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## Objectives

At the end of this tutorial, you should be able to:

- Identify the different types of legislation
- Recognise the different types of Acts
- Find an Act electronically
- Understand the structure of an Act
- Identify the currency of an Act
- Use second reading speeches in Hansard to establish the purpose of an Act

[Defining legislation](#) ►

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## Defining Legislation

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- Legislation is a general term covering laws enacted by Parliaments, plus laws made by persons or bodies granted law-making powers by the Parliament.
- Legislation is also called **Acts** or **Statutes**.
- Delegated legislation (subordinate legislation) are laws made under delegated authority of the Parliament.
  - they take the form of by-laws, rules, ordinances or regulations.
  - they are usually made by the Governor-General or State Governors.
  - Delegated legislation comes from an Act; it contains details necessary to carry out specific matters relating to the Act.
  - Example: the *University of Wollongong Act 1989* (NSW) provides for the University Council to make by-laws covering a number of areas including the form and use of academic dress.

[How an act is made](#) ►

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## How an Act is made

- Each Act of Parliament begins its life as a Bill.
- Most bills are introduced into the Parliament by the proposing Minister and have to pass through 3 readings in each House of Parliament. If both Houses pass the Bill, it receives Royal Assent and its provisions become law/Act.
- A Bill's progress is recorded in the Parliamentary Debates/ Hansard.
- The most important stage of a Bill is the **Second Reading** when the Minister responsible explains its purpose and the general principles are debated.

## Changes to an Act/legislative changes

Proposals for changes to the law can come from a number of sources:

- Pressure groups
- Governments who want to implement their own policies
- Changing community needs
- Recommendations from Law Reform Committees and Royal Commissions of Inquiry

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## Types of Acts available electronically

- **Principal Act:** also called an 'Original Act', is an Act that deals with an area of law which has not been dealt with before. E.g. Native Title Act 1993.
- **Amending Acts:** identify specific sections of the Principal Act that are to be repealed, inserted or amended. These Acts usually have the word "Amendment" in their title. E.g. Native Title Amendment Act 1998.
- **Consolidated Acts:** are found in Law databases (e.g. LAWLEX and AustLII).

[Structure of an Act](#) ►

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## Structure of an Act

The structure of Acts within all the Australian jurisdictions follows a common pattern. Note the important parts in the consolidated Act below:

**Short title**

**Native Title Act 1993**

Act No. 110 of 1993 as amended

**Compilation**

This compilation was prepared on 31 March 2005 incorporating amendments up to Act No. 32 of 2005

[Note: Part 12 ceases to have effect on 23 March 2006, see section 207]

The text of any of those amendments not in force

**Scroll to the end of the Act's contents list to view this page**

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**An Act about native title in relation to land or waters, and for related purposes**

**Long title**

**Preamble**

This preamble sets out considerations taken into account by the Parliament of Australia in enacting the law that follows.

The people whose descendants are now known as Aboriginal peoples and Torres Strait Islanders were the inhabitants of Australia before European settlement.

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# Legal Research: An Introduction

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## Finding an Act by title

Let's assume we want to find a copy of the *Native Title Act 1993* (Cth). View the LAWLEX demonstration below to guide you through the search process:



[Finding an Act by title](#) [SWF 1.4MB]

## What is LAWLEX?

LAWLEX is one of the largest databases providing access to the full text of State and Commonwealth legislation. It links to other authoritative government databases, such as ComLaw from the Australian Government Attorney-General's Department, and NSW Legislation from the Parliamentary Counsel's Office.

[Finding an Act by title \(cont'd\)](#) ►

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## Finding an Act by title (cont'd)

### Activity 1: Find *Native Title Act 1993 (Cth)* using LAWLEX

1. Go the [Legislation Databases page](#) (opens in a new window)
2. Select *LAWLEX*
3. Enter your UOW University email username and password when prompted
4. Locate and click on the *Native Title Act 1993 (Cth)*
5. Write down the short title of the Act

### Finding a section within an Act



[LAWLEX demonstration: Finding a section within an Act](#)

[SWF 375KB] [opens in a new window]

### Activity 2: Finding section 223 of *Native Title Act 1993 (Cth)*

1. Using LAWLEX, locate and click on the *Native Title Act 1993 (Cth)*
2. Write down what issue is addressed by section 223

[Finding legislation by topic](#) ►

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## Finding Legislation by topic

If you don't know anything about the topic ...

- try using a textbook
- try using a database (e.g. LexisNexis AU: Statutes Annotations Federal).
- try using LAWLEX

### Demonstrations on how to use LAWLEX to find legislation by topic:



[Using LAWLEX's keyword search \[SWF 858KB\]](#)



[Using LAWLEX's subject index \[SWF 583KB\]](#)

[Currency of an Act](#) ►

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## Currency of an Act

Legislation can be subject to substantial change or may be repealed.

### To verify the currency of an Act

1. Use LAWLEX
2. Check compilation information
3. Check for amendments since the last consolidation

### Demonstration:



[Checking the Currency of an Act \[SWF 405KB\]](#)

[Finding amendments](#) ►

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## Finding Amendments

### Activity 2: Finding amendments

1. Go to [LAWLEX](#)
2. Locate the *Native Title Act 1993* (Cth)
3. Answer the following questions:
  - What is the number of the latest amending Act included in the compilation?
  - What issue is addressed by s. 184?
  - What is the title of the act which amends this section?

**Tip:** From the Core Document Homepage 'Premium Research' section ...

1. click 'View the History of Amendments to this Title'.
2. Locate the section number from column 1: *Provision Affected*, and click the link for the *Act Year*, and number from column 3: *Amending Title*.

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## Finding the purpose of an Act

The most important stage of a Bill is the **Second Reading** when the Minister responsible explains its purpose and the general principles are debated.

### Finding Second Reading speeches in Hansard

- Second Reading speeches in Hansard are accessible via LAWLEX, or via ...
- Commonwealth Hansard:  
Parliament of Australia web site: (1981+)  
<http://www.aph.gov.au> (Opens in a new window)
- NSW Parliament web site (Nov 1978+)  
<http://www.parliament.nsw.gov.au> (Opens in a new window)
- Hansard in print is available from the Journals Collection - check the Library Catalogue or ask at the Research Help Desk.

### Demonstration:



[Finding Hansard using LAWLEX \[SWF 367KB\]](#)

[Researching Hansard](#) ►

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## Researching Hansard

### Activity 3: Accessing the 2nd reading speeches in Hansard using LAWLEX

1. Go to the [Legislation Databases page](#) (Opens in a new window)
2. Select LAWLEX
3. Locate the *Core Document Homepage* for the *Native Title Act 1993*
4. Click on *Hansard - 2nd Reading Speech*
5. (You will be directed to the Parliament of Australia web site) Answer the following:
  - o Who moved the bill to be read for a second time?
  - o What was the date the bill was read for a second time?

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## Citing an Act

- Consult [Australian Guide to Legal Citation \(3rd ed, 2010\)](#) (PDF opens in a new window) 64 [3]
- Hard copy version in the Library: REF/K/202.K1/AUS/1

Important elements to include in your citation:

1. short title (italicised)
2. year (italicised)
3. jurisdiction

eg. *Native Title Act 1993* (Cth)

[Citing](#) ►

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## Citing an Act

### Activity 4

1. Go to the [Australian Guide to Legal Citation](#) (3rd ed, 2010). (PDF opens in a new window) 64 [3]
2. Cite the Native Title Amendment Act No. 97 1998 (Commonwealth)

This completes the legislation module.

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