Instructor’s Checklist for Departmental Officers

Subordinate Legislation

To assist OQPC in preparing your legislation, your drafting instructions should include all of the information mentioned in this checklist. If your instructions do not address an issue mentioned, it would be appreciated if you could complete the relevant part of this form and return it to OQPC as soon as possible.

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| --- | --- |
| Approval of drafting instructions | |
| Have the drafting instructions been approved in accordance with your department’s processes? | Yes  No |
| If approval of the drafting instructions is still pending, please advise when approval is anticipated. |  |
| Contact details | |
| Please provide the name and up-to-date contact details of all instructors. If there is more than 1 instructor, please advise which instructor is coordinating the project.  *To speed up communications, it is helpful to include your contact details on all emails you send to OQPC.* | Name:  Phone:  Email: |
| Availability | |
| Please advise if any instructors work part-time or there are other times they may be uncontactable (e.g. because they will be on leave). |  |
| Alternative contacts | |
| Please advise the name and contact details of another officer we can contact about urgent matters in the event the instructors are unavailable. | Name:  Phone:  Email: |
| Significant subordinate legislation | |
| Is the draft legislation significant subordinate legislation? | Yes  No |
| Commencement information | |
| When will the provisions of the subordinate legislation commence? | On notification  On [insert date]  On the commencement of [insert name of authorising Act or provision]  If a combination of the above, please provide details: |
| Critical dates | |
| When is the draft legislation proposed to be considered by Governor in Council? |  |
| For significant subordinate legislation, when is the draft legislation proposed to be considered by Cabinet? |  |
| When is a final version of the draft legislation required for your department’s internal approval processes? |  |
| When is a certified version of the draft legislation required? |  |
| Consultation versions | |
| Do you require a consultation version of the draft legislation? | Yes  No |
| If a consultation version is required: |  |
| * Will you be consulting with external stakeholders and/or the courts, or within government only? | External stakeholders and/or the courts  Within government only |
| * When is the consultation proposed to be carried out? |  |
| * When is the consultation version required for your department’s internal approval processes? |  |
| * When do you intend to provide further instructions following consultation? |  |
| Authorising provisions | |
| What are the authorising provisions (or heads of power) for the draft legislation? |  |
| Relevant background information | |
| Have you provided copies of, or links to, all court decisions, reports, laws of other jurisdictions, legal advices and other information and documents referred to in the drafting instructions or which provide important background information to the drafting instructions?  *Please note that legal advices and any other information given to OQPC are subject to legal professional privilege (see the Legislative Standards Act 1992, section 9A(2)).* | Yes |
| Fundamental legislative principles and human rights | |
| Is the draft legislation potentially inconsistent with fundamental legislative principles or human rights? | Yes  No  If yes, please ensure this has been addressed in your drafting instructions. |
| Consequential amendments | |
| Are any consequential amendments required as a result of the draft legislation? | Yes  No  If yes, please ensure your drafting instructions include instructions about these amendments. |
| Transitional issues | |
| Does the draft legislation raise any transitional issues? | Yes  No  If yes, please ensure this has been addressed in your drafting instructions. |