Bill does not provide the context of the amendments it is making. For example, an amendment may simply be the insertion of a word or sentence to a section of the Act in which case it would be included in a clause such as "Section 11, before "the" insert "significant"". It is only by referring to section 11 of the principal Act that the intent of the amendment can be understood.

Where a whole Division or Part is inserted into the principal Act the existing sections of the principal Act which would come after the insertion are not re-ordered or re-numbered. Instead, the inserted sections will use the same number as the section preceding the insertion with the inclusion of a letter. For example,

the insertion of sections after section 192 of the principal Act will be numbered as sections 192A, 192B etc. when the amendments are passed.

The amendment Bill may also include amendments to Regulations supporting the principal Act. In this case the amendment Bill will include another Part which, one by one, sets out the amendments to be made to the Regulations. Again, to understand the intent of the amendments, the amendment Bill will need to be read in conjunction with the Regulations.