

**Information types – Legislation and legislative materials**

**Legislation terminology**

<a href="#">Act (aka Statute)</a>	<a href="#">Amending Act</a>	<a href="#">As made – Act, delegated legislation (aka sessional, numbered) authorised legislation</a>
<a href="#">Bill</a>	<a href="#">Consolidated</a>	<a href="#">Current – Act, delegated legislation (aka reprinted, consolidated)</a>
<a href="#">Delegated legislation (aka subordinate legislation)</a>	<a href="#">Explanatory memorandum</a>	<a href="#">Government gazette</a>
<a href="#">Hansard</a>	<a href="#">Legislative instrument</a>	<a href="#">Numbered (see 'As made')</a>
<a href="#">Parliamentary papers</a>	<a href="#">Principal Act</a>	<a href="#">Proclamation</a>
<a href="#">Regulation</a>	<a href="#">Reprinted</a>	<a href="#">Sessional</a>
<a href="#">Statute</a>	<a href="#">Subordinate legislation</a>	

**Act (aka Statute)**

A decree proclaiming the law, passed by the legislature and given Royal Assent by the Crown. LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

See also: 'As made', 'Current', 'Principal Act', 'Historical', 'Amending Act'

**Amending Act**

An Act that alters the operation of an earlier Act. LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

**As made - Act, Delegated Legislation (aka Sessional, Numbered)**

Legislation in the form as originally enacted, not incorporating any subsequent amendments. LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

The term 'Sessional' refers to the Act as passed in a particular session (or year) of Parliament.

The term 'Numbered' refers to the sequential number each Act passed is given during a session of Parliament.

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## **Authorised legislation**

The official version of legislation, as published under the jurisdiction's Act that regulates the publication of legislative materials.

This version is generally the preferred version to cite in court.

Authorised legislation can be found from the legislation website of the relevant jurisdiction. Generally, only the PDF version is authorised and will often be indicated by a tick. If an authorised version cannot be found online, refer to the printed version from the government printer.

For more details, check the relevant jurisdiction's legislation website for any disclaimer.

## **Bill**

The draft form of an Act, as introduced into Parliament.

## **Consolidated (see 'Current' below)**

### **Current - Act, Delegated Legislation (aka Reprinted, Consolidated)**

A version of legislation that incorporates all amendments since the original legislation was enacted.

The term 'Reprinted' refers to the process of reprinting, or republishing, the Act or Delegated legislation each time amendments come into force.

The term 'Consolidated' refers to the process of consolidating the amendments into the original Act or Delegated Legislation.

### **Delegated legislation (aka Subordinate legislation)**

Legislation made by a person or body other than Parliament, under authority granted to that person or body by an Act of Parliament.

Includes: regulations, by-laws, rules, ordinances, etc.

LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

## **Explanatory memorandum**

A document issued with a Bill to explain the aims and operation of the proposed legislation.

## **Government gazette**

An official journal published by government, containing information such as: proclamations that bring legislation into operation; notification of government decisions and subordinate legislation; public service appointments; government tenders; and electoral notices. LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

## **Hansard**

A record of parliamentary debates and speeches made in Parliament.

## **Legislative instrument**

The term given to Commonwealth delegated legislation.

## **Numbered (see 'As made' above)**

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## **Parliamentary papers**

Papers presented to Parliament.

Includes documents such as: annual reports of government agencies; reports of royal commissions and other government inquiries; and parliamentary committee reports.

## **Principal Act**

An Act of Parliament that deals comprehensively with a given area of law. LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

## **Proclamation**

1. The act of formally and publicly announcing, publishing, or declaring something issued and ordained by a competent authority.
2. A formal, public announcement.
3. Publication in the Government Gazette of the consent of the Governor-General for the commencement of legislation.

LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

**Regulation (see 'Delegated legislation' above)**

**Reprinted (see 'Current' above)**

**Sessional (see 'As made' above)**

**Statute (see 'Acts' above)**

**Subordinate legislation (see 'Delegated legislation' above)**

## **How Legislation is made**

Parliament of Australia

[Making laws](#)

Parliament of South Australia

[How a Bill becomes and Act of Parliament](#)

## **Acts – current, as made, historical**

What are Acts?

An Act is a "decree proclaiming the law, passed by the legislature and given Royal Assent by the Crown". LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

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## What are the different types of Acts? Why should I use Acts?

Current Acts	AKA reprinted, consolidated  Is the most recent version of an Act, which incorporates all amendments which have commenced operation.	Use to learn how the law stands
Acts as made	AKA numbered, sessional  The original version of the Act, as it looked when it first passed Parliament - i.e. not incorporating any subsequent amendments	Useful for * historical research, to track the history of an Act, to see how it looked at different times * locating amendments (amending Acts can only be found as an Act as made)
Historical versions	AKA historical reprints  Older versions of an Act which have been superseded (i.e. are no longer in force).	Use to see how an Act stood at an earlier point-in-time
Amending Acts	An Act that alters the operation of an earlier Act. LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)	Useful for * historical research, to track the history of an Act, to see how it looked at different times * locating amendments that might not yet have come into force (i.e. have passed Parliament, but have not yet been incorporated into the current version of an Act)

## Where do I find Acts?

You can generally find Acts

- on Parliamentary websites - e.g. SA Legislation, ComLaw
- on legislation websites - e.g. AustLII, LawOne

## Delegated Legislation

### What is delegated legislation?

Delegated legislation is made by a person or body other than Parliament, under authority granted to that person or body by an Act of Parliament.

Delegated legislation can be

- regulations
- by-laws
- rules
- ordinances

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- etc.

LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

### Why should I use delegated legislation?

Delegated legislation provides the detail necessary for the effective operation of an Act.

According to the [SA Legislation website](#), an Act "must be read together with its subordinate legislation for a full picture of the written law ... on a particular topic."

### Where do I find delegated legislation?

You can generally find delegated legislation

- on Parliamentary websites - e.g. SA Legislation, ComLaw
- on legislation websites - e.g. AustLII, LawOne

## Bills

### What are Bills?

A bill is the draft form of an Act, as introduced into Parliament.

### Why should I use Bills?

- To learn of **upcoming changes** to the law
- To **trace the history** of an Act - e.g. what the draft form of the Act looked like when being debated in Parliament

### Where do I find Bills?

You can generally find Bills

- on Parliamentary websites - e.g. SA Legislation, ComLaw
- on legislation websites - e.g. AustLII, LawOne

## Explanatory memoranda

### What are explanatory memoranda?

An explanatory memorandum is a document issued with a Bill to explain the aims and operation of the proposed legislation.

### Why should I use EMs?

You can use EMs to help interpret legislation.

### Where do I find EMs?

You can generally find EMs where you find Bills

- on Parliamentary websites - e.g. SA Legislation, ComLaw

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- on legislation websites - e.g. AustLII, LawOne

Do all jurisdictions have EMs? If not, where else can I look for similar information?

Not all jurisdictions publish EMs - e.g. South Australia generally does not provide an EM.

You can find similar information in the second reading speech in Hansard. During this speech, the minister who introduced the Bill will generally outline in detail the purpose of the Bill.

## **Hansard**

What is Hansard?

A record of parliamentary debates and speeches made in Parliament.

Why should I use Hansard?

To help **interpret** legislation.

In particular, you should refer to

- the second reading speech, where the minister who introduced the Bill outlines in detail the purpose of the Bill
- the debate following the second reading speech, which can sometime lead to amendments to the text of the Bill

Where do I find Hansard?

You can find Hansard on parliamentary websites.

## **Parliamentary papers and committee reports**

What are parliamentary papers?

Papers presented to Parliament.

Includes documents such as

- annual reports of government agencies
- reports of royal commissions and other government inquiries
- parliamentary committee reports

Why should I use parliamentary papers and committee reports?

Parliamentary papers, particularly reports of commissions or inquiries, can be very useful.

Sometimes, these reports will suggest changes to the law and lead to the introduction of a Bill.

Other times, these reports will investigate a current Bill.

As such, they can be useful

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- to read in conjunction with an EM or Hansard to determine the purpose of legislation
  - when analysing the law or legal system - e.g. if it works, if it can be improved, etc.

### Where do I find parliamentary papers and committee reports?

You can often find parliamentary papers and committee reports on parliamentary websites.

Some older papers may only be available in print in the Library.

More information and links can be found on the Legislation Search Smart Guide.

### What about submissions to inquiries? Are these available to read?

Sometimes, yes.

If there is information about the committee or inquiry online, there will often be a link to submissions as well.

## Gazettes and proclamations

### What are gazettes?

The Government Gazette is an official journal published by government, containing information such as

- proclamations that bring legislation into operation
- notification of government decisions and subordinate legislation
- public service appointments
- government tenders
- electoral notices

### What are proclamations?

1. The act of formally and publicly announcing, publishing, or declaring something issued and ordained by a competent authority.
2. A formal, public announcement.
3. Publication in the Government Gazette of the consent of the Governor-General for the commencement of legislation.

LexisNexis Concise Australian Dictionary (LexisNexis, 5th ed, 2015)

### Why should I use them?

To find the **commencement date** of legislation - i.e. when the legislation commenced operation

### Where do I find them?

Government Gazettes are generally available online, although older years may only be in print in the Library.

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## Legislation tables

### What are legislation tables?

aka statute annotator, index to legislation

Legislation tables are resources that list the legislative history of Acts for a particular jurisdiction.

They generally provide:

- the commencement date of an Act, or if it has been repealed (and which Act repealed it)
- legislative history
  - a list of later Acts that have amended the Act
  - a list of sections and how each has been amended over time
- list of delegated legislation made under the Act

### Why should I use legislation tables?

- to see the commencement date of an Act (i.e. when it commenced operation)
- to find Gazette references to the Act, including proclamations
- to see a list of amendments made to an Act
- to identify delegated legislation made under an Act
- to determine if legislation has been repealed
- to find a list of cases that judicially consider an Act (only available in the Federal Statutes Annotations)

### Where do I find legislation tables?

You can generally find legislation tables on parliamentary or government legislation websites.

### How do I use a legislation table?

Legislation tables are arranged alphabetically by the title of each Act.

<b>Team:</b>	Learning & Teaching Library Services
<b>Subject:</b>	Law
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