Guide to Legislation Research

This guide will help you when you need to:

- Know the difference between an Act and a Bill
- Get a copy of a specific Act
- Find legislation on a topic (but you don’t know the Act name/s)
- Check whether an Act has been amended recently
- Find information to help you understand an Act
- Find cases where judges have discussed the meaning of an Act (or section)

I need to… know the difference between an Act and a Bill

A Bill..............
- Is the document introduced to Parliament. When passed by both Houses of Parliament, it becomes an Act.
- Not all Bills are successfully passed by Parliament. Sometimes amendments are made by Parliament while the Bill is before it. Sometimes the Bill is rejected altogether.
- A Bill is not “law” until it is passed by Parliament and the resulting Act commences operation.

An Act .............
- Is law.
- Comes about when a Bill has been passed by Parliament and proclaimed by the Governor General.
- Does not have any effect until it commences operation.
- Different parts of an Act may commence operation at different times.
- Some Acts exist only to amend other Acts. These are amending Acts.
- Acts which stand on their own are known as principal Acts.

I need to… get a copy of a specific Act

Use Lawlex Premium as the gateway to the preferred government legislation sites

1. Go to the ECU Library website
2. Under the ‘Library resources’ menu, click on ‘Databases’
3. Choose Lawlex Premium from the A-Z database list
4. You may be asked to log in, using your ECU log-in details.

Once in Lawlex Premium:
1. Enter one or two words from the Act name in the Keywords search box
2. Choose the appropriate jurisdiction from the drop-down list, or search ALL – click GO.
3. Choose the relevant Act from the results list
4. From the Core Document Home Page (CDHP), click on the button to access the full text of the Act.

NOTE: Lawlex Premium is a convenient and easy to use subscription-only database, acting as a gateway to preferred government legislative and parliamentary websites. These sites can also be searched independently. You should make yourself familiar with using the Commonwealth Federal Register of Legislation and for WA, the Western Australian Legislation websites.

I need to… find legislation on a topic (but I don’t know the Act name/s)

Use Lawlex Premium as the gateway to the preferred government legislation sites

1. Go to the ECU Library website
2. Under the ‘Library resources’ menu, click on ‘Databases’
3. Choose Lawlex Premium from the A-Z database list
4. You may be asked to log in, using your ECU log-in details.

Once in Lawlex Premium, either:

1. Enter one or two keywords, which you expect to see in the Act name, in the Keywords search box;
   Or
2. Click on Browse Legislation:
   a. Select a Jurisdiction (eg WA), and
   b. Select a Category and/or Subcategory from the list

I need to… check whether an Act has been amended

Overview

- **Principal Acts** are amended by other Acts.
- Governments make available “reprints” or “consolidations”, which consist of the original Act, with all the amendments incorporated into it.
- Each reprinted Act has a Table of Amendments at the back, listing the amending Acts that are INCLUDED in the version you have. They usually have a note on the front cover with the “effective date” of the legislation.
- You may need to check if there are amending Acts in force that are NOT yet included in the reprinted or consolidated Act.
- If you discover that there are amending Acts not yet included in the reprint, you will need to get copies of those Acts and check what amendments they make to the principal Act.
- You will also need to check on which date each amending Act commences.

Use Lawlex Premium as the gateway to the preferred government legislation sites

1. Go to the ECU Library website
2. Under the ‘Library resources’ menu, click on ‘Databases’
3. Choose Lawlex Premium from the A-Z database list
4. You may be asked to log in, using your ECU log-in details.
Once in **Lawlex Premium**:

1. Enter one or two words from the Act name in the Keywords search box
2. Choose the relevant Principal Act (PA) from the results list
3. From the Core Document Home Page (CDHP), click on **Check for Amendments since the Last Consolidation** in the Premium Research box on the right.
4. There will be two tables:
   a. The first is a long table showing amendments section by section.
   b. The second is a shorter table showing which Acts amend the Principal Act (Amending Title).

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**I need to… find information to help me understand an Act**

**Overview**

There are two types of information that can help you understand an Act:

1. **Secondary material** – such as, journal articles, text books, and legal encyclopaedia.
2. **Extrinsic material** – such as, second reading speeches and explanatory memoranda. These can be used as aids in statutory interpretation.

**Locating information about an Act**

**Journal articles** – try:
- HeinOnline [https://ecu.au.libguides.com/heinonline](https://ecu.au.libguides.com/heinonline)
- See the **Law Subject Guide** for other suggested databases

**Text books** – try:
- Refer to your Unit outline for core texts and recommended readings,
- Enter relevant keywords in ECU WorldSearch to locate ebooks / books, or
- Browse the shelves in the library, in the 340 (Law) area.

**Legal encyclopaedias** – try:
- Halsbury’s Laws of Australia (on Lexis Advance), or
- The Laws of Australia (on Westlaw AU)
both via the A-Z database list on the Library webpage.

**Second reading speeches** or **Explanatory memoranda**:
- Use **Lawlex Premium** as the gateway to the preferred government legislation sites.
  1. Go to the ECU Library website
  2. Under the ‘Library resources’ menu, click on ‘Databases’
  3. Choose **Lawlex Premium** from the A-Z database list
  4. You may be asked to log in, using your ECU log-in details.
Once in **Lawlex Premium** –

1. Enter one or two words from the Act name in the Keywords search box
2. Choose the relevant Principal Act (PA) from the results list
3. From the Core Document Home Page (CDHP), links to the **Explanatory Memorandum** or the **2nd Reading Speech** will be provided if available electronically.

### I need to… find cases where judges have discussed the meaning of an Act (or section).

Use **Westlaw AU**

1. Go to the ECU Library website
2. Under the ‘Library resources’ menu, click on ‘Databases’
3. Choose **Westlaw AU** from the A-Z database list

Once in **Westlaw AU** –

1. Click on the **Cases** tab on the left to access the “Search Cases” page
2. Type the name of the Act in the “Legislation Cited (Title)” search box, and if known, a section number in “Legislation Cited (Provision)” search box just below – click search.
3. Browse results, click on the link to Judgment Text or PDF to review the case.
4. Use the filters on the left to refine by jurisdiction, classification, practice area etc.

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For further assistance, contact ECU Library:

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