

Legislative framework

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As a senior executive you need a strong understanding of the **state's legislative framework**, including the primary legislation that applies to your agency. You also need to be familiar with other legislation that applies to whole of government.

The **NSW Parliamentary Counsel's Office** has developed a **guide to interpreting NSW legislation**. You should seek legal advice if you are at all uncertain about what an Act means. Your agency legal team or the **Crown Solicitor's Office** should be able to help.

You need to ensure that you are aware of and that you comply with your legislative obligations. These obligations will be detailed in your agency's internal policies and procedures.

Making laws

The power to make laws is shared between the Commonwealth Parliament and each state parliament. There are four main sources of law in NSW: the Australian Constitution, federal legislation, NSW legislation and common law. Common law is developed by judges when they decide cases and refer to previous decisions for guidance on how the law should be applied.

The law-making process in NSW is similar to most other Australian states, the Australian Federal Parliament, and the British Parliament, upon which our system of government is based. This process involves:

1. developing policy
2. drafting a Bill
3. passing the Bill through Parliament
4. receiving royal assent from the Governor
5. commencement.

The NSW Parliament has produced six **videos which provide an overview of parliamentary processes and the passage of legislation**.

The Governor allocates to ministers the administration of legislation and other portfolio duties under the **Constitution Act 1902**. This usually occurs after each election or any large-scale Cabinet portfolio changes. The **Allocation of the Administration of Acts** specifies the minister currently responsible for each piece of legislation.

Each agency administers many Acts of Parliament and subordinate legislation on behalf of the relevant minister. You should familiarise yourself with the Acts and legislation relevant to your agency.

Current Acts of Parliament and subordinate legislation are published on the **NSW legislation website** which is managed by the NSW Parliamentary Counsel's Office.

Developing legislation

If you are involved in developing legislation your role may include:

- informing the relevant Minister and the Department of Premier and Cabinet on legislation proposals
- co-ordinating efforts to seek Cabinet approval when initially preparing the Bill
- consulting with stakeholders before submitting the Bill for Cabinet consideration
- instructing the Parliamentary Counsel's Office on how to draft the Bill (at which point those instructing on the Bill should have the knowledge, ability and authority required to make decisions on questions that arise during the drafting process)
- ensuring the Bill has been drafted in accordance with the Cabinet decision, and that it reflects the wishes of the Minister and the agency
- supporting the passage of the Bill through the Parliament by:
 - briefing members of Parliament
 - developing debate points
 - preparing speeches (including the second reading speech and speech in reply).