



ACT Parliamentary Counsel's Office

Amending Guide

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Introduction

1 Principles behind amending forms

This guide sets out the amending forms used in ACT laws. The principles behind the amending forms are:

- the promotion of simplicity through the elimination of unnecessary detail and variation
- the encouragement of consistency and clarity to assist users and to facilitate the drafter's task.

2 References to *text units* and *free text*

Text units are chapters, parts, divisions, subdivisions, sections, headings, subsections, definitions, paragraphs, subparagraphs, sub-subparagraphs, penalty provisions, diagrams, examples, tables and notes (and text units in schedules, regulations and rules similar to these).

Free text is text that forms part (but not the whole) of a text unit.

3 Heading formats

Heading formats are reflected in this guide. These are indicative only; they may differ slightly from actual heading styles in use. Grey-shading of all clauses of amending bills (etc) is indicated throughout.

4 Regulations, rules

This guide applies to the preparation of amendments to all forms of legislation prepared in PCO. Amendments of regulations and rules should follow the corresponding amending forms for amendments of Acts.

5 Instruments

Instruments are not usually amended by legislation; however, they may be repealed.

6 Chapters, subdivisions, subparagraphs etc

- chapters: follow amending forms for parts
- subdivisions: follow amending forms for divisions
- subparagraphs and sub-subparagraphs: follow amending forms for paragraphs
- schedule text units: follow amending forms for text units in the main body of an Act
- text units of sets of regulations and rules: follow amending forms for corresponding text units of an Act

7 Repeals

References to amendments include repeals of Acts/regulations/rules. Bills entitled **Amendment** and those entitled **Consequential Amendments** may include repeals as well. For further information see the Drafting Practice Guide, 3.2 (Styles for naming clauses).

8 Numbering of examples in the guide

The examples in this guide (except where the numbering used in legislation is used in the example) are **through numbered**, starting at 1 at the beginning of each chapter.

So, the first item in 3.1.1 (Single omissions) is numbered [3.1], while the first item in 3.1.2 (Omission of text unit sequences—like text units) is numbered [3.11].

9 References to Legislation Act 2001

The *Legislation Act 2001* is abbreviated throughout as 'LA'.

1 Structure

1.1 Use of schedule amendments

- 1 One troublesome structural question about amending bills is whether to use schedules of amendments.
- 2 There are no fixed rules about when to use schedules for amendments and what types of amendments to include in schedules.
- 3 When other Australian jurisdictions moved to 'short-form' amending formulae, they also decided that all amendments must be made in schedules to amending bills.
- 4 There seems no reason, however, to use amending schedules at all times just because long-form amending formulae are eliminated.

When should schedules be used?

In considering whether to use a schedule or schedules of amendments, the following issues should be taken into account:

- **The number of amendments required**
 - The fewer the amendments, the less need for schedules.
 - If there are a lot of amendments, is it possible to distinguish between key amendments (and make them in the body of the bill) and minor, consequential or housekeeping amendments (and make these in a schedule(s)).
- **The need to amend more than 1 Act (or regulations)**
 - Even if an amending bill amends 2 or more Acts, the drafter still has the choice of making amendments to different Acts in distinct parts of the main bill, rather than using schedules.
 - It is also possible to mix main body amendments and schedule amendments to any number of Acts, if desired.
 - Of course, if there are a lot of consequential amendments a companion consequential amendments bill may be drafted. In a consequential amendments bill it may be appropriate to use schedules for all amendments.

- **The potential for confusion if the same Act is amended in both the main body of the amending bill and in schedules**
 - A note should be inserted in the ‘main-body’ provision declaring which Act is amended, indicating that further amendments are also included in a schedule.
 - All amendments to a particular section should generally be made in the same place, even in the case of ‘bulk’ further amendments. An exception may be made if there are a large number of both minor and major amendments to a large section. The test is whether the inclusion of the minor amendments deflects attention too much from the major amendments.
- **The likelihood that the Assembly will wish to focus on a particular amendment**
 - Bear in mind that Legislative Assembly Standing Orders, order 180, requires schedules to be considered as a whole.
 - If a particular amendment is likely to be the focus of Assembly debate in its own right, it should generally be included in the main body of the bill.
- **Differing commencement requirements**
 - This may prevent the use of schedules, or lead to their being used to group together those amendments with the same commencement requirements.
- **Kind of bill**
 - Consequential amendments bills and statute law amendment bills typically use only schedules for amendments. However, it is preferable to put legislation amendment bills into parts rather than schedule amendments where possible.¹

¹ Sentence added in Version 2015-1.

1.2 General

1 Numbering

An amending bill need only be numbered (No #) when it is the 2nd or 3rd etc amending bill to the same Act in a calendar year.

2 Headings

The heading for an amending section in the body of a bill (ie not in a schedule or regulation) includes the heading of the section being amended or schedule, chapter, part or division heading being amended, except if substituting or inserting a new section.

Use of extrinsic material in interpreting an Act Section 139 (1) (b)

direction

This also applies to regulations being amended in the body of a bill.

Appropriate person—Act, s 61 (9) (c) Section 5

direction

If a table in a schedule is being amended include the schedule heading in the amending section.

Internally reviewable decisions Schedule 1, part 1.1, item 2

direction

1.3 Amending bill—amendments in body of bill only

1.3.1 Single Act amended

Aardvark Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend the *Aardvark Act 1999*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark Amendment Act 2011 [(No #)]*.

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999*.

...[amendments]...

...

1.3.2 Single Act amended with outrider amendment(s) to other Act(s)

Aardvark Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend the *Aardvark Act 1999*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark Amendment Act 2011 [(No #)]*.

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999*.

Note 1 This Act also amends the *Devils and Dragons Act 1984* (see s #).

(if more than 1 additional Act amended)

Note This Act also amends other legislation (see s# and s #).

or

Note This Act also amends the following legislation:

- *Curious Critters Act 1982* (see s #)
- *Devils and Dragons Act 1984* (see s #).

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed²

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

...[amendments]...

² Example added in Version 2015-1.

**## Devils and Dragons Act 1984
New section 3 (d)**

insert

(d) an aardvark.

Drafting notes

- 1 Use if there are only small 'additional' amendments, otherwise consider splitting the bill into parts.
- 2 Outrider amendments are always the very last clause(s) (ie after all substantive clauses).
- 3 The outrider amendment does not include the section heading.
- 4 The notes are included to help the reader of the legislation so consideration needs to be given to whether a general note (1st option) or individually naming the legislation (2nd option) is helpful to the reader.
- 5 For consistency, the notes need to be included even for single page bills.
- 6 For more information about repeals and how they are structured see chapter 12.
- 7 “, and for other purposes” must be included in the long title.

1.3.3 Act and regulation amended

Aardvark Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend the *Aardvark Act 1999* and the *Aardvark Regulation 1999* [, and for other purposes]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Aardvark Amendment Act 2011 [(No #)]*.

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999* and the *Aardvark Regulation 1999*.

Part 2 Aardvark Act 1999

4 Heading Section

...[amendments]...

...

Part 3 Aardvark Regulation 1999

Heading Section

...[amendments]...

...

Drafting notes

- 1 Use this structure to amend an Act and the regulation/s made under it.
- 2 If the amendments to other legislation are consequential on the Act and regulation amendments then these amendments should be done in a schedule named 'XYZ Act—Consequential amendments'.
- 4 If the amendments are not consequential and are substantial then the bill should be styled and named as a Legislation Amendment Bill.
- 5 When only the Act and regulation are being amended there is no need to include 'and for other purposes'. If legislation is being repealed then 'and for other purposes' should be included in the long title.
- 6 Repeals may be included in an amending bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3). If a repeal is included 'and for other purposes' needs to be added to the long title.³
- 7 If legislation needs to be repealed include a 'Legislation repealed' clause in part 1 after the 'Legislation amended' clause.⁴

³ Note amended in Version 2012-2 to clarify when to use 'and for other purposes' in a bill's long title.

⁴ Note added in Version 2012-3—see Standards decisions 22/5/12.

1.3.4 Multiple Acts amended—Legislation amendment bill

[*subject matter*] Legislation Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend legislation about [*subject matter*] [, and for other purposes]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the [*subject matter*] *Legislation Amendment Act 2011* [(No #)].

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999* and the *Curious Critters Act 1982*.

or

(if 3 or more pieces of legislation being amended use dot points)

This Act amends the following legislation:

- *Aardvark Act 1999*
- *Curious Critters Act 1982*
- #####
- #####.

or

(if list of legislation being amended is particularly long)

This Act amends the legislation mentioned in parts 2-##.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

Part 2 Aardvark Act 1999**5 Heading
Section ##**

...[amendments]...

...

Part 3 Curious Critters Act 1982**## Heading
Section ##**

...[amendments]...

...

Drafting notes

- 1 Use this structure and title if the main purpose is to amend 2 or more laws in relation to a particular subject matter or if the main purpose is to amend a number of laws administered by a particular government department (ie, without a common theme).
- 2 However, if the only other law being amended is the regulation or other instrument under the Act the bill should be an amendment bill rather than a legislation amendment bill (see 1.3.3).
- 3 Include only amendments or repeals in a legislation amendment bill. Any transitional or savings provisions should be inserted *as amendments* in each affected law.
- 4 Repeals may be included in a legislation amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3). If a repeal is included 'and for other purposes' needs to be added to the long title.⁵
- 5 If legislation needs to be repealed include a 'Legislation repealed' clause in part 1 after the 'Legislation amended' clause.⁶
- 6 The structure of a 'Legislation Amendment' bill can either be body amendments divided into parts or schedule amendments (see 1.5.2).
- 7 All clauses are grey-shaded.

⁵ Note amended in Version 2012-2 to clarify when to use 'and for other purposes' in a bill's long title.

⁶ Note added in Version 2012-3—see Standards decisions 22/5/12.

1.4 Amending bill—amendments in body of bill and schedule(s)

1.4.1 Single Act amended in body of bill and same Act amended in schedule 1

Aardvark Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend the *Aardvark Act 1999* [, and for other purposes]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark Amendment Act 2011 [(No #)]*.

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999*.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

...[amendments]...

...

Schedule 1 Other / Technical amendments

(see s 3)

...[amendments]...

...

Drafting notes

- 1 This structure is used if particular amendments need to be separated, for example, if it is necessary to avoid deflecting attention from the key amendment(s) of the legislation or if different commencement arrangements are required.
- 2 All amendments of any particular section should generally be made either in the body of the bill or in the schedule.
- 3 Technical amendments should generally be included in a schedule with explanatory notes and a technical amendments heading.
- 4 Repeals may be included in a legislation amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3). If a repeal is included 'and for other purposes' needs to be added to the long title.
- 5 Even though there is only a single schedule, number it 'Schedule 1'. If only one amendment in the schedule, the schedule heading will be 'Other / Technical Amendment'.⁷
- 6 The numbering system is explained in more detail in part 2.3.

⁷ Sentence added in Version 2015-1.

1.4.2 Single Act amended in body of bill and other Acts amended in schedule 1

Aardvark Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend the *Aardvark Act 1999*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark Amendment Act 2011 [(No #)]*.

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999*.

Note This Act also amends other legislation (see sch 1).

or

Note This Act also amends the following legislation (see sch 1):

- *Curious Critters Act 1982*
- *Devils and Dragons Act 1984*
- *Mysterious Mammals Act 1981*
- *Rural Rarities Regulations 1983*.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

...[amendments]...

...

Schedule 1 Consequential amendment/s

(see s 3)

Part 1.1 Curious Critters Act 1982

...[amendments]...

...

Part 1.2 Devils and Dragons Act 1984

...[amendments]...

...

Part 1.3 Mysterious Mammals Act 1981

...[amendments]...

...

Drafting notes

- 1 This structure is used if consequential amendments to other legislation are necessary because of the amendments made to the legislation in the body of the bill.
- 2 The notes in clause 3 are included to help the reader of the legislation.
- 3 Because other legislation is being amended in the schedule, 'and for other purposes' needs to be added to the long title.
- 4 Repeals may be included in a legislation amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3).
- 5 Even though there is only a single schedule, number it 'Schedule 1'. If only one amendment in the schedule, the schedule heading will be 'Consequential Amendment'.⁸
- 6 The numbering system is explained in more detail in part 2.3.

⁸ Sentence added in Version 2015-1.

1.4.3 Single Act amended in body of bill, same Act amended in schedule 1 and other Acts amended in schedule 2

Aardvark Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend the *Aardvark Act 1999*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark Amendment Act 2011 [(No #)]*.

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999*.

Note This Act also amends other legislation (see sch 2).

or

Note This Act also amends the following legislation (see sch 2):

- *Curious Critters Act 1982*
- *Devils and Dragons Act 1984*
- *Mysterious Mammals Act 1981*
- *Rural Rarities Regulations 1983*.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

...[amendments]...

...

**Schedule 1 Aardvark Act 1999—
Consequential /Other / Technical
amendment/s**
OR
**Aardvark Act 1999—Consequential and
other amendments**

(see s 3)

...[amendments]...

...

Schedule 2 Consequential amendment/s

(see s 3)

Part 2.1 Curious Critters Act 1982

...[amendments]...

...

Part 2.2 Devils and Dragons Act 1984

...[amendments]...

...

Drafting notes

- 1 This structure is used if particular amendments need to be separated, for example, if it is necessary to avoid deflecting attention from the key amendment(s) of the legislation or if different commencement arrangements are required **and** if consequential amendments to other legislation are necessary because of the amendments made to the legislation in the body of the bill.
- 2 All amendments of any particular section should generally be made either in the body of the bill or in the schedule. If only one amendment in the schedule, the schedule heading will be 'Consequential / Other / Technical Amendment'.⁹
- 3 Technical amendments should generally be included in a schedule with explanatory notes and a technical amendments heading.
- 4 The notes in clause 3 are included to help the reader of the legislation.
- 5 Because other legislation is being amended in the schedule, 'and for other purposes' needs to be added to the long title.
- 6 Repeals may be included in a legislation amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3).
- 7 The numbering system is explained in more detail in part 2.3.

⁹ Sentence added in Version 2015-1.

1.4.4 More than 1 Act amended in body of bill and 1 of same Acts amended in schedule 1—Legislation amendment bill

[*subject matter*] Legislation Amendment Bill 2011 **[(No #)]**

A Bill for

An Act to amend legislation about [*subject matter*] [, and for other purposes]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the [*subject matter*] *Legislation Amendment Bill 2011* [(No #)].

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999* and the *Devils and Dragons Act 1984*.

or

(if a few pieces of legislation being amended use dot points)

This Act amends the following legislation:

- *Aardvark Act 1999*
- *Curious Critters Act 1982*
- #####
- #####.

or

(if list of legislation being amended is particularly long)

This Act amends the legislation mentioned in parts 2-## and schedule 1.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

Part 2 Aardvark Act 1999**4 Heading
Section ##**

...[amendments]...

...

Part 3 Devils and Dragons Act 1984**## Heading
Section ##**

...[amendments]...

...

**Schedule 1 Aardvark Act 1979—
Consequential / Other / Technical
amendment/s**

OR

**Aardvark Act 1999—Consequential and
other amendments**

(see s 3)

...[amendments]...

Drafting notes

- 1 Use this structure and title if the main purpose is to amend 2 or more laws in relation to a particular subject matter or if the main purpose is to amend a number of laws administered by a particular government department (ie, without a common theme).
- 2 This structure is used if particular amendments need to be separated, for example, if it is necessary to avoid deflecting attention from the key amendment(s) of the legislation or if different commencement arrangements are required.
- 3 All amendments of any particular section should generally be made either in the body of the bill or in the schedule.
- 4 Technical amendments should generally be included in a schedule with explanatory notes and a technical amendments heading.
- 5 Repeals may be included in a legislation amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3). If a repeal is included ‘and for other purposes’ needs to be added to the long title.¹⁰
- 6 If legislation needs to be repealed include a ‘Legislation repealed’ clause in part 1 after the ‘Legislation amended’ clause.¹¹
- 7 Even though there is only a single schedule, number it ‘Schedule 1’. If only one amendment in the schedule, the schedule heading will be ‘Consequential / Other / Technical Amendment’.¹²
- 8 The numbering system is explained in more detail in part 2.3.

¹⁰ Note amended in Version 2012-2 to clarify when to use ‘and for other purposes’ in a bill’s long title.

¹¹ Note added in Version 2012-3—see Standards decision 22/5/12.

¹² Sentence added in Version 2015-1.

1.4.5 More than 1 Act amended in body of bill and other Acts amended in schedule 1—Legislation amendment bill

[*subject matter*] Legislation Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend legislation about [*subject matter*] [, and for other purposes]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the [*subject matter*] *Legislation Amendment Bill 2011 [(No #)]*.

2 Commencement

...

3 Legislation amended

This Act amends the *Aardvark Act 1999* and the *Devils and Dragons Act 1984*.

Note This Act also amends other legislation (see sch 1).

or

Note This Act also amends the following legislation (see sch 1):

- *Curious Critters Act 1982*
- *Devils and Dragons Act 1984*
- *Mysterious Mammals Act 1981*
- *Rural Rarities Regulations 1983*.

or

(if a few pieces of legislation being amended use dot points)

This Act amends the following legislation:

- *Aardvark Act 1999*
- *Curious Critters Act 1982*
- #####.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

Part 2 Aardvark Act 1999**4 Heading
Section ##**

...[amendments]...

...

Part 3 Devils and Dragons Act 1984**## Heading
Section ##**

...[amendments]...

...

Schedule 1 Consequential amendment/s

(see s 3)

...[amendments]...

...

Drafting notes

- 1 Use this structure and title if the main purpose is to amend 2 or more laws in relation to a particular subject matter or if the main purpose is to amend a number of laws administered by a particular government department (ie, without a common theme).
- 2 This structure is used if particular amendments need to be separated, for example, if it is necessary to avoid deflecting attention from the key amendment(s) of the legislation or if different commencement arrangements are required.
- 3 The notes in clause 3 are included to help the reader of the legislation.

- 4 Repeals may be included in a legislation amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3). If a repeal is included ‘and for other purposes’ needs to be added to the long title.¹³
- 5 If legislation needs to be repealed include a ‘Legislation repealed’ clause in part 1 after the ‘Legislation amended’ clause.¹⁴
- 6 Even though there is only a single schedule, number it ‘Schedule 1’. If only one amendment in the schedule, the schedule heading will be ‘Consequential Amendment’.¹⁵
- 7 The numbering system is explained in more detail in part 2.3.

¹³ Note amended in Version 2012-2 to clarify when to use ‘and for other purposes’ in a bill’s long title.

¹⁴ Note added in Version 2012-3—see Standards decisions 22/5/12.

¹⁵ Sentence added in Version 2015-1.

1.5 Amending bill—amendments in schedule(s)

1.5.1 Consequential amendments bill

Aardvark (Consequential Amendments) Bill 2011 [(No #)]

A Bill for

An Act to amend legislation because of the enactment of the *Aardvark Amendment Act 2011* [, and for other purposes]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark (Consequential Amendments) Act 2011* [(No #)].

2 Commencement

...

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

Schedule 1 Legislation amended

(see s 3)

...[amendments]...

Drafting notes

- 1 Use the name **Consequential Amendments** when the amendments may accurately be described (in the title) as being ‘because of the enactment of [a particular] Act’. Otherwise, consider whether the name **[Subject Matter] Legislation Amendment** (ie, the subject matter of the amendments or the particular government department administering the laws) should be used (see, for example, the *Fair Trading Legislation Amendment Bill*, the *Justice and Community Safety Legislation Amendment Bill* and the *Treasury Legislation Amendment Bill*) (see 1.3.4, 1.4.4 and 1.4.5 and Drafting Practice Guide, 3.2.2).
- 2 Repeals may be included in a consequential amendments bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3). If a repeal is included ‘and for other purposes’ needs to be added to the long title.¹⁶
- 3 If legislation needs to be repealed include a ‘Legislation repealed’ clause in part 1 after the ‘Legislation amended’ clause.¹⁷
- 4 The structure of a ‘Consequential Amendments’ bill can either be body amendments divided into parts or schedule amendments.
- 5 All clauses are grey-shaded.

¹⁶ Note amended in Version 2012-2 to clarify when to use ‘and for other purposes’ in a bill’s long title.

¹⁷ Note added in Version 2012-3—see Standards decisions 22/5/12.

1.5.2 Legislation amendment bill

[*subject matter*] Legislation Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend legislation about [*subject matter*] [, and for other purposes]

or

An Act to amend the *ABC Act 2020* and the *XYZ Act 2021*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the [*subject matter*] *Legislation Amendment Act 2011* [(No #)].

2 Commencement

...

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

4 Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

OR

4 Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All legislative instruments made under the *Dead Dogs Act 1933* are repealed.

Schedule 1 Legislation amended

(see s 3)

...[amendments]...

Drafting notes

- 1 Use this name if the main purpose is to amend 2 or more laws in relation to a particular subject matter or if the main purpose is to amend a number of laws administered by a particular government department (ie without a common theme).
- 2 However, if the only other law being amended is the regulation or other instrument under the Act the bill should be an amendment bill rather than a legislation amendment bill (see 1.3.3).
- 3 Include only amendments or repeals in a legislation amendment bill. Any transitional or savings provisions should be inserted *as amendments* in each affected law.
- 4 Repeals may be included in a legislation amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3). If a repeal is included ‘and for other purposes’ needs to be added to the long title.¹⁸
- 5 If legislation needs to be repealed include a ‘Legislation repealed’ clause in part 1 after the ‘Legislation amended’ clause.¹⁹
- 6 The structure of a ‘Legislation Amendment’ bill can either be body amendments divided into parts or schedule amendments.
- 7 All clauses are grey-shaded.

¹⁸ Note amended in Version 2012-2 to clarify when to use ‘and for other purposes’ in a bill’s long title.

¹⁹ Note added in Version 2012-3—see Standards decisions 22/5/12.

1.5.3 Statute Law amendment bill (SLAB)

Statute Law Amendment Bill 2011 [(No #)]

A Bill for

An Act to amend [or repeal] legislation for the purpose of statute law revision

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Statute Law Amendment Act 2011 [(No #)]*.

2 Commencement

...

3 Notes

...

4 Purpose of Act

...

5 Legislation amended—schs 1–3

This Act amends the legislation mentioned in schedules 1 to 3.

6 Legislation repealed—sch 4

This Act repeals the legislation mentioned in schedule 4.

Schedule 1 Minor amendments

(see s 5)

...[amendments]...

...

Schedule 2 Structural amendments / Legislation Act 2001

(see s 5)

...[amendments]...

...

Schedule 3 Technical amendments

(see s 5)

...[amendments]...

...

Schedule 4 Repeal(s)

(see s 6)

Explanatory note

This schedule repeals ...

XYZ Regulation 2004 (SL2004-14)

Drafting notes

- 1 Schedule 1 and schedule 3 should contain parts even if there is only 1 part. This keeps the structure and schedule headings consistent in the bills from year to year. This is only relevant for Statute Law bills.
- 2 Schedule 2 heading
 - amendments only to Legislation Act—use Legislation Act 2001 for the schedule heading
 - amendments to multiple Acts—use ‘Structural amendments’ for the schedule heading.
- 3 If there aren’t any amendments to the Legislation Act still include the schedule 2 heading and add a note about there being no amendments but the heading is kept to maintain numbering consistency. See A2010-18 for an example of the note.
- 4 This type of bill should also include explanatory notes for each amendment.
- 5 Repeals may be included in a statute law amendment bill without any reference to repeals in its name (see Drafting Practice Guide, 3.2.3).
- 6 All clauses are grey-shaded.

1.6 Primary bill

1.6.1 Primary bill with outrider amendment(s)/repeals

Aardvark Bill 2011

A Bill for

An Act to protect aardvark ecosystems, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark Act 2011*.

2 Commencement

... [all substantive clauses of bill] ...

Part ## Repeals and consequential amendments²⁰

##	Legislation repealed
----	----------------------

(1) The following legislation is repealed:

- *XYZ Act 2006* (A2006-##)
- *XYZ Regulation 2006* (SL2006-##)
- *Magistrates Court (XYZ Infringement Notices) Regulation 2006* (SL2006-##)²¹

(2) All other statutory instruments under the *XYZ Act 2006* are repealed.²²

NOTE²³

If the bill is replacing legislation, make sure the bill repeals the legislation being replaced.

²⁰ Location of repealing and amending clauses changed in Version 2012-3—see Standards decisions 22/5/12.

²¹ This regulation was added in Version 2013-1 as a reminder to check if any Magistrates Court (Infringement Notices) Regulations are impacted by legislation being repealed.

²² Act number removed in Version 2013-1 to avoid duplication of Act number in section 3.

²³ Note added in Version 2014-1.

**## Devils and Dragons Act 1984
New section 32 (d)**

insert

(d) an aardvark.

OR

Part ## Consequential amendment/s**## Devils and Dragons Act 1984
New section 32 (d)**

insert

(d) an aardvark.

Drafting notes

- 1 Use only if there is 1 or 2 amendments consequential on the making of the primary bill. Otherwise, include a separate 'Consequential amendments' schedule or, if appropriate, a consequential amendments bill.
- 2 The 'Legislation amended' and/or amending clauses should be in a separate part titled 'Repeals and consequential amendments' or 'Repeal' for just a repeal or 'Consequential amendments' for just amendments.
These clauses should **not** be located in a 'Transitional' or 'Miscellaneous' part.
- 3 The outrider amending clause/s are grey-shaded (all other clauses are not).

NOTE²⁴

The words 'and for other purposes' must be used if the bill includes amendments.

The words 'and for other purposes' can also be used if the bill doesn't include amendments if the entire scope of the bill cannot otherwise easily be described.

²⁴ Note added in Version 2012-2 to clarify when to use 'and for other purposes' in a bill's long title.

1.6.2 Primary bill with amendments in schedule

Aardvark Bill 2011

A Bill for

An Act to protect aardvark ecosystems, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

- 1 Name of Act**
This Act is the *Aardvark Act 2011*.
- 2 Commencement**
... [all substantive clauses of bill] ...

Part ## Repeals and consequential amendments²⁵

Legislation repealed

- (1) The following legislation is repealed:
- *XYZ Act 2006* (A2006-##)
 - *XYZ Regulation 2006* (SL2006-##)
 - *Magistrates Court (XYZ Infringement Notices) Regulation 2006* (SL2006-##)²⁶
- (2) All other legislative instruments under the *XYZ Act 2006* are repealed.²⁷

Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

*Drafting notes*²⁸

- 1 The 'Repeals and consequential amendments' part is located after the 'Miscellaneous' part and after the 'Transitionals' part.
- 2 If the new principal bill is replacing legislation, include the Act to be repealed in the Legislation repealed section.

²⁵ Location of repealing and amending clauses changed in Version 2012-3—see Standards decisions 22/5/12.

²⁶ This regulation was added in Version 2013-1 as a reminder to check if any Magistrates Court (Infringement Notices) Regulations are impacted by legislation being repealed.

²⁷ Act number removed in Version 2013-1 to avoid duplication of Act number in section 3.

²⁸ Drafting note added in Version 2014-1 as a reminder to repeal the existing Act.

Schedule 1 Consequential amendments

(see s ##)

...[amendments]...

or

Schedule 1 XYZ Act 2006—Consequential amendments²⁹

(see s ##)

...[amendments]...

Drafting notes

- 1 Use this structure if only one Act is being amended.
- 2 The 'Legislation amended' and/or 'Legislation repealed' clauses should be in a separate part titled 'Repeals and consequential amendments' or 'Repeal' for just a repeal or 'Consequential amendments' for just amendments.

These clauses should **not** be located in a 'Transitional' or 'Miscellaneous' part.

- 3 The schedule clauses are grey-shaded.

NOTE³⁰

The words 'and for other purposes' must be used if the bill includes amendments.

The words 'and for other purposes' can also be used if the bill doesn't include amendments if the entire scope of the bill cannot otherwise easily be described.

²⁹ Added in Version 2013-1 to provide for consequential amendments if only one Act is amended in the schedule.

³⁰ Note added in Version 2012-2 to clarify when to use 'and for other purposes' in a bill's long title.

1.7 Repeal bill³¹

Aardvark Repeal Bill 2011

A Bill for

An Act to repeal the *Aardvark Act 1999*[, and for other purposes]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Aardvark Repeal Act 2011*.

2 Commencement

...

3 Legislation repealed

- (1) The following legislation is repealed:
 - *XYZ Act 2006* (A2006-##)
 - *XYZ Regulation 2006* (SL2006-##)
 - *Magistrates Court (XYZ Infringement Notices) Regulation 2006* (SL2006-##)³²
- (2) All other legislative instruments under the *XYZ Act 2006* are repealed.³³

[minor amendments can be made in a repeal bill]

4 Devils and Dragons Act 1984 New section 32 (d)

insert

- (d) an aardvark.

³¹ Part added in Version 2012-3 to clarify the structure of a ‘Repeal’ bill.

³² This regulation was added in Version 2013-1 as a reminder to check if any Magistrates Court (Infringement Notices) Regulations are impacted by legislation being repealed.

³³ Act number removed in Version 2013-1 to avoid duplication of Act number in section 3.

Drafting notes

- 1 If the main purpose of an Act is to repeal legislation (whether or not it makes amendments consequential on the repeal), the Act name should include 'Repeal' (see Drafting Practice Guide, 3.2.3).
- 2 If the repeal bill is making an amendment(s), 'and for other purposes' must be included in the long title.
- 3 Although not legally necessary, it is recommended to expressly repeal all the legislative instruments made under the Act being repealed. It is clearer for the reader and assists the Notifications Team when processing the repeals on the register.
- 4 All clauses are grey-shaded.

1.8 Amending regulations

Aardvark Amendment Regulation 2011 (No...)

Subordinate Law SL2009-

made under the

Aardvark Act 1999

1 Name of regulation

This regulation is the *Aardvark Amendment Regulation 2011 (No...)*.

2 Commencement

...

3 Legislation amended

This regulation amends the *Aardvark Regulation 1999*.

Drafting notes

- 1 All amending regulations need to have the words (**No**) (with some blank space provided) so that they can be numbered (starting from the 1st) when they are notified.
- 2 The amending clauses of the regulation do not include the heading of the section being amended.
- 3 All structures/formats for bills apply for regulations.
- 4 If the regulation amends another regulation (even if it is a single outlier amendment) the Act the regulation/s is made under needs to be included on the signing page.

Road Transport (Vehicle Registration) Amendment Regulation 2021 (No 1)

Subordinate Law SL2021-##

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (General) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated ## July 2021.

2 Style

2.1 General principles

1 The ‘long form’ of legislative amendment (in full sentences) has been abandoned

This guide sets out a short form of amendment. This form is used in both the body of the bill and in an amending schedule. The only differences are:

- the clause/amendment numbering (see points 3 and 4 below for the numbering)
- the addition of the section heading for an amendment (or, if more than 1, the 1st amendment) of a section being amended in the body of the bill—see points 3-6 below).

2 The heading to each clause

This indicates the text unit being amended, or (in the case of an insertion of a text unit) the new text unit being inserted. The heading to each clause of an amending bill, and of each amendment in an amending schedule, is shaded in grey. This is to help to distinguish the heading from any inserted text in an amendment.

3 The substantive heading to a section being amended

This is included in the amending clause heading only if the amending clause:

- is in the body of an amending bill
- is the first clause amending a particular section.

4 If an amendment made by a clause in the body of the amending bill is to a clause in a schedule to an Act that has a heading, point 3 above applies in relation to the clause heading.

5 Inserting or substituting whole sections

For inserting or substituting whole sections, divisions, parts or chapters no substantive heading is indicated in the amending clause heading.

6 Amending multiple provisions³⁴

When amending more than one provision, do not include the substantive heading in the amending clause heading.

³⁴ Note added in Version 2014-1.

7 Headings to amended provisions are not included in amending regulations or rules or in other amending instruments³⁵

This is whether the amendments are made in the body of the instrument or in a schedule. This is the case even if the regulations etc amend an Act. If an Act is amending a regulation however, include the substantive section heading of the regulation being amended in the amending clause heading.

8 Amending directions

Amending directions (in lower case italic) are on the line under the heading (the *direction line*). Five commands are used ('addition' commands are no longer used, and 'repeal' is limited to whole Acts and sets of regulations or rules):

- *omit*
- *insert*
- *substitute*
- *renumber*
- *relocate*

9 Further locators

Further locators are used if necessary in the command line. Standard insertions [see introductory notes to ch 3.2.3] do not require locators. Non-standard insertions do, however, require locators. Free text must always be located using textual indicators. Locators are:

- *before* [use for insertions of text units or free text at the beginning of a text unit or for insertions where the provision has a section note and the new text needs to sit before the note]
- *after* [use in all other cases for insertions of text units, and in most cases for insertions of free text or for insertions where the last provision has a note and the new text needs to sit after the note]
- [*before/after*] 1st mention; 2nd mention, 3rd mention; last mention; etc
- [*omit*] *everything before/after*
- [*omit*] *everything before/after paragraph (a) [, substitute]*

10 Free text

Free text to be omitted or inserted is inserted on the following line, in non-italic text (without quotation marks—see next point), for example:

before

possum

insert

ringtail

³⁵ Note updated in Version 2014-1.

11 Text to be inserted is not included in quotation marks

It is formatted (to the extent practicable) in the style in which it will appear in the republished text of the amended Act.

2.2 Consideration of amendment at text unit level

1 General

In making amendments, decide whether the relevant text unit should be remade as a whole rather than making 1 or more free text amendments.

Text units are chapters, parts, divisions, subdivisions, sections, headings, subsections, definitions, paragraphs, subparagraphs, sub-subparagraphs, penalty provisions, diagrams, examples and notes (and text units in schedules, regulations and rules similar to these).

Free text is text that forms part (but not the whole) of a text unit.

2 Advantages of text unit amendments

The advantages of amendment at the text unit level are:

- Amendments at the text unit level offer **more contextual material** to the reader.
- Users of amending legislation often do not have the time, or the facility, to read free text amendments into the existing form of the Act being amended. They make do with the amending bill and its explanatory material.
- **Avoiding the detail** involved in drafting free text amendments.
- **Reducing the number of amendments** needed.
- Greater **freedom to rewrite** the text unit if desirable (this may also make the amendment easier to draft).
- **Easier to read** amending bills.
- Accelerating the rate of **updating** and rationalising of the style of the statute book as a whole.
- **Simplifying and speeding up** the task of **republishing** amended legislation.

3 Disadvantages of text unit amendments

The disadvantages of amending legislation at the text unit level are:

- **Failure to focus on the precise nature of the amendment.** If a whole text unit is substituted, the reader of the amending bill cannot immediately tell what changes are being made to the law (in detail).

- **Opening up the whole text unit to debate.** If the proponent of the bill wishes to limit the scope for Assembly debate for any reason, it may be preferable to restrict amendments to particular words and phrases (free text).

4 How to decide?

Consider also the following factors:

- The **fewer the amendments, and the larger the text unit**, the more the drafter should lean towards free text amendments.
- The greater the opportunity and need for **stylistic improvement** or rationalisation, the more the drafter should lean towards **remaking the text unit**.
- Consider not only the immediate text unit, but the context—are consequential stylistic changes required elsewhere in the immediate or broader context? If these are significant, or too numerous, the drafter should consider the consequences.
- For **substantive amendments** the drafter should prefer amendment at the text unit level.
- For **consequential amendments** the drafter should more usually employ free text amendments, particularly if these are numerous.
- How **sensitive** are the amendments? For example, it is generally advisable to **avoid making stylistic change for change's sake alone in private members' bills**, because of the possibility of misunderstanding about the intent of the amendments. Similarly, if the amendment is likely to be controversial, substitution of a new text unit might draw undesirable attention to other aspects of the legislation.
- What is the **instructor's attitude**? The drafter must always ensure that the instructor knows why amendments are drafted in a particular way, and that the instructor finds this satisfactory. The drafter must also, of course, take into account the instructor's views on the appropriateness of a particular stylistic change.
- How much **time** is there? Amendments at the text unit level may take more time (to guarantee that the sense of the whole unit has not been inadvertently changed etc).

5 Ensuring adequate understanding of the whole text unit approach

Make sure that the instructor properly understands the extent to which the changes proposed are substantive, and the extent to which they make only stylistic revision.

Consider encouraging the instructor in appropriate circumstances to include in the explanatory memorandum either the text of the existing text unit, or a version showing the change by means of struck-through and underlined text (or similar devices).

2.3 Schedule amendment numbering system

- 1 Each amendment in a schedule of amendments is numbered.
- 2 A different format is adopted from that used for the substantive clauses of a bill:
[schedule #. amendment #]
- 3 Amendments are through-numbered in each schedule (amendment numbering doesn't restart at 1 for each new part).
- 4 Each amendment number is in square brackets (to further distinguish the amendment number from the clause numbers of the bill), although references to it don't include brackets.
- 5 Parts of schedules (grouping together amendments to particular Acts) are numbered in the same way as parts in the body of a bill – so 'Part 1.1' = 'Schedule 1. Part 1'.
- 6 Even if there is only a single schedule, it is called 'Schedule 1', so there will always be 2 elements to the numbers of the schedule clauses.

What does schedule amendment numbering look like?

Schedule 1 Consequential amendments

(see s #)

Part 1.1 Aardvark Act 1999

[1.1] Section 2 (3)

...

[1.2] [etc]

...

Part 1.2 Mysterious Mammals Act 1981

[1.3] Section 3 (4) (a)

...

[1.4] [etc]

...

Schedule 2 Rural Rarities Regulation 2000

(see s #)

[2.1] Section 5 (6), definition of wild animal

...

[2.2] [etc]

...

2.4 Body and schedule amending clauses

2.4.1 Body of amending bill amendments

3 Application Section 5 (1)

substitute

- (1) This Act applies to the following animals:
- (a) ring-tail possums;
 - (b) armadillos;
 - (c) ...

4 New section 5 (2A)

insert

- (2A) This Act applies to the following people:
- (a) possum-snatchers;
 - (b) armadillo-catchers;
 - (c) ...

Drafting notes

- 1 In the body of an amending bill, the text of the heading to the section being amended is inserted or the heading to the chapter, part or division is inserted if the heading is being amended, on the first line of the heading. If subsequent clauses amend that section, the headings of the subsequent amending clauses do not include that text.
- 2 If the heading to the section being amended forms part of the amending clause heading, a 'shift return' must be used to break the line after the section heading text (otherwise the grey shading is affected).
- 3 No heading text is included in the grey shading if a whole section, division or part is being substituted or inserted.
- 4 This also applies to regulations being amended in a part of a bill.

2.4.2 Schedule amendments

[2.4] Section 5 (1)

substitute

- (1) This Act applies to the following animals:
- (a) ring-tail possums;
 - (b) armadillos;
 - (c) ...

Drafting note

- 1 Schedule amendments do not require the text of the heading to the section to appear on the clause heading line.

2.5 Republication powers under Legislation Act

Legislation Act, s 114 Authorisation for parliamentary counsel

In preparing a law for republication, the parliamentary counsel is authorised—

- (a) to make editorial amendments and other textual amendments of a formal nature that the parliamentary counsel considers desirable to bring the law into line, or more closely into line, with current legislative drafting practice; and
- (b) to make other editorial changes by way of format, layout or printing style, or in any other presentational respect, that the parliamentary counsel considers desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

Legislation Act, s 116 Ambit of editorial amendments

An **editorial amendment** of a law is an amendment that—

- (a) corrects a typographical error; or
- (b) corrects or updates a reference to a law, position, entity, place or thing; or
- (c) goes only to a matter of spelling, punctuation, grammar or syntax or the use of conjunctives and disjunctives; or
- (d) changes the name of the law or a provision of the law; or
- (e) numbers or renumbers a provision of the law; or
- (f) changes the order of definitions or other provisions of the law; or
- (g) replaces a reference to a provision of a law with a different form of reference to the provision; or
- (h) changes the way of referring to or expressing a number, year, date, time, amount of money, penalty, quantity, measurement, or other matter, idea or concept; or
- (i) replaces a word indicating gender or that could be taken to indicate gender in accordance with current legislative drafting practice; or
- (j) replaces a reference to the Queen, the King or the Crown with a reference to the Sovereign or the Territory; or
- (k) omits—
 - (i) the enacting words or the law-making words (including any signatures); or
 - (ii) a provision that consists only of a description of how the law is arranged into groups of provisions; or
 - (iii) a provision that has expired, the operation of which is exhausted or spent or that is otherwise obsolete or redundant; or

- (l) omits, inserts or changes a referential term; or
- (m) inserts, omits or changes a note; or
- (n) updates a reference to the heading to a provision; or
- (o) is consequential on any amendment made to the law by another law; or
- (p) is consequential on any other editorial amendment (whether made to that law or another law).

Examples of consequential amendments for par (o)

- 1 If an amendment adds 1 or more subsections to a section that is not already divided into subsections, the subsection number (1) may be inserted.
- 2 If an amendment omits subsection (1) from a section with 2 subsections, the subsection number (2) may be omitted.
- 3 If an amendment omits subsection (2) from a series of 4 subsections (subsections (1) to (4)), subsections (3) and (4) may be renumbered as subsections (2) and (3).
- 4 If an amendment adds a new subsection (3A) to a series of 5 subsections (subsections (1) to (5)), the new subsection and subsections (4) and (5) may be renumbered as subsections (4), (5), and (6).
- 5 If an amendment omits paragraph (b) from a series of 4 paragraphs (paragraphs (a) to (d)), paragraphs (c) and (d) may be renumbered as paragraphs (b) and (c).
- 6 If an amendment adds a new paragraph (aa) to a series of 3 paragraphs (paragraphs (a) to (c)), the paragraphs may be renumbered as paragraphs (a), (b), (c) and (d).
- 7 If an amendment makes a change mentioned in any of examples 1 to 6, a cross-reference in any law to any of the provisions that have been renumbered may be correspondingly renumbered.
- 8 If an amendment adds a paragraph as the last paragraph in a series of paragraphs that end in a full stop, the full stop may be changed to a semicolon and, if the series of paragraphs is joined by a conjunction (eg 'and'), the conjunction may be added after the semicolon.
- 9 If an amendment omits a section example from a section that has 2 section examples, the number of the remaining example may be omitted.
- 10 If an amendment adds a subsection note to a subsection that already has a subsection note, the notes may be numbered.

3 Text units

3.1 Omissions

3.1.1 Single omissions

[3.1] Chapter 2

omit

Drafting note

- 1 If there are any current instruments made under any provisions in the chapter they should be expressly repealed.

[3.2] Part 3 [Part 2.3]

omit

Drafting note

- 1 If the amended Act is divided into chapters, the chapter number will be incorporated into the part number (like division numbering). References to divisions and subdivisions may also incorporate the chapter number. For example:
 - part 3 of chapter 2 would be referred to as part 2.3.
 - division 4 of part 3 of chapter 2 would be referred to as division 2.3.4
 - subdivision 5 of division 4 of part 3 of chapter 2 would be referred as subdivision 2.3.4.5.
- 2 If there are any current instruments made under any provisions in the part they should be expressly repealed.

[3.3] Division 4.1

omit

Drafting note

- 1 This is division 1 of part 4. The Act has no chapters.
- 2 If there are any current instruments made under any provisions in the division they should be expressly repealed.

[3.4] Subdivision 5.2.1

omit

Drafting note

- 1 This is subdivision 1 of division 2 of part 5. The Act has no chapters.
- 2 If there are any current instruments made under any provisions in the subdivision they should be expressly repealed.

[3.5] Section 6

omit

Drafting note

- 1 If there are any current instruments made under the section they should be expressly repealed.

[3.6] Section 7 (1)

omit

Drafting note

- 1 This is subsection (1) of section 7. It does not matter if the Act has or does not have parts or divisions.
- 2 It is **not** necessary to **renumber** the remaining subsections. This will be done by the Republications Team under LA, s 116.
- 3 If there are any current instruments made under the subsection they should be expressly repealed.

[3.7] Section 8 (2) (a)

omit

Drafting notes

- 1 This is a paragraph of a subsection of a section.
- 2 It is **not** necessary to **renumber** the remaining paragraphs. This will be done by the Republications Team under LA, s 116.
- 3 The omission of the last paragraph of a series joined by 'and' or 'or' does **not** require the omission of the conjunction at the end of the current second-last paragraph to be done by amendment. This will be done by the Republications Team under LA, s 116.
- 4 If there are any current instruments made under the paragraph they should be expressly repealed.

[3.8] Section 9 (3) (b) (i)

omit

Drafting notes

- 1 This is a subparagraph of a paragraph of a subsection of a section.
- 2 It is **not** necessary to **renumber** the remaining subparagraphs. This will be done by the Republications Team under LA, s 116.
- 3 The omission of the last paragraph of a series joined by 'and' or 'or' does **not** require the omission of the conjunction at the end of the current second-last paragraph to be done by amendment. This will be done by the Republications Team under LA, s 116.
- 4 If there are any current instruments made under the subsubparagraph they should be expressly repealed.

[3.9] Schedule 1

omit

Drafting note

- 1 If there are any current instruments made under any provisions in the schedule they should be expressly repealed.

[3.10] Schedule 2, section 1.2 [clause 1.2]

omit

Drafting note

- 1 Use the same pattern for the omission of schedule subsections, paragraphs and subparagraphs.
- 2 Schedules in primary legislation that have substantive provisions are referred to as 'sections' not 'clauses'. There are a few pieces of legislation that have schedule clauses. These have been determined by the Parliamentary Counsel for consistency with other jurisdictions or similar reasons.
- 3 If there are any current instruments made under the schedule section they should be expressly repealed.

3.1.2 Omission of text unit sequences—like text units

Continuous sequences of like text units

[3.11] Sections 3 and 4 [Sections 3 to 5]

omit

Drafting note

- 1 LA, s 106 removes the need to specify that number ranges like '3 to 6' include both the first and last number.
- 2 If there are any current instruments made under any of the provisions they should be expressly repealed.

[3.12] Section 3 (3) and (4) [Section 3 (3) to (5)]

omit

Drafting note

- 1 LA, s 106 removes the need to specify that number ranges like '3 to 6' include both the first and last number.
- 2 If there are any current instruments made under any of the provisions they should be expressly repealed.

[3.13] Section 3 (4) (d) and (e) [Section 3 (4) (d) to (f)]

omit

Drafting notes

- 1 LA, s 106 removes the need to specify that ranges like 'section 3 (4) (d) to (g)' include both the first and last paragraph mentioned.
- 2 Use this approach for subparagraphs too.
- 3 It is **not** necessary to **renumber** the remaining paragraphs. This will be done by the Republications Team under LA, s 116.
- 2 If there are any current instruments made under any of the provisions they should be expressly repealed.

Broken sequences of like text units

[3.14] Sections 3 and 6 [Sections 3, 4 and 6, Sections 3, 4 and 6 to 9]

omit

Drafting notes

- 1 This method of omitting selected text units in a 'broken' sequence may only be used if there are no other (intervening) amendments required between the first and last text unit mentioned.
- 2 The same applies to other types of broken sequences of like text units (parts, divisions, subsections, paragraphs etc).
- 3 If there are any current instruments made under any of the provisions they should be expressly repealed.

3.1.3 Omission of text unit sequences—mixed text units

Continuous sequences of mixed text units beginning and ending with a section

Illustration:

ss 12-16, div 2.2 heading, ss 17-30, pt 3 heading, ss 31-34

[3.15] Sections 12 to 34

omit

Drafting notes

- 1 Use when the sequence begins and ends with a section, irrespective of whether other types of units (eg pt and div headings) are encompassed as well. This form has the effect of omitting everything between the first and last section.
- 2 If, in the example, pt 3 continues beyond s 34, the remaining sections are not affected, but automatically become part of pt 2.
- 3 If the sequence begins or ends with a pt or div heading (see [3.16] and [3.17]).
- 4 If there are any current instruments made under any of the provisions they should be expressly repealed.

Continuous sequences of mixed text units beginning or ending with a heading

Illustration:

pt 3 heading, div 3.1 heading, ss 42-46, div 3.2 heading, ss 47-50, pt 4 heading

[3.16] Part 3

omit

Drafting note

- 1 The part as a whole can be omitted.
- 2 If there are any current instruments made under any of provision in the part they should be expressly repealed.

[3.17] Part 4 heading

omit

Drafting note

- 1 Part 4 heading can then be omitted. The sections that used to make up part 4 are now connected to part 2.

Broken sequences of mixed text units

Illustration:

pt 3 heading, div 3.1 heading, ss 42-46, div 3.2 heading, ss 47-50, pt 4 heading

[3.18] Sections 42, 43 and 44 etc

omit

- sections 42, 43 and 44
- division 3.2 heading
- sections 46 and 48 to 53
- part 4 heading

Drafting notes

- 1 **Although this format is acceptable, consider making the omissions in separate amending clauses for each text unit (or sequence of like text units) to be omitted ([3.13]-[3.14]).**
- 2 Only the first text unit (or sequence of like text units) to be omitted is mentioned in the clause heading.
- 3 Use only if there are no intervening amendments.
- 4 If there are any current instruments made under any of the provisions they should be expressly repealed.

3.1.4 Omission of text units with notes or examples

*Omitting a subsection/paragraph etc and there is a note or example—note or example also being amended*³⁶

Illustration:

10 Person may apply for licence

- (1) A person may.....
- (2) An application under
- (3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

In this illustration the note is for subsection (3). Because the note is part of the text unit being amended the amending clause wording should include the note.

[3.19] Section 10 (3) and note

omit

Drafting notes

- 1 Amendments to subsections/paragraphs/subparagraphs that have a note for that subsection/paragraph/subparagraph and the note is being amended should include the words 'and note' in the amending clause – this makes the amendment clearer for the Republications Team.
- 2 Use this amending style for all subsections/paragraphs/subparagraphs that have notes regardless of the location in the section (ie regardless of whether the amendment is the 1st subsection, in the middle or the last subsection).
- 3 The same principle shown above applies for examples.
- 4 See chapter 8 for how to amend just the note.
- 5 If there are any current instruments made under the subsection they should be expressly repealed.

³⁶ Heading and drafting notes amended in Version 2012-3 to clarify that a text unit with a note or an example also being amended needs to specify this in the amending clause.

*Omitting a subsection/paragraph etc and there is a note or example—note or example not being amended*³⁷

Illustration:**10 Person may apply for licence**

- (1) A person may.....
- (2) An application under
- (3) An application under subsection (1) must be made in accordance with.....

Note A fee may be determined under s 52 for this section.

In this illustration the note is for the section (not for subsection (3)). Because the note is not part of the text unit being amended the amending clause wording should exclude the note.

[3.20] Section 10 (3), except note

omit

Drafting notes

- 1 Amendments to subsections/paragraphs/subparagraphs that have a note for that subsection/paragraph/subparagraph or the note is for the whole section and the note is not being amended should include the words 'except note' in the amending clause – this makes the amendment clearer for the Republications Team.
- 2 Use this amending style for all subsections/paragraphs/subparagraphs that have notes regardless of the location in the section (ie regardless of whether the amendment is the 1st subsection, in the middle or the last subsection).
- 3 The same principle shown above applies for examples.
- 4 See chapter 8 for how to amend just the note.
- 5 If there are any current instruments made under the subsection they should be expressly repealed.

³⁷ Heading and drafting notes amended in Version 2012-3 to clarify that a text unit with a note or an example that is not also being amended needs to specify this in the amending clause.

3.2 Substitutions

3.2.1 One-for-one substitutions

[3.21] Chapter 2

substitute

Chapter 2 Numbats

[text of chapter]

Drafting notes

- 1 The 'omission' aspect of the *substitute* command is implicit, but is not expressly stated.
- 2 This applies to all substitutions at the text unit level. At the free text level, there must be an express command to *omit* the specified text before new text can be *substituted*.

[3.22] Part 3

substitute

Part 3 Pygmy Possums

[text of part]

[3.23] Division 4.1

substitute

Division 4.1 Wallaroos

[text of division]

[3.24] Subdivision 5.2.1

substitute

Subdivision 5.2.1 Registration of new species

[text of subdivision]

[3.25] Section 6

substitute

6 Registrar of Mysteries

[text of section]

[3.26] Section 7 (1)*substitute*

(1) [text of subsection]

[3.27] Section 8 (2) (a)*substitute*

(a) [text of paragraph]; and/or

Drafting note

1 If the paragraph inserted is at the end of a section or subsection, include a full stop at the end.

[3.28] Section 9 (3) (b) (i)*substitute*

(i) [text of subparagraph]; and/or

Drafting note

1 If the subparagraph inserted is at the end of a section or subsection, include a full stop at the end.

[3.29] Schedule 1*substitute***Schedule 1 Model mammal rules**

(see s #)

[text of schedule]

[3.30] Schedule 2, section 2.2 [clause 2.2]*substitute***2.2 Board members**

[text of schedule section]

Drafting note

- 1 Use the same pattern for the omission of schedule subsections, paragraphs and subparagraphs.
- 2 Schedules in primary legislation that have substantive provisions are referred to as 'sections' not 'clauses'. There are a few pieces of legislation that have schedule clauses these have been determined by the Parliamentary Counsel for consistency with other jurisdictions or similar reasons.

3.2.2 Mixed substitutions

The following types of mixed substitutions may be used:

1 Like-for-like substitutions [3.31]-[[3.33]]

- omission of multiple text units and insertion of single or multiple (like) text units
- omission of single text units and insertion of multiple (like) text units

2 Mixed substitutions—replacement of single text units, or sequences of like text units [3.34]-[3.37]

- omission of single (or multiple) text units and insertion of single (or multiple) unlike text units [3.34]-[3.36]
- omission of single (or multiple) text units and insertion of multiple like and unlike text units [3.37]

3 Mixed substitutions—replacement of sequences of UNLIKE text units [3.38]

Unless a large number of unlike text units in a sequence are to be replaced, make the substitutions according to the groups of like text units in the sequence.

For example, to replace the sequence [ss 3-6; div 3.4; div 3.5 heading] split the amendment into 3 clauses:

- cl A, replace ss 3-6 with the first text unit or group of like text units to be substituted
- cl B, replace div 3.4 with the remaining text units to be substituted (even if they are not of the same type)
- cl C, omit div 3.5 heading in a single amending clause.

However, if a large number of unlike text units (say, more than 3 groups of text units) is to be replaced, the amendment may be made in a single clause, as in [3.38].

For substitutions involving the omission of headings (and the insertion of mixed material), see 7.3.2.

Like-for-like substitutions

[3.31] Section 3 [Sections 3 and 4]*substitute***3 What is a mammal?**

[text of section]

4 What is a mystery?

[text of section]

5 Registrar of mysteries

[text of section]

Drafting note

- 1 This amendment has the effect of substituting section 3 and inserting sections 4 and 5. This can also be done using 2 separate amendments.

[3.32] Part 3 [Parts 3 and 4]*substitute***Part 3 Pygmy possums**

[text of part]

Part 3A Bandicoots

[text of part]

Drafting note

- 1 This amendment has the effect of substituting part 3 and inserting part 3A. This can also be done using 2 separate amendments.

[3.33] Divisions 4.1 and 4.2*substitute***Division 4.1 Wallaroos**

[text of division]

Drafting note

- 1 This amendment has the effect of substituting division 4.1 and omitting division 4.2. This can also be done using 2 separate amendments.

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³⁸ Example of amendment to section heading and subsection deleted in Version 2012-3. Preferred method added in chapter 4 and chapter 7.

Mixed substitutions—replacement of single text units, or sequences of like text units

[3.34] Part 3*substitute***Division 2.5 Burrowing mammals**

[text of division]

Drafting note

- 1 As indicated by the number of the inserted division, it will automatically be inserted at the end of the previous part (part 2).

[3.35] Division 3.4 [Divisions 3.4 and 3.5]*substitute***Part 3A Enforcement**

[text of part; but can also be used to insert a part heading]

[3.36] Division 3.4 [Divisions 3.4 and 3.5]*substitute***3 Watering warthogs**

[text of section]

[3.37] Division 3.4 [Divisions 3.4 and 3.5]*substitute***3 Watering warthogs**

[text of section]

Division 3.4 Burrowing mammals

[text of division]

Part 3A Enforcement

[text of part; but can also be used to insert a part heading]

Mixed substitutions—replacement of sequences of UNLIKE text units

Illustration:

ss 3-6, div 3.4, div 3.5 heading, ss 17-20

(in this illustration div 3.5 continues beyond s 20; the remaining sections are not to be repealed)

[3.38] Sections 3 to 20

substitute

3 Watering warthogs

[text of section]

Division 3.4 Burrowing mammals

[text of division]

Part 3A Enforcement

[text of part; but can also be used to insert a part heading]

Drafting notes

- 1 Only the first text unit to be replaced, or sequence of like text units that are to be replaced, is mentioned in the clause heading.
- 2 Do not substitute notes or examples at the beginning or end of the inserted material. In those positions, they may be mistaken for notes or examples applying to the amending bill.

3.2.3 Substitution of text units with notes or examples

*Substituting a subsection/paragraph etc and there is a note or example—note or example also being amended*³⁹

Illustration:

10 Person may apply for licence

- (1) A person may.....
- (2) An application under
- (3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

In this illustration the note is for subsection (3). Because the note is part of the text unit being amended the amendment should include the note.

[3.39] Section 10 (3) and note

substitute

- (3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions.

Drafting notes

- 1 Amendments to subsections/paragraphs/subparagraphs that have a note for that subsection/paragraph/subparagraph and the note is being amended should include the words 'and note' in the amending clause – this makes the amendment clearer for republishing.
- 2 Use this amending style for all subsections/paragraphs/subparagraphs that have notes regardless of the location in the section (ie regardless of whether the amendment is the 1st subsection, in the middle or the last subsection).
- 3 The same principle shown above applies for examples.
- 4 See chapter 8 for how to amend just the note.

³⁹ Heading and drafting notes amended in Version 2012-3 to clarify that a text unit with a note or an example also being amended needs to specify this in the amending clause.

*Substituting a subsection/paragraph etc and there is a note or example—note or example not being amended*⁴⁰

Illustration:**10 Person may apply for licence**

- (1) A person may.....
- (2) An application under
- (3) An application under subsection (1) must be made in accordance with.....

Note A fee may be determined under s 52 for this section.

In this illustration the note is for the section (not for subsection (3)). Because the note is not part of the text unit being amended the amending clause wording should exclude the note.

[3.40] Section 10 (3), except note

substitute

- (3) An application under subsection (1) must be made in accordance with.....

Drafting notes

- 1 Amendments to subsections/paragraphs/subparagraphs that have a note for that subsection/paragraph/subparagraph or the note is for the whole section and the note is not being amended should include the words 'except note' in the amending clause – this makes the amendment clearer for the Republications Team.
- 2 Use this amending style for all subsections/paragraphs/subparagraphs that have notes regardless of the location in the section (ie regardless of whether the amendment is the 1st subsection, in the middle or the last subsection).
- 3 The same principle shown above applies for examples.
- 4 See chapter 8 for how to amend just the note.

⁴⁰ Heading and drafting notes amended in Version 2012-3 to clarify that a text unit with a note or an example that is not also being amended needs to specify this in the amending clause.

3.3 Insertions

There are 2 forms of text unit insertion: *standard* and *non-standard*.

1 Standard insertions

Standard insertions do not need a locator in the command line or the heading. LA, s 91 provides for insertion in the **appropriate position**, determined according to context (most commonly, numbering conventions). For example, an inserted 'section or subsection is inserted in the appropriate numerical or alphanumerical position in the amended law' (s 91 (2)). Standard insertions are used only when standard drafting convention unambiguously dictates the position of the new text unit without further information in the amending words locating the insertion.

2 Non-standard insertions

Non-standard insertions require a locator either in the command line or the heading. Non-standard insertions are required when standard drafting convention would locate the insertion at the wrong place, or would be ambiguous about the location. The situations where non-standard insertion is needed are:

- **Insertion of a section at the beginning or end of a chapter, part, division or subdivision**
 - The heading to the amending clause only indicates that a new section is being inserted, the locator needs to indicate into which chapter, part or division the new section is to be inserted.
- **Insertions at the beginning of a section or a series of paragraphs or subparagraphs**
 - These insertions require that the standard alphanumeric convention be not followed (eg s (1A) inserted before s (1); par (aa) before par (a)).
- **Other non-standard alphanumerical order**
 - Anywhere else a new alphanumerically labelled provision is to be inserted other than in the appropriate position (for LA, s 91)—eg a new s 6AA between existing s 6 and s 6A.

3.3.1 Single insertions

Insertion of part—standard

[3.41] New part 2A

insert

Part 2A Monotremes

[text of part]

Drafting notes

- 1 Do not use if the insertion is not in the appropriate place (for LA s 91). Use [3.42] instead.
- 2 Use even to insert a part at the end of an Act, or at the beginning or end of a chapter (the appropriate place (for LA s 91) will be indicated by the new part number).
- 3 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of part—non-standard

[3.42] New part 1A

before part 1, insert

Part 1A Monotremes

[text of part]

Drafting note

- 1 This insertion is not in the appropriate place for LA, s 91. The ‘appropriate place’ for a new pt 1AA would be *after pt 1A* (see LA, s 91, ex 3).
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of division—standard

[3.43] New division 2.3A*insert***Division 2.3A Bats**

[text of division]

Drafting notes

- 1 Use even at the beginning or the end of the part—the new division number indicates the appropriate place (for LA, s 91).
- 2 But do not use if the insertion is not in the appropriate place (for LA s 91). Use [3.44] instead.
- 3 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of division—non-standard

[3.44] New division 3.1A*before division 3.1, insert***Division 3.1A Bats**

[text of division]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of section—standard

[3.45] New section 4A*insert***4A Dingo diseases**

[text of section]

Drafting notes

- 1 Do not use for the insertion of a section at the beginning or end of a part or division. Use [3.46] instead.
- 2 Do not use if the insertion is not in the appropriate place (for LA, s 91). Use [3.47] instead.
- 3 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of section—standard at the beginning or end of a part or division

[3.46] New section 5A

in division 3.4, insert

5A Dingo diseases

[text of section]

Drafting note

- 1 Use this both when the insertion is at the **beginning** and when it is at the **end** of div 3.4 [or pt 3].
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of section—non-standard

[3.47] New section 6AA

after section 6, insert

6AA Dingo diseases

[text of section]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of section—non-standard at the beginning of a part or division

[3.48] New section 23AA

in division 4.2, before section 23A, insert

23AA Dingo diseases

[text of section]

Drafting notes

- 1 The Act currently is as follows:
 - division 4.2 (heading)
 - section 23A
- 2 This insertion needs to have an additional locator 'before section #' because it is not in the appropriate place (for LA, s 91).
- 3 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of subsection—standard

[3.49] New section 6 (7A)*insert*

(7A) [text of subsection]

Drafting notes

- 1 Do not use if the insertion is not in the appropriate place (for LA, s 91). Use [3.50] or [3.51] instead.
- 2 It is **not** necessary to **renumber** the subsections. This will be done by the Republications Team under LA, s 116.

Insertion of subsection at the beginning of a section

[3.50] New section 6 (1A)*before section 6 (1), insert*

(1A) [text of subsection]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 It is **not** necessary to **renumber** the subsections. This will be done by the Republications Team under LA, s 116.

Insertion of subsection—non-standard

[3.51] New section 6 (5AA)*after section 6 (5), insert*

(5AA)[text of subsection]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 It is **not** necessary to **renumber** the subsections. This will be done by the Republications Team under LA, s 116.

Insertion of subsection—section without subsections

[3.52] New section 6 (2)

insert

(2) [text of subsection]

Drafting note

- 1 It is **not** necessary to insert a **(1)** by amendment. This will be done by the Republications Team under LA, s 116.

Insertion of paragraph—standard

[3.53] New section 8 (2) (ba)

insert

(ba) [text of paragraph]; and/or

Drafting notes

- 1 Do not use if the insertion is not in the appropriate place (for LA, s 91). Use [3.54] or [3.57] instead.
- 2 It is **not** necessary to **renumber** the paragraphs. This will be done by the Republications Team under LA, s 116.

Insertion of paragraph at the beginning of a series

[3.54] New section 6 (1) (aa)

before section 6 (1) (a), insert

(aa) [text of paragraph]; and/or

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 It is **not** necessary to **renumber** the paragraphs. This will be done by the Republications Team under LA, s 116.

[3.55] Section 411 (2), definition of *relevant document*, new paragraph (aa)⁴¹

before paragraph (a), insert

(aa) [text of paragraph]; and/or

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 It is **not** necessary to **renumber** the paragraphs. This will be done by the Republications Team under LA, s 116.
- 3 It is not necessary to repeat the entire description as it appears in the amending clause heading in the locator, the locator will become too long.

Insertion of paragraph at the end of a series

[3.56] New section 6 (1) (e) [current 2nd-last para in series ends with and/or current last para in series ends with a full stop]

insert

(e) [text of paragraph].

Drafting note

- 1 It is **not** necessary to amend paragraph (d) to substitute the full stop with 'and/or'. This will be done by the Republications Team under LA, s 116.

Insertion of paragraph—non-standard

[3.57] New section 6 (1) (caa)

after section 6 (1) (c), insert

(caa) [text of paragraph]; and/or

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).

Insertion of subparagraphs

Drafting note

- 1 Subparagraph insertions follow the same rules as paragraph insertions.

⁴¹ Example added in Version 2014-1.

Insertion of schedule—standard

[3.58] New schedule 1*insert***Schedule 1 Protected primates**

(see s #)

[text of schedule]

Drafting notes

- 1 Do not use if the insertion is not in the appropriate place (for LA, s 91). Use [3.59] or [3.60] instead.
- 2 Number the inserted schedule 'Schedule 1' even if the inserted schedule will be the only schedule to the Act.

Insertion of schedule before an initial schedule

[3.59] New schedule 1A*before schedule 1, insert***Schedule 1A Protected primates**

(see s #)

[text of schedule]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of schedule—non-standard

[3.60] New schedule 2AA*after schedule 2, insert***Schedule 2AA Protected primates**

(see s #)

[text of schedule]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.

Insertion of schedule section—standard

[3.61] Schedule 3, new section 3.12A [clause 3.12A]*insert***3.12A Treatment of injured wildlife**

[text of section]

Drafting note

- 1 Do not use if the insertion is not in the appropriate place (for LA, s 91). Use [3.62] or [3.63] instead.
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.
- 3 Schedules in primary legislation that have substantive provisions are referred to as 'sections' not 'clauses'. There are a few pieces of legislation that have schedule clauses these have been determined by the Parliamentary Counsel for consistency with other jurisdictions or similar reasons.

Insertion of schedule section at the beginning of a schedule

[3.62] Schedule 4, new section 4.1A [clause 4.1A]*before schedule 4, section 4.1, insert***4.1A Qualifications of veterinary officers**

[text of section]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.
- 3 Schedules in primary legislation that have substantive provisions are referred to as 'sections' not 'clauses'. There are a few pieces of legislation that have schedule clauses these have been determined by the Parliamentary Counsel for consistency with other jurisdictions or similar reasons.

Insertion of schedule section—non-standard

[3.63] Schedule 5, new section 5.6AA [clause 5.6AA]*after schedule 5, section 5.6, insert***5.6AA Qualifications of veterinary officers**

[text of section]

Drafting note

- 1 This insertion is not in the appropriate place (for LA, s 91).
- 2 See chapter 11 (Renumbering) if the new provision needs to be renumbered.
- 3 Schedules in primary legislation that have substantive provisions are referred to as 'sections' not 'clauses'. There are a few pieces of legislation that have schedule clauses these have been determined by the Parliamentary Counsel for consistency with other jurisdictions or similar reasons.

3.3.2 Multiple insertions

Multiple insertions—like text units

[3.64] New parts 10A and 10B

insert

Part 10A Pygmy possums

[text of part]

Part 10B Numbats

[text of part]

Drafting note

- 1 All multiple insertions of the same type of text unit follow this pattern.
- 2 See chapter 11 (Renumbering) if the new provisions need to be renumbered.

Multiple insertions—mixed (not at the beginning of a part)

[3.65] New sections 11A and 11B etc

insert

11A Wombats

[text of section]

11B Pademelons

[text of section]

Division 3.2A Pest control

[text of division (ss 11C - 11G)]

Division 3.2B Inspection

11H Authorised wildlife veterinarians

[text of section]

11J Identity cards

[text of section]

Drafting notes

- 1 Use 'insert' formula except where initial insertion is at the beginning of a part (see [3.66]).
- 2 New ss 11H and 11J do not necessarily constitute all of division 3.2B.
- 3 Mention only the first new text unit (or sequence of new text units) in the clause heading.
- 4 See chapter 11 (Renumbering) if the new provisions need to be renumbered.

Multiple insertions—mixed (at the beginning of a part)

[3.66] New sections 12A and 12B etc

before section 12, insert

12A Furry creatures

[text of section]

12B Not so furry creatures

[text of section]

Division 2.1A Pest control

[text of division (ss 12C - 12G)]

Division 2.1B Inspection

12H Authorised wildlife veterinarians

[text of section]

Drafting notes

- 1 Use only if the part of the amended Act currently starts as follows:
 - part 2 (heading)
 - division 2.1 (heading)
 - section 12
 - section 13
 - section 14 etc
- 2 As amended, the plan of the part would be as follows:
 - (existing) part 2 (heading)
 - (existing) division 2.1 (heading)
 - **section 12A**
 - **section 12B**
 - **division 2.1A (Pest control)**
 - **sections 12C - 12G**
 - **division 2.1B (Inspection)**
 - **section 12H**
 - (existing) section 12
 - (existing) section 13
 - (existing) section 14 etc
- 3 Mention only the first new text unit (or sequence of new text units) in the clause heading.
- 4 In this scheme, it is necessary to 'locate' the insertion in the direction. The appropriate position (for LA, s 91) for the insertion can be ambiguous unless used.
- 5 See chapter 11 (Renumbering) if the new provisions need to be renumbered.

Multiple insertions—mixed (with new part or part heading)

[3.67] New section 13A and part 11A etc

insert

13A Wombats

[text of section]

Part 11A Pest control

[Part heading only]

or

[Part heading and new divisions/sections]

or

[text of part —if section 13 of the existing Act is the final section of the previous part]

Drafting note

- 1 Mention only the first new text unit (or sequence of new text units) in the clause heading.
- 2 See chapter 11 (Renumbering) if the new provisions need to be renumbered.

3.3.3 Insertion of text units with notes or examples

Inserting a new subsection/paragraph etc and there is a note or example for the last subsection/paragraph⁴²

Illustration:

10 Person may apply for licence

- (1) A person may.....
- (2) An application under
- (3) This section is a determinative provision.

Note See s 5 for the meaning of determinative provisions, and s 6 for their displacement.

In this illustration the note is for subsection (3). Because the note is part of subsection (3) the direction wording should be '*after the note, insert*'.

[3.68] Section 10 (4)

after the note, insert

- (4) An application under subsection (1) must also include.....

Drafting notes

- 1 Including the words '*after the note,*' in the direction makes the amendment clearer for the Republications Team.
- 2 The same principle shown above applies for examples.

⁴² Heading and drafting notes amended in Version 2012-3 to clarify when inserting a new text unit after a text unit with a note or an example this needs to be specified in the direction.

*Inserting a subsection/paragraph etc and there is a note or example for the section*⁴³

Illustration:**10 Person may apply for licence**

- (1) A person may.....
- (2) An application under
- (3) An application under subsection (1) must be made in accordance with.....

Note A fee may be determined under s 52 for this section.

In this illustration the note is for the section (not for subsection (3)). Because the note needs to remain at the end of the section the direction wording should be *'before the note, insert'*.

[3.69] Section 10 (4)

before the note, insert

- (4) An application under subsection (1) must also include.....

Drafting notes

- 1 Including the words *'before the note,'* in the direction makes the amendment clearer for the Republications Team.
- 2 The same principle shown above applies for examples.

⁴³ Heading and drafting notes amended in Version 2012-3 to clarify when inserting a new text unit before a note or an example for the section this needs to be specified in the direction.

4 Free text

4.1 Omissions

4.1.1 Single omissions

Single mentions of omitted text

[4.1] Section 2

omit

feral

Drafting notes

- 1 *Each mention* of 'feral' is omitted by this form (see LA, s 92). If particular mentions are to be singled out, use [4.6], [4.7], [4.8], or [4.13] and [4.16].

[4.2] Section 2 (1)

omit

feral

[4.3] Section 2 (1) (a)

omit

feral

[4.4] Section 2 (1) (a) (i)

omit

feral

[4.5] Schedule 1, section 2

omit

feral

Particular mentions of omitted text

[4.6] Section 2 [Section 2 (3), Section 2 (3) (a)]

omit 1st mention of

feral

Drafting note

- 1 Consider rewriting the text unit instead.

[4.7] Section 2 [Section 2 (3), Section 2 (3) (a)]

omit last mention of

feral

Drafting notes

- 1 Consider rewriting the text unit instead.

[4.8] Section 2 [Section 2 (3), Section 2 (3) (a)]

omit 2nd mention of

feral

Drafting note

- 1 Consider rewriting the text unit instead.

4.1.2 Selection of text

[4.9] Section 3 [Section 3 (3), Section 3 (3) (a)]

omit everything after

cat

Drafting notes

- 1 Try to avoid by quoting the text to be omitted, or rewriting the whole text unit.
- 2 In this example, '*everything*' refers to everything between the locator and the end of the text unit amended. This includes:
 - all words (not including *cat*)
 - any notes, examples, diagrams, tables etc
 - any paragraphs
 - all punctuation, including punctuation between paragraphs (and the final full stop).

[4.10] Section 3 [Section 3 (3)]

omit everything after paragraph (c)

Drafting notes

- 1 Try to avoid by quoting the text to be omitted, or rewriting the whole text unit.
- 2 Use to omit lengthy free text following a series of paragraphs ((a), (b) and (c) here).
- 3 This can also be used to omit any following paragraphs, no matter how paragraphs and free text are combined in the section. However, if paragraph (c) has a conjunction at the end, the amendment would need to be preceded by another to omit the conjunction.
- 4 In this example, '*everything*' refers to everything between the end of paragraph (c) and the end of the text unit amended. This includes:
 - all words after paragraph (c)
 - any notes, examples, diagrams, tables etc
 - any paragraphs
 - all punctuation, including punctuation between paragraphs (and the final fullstop).

[4.11] Section 3 [Section 3 (3), Section 3 (3) (a)]

omit everything from

feral

to

dingo

Drafting notes

- 1 Try to avoid by quoting the text to be omitted, or rewriting the whole text unit.
- 2 This can also be used to omit any intervening paragraphs, no matter how paragraphs and free text are combined in the section.
- 3 There is no need to use the phrases 'from and including'...'to and including'. The word quoted is taken to be included (see LA, s 106).

4.1.3 Multiple omissions

Single text unit—multiple mentions

[4.12] Section 4 [Section 4 (1), Section 4 (2) (a)]

omit

feral

Drafting note

- 1 *Each mention* of 'feral' is omitted by this form (see LA, s 92). If particular mentions are to be singled out, use [4.6], [4.7], [4.8], or [4.13] and [4.16].

[4.13] Section 4 [Section 4 (1), Section 4 (2) (a)]

omit 1st and last mentions of

feral

Drafting note

- 1 Consider rewriting the text unit instead.

Multiple text units—all mentions—continuous sequence

[4.14] Sections 4 to 10

omit

feral

Drafting notes

- 1 This form of amendment operates on *each mention* of 'feral' in sections 4 to 10. If particular mentions are to be singled out, use [4.15] or [4.16].
- 2 Use this form for omissions in a continuous sequence of sections. For a broken sequence, use [4.15] or [4.16].
- 3 Use only if no intervening amendments are required between s 4 and s 10.

Multiple text units—all mentions—broken sequence

[4.15] Sections 4, 5 and 10

omit

feral

Drafting notes

- 1 Use **only** if there are no more than 3 sections to be amended and only where the section level reference is used—if more than 3 sections or there is the need to specify a particular mention lower than section level use [4.16]. When there are more than 3 sections (in particular when there are references at the subsection and/or paragraph level) listed in the amending clause line it becomes very cluttered and increases the risk of an amendment being missed in the republication process.
- 2 Use this form for omissions in a broken sequence of sections. For a continuous sequence or all mentions, use [4.14].
- 5 Use only if no intervening amendments are required between section 4 and section 10.

Multiple text units—particular mentions

[4.16] Sections 4 to 6 etc

omit

feral

in

- sections 4 to 6
- sections 8 (2) (a)
- sections 10 (1)
- section 12
- division 3.2 heading
- sections 15 to 19
- section 21
- sections 55 and 56
- section 105 (5), note

Drafting notes

- 1 Use this form for omissions of particular mentions in a continuous or broken sequence. For all mentions in a continuous sequence use [4.14] and for a broken sequence use [4.15].
- 2 The text to be omitted should be located by reference to the **smallest text unit** in which the **particular mention/s** within the section is to be omitted (and not other mentions).
- 3 The text to be omitted can also be located by reference to the **smallest text unit** in which it occurs if the **section is too long** to make it convenient to find the free text to be omitted.
- 4 *If there are multiple mentions to be omitted within a section take the reference up to the section level.*
- 5 The clause heading only mentions the 1st section (or sequence of sections) amended.
- 6 Use only if no intervening amendments are required between section 4 and section 21.

4.2 Substitutions

4.2.1 Single substitutions

Single mentions of omitted and substituted text

[4.17] Section 5

omit

feral

substitute

wild

Drafting notes

- 1 *Each mention of 'feral' in section 5 is substituted with 'wild' by this form. If particular mentions need to be singled out, use [4.23], [4.24], [4.25] or [4.31] or [4.32].*

[4.18] Section 5 (1)

omit

feral

substitute

wild

[4.19] Section 5 (2) (b)

omit

feral

substitute

wild

[4.20] Section 5 (2) (b) (ii)

omit

feral

substitute

wild

[4.21] Schedule 2, section 2.5 [etc]

omit

feral

substitute

wild

[4.22] Section 73 (5)⁴⁴

omit

In addition to the notice required by subsection (4), a licensed

substitute

A licensed

Drafting note

- 1 Always include another word in the substitution (in this case 'licensed') to avoid having just 'A'.

Particular mentions of omitted and substituted text

[4.23] Section 5 [Section 5 (1), Section 5 (2) (a)]

omit 1st mention of

feral

substitute

wild

Drafting note

- 1 Consider rewriting the text unit instead.

[4.24] Section 5 [Section 5 (1), Section 5 (2) (a)]

omit last mention of

feral

substitute

wild

Drafting notes

- 1 Consider rewriting the text unit instead.

⁴⁴ Example added in Version 2014-1.

[4.25] Section 5 [Section 5 (1), Section 5 (2) (a)]

omit 2nd mention of

feral

substitute

wild

Drafting notes

- 1 Consider rewriting the text unit instead.

4.2.2 Selection of text

[4.26] Section 6 [Section 6 (1), Section 6 (2) (a)]

omit everything after

cat

substitute

must be registered with the registrar of mysteries.

Drafting notes

- 1 Try to avoid by quoting the text to be omitted, or rewriting the whole text unit.
- 2 In this example, '*everything*' refers to everything between the locator and the end of the text unit amended. This includes:
 - all words (not including *cat*)
 - any notes, examples, diagrams, tables etc
 - any paragraphs
 - all punctuation, including punctuation between paragraphs (and the final full stop).
- 3 The full stop is included in the text to be substituted. The full stop is part of the Act (see LA, s 126 (5)).

[4.27] Section 6 [Section 6 (1)]

omit everything after paragraph (c), substitute

must be registered with the registrar of mysteries.

Drafting notes

- 1 Try to avoid by quoting the text to be omitted, or rewriting the whole text unit.
- 2 Use this to omit lengthy free text following a series of paragraphs..
- 3 In this example, '*everything*' refers to everything between the end of paragraph (c) and the end of the text unit amended. This includes:
 - all words after paragraph (c)
 - any notes, examples, diagrams, tables etc
 - any paragraphs
 - all punctuation, including punctuation between paragraphs (and the final full stop).
- 4 The full stop is included in the text to be substituted. The full stop is part of the Act (see LA, s 126 (5)).

[4.28] Section 6 [Section 6 (1), Section 6 (2) (a)]

omit everything from

feral

to

mysteries.

substitute

wild dog must be registered.

Drafting notes

- 1 Try to avoid by quoting the text to be omitted, or rewriting the whole text unit.
- 2 This can also be used to omit any intervening paragraphs, no matter how paragraphs and free text are combined in the section.
- 3 There is no need to use the phrases 'from and including'...'to and including'. The word quoted is presumed to be included (see LA, s 106).

[4.29] Section 6

omit everything before paragraph (a), substitute

6 Dingo diseases

(1) [text of section]

Drafting notes

Although this is a legitimate amending formula the parliamentary counsel prefers to amend the section heading separately.⁴⁵

- 1 This type of amendment omits the section heading as well, it is important to include it in the substitution.

⁴⁵ Drafting note amended in Version 2012-3 to add information about PC's drafting preference.

4.2.3 Multiple substitutions

Single text unit—multiple mentions

[4.30] Section 7 [Section 7 (1), Section 7 (2) (a)]

omit

feral

substitute

wild

Drafting note

- 1 *Each mention* of 'feral' in section 7 is substituted with 'wild' by this form. If particular mentions need to be singled out, use [4.23], [4.24], [4.25] or [4.31] or [4.32].

[4.31] Section 7 [Section 7 (1), Section 7 (2) (a)]

omit first and last mentions of

feral

substitute

wild

Drafting notes

- 1 Consider rewriting the text unit instead.

Multiple text units—all mentions—continuous sequence

[4.32] Sections 4 to 10

omit

feral

substitute

wild

Drafting notes

- 1 This form of amendment operates on *each mention* of 'feral' in sections 4 to 10. If particular mentions are to be singled out, use [4.33] or [4.34].
- 2 Use this form for substitutions in a continuous sequence of sections. For a broken sequence, use [4.33] or [4.34].
- 3 Use only if no intervening amendments are required between s 4 and s 10.

Multiple text units—all mentions—broken sequence

[4.33] Sections 4, 5 and 10

omit

feral

substitute

wild

Drafting notes

- 1 Use **only** if there are no more than 3 sections to be amended and only where the section level reference is used—if more than 3 sections or there is the need to specify a particular mention lower than section level use [4.34]. When there are more than 3 sections (in particular when there are references at the subsection and/or paragraph level) listed in the amending clause line it becomes very cluttered and increases the risk of an amendment being missed in the republication process.
- 2 Use this form for substitutions in a broken sequence of sections. For a continuous sequence or all mentions, use [4.32].
- 3 Use only if no intervening amendments are required between section 4 and section 10.

Multiple text units—particular mentions

[4.34] Sections 4 to 6 etc

omit

feral

substitute

wild

in

- sections 4 to 6
- section 8 (2) (a)
- section 10 (1)
- section 12
- division 3.2 heading
- sections 15 to 19
- section 21
- sections 55 and 56
- section 105 (5), note

Drafting notes

- 1 Use this form for substitutions of particular mentions in a continuous or broken sequence. For all mentions in a continuous sequence use [4.32] and for a broken sequence use [4.33].
- 2 The text to be substituted should be located by reference to the **smallest text unit** in which the **particular mention/s** within the section is to be substituted (and not other mentions).
- 3 The text to be substituted can also be located by reference to the **smallest text unit** in which it occurs if the **section is too long** to make it convenient to find the free text to be substituted.

-
- 4 *If there are multiple mentions to be substituted within a section take the reference up to the section level.*
 - 5 The clause heading only mentions the 1st section (or sequence of sections) amended.
 - 6 Use only if no intervening amendments are required between section 4 and section 21.
-

4.2.4 Mixed substitutions

At the end of a section or subsection

[4.35] Section 8 [Section 8 (1)]

omit

feral cats.

substitute

wild cats, unless—

(a) ...; and

(b)

Drafting notes

- 1 Consider rewriting the text unit instead.
 - 2 This form of substitution only applies *at the end* of the section or subsection. Used anywhere else in the text unit, it would not be clear what (existing) text was included in the final paragraph and what was not.
-

At the end of a paragraph

[4.36] Section 8 (2) (b)

omit

feral cats; [and/or]

substitute

wild cats, unless—

(i) ...; [and/or]

(ii) ...; [and/or]

Drafting notes

- 1 Consider rewriting the text unit instead.
 - 2 The final subparagraph will also need a final conjunction if the paragraph amended had a final conjunction.
-

4.3 Insertions

4.3.1 Single insertions

Insertion in section or subsection (not immediately after paragraphs)

[4.37] Section 9 [Section 9 (1), Section 9 (2) (a)]

after

cat

insert

or pig

Drafting notes

- 1 Each mention of 'cat' in section 9 is substituted is amended to insert 'or pig by this form. If particular mentions are to be singled out, use [4.42]-[4.47] or [4.50]-[4.52].

Insertion in section or subsection (before free text that occurs immediately after paragraphs)

[4.38] Section 9 [Section 9 (1)]

before

the feral cat

insert

the feral pig or

Drafting notes

- 1 Consider rewriting the text unit to restructure to current drafting practice.
- 2 Use to insert free text *before* text following immediately after a series of paragraphs—in this item, if 'the feral cat' immediately follows a series of paragraphs.
- 3 This form operates on all mentions of 'the feral cat' in section 9. If particular mentions are to be singled out, use [4.42]-[4.47] or [4.50]-[4.52].
- 4 For the insertion of free text at the beginning of the section, use the *substitution* formula ('*omit* Cats, *substitute* Feral cats'), not the *insertion - before* formula ('*before* Cats *insert* Feral'). Otherwise the failure to deal with the initial capital letter in the locating text could be misconstrued.

Insertion in paragraph (not at the beginning of the paragraph)

[4.39] Section 9 (2) (b)

after

cat

insert

or pig

Drafting note

- 1 Also use at the end of the paragraph (or subparagraph)

Insertion in paragraph (at the beginning of the paragraph)

[4.40] Section 9 (2) (b)

before

cats

insert

feral

Insertion in schedule text units

[4.41] Schedule 2, section 2.9 [etc]

after

cat

insert

or pig

Drafting note

- 1 Use the same approach to insertions of free text in schedule text units as with insertions of free text into text units in the body of the amending bill.

Particular mentions

[4.42] Section 9 [Section 9 (1), Section 9 (2) (a)]

after 1st mention of

cat

insert

or feral pig

Drafting note

- 1 Consider rewriting the text unit instead.

[4.43] Section 9 [Section 9 (1), Section 9 (2) (a)]

before 1st mention of

cat

insert

feral

Drafting note

- 1 Consider rewriting the text unit instead.

[4.44] Section 9 [Section 9 (1), Section 9 (2) (a)]

after last mention of

cat

insert

or feral pig

Drafting notes

- 1 Consider rewriting the text unit instead.

[4.45] Section 9 [Section 9 (1), Section 9 (2) (a)]

before last mention of

cat

insert

feral

Drafting notes

- 1 Consider rewriting the text unit instead.

[4.46] Section 9 [Section 9 (1), Section 9 (2) (a)]

after 2nd mention of

cat

insert

or feral pig

Drafting note

- 1 Consider rewriting the text unit instead.

[4.47] Section 9 [Section 9 (1), Section 9 (2) (a)]

before 2nd mention of

cat

insert

feral

Drafting note

- 1 Consider rewriting the text unit instead.

4.3.2 Multiple insertions

Single text unit—multiple mentions

[4.48] Section 10 [Section 10 (1), Section 10 (2) (a)]

after

cat

insert

or feral pig

Drafting note

- 1 Use this form to insert 'or feral pig' after *each mention* of 'cat'. If particular mentions are to be singled out, use [4.42]-[4.47] or [4.50]-[4.52].

[4.49] Section 10 [Section 10 (1), Section 10 (2) (a)]

before

cat

insert

feral

Drafting note

- 1 Use this form to insert 'feral' before *each mention* of 'cat'. If particular mentions are to be singled out, use [4.42]-[4.47] or [4.50]-[4.52].

[4.50] Section 10 [Section 10 (1), Section 10 (2) (a)]

after 1st and last mentions of

cat

insert

or feral pig

Drafting notes

- 1 Consider rewriting the text unit instead.

[4.51] Section 10 [Section 10 (1), Section 10 (2) (a)]

before 2nd and last mentions of

cat

insert

feral

Drafting notes

- 1 Consider rewriting the text unit instead.

Multiple text units—all mentions—continuous sequence

[4.52] Sections 4 to 10

after

cat

insert

or feral pig

Drafting notes

- 1 This form of amendment operates on *each mention* of 'cat' in sections 4 to 10. If particular mentions are to be singled out, use [4.53] or [4.54].
- 2 Use this form for insertions in a continuous sequence of sections. For a broken sequence, use [4.53] or [4.54].
- 3 Use only if no intervening amendments are required between s 4 and s 10.

Multiple text units—all mentions—broken sequence

[4.53] Sections 4, 5 and 10

after

cat

insert

or feral pig

Drafting notes

- 1 Use **only** if there are no more than 3 sections to be amended and only where the section level reference is used—if more than 3 sections or there is the need to specify a particular mention lower than section level use [4.34]. When there are more than 3 sections (in particular when there are references at the subsection and/or paragraph level) listed in the amending clause line it becomes very cluttered and increases the risk of an amendment being missed in the republication process.
- 2 Use this form for insertions in a broken sequence of sections. For a continuous sequence or all mentions, use [4.52].
- 3 Use only if no intervening amendments are required between section 4 and section 10.

Multiple text units—particular mentions

[4.54] Sections 4 to 6 etc*after*

cat

insert

or feral pig

in

- sections 4 to 6
- section 8 (2) (a)
- section 10 (1)
- section 12
- division 3.2 heading
- sections 15 to 19
- section 21
- sections 55 and 56
- section 105 (5), note

Drafting notes

- 1 Use this form for insertions of particular mentions in a continuous or broken sequence. For all mentions in a continuous sequence use [4.52] and for a broken sequence use [4.53].
- 2 The text to be inserted should be located by reference to the **smallest text unit** in which the **particular mention/s** within the section is to be inserted (and not other mentions).
- 3 The text to be inserted can also be located by reference to the **smallest text unit** in which it occurs if the **section is too long** to make it convenient to find the free text.
- 4 *If there are multiple mentions to be inserted within a section take the reference up to the section level.*
- 5 The clause heading only mentions the 1st section (or sequence of sections) amended.
- 6 Use only if no intervening amendments are required between section 4 and section 105.

4.3.3 Mixed insertions

At the end of a section or subsection

[4.55] Section 11 [Section 11 (1)]

after

feral cats

insert

or wild dogs, unless—

(a) ...; and

(b)

Drafting notes

- 1 Consider rewriting the whole section or subsection (with the new paragraphs) instead.
- 2 This form of substitution only applies *at the end* of the section or subsection. Used anywhere else in the text unit, it would not be clear what (existing) text was included in the final paragraph and what was not.
- 3 Insert a full stop after the final paragraph, even though there is already one there (after 'feral cats'). To do otherwise would risk raising the possibility that some text has been left out by mistake.

At the end of a paragraph

[4.56] Section 11 (2) (b)

after

feral cats

insert

or wild dogs, unless—

(i) ...; [and/or]

(ii) ...; [and/or]

Drafting notes

- 1 Consider rewriting the whole paragraph (with the new subparagraphs) instead.
- 2 Note that the final subparagraph will also need a final conjunction if the paragraph amended has a final conjunction.

5 Definitions

5.1 General principles

- 1 Definitions in an Act may be found either in a **dictionary** at the end (in most Acts passed after mid-1999), or a **definitions** section near the beginning of the Act or a part or division of the Act, or (for definitions applying only to particular sections) in a **subsection**.
- 2 The illustrations refer to definitions in a dictionary. However, they can be applied in the other contexts noted by a change in the heading to the amending clause (for **Dictionary**, substitute a reference to the relevant text unit, eg **Section 3 (1)**).
- 3 Amendments to definitions in a dictionary or a text unit of an Act to be amended must be grouped according to the **alphabetical sequence** in which the definitions are listed in the text unit.
- 4 Amendments to definitions may, however, be grouped together on the same principle as amendments to text units generally: that is, the same amending operation may be applied to a number of definitions as long as either the definitions follow each other in the current Act, or (if the definitions are not together) there are no amendments to the intervening definitions (see [5.2], [5.3], [5.4], [5.13], and [5.14]).

This can be done if there aren't very many definitions to be substituted. When there are a lot of definitions listed in the amending section heading it becomes long and hard to read.⁴⁶

- 5 For the amendment or insertion of **paragraphs** in definitions see [5.8] to [5.11].
- 6 Otherwise, the methods used for amending definitions are those that also apply to the amendment of other text units, or of free text in other text units.
- 7 For definitions in the dictionary or definitions listed in sections that are defined for a chapter/part/division—DO NOT substitute a definition if the defined term is to be changed—instead *omit* the existing definition and *insert* the new definition. This is because the term will be annotated separately in the endnotes. For definitions used only in a section the definition may be substituted.⁴⁷
- 8 A dictionary note dot point may be substituted with another dot point that is not in alphabetical order—the Republications Team will move the dot point to make the list alphabetical.

⁴⁶ Sentence added in Version 2012-2 to clarify when to combine substitution amendments and when to provide separate amendments.

⁴⁷ Item updated in Version 2015-3.

5.2 Illustrations

Note The illustrations refer to definitions in a dictionary. However, they can be applied in the other contexts noted by a change in the heading to the amending clause (for **Dictionary**, substitute a reference to the relevant text unit, eg **Section 3 (1)**).

List of defined terms in the dictionary to the existing Aardvark Act 1999

administrator
animal
domestic
feral
inspector
keeper
leash
mammal monitor
register
registrar of mammals
veterinary surgeon
warden
wild dog

Amendments proposed in the Aardvark Amendment Bill 2003

[5.1] Dictionary, new definition of *aardvark advocate*

insert

aardvark advocate means [text of definition].

Drafting note

- 1 The definition will automatically be inserted in alphabetical order (LA, s 91 (6)).

[5.2] Dictionary, definitions of *animal* and *feral*

omit

registered

substitute

licensed

Drafting note

- 1 Multiple amendments to definitions may only be made if there are no intervening amendments or insertions proposed. In this example, no amendments are proposed to be inserted or omitted in between the definitions of ***animal*** and ***feral***, and there are no amendments proposed to the definition of ***domestic***.

[5.3] Dictionary, new definitions

insert

gate means [text of definition]

highlands means [text of definition]

jurisdiction means [text of definition]

licence means [text of definition].

Drafting note

- 1 Multiple insertions may be made as long as there are no intervening amendments to existing definitions. In this example, no amendments are proposed to ***inspector***, ***keeper*** or ***leash***. The definitions will automatically be inserted in alphabetical order (LA, s 91 (6)).
- 2 If more than 1 definition is inserted, the clause heading should not mention any definitions specifically.

[5.4] Dictionary, definitions of *animal* and *keeper*⁴⁸

substitute

animal means [text of definition].

keeper means [text of definition].

Drafting note

- 1 Multiple substitutions may be made as long as there are no amendments to intervening definitions.
- 2 Note though, that the number of definitions should be limited depended on the length of the defined term. When there are a lot of definitions listed in the amending section heading it becomes long and hard to read. Sometimes it is necessary to group them together in a couple of amendments to make it easier to read.

⁴⁸ Example added in Version 2012-2 to clarify when to combine substitution amendments and when to provide separate amendments.

[5.5] Dictionary, definition of *recommendation* etc⁴⁹

substitute

recommendation means [text of definition].

regulated transfer means [text of definition].

retail margin means [text of definition].

retail price means [text of definition].

specified fuel means [text of definition].

Drafting note

- 1 Multiple substitutions may be made as long as there are no amendments to intervening definitions.

[5.6] Dictionary, definition of *mammal monitor*

substitute

mammal monitor means [text of definition].

Museum of Australia means [text of definition].

Drafting note

- 1 Multiple substitutions may also incorporate an insertion of new definitions as long as there are no intervening existing definitions. In this example there is no impediment to the insertion of the definition of *Museum of Australia* because its alphabetical place precedes the next existing defined term (*register*).

[5.7] Dictionary, definition of *register*, paragraph (a)

after

administrator

insert

, or by notice to the aardvark advocate,

[5.8] Dictionary, definition of *register*, paragraph (c) [par (c) is last in series]

omit

Drafting notes

- 1 The omission of the last paragraph of a series joined by 'and' or 'or' does **not** require the omission of the conjunction at the end of the current second-last paragraph to be done by amendment. This will be done by the Republications Team under LA, s 116.

⁴⁹ Example added in Version 2014-1.

[5.9] Dictionary, definition of *register*, new paragraph (d) [par (c) is last series]

insert

(d) [text of paragraph].

Drafting notes

- 1 The current last paragraph of the series ending in a full stop does **not** require the conjunction 'and' or 'or' to be inserted by amendment. This will be done by the Republications Team under LA, s 116.

[5.10] Dictionary, definition of *register*, paragraph (c) [par (c) is in the middle of the series]

omit

Drafting notes

- 1 It is **not** necessary to **renumber** the remaining paragraphs. This will be done by the Republications Team under LA, s 116.

[5.11] Dictionary, definition of *registrar of mammals*, paragraph (b)

substitute

(b) [text of paragraph]; or

[5.12] Dictionary, definition of *warden*

omit

5.3 Multiple omissions

1 to 3 definitions

**[5.13] Dictionary, definitions of *administrator*, *animal* and *domestic*
[Section 4, definitions of *administrator*, *animal* and *domestic*]**

omit

Drafting notes

- 1 **Only** use this format for the omission of a maximum of 3 definitions. If more definitions need to be omitted use the format in [5.14].
- 2 When multiple definitions (especially long ones) are listed in the amending clause it becomes cluttered and decreases readability making it harder to distinguish each definition amended

More than 3 definitions

[5.14] Dictionary [Section 4, definitions]

omit the definitions of

administrator

animal

domestic

feral

mammal monitor

register

registrar of mammals

veterinary surgeon

warden

wild dog

Drafting notes

- 1 Use this format for the omission of more than 3 definitions. If less than 3 definitions need to be omitted use the format in [5.13].
- 2 When multiple definitions (especially long ones) are listed in the amending clause it becomes cluttered and decreases readability making it harder to distinguish each definition amended.

6 Penalties

6.1 Section and subsection penalties

- 1 If there is a penalty at the end of a section divided into subsections, but no indication about whether the penalty applies to the subsection or the section (and the context does not otherwise help), LA, s 134 (2) provides that the penalty will apply to the whole section.
- 2 PCO policy, however, is to apply penalties to each offence in a section rather than to insert 'section' penalties in reliance on LA, s 134 (2). If the rest of the section amended does not conform to this style, it is desirable to amend the rest of the section to update the style, and for consistency.

6.2 Omissions

[6.1] Section 2, penalty

omit

Drafting notes

- 1 In the case of a section that is divided into subsections, refer to the *section* in the heading only if the penalty applies to the section, or if there is a penalty at the end of the section and it is unclear whether the penalty applies to the section or the final subsection.
- 2 For assistance in deciding whether a penalty applies to the whole section or only to the last subsection, see LA, s 134.

[6.2] Section 2 (3), penalty

omit

Drafting note

- 1 Refer to the *subsection* in the heading unless the penalty applies to the section.

[6.3] Section 2 (3) and (4), penalty

omit

Drafting note

- 1 This amendment omits the penalty for subsection (3) and the penalty for subsection (4).

6.3 Substitutions

Section penalty (undivided section)

[6.4] Section 3, penalty

substitute

Maximum penalty: 20 penalty units.

Drafting note

- 1 Do not use if the section is divided into subsections. Insert penalties at the foot of each subsection instead (see [6.9] and [6.10]).

Subsection penalty (not a final subsection)

[6.5] Section 3 (4), penalty

substitute

Maximum penalty: 20 penalty units.

Final subsection penalty—penalty applying to final subsection only

[6.6] Section 3 (7), penalty

substitute

Maximum penalty (subsection (7)): 20 penalty units.

Drafting notes

- 1 This example assumes that the section has 7 subsections.
- 2 For assistance in deciding whether a penalty applies to the whole section or only to the last subsection, see LA, s 134.
- 3 The reference to the subsection in the heading implies that the penalty that is being omitted applies to the subsection only. The reference to the subsection in the inserted penalty similarly means that the inserted penalty applies only to the last subsection.
- 4 If it is desired that the new penalty should apply to the whole section, current drafting practice requires that each subsection that has offences should be amended by the insertion of a penalty provision, (see 6.1).

Subsection penalty substituted for section penalty

[6.7] Section 3, penalty*substitute*

Maximum penalty (subsection (4)): 20 penalty units.

Drafting note

- 1 Use if the existing penalty applies to whole of s 3, but the substituted penalty is only to apply to the final s 3 (4) and there is not a penalty in any other subsection (see LA s 134 (5)).

6.4 Insertions

- 1 There is no need to 'locate' new inserted penalties.
 - 2 LA, s 93 (6) and (7) provides that a penalty is part of the subsection or section at the foot of which it occurs. Depending on how the penalty itself is expressed, and how the amendment itself is drafted, it may form part of the subsection or section. Care needs to be taken about which provision is mentioned in the amending clause heading.
 - 3 Even if the existing provision has notes or examples (or both), LA, s 93 (9) (note) sets out the current ACT legislative drafting practice that places their order as (1) penalties; (2) examples; (3) notes.
 - 4 So the appropriate position (for LA, s 91) for the penalty can be worked out without any local assistance from a locator.
 - 5 For a section divided into subsections, if a new penalty is to apply to several subsections, the new penalty should be inserted in each subsection (see 6.1). For the last subsection, see example [6.10].
-

Section penalty (undivided section)

[6.8] Section 4, new penalty

insert

Maximum penalty: 20 penalty units.

Drafting note

- 1 Do not use if the section is divided into subsections. Insert penalties at the end of each subsection instead (see [6.9] and [6.10]).
-

Subsection penalty (not a final subsection)

[6.9] Section 4 (5), new penalty

insert

Maximum penalty: 20 penalty units.

Final subsection penalty—penalty applicable to subsection only

[6.10] Section 4 (5), new penalty

insert

Maximum penalty (subsection (5)): 20 penalty units.

Drafting notes

- 1 Refer to the *subsection* in the heading.
 - 2 Indicate the application of the penalty by referring to the subsection in brackets (see LA, s 134 (5)).
-

6.5 Other penalty amendments

Preference for whole-of-penalty amendment

- 1 Penalty provisions should usually be amended by substitution of the whole provision.
 - 2 The examples in this section are designed for use in the rare case of longer penalty provisions (particularly, penalties with series of paragraphs).
-

Paragraphs in penalties

[6.11] Section 5 [Section 5 (6)], penalty, paragraph (a)

omit

Drafting note

- 1 It is **not** necessary to **renumber** the remaining subsections. This will be done by the Republications Team under LA, s 116.

[6.12] Section 5 [Section 5 (6)], penalty, paragraph (a)

substitute

- (a) [text of paragraph]; and/or

[6.13] Section 5 [Section 5 (6)], penalty, new paragraph (aa)

before paragraph (a), insert

- (aa) [text of paragraph]; and/or

Drafting note

- 1 This is not the appropriate position (for LA, s 91), so a locator is needed in the amending clause.
- 2 It is **not** necessary to **renumber** the remaining subsections. This will be done by the Republications Team under LA, s 116.

[6.14] Section 5 [Section 5 (6)], penalty, new paragraph (ba)

insert

- (ba) [text of paragraph]; and/or

Drafting note

- 1 It is **not** necessary to **renumber** the remaining subsections. This will be done by the Republications Team under LA, s 116.

[6.15] Section 5 [Section 5 (6)], penalty, paragraph (c) [par (c) is last in series]

omit

Drafting notes

- 1 The omission of the last paragraph of a series joined by 'and' or 'or' does **not** require the omission of the conjunction at the end of the current second-last paragraph to be done by amendment. This will be done by the Republications Team under LA, s 116.

[6.16] Section 5 [Section 5 (6)], penalty, new paragraph (d) [par (c) is last series]

insert

(d) [text of paragraph].

Drafting notes

- 1 The current last paragraph of the series ending in a full stop does **not** require the conjunction 'and' or 'or' to be inserted by amendment. This will be done by the Republications Team under LA, s 116.

Free text amendments in penalties

[6.17] Section 5 [Section 5 (6)], penalty

omit

20 penalty units

substitute

50 penalty units

Drafting note

- 1 All other free text amendments to penalties follow this pattern. For amendments to penalty paragraphs, see [6.18].

[6.18] Section 5 [Section 5 (6)], penalty, paragraph (a)

after

cat

insert

, or yellow dog dingo

Drafting note

- 1 All other free text amendments to penalty paragraphs follow this pattern.

7 Headings

7.1 General principles

- 1 Headings to chapters, parts, divisions, subdivisions, schedules and all schedule text units of (or to) an Act are part of the Act and may be amended as such (LA, s 126 (1)).
- 2 Headings to sections of an Act that was enacted after 1 January 2000 are part of the Act and may be amended as such (LA, s 126 (2) (a)).
- 3 Headings to sections of an Act that are amended or inserted after 1 January 2000 are part of the Act and may be amended as such (LA, s 126 (2) (b)).
- 4 The use of subsection headings is not permitted without parliamentary counsel's approval.
- 5 For chapters and subdivisions, adapt the examples below for parts and divisions.
- 6 For schedule text units, adapt the examples below from the body of an Act.
- 7 If the effect of a change of heading would be to relocate the chapter, part, division or subdivision by changing its number, a 2-step process must be used:
 - amendment of the heading (as described in this chapter)
 - relocation (see chapter 10).
- 8 Unless the whole section is being substituted, it is preferred that the section heading is amended separately (see 7.3.3).⁵⁰

7.2 Omissions

[7.1] Part 2 heading

omit

[7.2] Division 2.3 heading

omit

Drafting notes

- 1 The simple omission of a chapter, part, division or subdivision heading has the effect that the provisions of the chapter, part etc become part of the previous chapter, part etc.
- 2 Accordingly, attention should be paid to:
 - the numbering of the parts, divisions etc; and
 - any cross-references to chapter, part etc headings.
- 3 Any changes to the **numbering of chapters, parts, divisions and sections** should be done directly by the amending bill, **not** by direction for republishing.

⁵⁰ Sentence added in Version 2012-3 to add information about PC's drafting preference.

7.3 Substitutions

7.3.1 Simple heading substitutions

There are 2 types of simple substitution:

- **like-for-like substitutions** (the most common)—substitution of part heading for part heading, division heading for division heading, section heading for section heading.
- **mixed substitutions**—substitution of a division heading for a part heading, or a part heading for a division heading.

Like-for-like substitutions

[7.3] Schedule 1 heading⁵¹

substitute

Schedule 1 Digging mammals

Drafting note

- 1 Do not include the schedule ref when substituting a schedule heading unless it needs to be changed.

[7.4] Schedule 1 heading, reference⁵²

substitute

(see pt 13.4)

Drafting notes

- 1 This amendment replaces the reference under the schedule heading (see also [8.13]).
- 2 This same principle as shown above applies to amending a dictionary reference.

[7.5] Part 3 heading

substitute

Part 3 Digging mammals

[7.6] Division 3.4 heading

substitute

Division 3.4 Aardvark tagger

⁵¹ Example added in Version 2014-1.

⁵² Example added in Version 2015-1.

[7.7] Section 5 heading*substitute***5 Who is an aardvark tagger?***Mixed substitutions***[7.8] Part 3 heading***substitute***Division 2.4 Digging mammals****[7.9] Division 3.4 heading***substitute***Part 3A Aardvark taggers***Drafting notes*

- 1 The effect of this substitution is to turn the division into a part. Any divisions following div 3.4 here may require consequential renumbering.
- 2 Particular care should be taken to change any references in the provisions affected from 'this division' to 'this part'.

7.3.2 Multiple heading substitutions

Two types of multiple substitutions involving the initial omission of a heading may be used:

- **simple multiple substitutions**—omission of headings and insertion of other headings
- **mixed multiple substitutions**—omission of heading(s) and insertion of part or division headings and other text units, or the insertion of other text units

*Simple multiple substitutions***[7.10] Part 4 heading***substitute***Part 4 Aardvark registration****Division 4.1 Interpretation—pt 4***Drafting note*

- 1 In this example, only the division *heading* is inserted. Additional material may also be inserted (see [7.13]).

[7.11] Sections 6, 7 and 9 headings*substitute***6 Aardvark registration****7 Numbat registration****8 Bandicoot registration***Drafting notes*

- 1 Use only if there are no intervening amendments to s 6 and s 7.
- 2 Use also (if appropriate) for part and division headings.

[7.12] Division 4.5 heading*substitute***Part 4A Aardvark registration****Division 4A.1 Interpretation—pt 4A***Drafting note*

- 1 In this example, only the part *heading* is inserted. Additional material may also be inserted (see [7.13]).

Mixed multiple substitutions**[7.13] Part 4 heading***substitute***Part 4 Aardvark registration****Division 4.1 Interpretation—pt 4**

[text of new division, new sections, further divisions and parts, further division or part headings etc]

Drafting note

- 1 This example could be extended, along the lines of 3.3.2 (multiple mixed insertions of text units), by the insertion of further divisions or even parts (see [3.64]-[3.67]), possibly ending with the insertion of a part or division heading or a part or division heading and individual sections that will, when included in the amended Act, form a new part (division).

7.3.3 **Heading and subsection not to be amended together**⁵³

[7.14] **Section 5 heading***substitute***5** **Who is an aardvark tagger?****[7.15]** **Section 5 (1)***substitute*

- (1) The following are taken to be an aardvark tagger....

Drafting note

- 1 The parliamentary counsel prefers the heading of the section to be amended separately to subsection (1).

⁵³ Division added in Version 2012-3 to add information about PC's drafting preference.

7.4 Insertions

- 1 The simple insertion of new chapter, part, division and subdivision headings has the effect of creating complete chapter, part, division, or subdivision units out of the existing provisions of the Act that follow the new heading.
- 2 Care needs to be taken with renumbering, and to draft appropriate changes to any affected existing references to 'this chapter', 'this part' etc.
- 3 New chapter, part, division and subdivision headings that do not have a unique whole number should be given an 'A' suffix, for example, new part 5A heading. See chapter 11 (Renumbering) if the new provision heading needs to be renumbered.

7.4.1 Single insertion

Insertions (other than at the beginning of the Act or a part)

[7.16] New part 5 heading

after section 60, insert

Part 5 Aardvark registration

[7.17] New division 5.6 heading

after section 60, insert

Division 5.6 Registration requirements

Insertions (at the beginning of the Act or a part)

[7.18] New part 1 heading

insert

Part 1 Preliminary

Drafting note

- 1 The appropriate position (see LA, s 91) is clear. There is no need for a locator in the amending clause.

[7.19] New division 5.1 heading

insert

Division 5.1 Aardvark registration

7.4.2 Multiple insertions

Two types of multiple insertions involving the (initial) insertion of headings may be used:

- **simple multiple insertions**—involving the insertion of a part and division heading
- **mixed multiple insertions**—involving the insertion of other text units after an initial heading insertion.

Simple multiple insertions

[7.20] New part 6 and division 6.1 headings

after section 37, insert

Part 6 Aardvark tag teams

Division 6.1 Appointments

Mixed multiple insertions

[7.21] New part 6 heading etc

after section 70, insert

Part 6 Aardvark tag teams

Division 6.1 Appointments

[text of new division, new sections, further divisions and parts, further division or part headings etc]

Drafting note

- 1 This example could be extended, along the lines of 3.3.2 (multiple mixed insertions of text units), by the insertion of further divisions or even parts (see [3.64]-[3.67]), possibly ending with the insertion of a part or division heading or a part or division heading and individual sections that will, when included in the amended Act, form a new part (division).

7.5 Free text amendments

- 1 Avoid free text amendments of headings. Substitute whole new headings instead, if possible, as these are more meaningful.
- 2 Principally, use free text amendments of headings when the amendment is part of a series of **multiple additional amendments** of the same type [see chapter 9].
- 3 If there is any sensitivity about opening up the whole text of a heading to debate in the Assembly, particularly in the case of a private member's bill, it may be necessary to amend the text of a heading.
- 4 **Do not use free text amendments to renumber headings.** Use instead the renumbering approach in chapter 11.

8 Notes, examples, tables, titles, dot points etc

- diagrams
- dot points
- examples
- modifications
- notes
- tables
- titles

8.1 General principles

- 1 **Diagrams, dot points, examples, long titles, notes** (other than endnotes) and **tables** may be amended by amending bills as illustrated below.
- 2 The main feature that distinguishes amendments of these text units from others is in the **identification of what is amended (or inserted) in the heading**. The amending operations themselves generally follow the same pattern as those for other text units.
- 3 **Notes** do not form part of the Act (see LA, s 127 (1)). But amending Acts may amend them as if they were. They may also be revised on the republication of an Act without authorisation by an amending Act.
- 4 The **correct order**, if there are examples, penalties and notes to a provision is—
 - (1) penalties
 - (2) examples
 - (3) notes (see LA, s 93 (9), note).
- 5 The same **renumbering** principles as for subsections, paragraphs and subparagraphs apply to amendments to numbered notes, examples and dot points (see LA, s 116).

8.2 Illustrations

8.2.1 Omissions

[8.1] Section 4 (1), diagram

omit

[8.2] Section 3, 1st dot point

omit

Drafting note

- 1 If the **last** dot point is omitted, as with a series of paragraphs, there is no need for an amendment to move the full stop. This will be done by the Republications Team under LA, s 116.

[8.3] Table 10 [Table 10.1]

omit

Drafting note

- 1 Because the table reference is a unique number based on the section number, there is no need to refer to the section number in the amending clause line.
- 2 For a section with multiple tables there is no need for an amendment to renumber the tables. This will be done by the Republications Team under LA, s 116.

[8.4] Schedule 4, table, column 5

omit

Drafting note

- 1 This amendment omits the entire column in the table.

[8.5] Dictionary, note 2

omit

- ACAT

Drafting note

- 1 There is no need to refer to 'note 2, dot points' in the amending clause line, quoting the exact text to be omitted clearly indicates that it is a dot point.
- 2 Multiple dot points can be omitted in a single amendment even if the dot points are not in sequence.

8.2.2 Substitutions

[8.6] Section 4, example 2

substitute

Example 2

[text of example]

Drafting notes

- 1 If the example relates to a subsection only, mention the subsection in the heading rather than the section.
- 2 If the example is numbered simply “2”(and not “*Example 2*”) (see [8.7]).

[8.7] Section 4 (2), example 2

substitute

- 2 Desexed quokkas.

Drafting notes

- 1 If the example relates to the whole section, identify the section in the heading rather than the subsection. This will often be the case with examples that follow the last subsection.
- 2 If there is a series of examples and only some of the examples in the series are to be substituted, only examples that are consecutive may be substituted by the same clause.

[8.8] Long title

substitute

An Act to ... [text of substituted long title]

Drafting note

- 1 If amendments are to be made to the long title of an Act, this is done as the first amendment.

[8.9] Section 1

substitute

1 Name of Act

This Act is the ... [text of substituted title]

Drafting note

- 1 To change the title of an Act/regulation substitute section 1.

[8.10] Section 5, notes 1 and 2*substitute**Note 1* [text of note].*Note 2* [text of note].*Drafting note*

- 1 If the notes relate only to a subsection, identify the subsection in the heading rather than the section.

[8.11] Dictionary, note 2⁵⁴*omit*

- planning and land authority

substitute

- territory planning authority

Drafting note

- 1 A dictionary note dot point may be substituted with another dot point that is not in alphabetical order—the Republications Team will move the dot point to make the list alphabetical.

[8.12] Table 10 [Table 10.1]*substitute***Table 10**

column 1 item	column 2	column 3
	<i>table details</i>	

Drafting note

- 1 This amendment replaces the entire table.

[8.13] Schedule 1, item 7, paragraph (b) (i)*substitute*

- (i) satisfy the criteria in AS/NZS 2243.3:2010, for classification as Risk Group 1; and

Drafting note

- 1 The table has paragraphs and subparagraphs in column 2. This amendment replaces subparagraph (i) in item 7.

⁵⁴ Example added in Version 2023-2 – see Standards decision 26 April 2023.

[8.14] Schedule 1 heading, reference⁵⁵

substitute

(see s 15)

Drafting note

- 1 This amendment replaces the reference under the schedule heading.
- 2 This same principle as shown above applies to amending a dictionary reference.

8.2.3 Insertions

[8.15] Schedule 1, new item 4A [new items 5 to 8]⁵⁶

insert

4A	armadillos	through the tail
----	------------	------------------

Drafting notes

- 1 Also use for an insertion after the last table item.
- 2 There is no need to 'locate' the insertion. The 'appropriate place' is evident from the context.
- 3 For insertions at the beginning of a table, use a locator with *before*.
- 4 It is **not** necessary to **renumber** the table items. This will be done by the Republications Team under LA, s 116.

This example is for a schedule that only has a table (therefore it is not numbered). For schedules with multiple tables include the table number after the schedule reference.

For sections with a table just use the table reference because it is a unique number based on the section number, there is no need to refer to the section number in the amending clause line.

[8.16] Schedule 1, item 15, column 3⁵⁷

after 2nd dot point, insert

[text of amendment]

⁵⁵ Example added in Version 2012-3 to clarify how to amend a schedule or dictionary reference.

⁵⁶ Example update in Version 2015-1 to show an example of multiple items also.

⁵⁷ Example added in Version 2014-1.

[8.17] Section 7 (4), new example

before example 1, insert

Example 1A

[text of example]

Drafting notes

- 1 Use only for insertions at the beginning of a series (applies also to dot points, table items and notes).
- 2 Adjust accordingly if the series of examples is numbered simply '1', '2' etc (and not headed 'Example 1', 'Example 2' etc) (see [8.7]).
- 3 This insertion is not in the appropriate place (for LA, s 91) so a locator is necessary.
- 4 It is **not** necessary to **renumber** the examples. This will be done by the Republications Team under LA, s 116.

[8.18] Section 8, new examples

insert

Examples

- 1 numbats
- 2 bandicoots

Drafting notes

- 1 If the examples relate only to a subsection or paragraph, identify that text unit in the example heading.
- 2 Even if the existing provision has notes or examples (or both), LA, s 93 (9) (note) sets out the current ACT legislative drafting practice that places their order as (1) penalties; (2) examples; (3) notes.
- 3 So the appropriate position (for LA, s 91) for the examples can be worked out without any assistance from a locator.

[8.19] Section 9, new examples

insert

Example 1

[text of example]

Example 2

[text of example]

Drafting notes

- 1 If the examples relate only to a subsection or paragraph, identify that text unit in the example heading.
- 2 LA, s 91 and s 93 (9), taken together, determine the appropriate position for the insertion. There is no need for any assistance from a locator.

[8.20] Part 10 heading, new note⁵⁸

insert

Note [text of note].

Drafting note

- 1 This amendment inserts a note after the heading.

[8.21] Section 9, new note⁵⁹

insert

Note 3 [text of note]

[8.22] Section 9, new notes

insert

Note 1 [text of note]

Note 2 [text of note]

Drafting note

- 1 LA, s 91 and s 93 (9), taken together, determine the appropriate position for the insertion. There is no need for any assistance from a locator. See section 8.1 point 4.

[8.23] Section 5, note 1⁶⁰, new dot point(s)

insert

- s 21 (Activity licences—offences)

Drafting note

- 1 This amendment inserts a new dot point into a numerical list of sections. The dot point will be put in numerical order.

⁵⁸ Example added in Version 2012-3 to clarify how to insert a note after a heading.

⁵⁹ Example added in Version 2014-1 to clarify not to use the note number in the direction.

⁶⁰ Example added in Version 2012-3 to clarify that it is not necessary to specify where to insert the dot point.

[8.24] Dictionary, note 2

insert

- ACAT
- reviewable decision notice

Drafting note

- 1 There is no need to refer to 'note 2, new dot points' in the amending clause line, quoting the exact text to be inserted clearly indicates that they are dot points.
- 2 The dot points will be automatically inserted in alphabetical order (LA, s 91 (6)).
- 3 For insertion after the last dot point, there is no need for an amendment to move the full stop. This will be done by the Republications Team under LA, s 116.

8.2.4 Free text amendments

[8.25] Table 11, item 6, column 2

omit

registered

substitute

licensed

Drafting notes

- 1 Because the table reference is a unique number based on the section number, there is no need to refer to the section number in the amending clause line.
- 2 Use the appropriate font for the table for both substituted and inserted text.
- 3 Alternatively, the item as a whole could be substituted.

[8.26] Schedule 3, modification 3.7

omit

feral

substitute

wild

Drafting notes

- 1 The amending line should say 'modification' not 'amendment' or 'clause'.

9 Omnibus amendments

9.1 General principles

- 1 **Multiple amendments may be made using the *normal methods*** (ie NOT using multiple omnibus methods) set out previously, if appropriate:
 - Multiple omissions—text units (3.1.2: [3.11]–[3.14])
 - Mixed substitutions—text units (3.2.2: [3.31]–[3.38])
 - Multiple insertions—text units (3.3.2: [3.64]–[3.67])
 - Multiple omissions—free text (4.1.3: [4.12]–[4.16])
 - Multiple substitutions—free text (4.2.3: [4.30]–[4.34])
 - Multiple insertions—free text (4.3.2: [4.48]–[4.54])
 - Multiple definition amendments ([5.2]–[5.5] and [5.14])
 - Multiple heading amendments ([7.10]–[7.13], [7.20]–[7.21]).
- 2 **Multiple omnibus amendments (in a ‘further amendments’ clause) may be made if a relatively large number of minor amendments of the same type are required. Use this omnibus approach if 5 or more amendments are required.** However, normal methods may still be used if 5 or more amendments are required. If fewer than 5 are required, use normal methods (except in special circumstances, for example if a series of related different multiple omnibus amendments are being made, most of which involve more than 5 amendments).
- 3 [9.1] shows how to make multiple omnibus amendments when the required amendments are **exactly the same** in each case.
- 4 [9.6] and [9.7] show how to adapt this approach when the required amendments are **not exactly the same**, but are *variants* on the same theme (eg initial upper and lower case variants, singular and plural variants, other grammatical variants or font variations (bolding, italic, font size)). However, this amending format has not been used very much – check with the Editing Manager if it is appropriate to use this format.
- 5 For either approach, the amendments should appear in the last amending clause(s) relating to the particular Act amended. They should be headed in the style **‘Further amendments, mentions of *registered*’** (or an appropriate variant—see examples). However, if there is a large-scale relocation clause as well (see 10.2), the further amendments clause must be before the relocation clause.

9.2 Identical amendments

[9.1] Further amendments, mentions of *registered*

omit

registered

substitute

licensed

in

- long title
- section 3
- section 4 (1st mention)
- sections 6 to 9
- division 3.2 heading
- section 24
- schedule 1, section 1.2
- schedule 2, item 3
- schedule 4

Drafting notes

- 1 **Amendments are located by reference to sections**, except in the following cases:
 - **long title** text
 - **definitions** in dictionaries
 - **headings** of chapters, parts, divisions, sections
 - **schedules** (mention the section or table item, if applicable)
 - **long sections**, if the locating text would be difficult to find if only the section is mentioned, mention the subsection or paragraph instead, as appropriate
 - **particular mentions** of the locating text must be referred to by section heading, subsection or paragraph, if other mentions of the locating text in the section are **not** intended to be referred to (see note 4)
- 2 **Use even if the locating text, or the text to be omitted or inserted, is *superficially* variant** (Registered, registered, **registered** etc).
- 3 However, **do not use if the amendments vary *substantially*** (eg changing 'registering' to 'licensing'). Use [9.2] for more than 5 of these.
- 4 **This approach will target *each mention of the locating text*** in the provision mentioned. There is no need to specify this by '(wherever occurring)' or any similar phrase (see LA, s 92), but if a particular mention is required then a locator like (1st mention) must be used.
- 5 **Continuous sequences of like provisions** may be listed in a single dot point. The first and last of the sequence are taken to be included (LA, s 106).

- 6 There is no need to distinguish between amendments in a section and a definition in the section. (Although if the amendment is to change the defined term the current definition should be omitted and the new definition inserted.)⁶¹
- 7 Also, there is no need to distinguish between amendments in a section and amendments to the heading of the section unless necessary.⁶²

[9.2] Further amendments, mentions of *registered*⁶³

omit

registered

substitute

licensed

in

- long title
- section 3
- section 4 (1st mention)
- dictionary, definitions of

actuary

approval criteria

approved scheme

builder

building

building work

completion day

cost

etc

Drafting notes

- 1 If there are multiple dictionary definitions where the term is to be replaced the terms may be listed.

⁶¹ Note added in Version 2012-3 to clarify that the republication team does not need every text unit specified unless it is necessary to target particular mentions.

⁶² Note added in Version 2012-3 to clarify that the republication team does not need every text unit specified unless it is necessary to target particular mentions.

⁶³ Added in Version 2017-1.

[9.3] Further amendments, penalties⁶⁴*omit*

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

substitute

Maximum penalty: 500 penalty units, imprisonment for 5 years or both.

in

- sections 22 to 25
- sections 28 to 30
- section 34
- sections 70 and 71

Drafting notes

- 1 The 'further amendments' style can be used for updating penalties when the wording of the penalty is exactly the same.

[9.4] Further amendments consequential on *Children and Young People (Death Review) Amendment Act 2011*, mentions of *chief executive*⁶⁵*omit*

chief executive

substitute

director-general

in

- section 727C
- section 727I
- section 727N and 727O
- section 727S

(commencement: the later of 1 July 2011 and the commencement of the *Children and Young People (Death Review) Amendment Act 2011*)

Drafting notes

- 1 The 'further amendments' style can be used when the substitution is consequential on the commencement of another piece of legislation (see A2011-22).

⁶⁴ Example added in Version 2015-1.

⁶⁵ Example added in Version 2015-1.

[9.5] Further amendments, new note

insert

Note The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

in

- section 172 (5)
- section 501 (1) (b)
- section 525 (1) (b)
- section 526 (1)

Drafting notes

- 1 The 'further amendments' style can be used for text units of notes or examples when the wording of the text unit is exactly the same.
- 2 The Republications Team will alter the indentation of the note or example for the different provisions.

9.3 Variant amendments

9.3.1 Omission and substitution

[9.6] Further amendments, mentions of *licence* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	long title	licence	permit
2	section 3 (1), definition of <i>aardvark</i>	licence	permit
3	section 4	licences	permits
4	division 1.3 heading	licence	permit
5	sections 5 to 7	licensee	permit-holder
6	section 9	licences	permits
7	section 11 heading	licensee	permit-holder
8	sections 15 to 21 and 35	licensee	permit-holder
9	schedule 1, item 3	licence	permit
10	schedule 2, section 2.4	holder of a licence	permit-holder

Drafting notes

- 1 Use for simple omissions (without col 4) or omissions/substitutions (as here).
- 2 **The default reference is to sections**, except in the cases listed at note 1 to [9.1] (long title, definitions, headings, schedules, long sections, particular mentions)
- 3 **This approach will target *each mention of the locating text*** in the provision mentioned. There is no need to specify this by '(wherever occurring)' or any similar phrase (LA, s 92).
- 4 **Continuous sequences of like provisions** may be listed in a single item. The first and last of the sequence are taken to be included (LA, s 106).
- 5 Reproduce text as far as possible in the format in which it appears/is to appear in the Act amended.

9.3.2 Insertion

[9.7] Further amendments, insertions of *permit* etc

column 1 item	column 2 provision	column 3 <i>after</i>	column 4 <i>insert</i>
1	long title	licence	or permit
2	section 3 (1), definition of <i>aardvark</i>	licence	or permit
3	section 4	licences	or permits
4	division 1.3 heading	licence	or permit
5	sections 5 to 7	licensee	or permit-holder
6	section 9	licences	or permits
7	section 11 heading	licensee	or permit-holder
8	sections 11 to 21 and 35	licensee	or permit-holder
9	schedule 1, item 3	licence	or permit
10	schedule 2, section 2.4	holder of a licence	or permit-holder

Drafting notes

- 1 Use for insertions *before* or (as here) *after* the relevant locating text.
- 2 This will automatically pick up multiple occurrences of the locating text in the text unit mentioned (see LA, s 92).
- 3 See notes to [9.1] and [9.6].

10 Relocation

10.1 Small-scale relocation (of like text units)

- 1 Insert small-scale relocating clauses **in sequence with the current location of the text unit to be relocated**. Do this even if the text unit is to be relocated to a position *before* its current location.
- 2 If, in addition to the relocation of the text unit, it is necessary to amend the clause, **insert the amending clause(s) immediately before the relocation clause**. The heading to the amending clause(s) should identify it by reference to the text unit's *current* location.
- 3 However, consider (if the relocated text unit is to be amended) whether it would be more suitable simply to *omit* the text unit and to *insert* a rewritten text unit in the appropriate new location.
- 4 Draft necessary amendments to other provisions of the Act amended consequential on the renumbering of the relocated text units.
- 5 If whole chapters/parts/divisions are being relocated, first renumber the provisions in the text unit in a separate amendment, then relocate the text unit in a separate amendment.⁶⁶
- 6 The relocation of subsections or paragraphs (etc) below section level is generally to be avoided (it is preferable to omit them and reinsert them elsewhere). However, it may be necessary in some circumstances—for example, to avoid opening up politically sensitive provisions to Assembly consideration. In these cases, the forms required are the same as for the relocation of sections.
- 7 Generally, there is no need to indicate the new location of relocated provisions, as the new numbering should be sufficient. In other words, 'relocation' is just another form of 'insertion'. As such, the appropriate position for the relocation would normally be able to be worked out without using a local locator, under LA, s 91. If the new numbering does not reflect the 'appropriate position' under LA, s 91, however, the relocation needs to be 'located' in the amending clause.

NOTE: Use of direction *relocate* and direction *renumber*

The direction *relocate* should be used when a provision is moving position in its order (along with its number being changed to fit sequentially), whereas the direction *renumber* should be used when the provision stays in its current position but its number is changed to fit sequentially.

⁶⁶ Guidance updated in Version 2024-1.

10.1.1 Relocation of sections

Relocation of amended section

[10.1] Section 451 heading

substitute

451 Work experience not employment

[10.2] Section 451 (5) and (6)

omit

[10.3] Section 451 (as amended)

relocate as section 368A

Drafting notes

- 1 Use [10.1] to [10.3] together. Add the words '(as amended)' to the clause heading in the relocation amendment to make it clear to the Republications Team.

Relocation of section⁶⁷

[10.4] Reports to be given to Speaker Section 4

relocate to part 6 as section 37A

[10.5] Reports for Legislative Assembly Section 17 (7)

omit

section 4

substitute

section 37A

Drafting notes

- 1 Use [10.4] and [10.5] together. Any relocated provisions need to have direct amendments to any cross references (see [10.5]). Any insertions or substitutions in the amending document need to refer to the provisions as they exist before the relocation and the republications team will update them during the republications process.

⁶⁷ Example added in Version 2015-1.

⁶⁸*Relocation of section (other than at the end or beginning of a division or part)*

[10.6] Section 3

relocate as section 14A

Drafting note

- 1 Use this for relocations (other than at the *end* or *beginning* of a division or part), if the section is to be inserted immediately after s 14 (this is the 'appropriate position' for LA, s 91).

Relocation of section to the end or beginning of a division or part

[10.7] Section 4

relocate to division 3.2 as section 14A

Drafting note

- 1 Use this if the previous section is numbered s 14. In association with LA s 91 (2), which provides that the 'appropriate position' for s 14A is immediately after s 14, the direction to locate the section in div 3.2 will ensure that the section is inserted at the *end* or *beginning* of the division.

Relocation of subsections as a new section

[10.8] New section 5A heading

insert

5A Application

[10.9] Section 5 (3), (4) and (5)

relocate as new section 5A

Drafting notes

- 1 Consider rewriting instead.
- 2 Use [10.8] and [10.9] together to split an existing section into separate new sections.

Multiple relocation of sections

[10.10] Sections 5, 6 and 7

relocate as sections 18A, 18B and 18C

Drafting notes

- 1 If more than 5 sections are to be relocated, use the table form see 10.2.
- 2 Use only for a continuous series of sections.
- 3 For relocations to the beginning of a division or part, relocate the sections 'before' the existing initial section of the division or part.

⁶⁸ Parts updated in Version 2015-2.

10.1.2 Relocation of parts and divisions

Relocation of part

[10.11] Sections ## to ##

renumber as sections ## to ##

[10.12] Part 2

relocate as part 3A

Relocation of division within a part (but not to the beginning of the part)

[10.13] Sections ## to ##

renumber as sections ## to ##

[10.14] Division 3.1

relocate as division 3.4

Relocation of division to a different part (but not to the beginning of the part)

[10.15] Sections ## to ##

renumber as sections ## to ##

[10.16] Division 4.2

relocate as division 3.4

Relocation of division to the beginning of the part

[10.17] Sections ## to ##

renumber as sections ## to ##

[10.18] Division 5.3

relocate before division 5.1 as division 5.1A

Drafting note

- 1 This relocation is not in the appropriate place (for LA s 91) so a locator is necessary

Relocation of division to the beginning of a different part

[10.19] Sections ## to ##

renumber as sections ## to ##

[10.20] Division 6.4

relocate before division 5.1 as division 5.1A

Drafting note

- 1 This relocation is not in the appropriate place (for LA s 91) so a locator is necessary

Multiple relocations of parts or divisions

[10.21] Sections ## to ##

renumber as sections ## to ##

[10.22] Divisions 7.5, 7.6 and 7.7

relocate as divisions 8.3, 8.4 and 8.5

Drafting notes

- 1 If more than 5 text units are to be relocated, use the table form see 10.2.
- 2 Use only for a continuous series of divisions.
- 3 These follow the same pattern as other relocations of parts and divisions.

10.1.3 Relocation to another Act

[10.23] Auctioneers Act 1959, s 16 relocation

The *Auctioneers Act 1959*, section 16 (Bids by seller) is relocated to the *Fair Trading Act 1992* as section 15A.

Drafting note

- 1 This format can be used in the body of a primary bill or in an amending bill.
- 2 When it is used in a primary bill, it does not require the grey shading.
- 3 This format can also be used for relocating chapters, parts or divisions.

[10.24] Section 4 (as amended) and section 5

relocate to Court Procedures Act 2004, division 7.2 as sections 63 and 64

Drafting note

- 1 See the *Court Procedures (Consequential Amendments) Act 2004* for more examples of this type of relocation.

10.2 Large-scale or mixed relocations

- 1 If more than 5 text units of the same type are to be relocated, or if different types of text unit are to be relocated, consider using the omnibus table format below.
- 2 Insert the relocating clause as the final clause in the amending clauses. If there is a 'further amendments' clause (see chapter 9), insert the relocation clause *after* the further amendments clause.
- 3 If amendments are necessary to text units that are to be relocated in this way, they may be done in sequence in the amending clauses before the relocation table.
- 4 However, consider (if a relocated text unit is to be amended) whether it would be more suitable simply to *omit* the text unit and to *insert* a rewritten text unit in the appropriate new location.
- 5 Draft necessary amendments to other provisions of the Act amended consequential on the renumbering of the relocated text units (the renumbering is done by the table itself; there is no need for any further action).

[10.25] Relocation

column 1 item	column 2 provision [State 'section', 'division' or 'part' here if only text units of that type are to be relocated]	column 3 <i>relocate after</i>	column 4 <i>relocate before</i> [use only for relocation at the beginning of a pt or div-otherwise omit column]	column 5 <i>relocate as</i>
1	part 2	part 12		part 12A
2	division 3.4	division 14.5		division 14.6
3	sections 23 to 25 or section 23 section 24 section 25	section 34		sections 34A to 34C or section 34A section 34B section 34C
4	division 5.6		division 4.1	division 4.1A
5	section 43		section 54	section 53A

11 Renumbering

11.1 General principles

1 General rule

The general rule is that we renumber when we can and when convenient. This applies differently in different contexts:

- **chapters, parts and divisions** are usually renumbered to accommodate insertions and omissions. It is always done by direct amendment in the amending bill itself, but may be done by *limited renumbering directions* if there is any complexity. (See the Republications Team leader for advice.)
- **sections** are renumbered less frequently than other provisions because of the greater work involved in renumbering whole Acts.
 - But if the numbering of an Act has become particularly disrupted, consideration may be given to renumbering).
 - If ‘local’ renumbering will improve the sequence of sections in an Act, this may be done by direct amendment in the amending bill. For example, if a new section has to be inserted between section 49 and section 50 of an Act, and section 51 has been repealed (so there is a gap between sections 50 and 52), the amending bill will number the new section as ‘section 49A’ and renumber sections 49A and 50 as sections 50 and 51.
- **subsections, paragraphs and subparagraphs** are automatically renumbered by the Republications Team under the Legislation Act, section 116.

3 Cross-references—renumbering by amendment⁶⁹

All cross-references in the legislation being amended need to be updated by direct amendment in the amending bill.

Any insertions or substitutions of chapters, parts or divisions in the amending bill need to refer to the provisions as they exist before the renumbering and the Republications Team will update them to the renumbered provision during the republication process.

4 Cross-references—renumbering under LA, s 116

All cross-references will be updated by the Republications Team under LA, s 116. Do not do any direct amendments to update cross-references in the piece of legislation being amended when doing renumbering in this way.⁷⁰

⁶⁹ Section updated in Version 2014-1.

⁷⁰ Section updated in Version 2014-1.

5 Correcting errors

Renumbering may also be required to correct error. This may be done directly or by renumbering direction, as appropriate.

6 Renumbering and relocation

If renumbering is required in association with **relocation**, follow the examples in chapter 10 (Relocation). No separate renumbering is required.

Note: Relocation is when the provision actually moves, as opposed to staying in place but just the number changing.

11.2 Direct renumbering

[11.1] Divisions 9.1A, 9.2A, 9.2AA, and 9.3

renumber as divisions 9.1, 9.2, 9.3 and 9.4

[11.2] Section 8AA

renumber as section 9

[11.3] Sections 24A, 24B and 24C

renumber as sections 25, 26 and 27

First, insert the new provisions

[11.4] New part 3A

insert

Part 3A Pt hdg

....

then, renumber

[11.5] Parts 3A and 4

renumber as parts 4 and 5

*Renumbering provisions*⁷¹

[11.6] Chapter 6 (Disciplinary action) and chapter 8

renumber as chapters 8 and 9

[11.7] Section 222 heading

omit

ch 6

substitute

ch 8

Drafting notes

- 1 Use [11.6] and [11.7] together. Any renumbered provisions need to have direct amendments to any cross references (see [11.7]). Any insertions or substitutions in the amending document need to refer to the provisions as they exist before the renumbering and the republications team will update them during the republications process.

⁷¹ Example added in Version 2015-1.

11.3 Renumbering amended sections

First, amend the section

[11.8] Section 11A (1) (b)

substitute

(b) the advertisement does not contain.....

then, renumber

[11.9] Section 11A (as amended)

renumber as section 11C

Drafting note

1 All amendments to chapters, parts, divisions, sections etc should be made before renumbering.

11.4 Renumbering schedule sections

1 **Schedule section number renumbered**

Schedule sections are renumbered in the same way as other sections.

2 **Schedule number renumbered**

If a schedule with schedule sections is renumbered the schedule sections will be automatically renumbered by the Republications Team.

A direction to renumber the schedule sections is not needed in the amending legislation because it is only the first part of the schedule section number (the number derived from the schedule number) that is being altered.

[11.10] Schedule 3, sections 3.8A to 3.10

renumber as sections 3.9 to 3.11

[11.11] Schedules 3A and 4

renumber as schedules 4 and 5

Drafting note

- 1 This amendment also consequentially renumbers the schedule sections (eg 3A.1 will be renumbered to 4.1 etc).

11.5 General renumbering directions

THIS IS THE PREFERRED APPROACH RATHER THAN MULTIPLE DIRECT RENUMBERING PROVISIONS. HOWEVER, THIS FORMAT SHOULD ONLY BE USED WITH PARLIAMENTARY COUNSEL APPROVAL (also liaise with the Republications Manager).⁷²

[11.12] Act—renumbering

renumber provisions when Act next republished under Legislation Act

Drafting notes

- 1 **Use this form if only a single Act is amended** by the amending bill. If there is a schedule of minor amendments (as well as major amendments in the body of the bill), insert this clause at the end of the schedule.
- 2 If more than a single Act is amended, see [11.13].
- 3 'Provisions' includes sections, be careful if sections, for example, 2A and 2B are not required to be renumbered.

[11.13] Devils and Dragons Act 1984—renumbering

renumber provisions when Act next republished under Legislation Act

Drafting note

- 1 **Use this form if more than a single Act is amended** by the amending bill. Use either in the body of the amending bill or a schedule (at the end of the part amending the *Devils and Dragons Act 1984*). If amendments are made to the Act both in the body of the bill and in a schedule, insert renumbering clause in the schedule.

[11.14] Lakes Act 1976—renumbering

on the last commencement date for this Act, renumber provisions when Act republished under Legislation Act

Drafting notes

- 1 Use this wording when the amending Act is commencing by notice or has a split commencement – see the *Lakes Amendment Act 2018* (A2018-7).

⁷² Updated in Version 2014-1.

12 Repeals

12.1 General principles

- 1 **Only Acts, entire sets of regulations, entire sets of court rules and entire instruments notified on the legislation register may be ‘repealed’.**
Chapters, parts, divisions and sections/regulations in Acts or regulations, and parts, orders and rules in court rules, are all ‘omitted’ in our amending forms. Portions of instruments should not usually be omitted or in any way dealt with. Instruments that require alteration should be repealed and then remade in proper form.
- 2 If the Act to be repealed has regulations and instruments made under it, the **regulations and instruments should be expressly repealed** if they are on the legislation register. Although the regulations and instruments would lapse on the repeal of the authorising Act, the express repeal emphasises the fact and makes it clearer for legislation users.

If a chapter, part or section is omitted the drafter and editors should check the legislation register for any current instruments made under the provision. If there are instruments they should be expressly repealed.⁷³

Note, it is not necessary to list all the instruments.

Check if any Magistrates Court (Infringement Notices) Regulations are impacted by legislation being repealed and include them in the Legislation repealed section.⁷⁴
- 4 If the Act to be repealed has related instruments made under another law, for example delegations under the Legislation Act or Public Sector Management Act, those instruments also need to be expressly repealed—see 12.2.3.S
- 5 If an amending Act repeals another Act, the repeal need not be mentioned in the long title but the long title should include the words ‘and for other purposes’.
- 6 For repeals in an amending bill—see chapter 1 (Structure), 1.3.2.

⁷³ Sentence added in Version 2018-1 as this check is often overlooked.

⁷⁴ Sentence added in Version 2013-1 as a reminder to check if any Magistrates Court (Infringement Notices) Regulations are impacted by legislation being repealed.

12.2 All instruments repealed

12.2.1 1 instrument repealed

Legislation repealed

The *Dead Dogs Act 1933* (A1933-29) is repealed.

Drafting notes

- 1 This format is suitable for an Act that does not have any current instruments made under it.
- 2 If the Act has current instruments that also need to be repealed use the format described in 12.2.2.

12.2.2 Several instruments repealed

Legislation repealed

- (1) The following legislation is repealed:
 - *Aardvark Act 1979* (A1979-5)
 - *Aardvark Regulation 1980* (SL1980-15)
 - *Magistrates Court (XYZ Infringement Notices) Regulation 2006* (SL2006-##).⁷⁵
- (2) All other statutory instruments⁷⁶ made under the *Aardvark Act 1979* are repealed.

OR

Legislation repealed

- (1) The *Dead Dogs Act 1933* (A1933-29) is repealed.
- (2) All statutory instruments made under the *Dead Dogs Act 1933* are repealed.

Drafting notes

- 1 Although not legally necessary, it is recommended to repeal all the legislative instruments made under the Act being repealed by including subsection (2) set out above. It is clearer for the reader and assists the Notifications Team when processing the repeals on the register. (It is not necessary to list all the instruments.)
- 2 Check if any Magistrates Court (Infringement Notices) Regulations are impacted by legislation being repealed and include them in the Legislation repealed section.
- 3 **If a section is omitted that has instruments made under it, the instrument should be expressly repealed.**

⁷⁵ This regulation was added in Version 2013-1 as a reminder to check if any Magistrates Court (Infringement Notices) Regulations are impacted by legislation being repealed.

⁷⁶ Changed to 'statutory instruments' in Version 2023-1 – see Standards decisions 21/2/23.

12.2.3 Instruments under another law repealed

Example 1⁷⁷*Biosecurity Bill***262 Legislation repealed**

- (1) The following legislation is repealed:
- *Animal Diseases Act 2005* (A2005-18)
 - *Animal Diseases Regulation 2006* (SL2006-39)
 - *Fertilisers (Labelling and Sale) Act 1904* (A1904-33)
 - *Magistrates Court (Pest Plants and Animals Infringement Notices) Regulation 2005* (SL2005-34)
 - *Magistrates Court (Plant Diseases Infringement Notices) Regulation 2005* (SL2005-32)
 - *Pest Plants and Animals Act 2005* (A2005-21)
 - *Plant Diseases Act 2002* (A2002-42).
- (2) The following instruments are repealed:
- *Legislation (Animal Diseases) Delegation 2017* (NI2017-199)
 - *Legislation (Plant Diseases) Delegation 2018 (No 1)* (NI2018-395)
 - *Public Sector Management (Animal Diseases) Delegation 2017* (NI21017-638)
 - *Public Sector Management (Pest Plants and Animals) Delegation 2016 (No 1)* (NI2016-298)
 - *Public Sector Management (Pest Plants and Animals) Delegation 2017* (NI2017-641)
 - *Public Sector Management (Plant Diseases) Delegation 2017* (NI2017-640).
- (3) All other statutory instruments made under the legislation mentioned in subsection (1) are repealed.

Drafting notes

- 1 We are often requested to notify non-notifiable instruments (mostly delegations) on the Legislation Register. When repealing an Act check the Act's item page to see if there are any related instruments.

⁷⁷ Example added in Version 2023-1 – see Standards decisions 21/2/23.

Related instruments

2 records found (filtered from 4)

Show repealed

Filter by keyword

Name	Effective	Year and No
Legislation (Animal Diseases) Delegation 2017	2 May 2017	NI2017-199
Public Sector Management (Animal Diseases) Delegation 2017	6 December 2017	NI2017-638

12.3 Some instruments saved

Example 1⁷⁸

Urban Forest Bill

146 Legislation repealed

- (1) The following legislation is repealed:
 - *Tree Protection Act 2005* (A2005-51)
 - *Magistrates Court (Tree Protection Infringement Notices) Regulation 2006* (SL2006-6).
- (2) All other statutory instruments, other than the following instruments, under the *Tree Protection Act 2005* are repealed:
 - (a) a determination under section 21, section 31, section 45 or section 75;
 - (b) an appointment under section 69 or section 85.

Note The transitional provisions in this Act provide that certain statutory instruments made under the *Tree Protection Act 2005* are taken to be made under this Act (see s 315).

Example 2⁷⁹

Planning Bill

648 Legislation repealed

- (1) The following legislation is repealed:
 - *Planning and Development Act 2007* (A2007-24)
 - *Planning and Development Regulation 2008* (SL2008-2)
 - *Magistrates Court (Planning and Development Infringement Notices) Regulation 2008* (SL2008-11).

⁷⁸ Example added in Version 2023-1.

⁷⁹ Example added in Version 2023-1.

- (2) All other statutory instruments, other than the following instruments, under the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008* are repealed:
- *Land (Planning and Environment) (Plan of Management for Urban Open Space and Public Access Sportsgrounds in the Gungahlin Region) Approval 2007* (DI2007-298)
 - *Land (Planning and Environment) Plans of Management Approval 2000* (DI2000-143)
 - *Planning and Development (Acting Chief Planning Executive) Appointment 2022* (NI2022-190)
 - *Planning and Development (Albert Hall) Land Management Plan 2016* (DI2016-78)
 - *Planning and Development (Canberra Urban Lakes and Ponds) Land Management Plan 2022* (DI2022-10)
 - *Planning and Development (Chief Planning Executive) Appointment 2021* (NI2021-170)
 - *Planning and Development (Essential Works at Affected Residential Premises) Guidelines 2020 (No 2)* (NI2020-476)
 - *Planning and Development (Inspectors) Appointment 2022 (No 1)* (NI2022-200)
 - *Planning and Development (Planning Strategy) Notice 2018* (NI2018-665)
 - *Urban Services (Plans of Management) Approval 1998* (DI1998-242).

Note The transitional provisions in this Act provide that certain statutory instruments made under the *Planning and Development Act 2007* and the *Planning and Development Regulation 2008* are taken to be made under this Act (see s 603, s 640, pt 20.16 and s 647).

Drafting notes

- 1 If some instruments are required to be saved and taken to be made under a new Act the instruments need to be clearly identified to assist the Notifications Team when processing the repeals on the register.
- 2 The instruments need to be 'saved' in transitional provisions – see DPG, 17.5 (Saving instrument under repealed legislation).⁸⁰

⁸⁰ Added in Version 2023-1.

13 Assembly amendments

13.1 General principles

1 Standing orders

The form in which Assembly amendments are drafted must reflect the rules of debate under the Legislative Assembly Standing Orders (see especially—SO ch XII—Amendments and ch XV—Bills).

2 Order of amendments

At the detail stage of a bill, the title and any preamble stand postponed and the clauses are considered in their order, the question posed by the Speaker being ‘That the clause be agreed to’ (SO 179).

The order for consideration of the clauses is as follows:

- (1) clauses as printed and new clauses, in their numerical order
 - (2) schedules as printed and new schedules, in their numerical order
 - (3) postponed clauses (not having been specifically postponed until after certain other clauses)
 - (4) preamble
 - (5) long title.
- (SO 180)

An amendment to the preamble, long title or name of a bill should appear in the order in which the preamble, long title or naming clause appears in the bill but the amendment will be considered after the other clauses and any schedules have been considered.

3 Amending name of bill

If an amendment to the name of a bill is proposed, the amendment should appear in the correct numerical order. If multiple or large assembly amendments omit or change the bulk of the bill, make sure the title and long title of the bill are still accurate.⁸¹

4 What can be amended?

Amendments may be moved to any part of a bill as long as they are within the long title or relevant to the subject matter of the bill and conform with the standing orders (SO 181).

⁸¹ Sentence added in Version 2015-1.

5 Global amendments

Global amendments should be avoided in Assembly amendments if at all possible as they do not fit easily with the order for consideration of clauses. The Clerk should be consulted if global Assembly amendments are proposed.

If the same change needs to be made within a clause a number of times, for example, in s (1), s (2), s (2) (a) there needs to be a separate amendment for each.

6 Proposed new provision

For drafting Assembly amendments, a distinction is drawn between—

- **substantive provisions** (the provisions of a non-amending bill or the operative provisions of an amending bill)
 - substantive provisions are normally called by the title they have in the bill, eg, clause 10 etc. If a substantive provision is to be introduced into a bill, it is called a proposed new provision, eg, proposed new clause 10A etc; and
- **proposed provisions** (material to be introduced into a principal Act by an amending bill).
 - proposed provisions are called by the title they will have in the Act, eg, section 10A etc. If a proposed provision is to be introduced into a bill, it is called a proposed new provision, eg, proposed new section 10A etc.

7 Numbering

Inserted substantive provisions and new provisions follow the same rules as numbering for amendments generally (see 3.2.3 (Insertion (text units)) and LA s 91).

8 Consequential amendments

- **substantive**

– Consequential amendments of substantive effect (eg affecting rights or obligations) must be done by an Assembly amendment.

- **non-substantive**
 - Non-substantive consequential amendments should not be done by Assembly amendment, they should be done by the Clerk, acting with the Speaker's authority (SO 191). The Clerk may contact a drafter about the exercise of that function and a drafter may ask the Clerk to exercise the function. If this is not possible, an amendment may be able to be made on republication under the Legislation Act.

9 Appropriation Bills

The *Financial Management Act 1996* (s 8) provides that an appropriation Act must make separate appropriations in respect of each department for:

- the provision of outputs by the department
- any capital injection to be provided to the department
- any payments to be made by the department on behalf of the Territory.

The proposed appropriations are usually set out in separate parts (lines) in a schedule to the bill. At the detail stage, the Assembly considers the schedule before the clauses and, unless it orders otherwise, considers the proposed appropriations (expenditures) in the order in which they are shown (SO 180).

To assist the Assembly when considering the bill, global amendments of the schedule should be avoided. A separate amendment should be made for each part (line) to be amended. This allows MLAs to speak separately to each proposed appropriation, including those not affected by proposed amendments (SO 69).

10 Multiple new sections inserted or substituted

Multiple new sections may be inserted or substituted by Assembly amendment but drafters should be aware that all the proposed new sections will be considered as a whole by the Assembly.

If there is a controversial section in amongst others that are not and they are all grouped together in one amendment the Assembly can only vote ‘yes’ or ‘no’ on the entire amendment. If the sections were in separate amendments the non-controversial sections may, for example, be passed while the controversial one may be negated.

Example

The amending bill proposes to insert a new section 121B

1

Clause 5

Proposed new section 121B

Page ##, line ##—

omit proposed new section 121B, substitute

121B Notice to rectify contravention of clean promotion duty

(1) [text of subsection]

.....

121C Review by ACAT

(1) [text of subsection]

.....

Drafting notes

- 1 Proposed new section 121B and 121C will be debated together.
- 2 If proposed new section 121C could be considered controversial or is unrelated to proposed new section 121B it should be in a separate amendment.

11 Client requests multiple options of Assembly amendment

Although rare, clients may request alternate versions of Assembly amendments.

The versions need to be clearly marked so that the Assembly can easily distinguish which version is being debated.

The standard PCO version numbering adequately distinguishes between versions **but** if more information is desirable/required/requested add words like 'Option 1' and 'Option 2' or something similar into the footer of the document.

12 Amendments with a special commencement provision

If the amendment has a special commencement provision the Assembly amendment should indicate whether it is including or excluding the special commencement provision.

13 Amendments of 'free text' amendments

If a 'free text' styled amendment requires amendments to both the words being omitted and the words being substituted, instead of providing for this with 2 amendments it is preferable to substitute the entire amendment.

14 Circulation of amendments⁸²

Under SO 178A a signed copy of the Assembly amendment must be delivered to the Clerk's office by **12 noon on the day prior** to the sitting at which the amendment is proposed to be moved. The Clerk will arrange for its circulation to Members as soon as practicable.

It is the instructing officer's responsibility to get the Assembly amendment signed by the relevant Minister and delivered to the Clerk's office within the timeframe.

QAC process

Assembly amendments are proofread, edited and finalised by the Editing and Republications team. A final version has the drafting cover sheet and draft-in-confidence block removed. The finalised version is sent to the instructing officer for them to arrange signing by the Minister and to then lodge with the Clerk's office. A copy of the amendment is sent to the Clerk's office by PCO for information purposes (eg, the Clerk's assistant will check that the version sent by PCO and the version lodged by the client is the same).

The Editing Manager and the Republications Manager are included in the Clerk's distribution list for circulating amendments and so will be notified when amendments are circulated. This notification provides an opportunity for the Editing Manager to verify that the correct final version is being circulated.

⁸² Section added in Version 2015-1 to clarify the process for circulation of amendments.

13.2 Amendments of substantive provisions of bill

13.2.1 Omitting provisions or free text

1

Clause 5

Page ##, line ##—

[oppose the clause]

Drafting notes

- 1 **Whole clauses** are opposed not omitted.
- 2 The direction *[oppose the clause]* should only be used where a whole clause is to be opposed and no substitute is to be moved.

2

Part 3

Page ##, line ##—

omit

Drafting notes

- 1 Chapters, parts and divisions etc are omitted.

3

Clause 20 (2)⁸³

Page ##, line ##—

omit

Drafting notes

- 1 Subclauses are omitted.

⁸³ Inserted in Version 2023-2.

4

Clause 5 (1), note / example / definition

Page ##, line ##—

omit

Drafting notes

- 1 The note, example or definition is omitted.
- 2 The line reference is to the line the free text to be omitted is on or, if the free text is on more than 1 line, to the line the free text starts on.

5

Clause 5 (1) (b)

Page ##, line ##—

omit

work

Drafting notes

- 1 **Free text** is omitted.
- 2 The line reference is to the line the free text to be omitted is on or, if the free text is on more than 1 line, to the line the free text starts on.

6

Dictionary, note 2, dot points

Page ##, line ##—

omit the following dot points

- body
- corporation
- head of service
- sitting day
- territory plan

Drafting notes

- 1 List the definitions in alphabetical order.

7

Schedule 1, part 1.5**Page ##, line ##—***omit**Drafting notes*

- 1 Schedule parts are omitted.⁸⁴

8

Schedule 1, amendment 1.5**Page ##, line ##—***omit the amendment**Drafting notes*

- 1 Schedule amendments are omitted.

9⁸⁵**Schedule 1, item 3****Page ##—***omit item 3**Drafting notes*

- 1 No line number is used in this example because schedule 1 only contains a table without line numbers. To make it clear that it is only item 3 being omitted and not all of schedule 1, repeat 'item 3' in the direction.

10⁸⁶**Schedule 1, part 1.1****Amendment 1.1, explanatory note****Page ##, line ##—***omit*

, or someone who has been a legal practitioner for not less than 5 years

⁸⁴ Example added in Version 2012-3 to clarify that schedule parts are omitted not opposed.

⁸⁵ Example added in Version 2015-1.

⁸⁶ Example added in Version 2015-1 to include an example of amending an explanatory note.

13.2.2 Substituting provisions or free text

11

Long title—

omit the long title, substitute

[long title]

Drafting notes

- 1 This amendment does not require a page and line number.
- 2 Remember, that although the long title is debated last, it needs to be the first amendment.

12

Clause 5

Page ##, line ##—

omit clause 5, substitute

[text of substituted provision]

Drafting note

- 1 This direction should only be used where a whole clause is to be opposed and a new clause is to be substituted.

13

Clause 5 (1) (a)

Page ##, line ##—

omit clause 5 (1) (a), substitute

[text of substituted paragraph]

14

Clause 5 (6), definition of XXX

Page ##, line ##—

omit the definition, substitute

[text of substituted definition]

15**Clause 5 (1) (b)****Page ##, line ##—***omit*

work

substitute

play

16**Clause 5****Page ##, lines 3, 5 and 6—***omit all mentions of*

work

substitute

play

Drafting note

1 Multiple substitutions may be made if they all occur on the same page.

17⁸⁷**Clause 6 heading****Page ##, line ##—***omit the heading, substitute*

[text of substituted heading]

18**Schedule 1, part 1.2****Amendment 1.5****Page ##, line ##—***omit amendment 1.5, substitute*

[text of substituted amendment]

⁸⁷ Amendment added in Version 2015-1 to include an example of substituting a clause heading.

13.2.3 Inserting provisions or free text

19

Proposed new preamble

after the long title, insert

[text of inserted preamble]

Drafting note

- 1 This amendment does not require a page and line number.

20

Proposed new part 14A

Page ##, line ##—

insert

[text of inserted provision]

Drafting notes

- 1 Chapters, parts, divisions, subdivisions, clauses, schedules and parts of schedules are inserted like this.
- 2 The line reference is to the last line of the provision after which the inserted provision is to be inserted.

21

Proposed new clause 5A

Page ##, line ##—

insert

5A Appointment of wombat-keepers
Section 37

[direction]

[text]

Drafting note

- 1 If the substantive provision being inserted is an amending provision, it must be grey-shaded.

22**Proposed new clause 5 (1A)****Page ##, line ##—***insert*

(1A) [text of inserted subclause]

Drafting notes

- 1 The line reference is to the last line of the provision after which the inserted provision is to be inserted.
- 2 If the subclause is being inserted after the heading, that is, before existing subclause (1), the line reference is to the **heading line**.

23**Proposed new clause 5 (1) (ab)****Page ##, line ##—***insert*

(ab) [text of inserted paragraph]

Drafting note

- 1 The line reference is to the last line of the provision after which the inserted provision is to be inserted.

24**Clause 5 (1) (b)****Page ##, line ##—***after*

dog

insert

or cat

Drafting note

- 1 The line reference is to the line where the insertion point for the free text is.

25**Clause 15 (1), proposed new note / proposed new example****Page ##, line ##—***insert**Drafting note*

- 1 The line reference is to the last line of the provision after which the inserted note or example is to be inserted.

26⁸⁸

Clause 25 (2), proposed new definitions

Page ##, line ##—

insert

[text of inserted definition]

Drafting note

- 1 The line reference is to the last line of the provision after which the inserted definition is to be inserted.

27

Dictionary, note 2, proposed new dot points

Page ##, line ##—

insert the following dot points in alphabetical order

- administrative unit
- Executive
- public servant
- territory land

Drafting note

- 1 Ensure 'in alphabetical order' is included in the direction.

28

Schedule 1, part 1.10

Proposed new amendment 1.109A

Page ##, line ##—

insert

Drafting note

- 1 The line reference is to the last line of the provision after which the inserted provision is to be inserted.

⁸⁸ Example added in Version 2015-1.

13.3 Amendments of proposed new provisions to be inserted by bill

13.3.1 Omitting proposed new provisions or free text

29

Clause 10

Proposed new division 3

Page ##, line ##—

omit

Drafting notes

- 1 Proposed new chapters, parts, divisions, subdivisions, clauses, schedules and parts of schedules are omitted like this.
- 2 The heading refers to the clause of the amending bill in which the proposed new provision is located, then the proposed new provision.
- 3 The line reference is to the line the provision to be omitted starts on.

30

Clause 10

Proposed new section 24 (1) (a)

Page ##, line ##—

omit

31

Clause 10

Proposed new section 24 (1) (b)

Page ##, line ##—

omit

work

Drafting note

- 1 The line reference is to the line the free text to be omitted is on or, if the free text is on more than 1 line, to the line the free text starts on.

32

Clause 10

Proposed new section 24 (1), definition of *law*

Page ##, line ##—

omit

33⁸⁹

Schedule 1, part 1.3

Amendment 1.22

Page ##, line ##—

omit the amendment

Amendment in *Electoral Amendment Bill 2012*:⁹⁰

4 Offences against Act—application of Criminal Code etc
Section 3A, note 1

insert

- s 205A (Financial representatives to keep ACT election accounts)
- s 205B (Offence—loans to be repaid from ACT election accounts)
- s 205C (Financial representative to ensure electoral expenditure paid from ACT election account)
- s 205F (Offence—exceeding expenditure cap)
- s 205H (Offence—give indirect gift to avoid statutory limit)
- s 236 (Offences)

Assembly amendment to clause 4:

34

Clause 4

Section 3A, note 1, proposed new dot points

Page 2, line 19—

omit

- s 205F (Offence—exceeding expenditure cap)

⁸⁹ Example added in Version 2017-1.

⁹⁰ Example added in Version 2015-1.

13.3.2 Substituting proposed new provisions or free text

35

Clause 10

Proposed new section 35

Page ##, line ##—

omit proposed new section 35, substitute

[text of substituted provision]

Drafting notes

- 1 Chapters, parts, divisions, subdivisions, clauses, schedules and parts of schedules are substituted like this.
- 2 The omit, substitute formula is used because of standing order 138.
- 3 The heading refers to the clause of the amending bill in which the proposed new provision is located, then the proposed new provision.
- 4 The line reference is to the line the provision to be omitted starts on.

36⁹¹

Clause 10

Proposed new section 24 heading

Page ##, line ##—

omit the heading, substitute

[text of substituted heading]

37

Clause 10

Proposed new section 24 (1) (a)

Page ##, line ##—

omit proposed new section 24 (1) (a), substitute

(a) [text of substituted paragraph]

38

Clause 10

Proposed new section 24 (6), definition of XXX

Page ##, line ##—

omit the definition, substitute

[text of substituted definition]

⁹¹ Amendment added in Version 2015-1 to include an example of substituting a proposed new section heading.

39⁹²

Clause 6

Proposed new section 7A (4) and note

Page ##, line ##—

omit proposed new section 7A (4) and note, substitute

[text of substituted amendment]

Drafting notes

- 1 This amendment is to make clear that the existing note for section 7A (4) is being substituted also.

40

Schedule 3, part 3.5

Amendment 3.952

Proposed new section 17 (1) (b)

Page ##, line ##—

omit proposed new section 17 (1) (b), substitute

(b) [text of substituted paragraph]

41

Clause 10

Proposed new section 24 (1) (b)

Page ##, line ##—

omit

work

substitute

play

Drafting note

- 1 The line reference is to the line the free text to be omitted is on or, if the free text is on more than 1 line, to the line the free text starts on.

⁹² Example added in Version 2015-1 to include an example of substituting a section where the note is to be substituted also.

42**Clause 10****Proposed new section 24 (1)****Page ##, lines 3, 4 and 5—***omit all mentions of*

work

substitute

play

Drafting note

- 1 Multiple substitutions may be made if all occurrences are on the same page.

Proposed free text substitution to a proposed amendment of free text⁹³Amendment in *Annual Reports (Government Agencies) Amendment Bill 2014*:**6 Sections 13 and 14***omit*

3-month

substitute

4-month

Assembly amendment to clause 6:

43**Clause 6****Page ##, line ##—***omit*

4-month

substitute

15-week

⁹³ Examples included in Version 2015-1 to clarify free text amendments to proposed new free text.

Proposed new substitution to dictionary definitions⁹⁴

Amendment in *Administrative Decisions (Judicial Review) Amendment Bill 2013*:

14 Dictionary, new definition of *eligible person*

insert

eligible person, for an application under this Act, means—

- (a) an individual; or
- (b) a corporation; or
- (c) an unincorporated organisation or association if the subject matter of the application relates to a matter that forms part of the objects or purposes of the organisation or association.

Assembly amendment to clause 14:

44

Clause 14

Proposed new dictionary definition of *eligible person*, paragraphs (b) and (c)

Page ##, line ##—

omit paragraphs (b) and (c), substitute

[text of substituted paragraphs (b) and (c)]

⁹⁴ Examples included in Version 2015-1 to clarify proposed new dictionary definition substitution.

13.3.3 Inserting proposed new provisions or free text

45

Clause 10

Proposed new schedule 3

Page ##, line ##—

insert

[text of inserted provision]

Drafting notes

- 1 Chapters, parts, divisions, subdivisions, clauses, schedules and parts of schedules are inserted like this.
- 2 The heading refers to the clause of the amending Bill in which the proposed new provision is located, then the proposed new provision.
- 3 The line reference is to the last line of the provision after which the inserted provision is to be inserted.

46

Clause 10

Proposed new section 24A

Page ##, line ##—

insert

[text of inserted provision]

47

Clause 10

Proposed new section 24 (1) (ab)

Page ##, line ##—

insert

(ab) [text of inserted paragraph]

48

Clause 10

Proposed new section 24 (1) (b)

Page ##, line ##—

after

dog

insert

or cat

Drafting note

1 The line reference is to the line where the insertion point for the free text is.

The following example is used when the amendment in clause 4 is amending only part of section 3A – no need to say ‘proposed new’ section, just ‘proposed new dot point’

49⁹⁵

Clause 4

Section 3A, note 1, proposed new dot point

Page 2, line 19—

insert

- *Road Transport (Offences) Regulation 2005.*
-

50

Schedule 1, part 1.5

Proposed new amendment 1.37A

Page ##, line ##—

insert

[1.37A] Section 37 (1) (b) and (c)

[direction]

[text]

⁹⁵ Example added in Version 2015-1.

Proposed new insertion to dictionary definitions⁹⁶

Amendment in *Road Transport (Third-Party Insurance) Amendment Bill 2011*:

35 Dictionary, new definitions

insert

medical assessment, for part 4.9B (Damages for non-economic loss)—see section 155C.

medical assessment certificate, for part 4.9B (Damages for non-economic loss)—see section 155C.

Assembly amendment to clause 35:

51

Clause 35

Proposed new dictionary definition of *motor accident claim procedure guidelines*

Page 29, line 24—

insert

[text of inserted definition]

Use the following direction to ensure correct placement when no line number is available⁹⁷

52

Schedule 1

Proposed new part 1.3

Page 12—

after the table, insert

Part 1.3 Road Transport (Offences) Regulation 2005

[1.3] New section 14A (2) (a) (ia)

insert

- (ia) apply to the administering authority for—
 - (A) payment of the infringement notice penalty by instalments; or
 - (B) discharge of the infringement notice penalty by completing an approved community work or social development program; or
 - (C) waiver of the infringement notice penalty;

⁹⁶ Examples included in Version 2015-1 to clarify proposed new dictionary definition insertions.

⁹⁷ Example included in Version 2015-1 to clarify proposed new insertions when no line number available.

13.3.4 Inserting new provisions to proposed new provisions

53

Clause 10

Proposed new dictionary definition of XXX

Page ##, line ##—

insert

[text of definition]

54

Clause 10

Proposed new section ##, new definition of XXX

Page ##, line ##—

insert

[text of definition]

The following example is used when the amendment in clause 4 is proposing to insert a whole new section 3A – use ‘proposed new’ for the new section and just ‘new dot point’ – no need for another ‘proposed’.

55⁹⁸

Clause 4

Proposed new section 3A, note 1, new dot point

Page 2, line 19—

insert

- *Road Transport (Offences) Regulation 2005.*
-

56

Clause 10

Proposed new section ##, new example

Page ##, line ##—

insert

[text of example]

57

Clause 10

Proposed new section ##, new note

Page ##, line ##—

insert

[text of note]

⁹⁸ Example added in Version 2015-1.

13.4 Amendments of amendments moved by another MLA

13.4.1 General

The following are some precedents that may be helpful as examples (listed by JMS job number):

- J2009-980
- J2010-594
- J2010-632

13.4.2 Format for heading to the amendment sheet

Australian Capital Territory

Legislative Assembly

Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010

Amendment/s to be moved by [the Minister for ####/member's name] to the amendment/s moved by [the Minister for ####/member's name]

13.4.3 Format for locator headings

58

Amendment # (Heading line no 1)

[Target provision #] (Heading line no 2)

[direction]

Drafting notes

- 1 Heading line no 1 refers to the particular amendment moved by another MLA that is being amended.
- 2 Heading line no 2 refers to the provision (chapter, part section, subsection, paragraph, clause, schedule and parts of schedules) that is proposed to be amended by the other MLA.
- 3 The proposed new provision or free text within the provision can then be amended as needed, that is, *omitted*, *omitted* and *substituted* etc.