**Annotated template**

**Preparing drafting instructions for**

**a private member’s Bill or**

**amendments to a Bill**

**Purpose of this document**

This template is designed to assist members of Parliament and their staff to prepare initial drafting instructions for a Bill or amendments to a Bill.

The template contains a suggested structure or framework for initial instructions and includes annotations (in shaded ‘text boxes’) about matters to be considered when preparing instructions. However, the template is intended as a guide rather than a prescriptive document. It can be adapted to suit the complexity and length of the drafting instructions.

**Other resources**

The following resources may also assist members of Parliament and their staff to prepare drafting instructions:

* *Working with OQPC on drafting private members’ legislation* (available at [www.oqpc.qld.gov.au/instructing-oqpc/resources](http://www.legislation.qld.gov.au/instructing-oqpc/resources))
* *Checklist for private members* (available at [www.oqpc.qld.gov.au/instructing-oqpc/resources](http://www.legislation.qld.gov.au/instructing-oqpc/resources))
* *Guide to good legislation: OQPC’s guide to fundamental legislative principles* (available at [www.oqpc.qld.gov.au/instructing-oqpc/flps](http://www.legislation.qld.gov.au/instructing-oqpc/flps))
* *Legislative Standards Act 1992* (latest reprint available at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au))
* *Acts Interpretation Act 1954* (latest reprint available at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)).

Please send drafting instructions to [Parliamentary.Counsel@premiers.qld.gov.au](mailto:Parliamentary.Counsel@premiers.qld.gov.au)

Drafting instructions template

[Short title of proposed Bill, including current year]

Please include your preferred short title for the proposed Bill. The final short title may differ from your initial preference. This is because your preferred short title may need to be changed so it is unique. OQPC will discuss any changes to your proposed short title with you before your legislation is finalised.

[Amendments to the *Short title of Act or Bill*]

For drafting a new Bill, please include the short title of any existing Acts that will need to be amended in the Bill. If you have not identified any Acts that will require amendment, this heading can be deleted.

For drafting amendments to a Bill that has been introduced into Parliament, please include the short title of the Bill here.

[Date of instructions]

**Contact details**

***Your name:***

Your electorate:

Telephone:

* Mobile:
* Electoral office:
* Parliament House office:

Email:

Fax:

Other:

***Name of person providing instructions on your behalf:***

Position title:

Please provide your contact details. OQPC may need to contact you urgently to obtain instructions, particularly on, or near, the day the legislation is to be supplied to the Table Office. The email address you provide should be one that is monitored regularly.

If an adviser or a staff member will provide instructions to OQPC on your behalf, include that person’s contact information here. Again, it is important that any email address or telephone number provided is monitored regularly, particularly when the legislation is being finalised.

Please also include any other information relative to being able make contact—for example, if the person who will be providing instructions works part-time or will be on leave during part of the drafting period.

Telephone:

* Mobile:
* Office:

Fax:

Email:

Other:

### BACKGROUND

In this part, please state the reason you are proposing the Bill and amendments.

This statement may be brief if the proposed legislation is straightforward. However, some drafting instructions may require detailed background information to provide a context for the objectives of the Bill or amendments and the policy to be implemented.

If you have discussed the proposed legislation with OQPC before sending your initial drafting instructions, please mention the discussions here.

### URGENCY AND CRITICAL DATES

Please identify the parliamentary sitting week during which you would like to introduce the Bill. If your instructions are for amendment to a Bill, please include any information you are aware of about when the Bill may be debated.

### POLICY AND OBJECTIVES

In this part, please state clearly why the proposed Bill or amendments are need, what result is to be achieved and how the result is to be achieved.

If there are documents you think may assist the drafter to understand the policy and objectives of the proposed Bill or amendments, please describe them briefly here. For example, if your proposal for the Bill or amendments was prompted by a newspaper or journal article, a report or by legislation from another jurisdiction, please mention it here. It would assist OQPC if you provide copies of these documents (in particular, legislation from an overseas jurisdiction).

If an understanding of specialised or technical terms is necessary to understand the policy, please explain the relevant terms in this part and, if relevant, identify their source.

1. The objective[s] of the Bill [is]/[are] ..
2. The policy rationale for the Bill is ...

### EXISTING LAW AND LEGISLATIVE ENVIRONMENT

If you are aware of existing Queensland legislation that may be specifically relevant to the proposed Bill or amendments, please identify it in this part.

Also identify existing legislation, whether in this or another jurisdiction, you have used to prepare the drafting instructions or that you think might be useful when drafting the Bill.

### FUNDAMENTAL LEGISLATIVE PRINCIPLES

The *Legislative Standards Act 1992* requires Queensland legislation to have sufficient regard to *fundamental legislative principles* (FLPs). In general terms, this means having sufficient regard to the rights and liberties of individuals and the institution of Parliament.

OQPC will work with you during the drafting process to identify and address FLPs that are relevant to the proposed Bill or amendments. However, if you are aware of relevant FLPs, please mention this in your drafting instructions.

Further information about fundamental legislative principles is available from the following sources on OQPC’s website (www.oqpc.qld.gov.au/instructing-oqpc):

* Chapter 7 of the *Queensland Legislation Handbook*
* OQPC’s publication, the *Guide to good legislation*: *OQPC’s guide to fundamental legislative principles*

### DETAILED INSTRUCTIONS AND POLICY TO BE IMPLEMENTED

Please set out the remainder of the instructions in a logical sequence. Try to anticipate how the legislation might logically look and follow a similar structure and sequence without providing draft legislation.

State the main or basic concepts. Who or what is the legislation to deal with? Explain any key terms the drafter needs to understand.

Include as much detail as possible. Think about the following matters—

* what has to be done
* who has to do it
* why it has to be done
* when it has to be done by
* the persons or things the legislation is to apply to and cover
* all aspects of the scheme to be legislated, from the big picture to the minor details.