

# TEXAS VS NEW SOUTH WALES

New South Wales is one of the states in the country of Australia. Like the United States, Australia has a federal system of government, and, like in the United States, most Australian states have bicameral state legislatures. The New South Wales legislature is called the New South Wales Parliament and consists of a lower house called the Legislative Assembly and an upper house called the Legislative Council. However, the legislative process in New South Wales differs in several ways from that of the Texas Legislature.

Because New South Wales relies on a parliamentary system of government in which the key executive branch members are also members of the legislature, the legislative process is dominated by the executive. Bills introduced to the state parliament by members of the executive are called government public bills, and these bills are given priority in the legislature. Other bills introduced by the rest of the parliament are called private member bills. These bills are only considered after the government bills have been voted on by both houses.<sup>i</sup>

A second difference is the fact that during the first reading of a bill in either chamber, a member of the executive cabinet gives a speech on the purpose of the bill. Thus, if the bill is about road and highway construction, the head of Transport for NSW, the New South Wales department of transportation, is the person who gives the speech about the bill. Remember this person also sits in one of the two houses of the state parliament as an elected member of the legislature.<sup>ii</sup>

Reconciling differences in the versions of a bill passed by each house differs considerably in New South Wales. Recall that in Texas, like most U.S. states, a bill passed by the Texas Senate that differs from the version passed by the Texas House of Representatives will have its differences resolved by a conference committee consisting of members of both chambers. The conference committee produces a version of the bill that is sent to each house for consideration without amendment. If both houses agree to the version produced by the conference committee, the reconciled version is sent

to the governor to sign. In New South Wales, when the Legislative Assembly and the Legislative Council pass different versions of the same bill, one of four things may happen. First, the two chambers may send messages back and forth to each other until agreement is reached or one of the chambers decides to set the bill aside.<sup>iii</sup> Second, if both houses wish, the two chambers may meet together in a joint session in order to reconcile the bill. A third option is for the Legislative Assembly to submit the bill to the voters of New South Wales to pass it into law through a statewide referendum. This option is used when the first and second options fail. Finally, if the bill involves ordinary expenses as part of the state budget, the Legislative Assembly may pass the bill again and then send the bill directly to the governor for signing into law.<sup>iv</sup>

## THINKING *Critically*

- ★ What is the advantage of having a member of the executive branch explain the importance or significance of a bill during the legislative process?
- ★ Are there disadvantages to having a member of the executive present during discussion of a bill before the legislature?
- ★ Are the methods of reconciling a bill passed in different forms in the New South Wales Parliament an improvement over the process used in the Texas Legislature? Why or why not?

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i. Parliament of New South Wales, “Legislative Process Explained” [www.parliament.nsw.gov.au/prod/web/common.nsf/key/LegislativeProcessExplained](http://www.parliament.nsw.gov.au/prod/web/common.nsf/key/LegislativeProcessExplained) (accessed September 18, 2014).

ii. Ibid.

iii. Ibid.

iv. Ibid.