



NO. 20—READING A BILL

This Brief Guide examines the structure of bills and parliamentary amendments to bills, and how they are dealt with in committee of the whole. For more detail on the consideration of legislation, see [Brief Guide No. 9—Consideration of legislation](#).

Structurally, bills fall into two categories, based on their function:

- bills proposing new, stand-alone legislation; and
- bills amending existing legislation.

Occasionally, bills combine both functions. The type of bill determines its layout and the terminology used to describe its parts.

New, stand-alone legislation

A bill proposing new, stand-alone legislation consists of a title (“A Bill for an Act to...”), enacting words (“The Parliament of Australia enacts:”) and a series of clauses. When passed, a bill becomes an *Act* and clauses are referred to as *sections*. The parts of a clause are:

- (1) subclause (or *subsection* on enactment);
 - (a) paragraph;
 - (i) subparagraph;
 - (A) sub-subparagraph (rarely used).

The clauses may be grouped according to subject matter. The normal hierarchy of groupings is as follows:

- Chapter
- Part
- Division
- Subdivision

If used, the most common groupings are Parts and Divisions. A bill of this type may also have one or more Schedules at the end, containing material which will form part of the Act but which is convenient to present separately from the main body. Examples include the texts of treaties or other international agreements being incorporated into Australian law, pro formas such as the ballot papers and nomination forms in Schedule 1 of the *Commonwealth Electoral Act 1918* or self-contained rules relating to particular matters referred to in the main body, such as the conditions applying to the various types of broadcasting licences in Schedule 2 of the *Broadcasting Services Act 1992*. Confusingly, the parts of a Schedule are also usually called “clauses” and continue to be so called even after enactment.

—numbering

There is no universal system of numbering for Commonwealth legislation. Some bills or Acts have their own numbering systems, particularly when the bill or Act is a large one, like the *Corporations Law*. However, the most common system uses the following conventions:

- Chapters (if any) are numbered consecutively from 1;
- within each Chapter, Parts are numbered consecutively from 1, each new Chapter beginning with Part 1;
- within each Part, Divisions are numbered consecutively from 1, each new Part beginning with Division 1;

- within each Division, Subdivisions are lettered consecutively from A;
- within the Act or bill as a whole, sections or clauses are numbered consecutively from 1; for example, Division 3 of Part 2 might begin with section (or clause) 46.

The system of numbering used in any bill or Act will be clear from the contents page. In citing a particular “bit” of a bill or Act, it is normal to include only so much information as is necessary to distinguish that “bit” from others. Clause or section numbers are always unique (unless there has been an error!) and are referred to in isolation; for example, it is not necessary to say “section (or clause) 46 of Division 3 of Part 2” because section (or clause) 46 occurs only once. But it may be necessary to say “Division 3 of Part 2”, rather than “Division 3”, if other Parts in the bill or Act also contain a Division 3.

Examples of other numbering systems include the following:

- The *Income Tax Assessment Act 1997* contains Chapters 1 to 6. Within Chapters, Part numbers have two elements, the first being the Chapter number; for example, Part 2-5, Part 3-1, Part 3-45. Divisions are the most important guide to the different areas covered by the Act. They are numbered in a sequence from 1 to 995 throughout the whole Act. Subdivision and section numbers have two elements, the first being the Division number. So, for example, section 375-815 (about deductibility of film losses) is located in Subdivision 375-G, Division 375 of Part 3-45 of Chapter 3. It is preceded by section 375-810 and followed by section 375-820. There are gaps left in the Part, Division and section numbering sequences because it is expected that more and more “bits” will need to be inserted in the Act over time.
- The *Aged Care Act 1997* follows similar conventions, but on a smaller scale and without the gaps.
- The *Environment Protection and Biodiversity Conservation Act 1999* contains Chapters 1 to 7 but its 22 Parts are numbered consecutively throughout; for example, Chapter 5 begins with Part 12.

Unless gaps have been left in the numerical sequence, new sections are inserted using a combination of numbers and letters. For example:

- 2 new sections inserted between sections 303 and 304 would be sections 303A and 303B;
- 2 new sections inserted between sections 303A and 303B would be sections 303AA and 303AB, and so on.

—*typeface*

In Commonwealth legislation typography is used as a guide to the structure and, therefore, the meaning of the text, by providing signposts for the reader. Spacing and indentation are also used to indicate the relationship between units of text. For example:

- normal text in a bill or Act is always in 11 point Times New Roman font:
The export of a specimen is an export from an approved aquaculture program in accordance with this section if the specimen was sourced from a program that, under the regulations, is taken to be an approved aquaculture program.
- notes or cross-references which do not form part of the bill or Act are distinguished by being in smaller 9 point font:

Note: The defendant bears an evidential burden in relation to the matter in subsection (4). See subsection 13.3(3) of the *Criminal Code*.

- section headings are always bold:

303FA Eligible non-commercial purpose exports

- other headings always have the same attributes:

Division 5—Concepts relating to permit criteria

Subdivision A—Non-commercial purpose exports and imports

- a defined term always appears in bold italics:

For the purposes of this Part, the import of a specimen is an *eligible non-commercial purpose import* if, and only if:

It is important to understand how an Act is numbered and the typographical conventions that are used because these are the keys to understanding any bill to amend that Act.

Amending bills

Most bills are of the second type; that is, bills amending existing legislation.

An amending bill usually consists of a title, enacting words, 3 clauses and a schedule or number of schedules. These schedules are sometimes called amending schedules to distinguish them from the Schedules referred to above which contain substantive parts of the bill or Act. The 3 clauses provide for:

- what the Act is to be referred to as (**Short title**);
- when it (or its various parts) will come into effect (**Commencement**); and
- an “activating” clause which gives the schedules their authority as law (**Schedule(s)**).

The schedules comprise a series of *items*, each one containing an amendment to an Act or providing for related matters such as how the amendments are to apply, what transitional arrangements between the old law and the new law are necessary or whether the old law will continue to apply in any particular circumstances. These latter items are sometimes called application, transitional and saving provisions, respectively.

An item containing an amendment to an Act consists of 3 parts:

- the item heading which specifies where in the Act the amendment is to be made;
- the instruction which specifies what action is to occur (for example: “Insert”, “Add”, “Repeal”, “Repeal..., substitute”); and
- the text of the amendment (if required).

Using the item heading as a locator, the reader can follow the instruction to read the proposed amendment into the parent Act in order to see what the Act, as proposed to be amended by the bill, will look like.

Typography is just as important in an amending bill as it is in a stand-alone bill because it is used to distinguish information about the location of amendments from the proposed new text (which follows the typographical conventions described above for stand-alone bills). The headings of amending schedules, parts of amending schedules (if used) and items are always in **Arial** font, with the font size corresponding to the level of heading. The name of the Act being amended is also shown distinctively if it is not included in the schedule heading. For example:

1			
2	Schedule 1—Amendment of the Environment		
3	Protection and Biodiversity		Schedule heading
4	Conservation Act 1999		
5	Part 1—Amendments relating to wildlife	Part heading	
6	1 Subsection 224(2)	Item heading	
7	After “this Division”, insert “(other than an export/import provision)”.		
8	2 At the end of section 224	Instructions	
9	Add:		
10	(4) In this section:		
11		<i>export/import provisions</i> means:	Text to be inserted
12		(a) section 232A; or	
13		(b) section 232B; or	
14		(c) any other provision of this Division, in so far as that	
15		provision relates to section 232A or 232B.	
16	3 Subdivision D of Division 3 of Part 13 (heading)		
17	Repeal the heading, substitute:		
18	Subdivision D—Offences relating to exports and imports		
19	4 Before section 233		
20	Insert:		
21	232A Export of cetaceans		
22	(1) Subject to section 235, a person is guilty of an offence if the person exports:		
23	(a) a cetacean; or		
24	(b) a part of a cetacean; or		
25	(c) a product derived from a cetacean.		

1		
2	Schedule 3—Amendment of other Acts	
3	<i>Biological Control Act 1984</i>	Act to be amended
4	1 Paragraph 5(2)(b)	
5	Omit “the <i>Wildlife Protection (Regulation of Exports and Imports) Act 1982</i> ”, substitute “Part 13A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> ”.	
6		
7		

In amending items, proposed new text attracts the same terminology as the Act being amended. In Schedule 1, item 4, above, for example, section 232A is referred to as a section, not a clause.

Amendments to bills

Just as bills follow strict structural, typographical and stylistic conventions, so too do parliamentary amendments. These conventions make it easy to read the amendments into the bill, in the same way that items in an amending bill are read into the parent Act. Using page and line numbers of the bill, amendments identify the point in the bill where the proposed action is to occur before describing the action and any proposed new text. The format differs slightly according to whether the bill is a stand-alone bill or an amending bill. For example:

—For a stand-alone bill

Clause 26, page 13 (lines 3 to 26), omit the clause, substitute:

26 Export permits

(1) A person must not...

[export permits]

Clause 31, page 15 (line 30) to page 16 (line 18), **TO BE OPPOSED**.

[export without permit]

—For an amending bill

Schedule 1, item 47, page 11 (lines 6 to 12), omit subsection (4).

[export without permit]

Schedule 1, page 15 (after line 23), after item 65, insert:

65A After Part 2

Insert:

Part 2A—Export Permits

Division 1—Administration

32A Applications for export permits

(1) The CEO...

[export permits]

Note that the descriptor in bold, italicised text at the end is not part of the amendment. It is a guide to the subject matter of the amendment to assist the chamber and facilitate the preparation of running sheets (see [Brief Guide No. 9—Consideration of Legislation](#)).

Procedure in committee of the whole

Bills are considered in detail and any amendments are moved, debated and determined in committee of the whole (see [Brief Guide No. 9—Consideration of Legislation](#)). Usually, the bill is taken as a whole, which means the entire bill is before the committee and any part may be amended, not necessarily in a sequential manner. This facilitates the practice of dealing with related amendments and issues, regardless of where they occur in a bill.

Amendments are moved one at a time or, by leave, in groups. When a bill is taken as a whole the chair puts the question on each amendment or group of amendments, or on each amendment to an amendment. When all amendments have been dealt with, the final question is “That the bill, as amended, be agreed to” or, if no amendments have been moved or successful, “That the bill stand as printed”.

The question on an amendment to **delete** a clause, item or proposed new section (or a larger unit such as a Subdivision, Division, Part, Chapter or Schedule) is put in the form “That the [unit] stand as printed”. This is designed to test whether the unit has majority support. An equally divided vote on that question results in it being decided in the negative and the unit being removed from the bill (see [Brief Guide No. 16—Voting in the Senate](#)). If the question took the form “That the amendment [to omit the unit] be agreed to”, an equally divided vote would result in that **question** being lost and a unit which did **not** have majority support remaining in the bill. To avoid this wrong result, amendments of this type are always drafted in the form “[unit], **TO BE OPPOSED**” (see above) and are always put by the chair separately from other amendments.

Need Assistance?

For assistance with any of the matters covered by this guide, government senators or their staff should contact the Clerk Assistant (Table), on extension 3020; and non-government senators or their staff should contact the Clerk Assistant (Procedure), on extension 3380.

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