|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Complexity | Characteristics | Estimated timing | What timing allows for | Factors that affect timing | Urgent bills |
| Low | * small to moderate number of provisions to be drafted or amended (up to 20)
* easy to identify what amendments are needed
* some analysis or research may be required
* can be addressed by applying well‑established or readily determinable drafting practices
* will usually require only 1 or 2 drafts to finalise
 | **1-2 months** | **The estimated timings are from first instructions to providing a final copy for Cabinet**The estimated timings allow for—* drafting (for information about the drafting process, see [Developing Legislation and Working with PCO](https://www.pco.act.gov.au/__data/assets/pdf_file/0003/2216037/Developing-Legislation-and-Working-with-PCO.pdf)[[1]](#footnote-1), pp 19-20). The extent of consequential amendments or transitional amendments may increase the time required to draft
* clearance within your directorate
* undertaking quality assurance checks to prepare a final version of the bill (for information about the QAC process, see [Developing Legislation and Working with PCO](https://www.pco.act.gov.au/__data/assets/pdf_file/0003/2216037/Developing-Legislation-and-Working-with-PCO.pdf), p 21)
* your bill to be prioritised appropriately with other bills on the Legislation Program and other drafting and editing work of the office
 | **Many factors beyond the time needed to draft a bill affect the time it takes to develop a bill**Examples include—* how well developed the policy is—unresolved policy issues will generally increase drafting time, sometimes significantly
* whether you have policy approval—changes in the policy approach once drafting has started will generally increase drafting time, sometimes significantly
* how clear and complete your instructions are (for information about preparing instructions, see [Developing Legislation and Working with PCO](https://www.pco.act.gov.au/__data/assets/pdf_file/0003/2216037/Developing-Legislation-and-Working-with-PCO.pdf), pp 15-18)
* whether you need to consult on your legislative proposal and who you need to consult (for information about who to consult on legislative proposals, see [Developing Legislation and Working with PCO](https://www.pco.act.gov.au/__data/assets/pdf_file/0003/2216037/Developing-Legislation-and-Working-with-PCO.pdf), pp 11-12)
* whether your legislative proposal engages human rights, includes offences or otherwise involves political or other sensitivities—resolving these issues during the drafting process will generally increase drafting time
* your capacity to respond to drafts and queries from your drafting team
 | **If your bill is urgent, we can work with you to ensure your bill meets the required timeframe**However, be aware that compressing the time to develop a legislative proposal or draft a bill of medium or high complexity may **impact the quality of the overall product**, for example, by—* reducing our capacity to help you identify gaps, solve problems and find the best legislative solution
* reducing your time to obtain advice on issues arising from the proposal, such as human rights, offences or other legal issues, which may only become apparent during the drafting process
* reducing our capacity to undertake quality assurance checks and ensure consistency with the statute book and current drafting practice

**Risks** of compressing the time to develop legislative proposals or draft bills include—* comments from the Scrutiny Committee requiring a response from your Minister
* increased likelihood of the need for Assembly amendments
* legislation that doesn’t operate as intended or needs to be subsequently amended

We can work with you to identify **options to reduce these risks**, including whether elements of the legislative proposal can be progressed separately (for example, a bill dealing with consequential and transitional amendments)  |
| Medium | * may involve a reasonable number of provisions to be drafted or amended (20 to 80), or smaller number of complex amendments/smaller complex bill
* reasonable amount of work may be required to identify what the policy intention is or what amendments are needed
* reasonable amount of analysis or research required
* may involve a degree of originality or careful application of precedents and drafting practices
 | **3-6 months** |
| High | * generally involves a large number of provisions to be drafted or amended (over 80), but may involve a smaller number of highly complex amendments
* significant work may be required to identify what the policy intention is or what amendments are needed
* significant analysis or research required to identify appropriate legislative solution
* often involves significant political or other sensitivities
* involves a high degree of originality or careful application of precedents and drafting practices
 | **6 + months** |

1. https://www.pco.act.gov.au/\_\_data/assets/pdf\_file/0003/2216037/Developing-Legislation-and-Working-with-PCO.pdf [↑](#footnote-ref-1)