

PARLIAMENTARY COUNSEL

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Part 1—Background

1 Subsection 7(3) of the *Snowy Hydro Corporatisation Act 1997* provides in part “The Commonwealth must not dispose of or transfer shares in the Snowy Hydro Company without the approval of the Parliament”. This has led to some dispute about the process that must be followed.

Part 2—Future approach

2 You should not refer to something being done by “the Parliament” unless it is clear from the context in which that term is to be used that you intend to refer to each of the Queen or Governor-General, the Senate and the House of Representatives.

3 If you draft a provision that requires a matter to have the approval of “the Parliament” and the provision does not require that approval to be sought by the enactment of legislation, you should include in the provision details of the process that needs to be followed before the matter can be considered to have that approval.

4 If you are instructed to draft a provision requiring a matter to have the approval of the Parliament, you should discuss the issue with First Parliamentary Counsel.

Peter Quiggin
First Parliamentary Counsel
2 May 2007