

Information sheet – Types of law

Common law – made by courts (judges)

Common law works according to ‘precedent’. If a matter before the court is similar to a matter in the past and if the circumstances are similar, the decision in the new case should follow the previous decision. If the circumstances are different, then the decision may be different, with the new decision becoming a precedent for the next similar case. Definition from Curriculum Corporation’s discovering democracy kit.

For more information:

- [Discovering Democracy website](#)

Statute law – made by Parliament

A bill—an idea for a law—becomes a law after it has been passed in the same form by both houses of Parliament and is signed by the Governor-General. It is then called an Act of Parliament. For a bill to be passed, it must be agreed to by a majority vote in both the House of Representatives and the Senate. A bill may also be sent to a parliamentary committee for further investigation before being voted on by the Parliament.

For more information:

- Making a law in the Australian Parliament fact sheet: PEO link

Delegated law – made by executive government

The Australian Parliament makes laws for Australia. Sometimes it gives the power to make decisions about the details of these laws to the relevant minister, executive office-holder or government department. This is called delegated law because the power has been delegated to that person or department. The Parliament holds the right to overrule these delegated decisions if it does not agree with them.

For more information:

- Delegated law fact sheet: PEO link