# Appendix I Legislation process—checklist

The following checklist is provided to assist officers in the legislation process. It provides a brief overview of what you need to do to get your bill on to the legislation programme and through the Parliament. Further details can be found in the *Legislation Handbook*.

## Developing your legislation proposal

❒ Is legislation required?

❒ Secure ministerial approval

❒ Get on the legislation programme—lodge a bid for the next sittings or seek to vary the programme for the current sittings

* Parliamentary Business Committee considers requests to add bills to the programme and accords priority

❒ Consult within your department and other relevant Commonwealth agencies

❒ Check the regulation impact statement (RIS) requirements with the Office of Best Practice Regulation

❒ Is the proposal consistent with international obligations under human rights instruments?

❒ Seek policy authority—Cabinet / Prime Minister / relevant ministers

❒ Issue drafting instructions to the Office of Parliamentary Counsel (OPC) for primary legislation and, if necessary, associated subordinate legislation

* Consider draft bill and instruct OPC further, if required

❒ Consult within your department and other relevant Commonwealth agencies on draft bill

❒ Seek Prime Minister’s approval if you wish to provide draft legislation outside the Commonwealth—states / territories / key stakeholders / public

❒ Do you need to seek further policy authority as a result of the consultation or drafting process?

❒ **Bill is settled with OPC**

## Finalising your legislation—immediately prior to proposed introduction

❒ Prepare explanatory memorandum

* include a Statement of Compatibility with Human Rights and, if required, a RIS

❒ Prepare second reading speech

❒ Complete Legislation Overview sent by Legislation Section, which seeks advice on the bill—i.e. status of policy approval, ministerial agreements, etc.

* Legislation Overview sent two weeks before proposed introduction

❒ Seek minister’s approval of bill, explanatory memorandum and second reading speech

❒ Electronically lodge explanatory memorandum with Legislation Section in PM&C

* deadline of 11.00 am on Wednesday of week before proposed introduction

❒ Advise PM&C when minister has approved bill and explanatory memorandum

* deadline of 11.00 am on Friday of week before proposed introduction

❒ Prepare briefing for party clearance processes and send to minister’s office

* if requested by minister, attend party meetings

❒ Legislation is approved for introduction at legislation approval process meeting—*generally held Monday morning of week of proposed introduction*

❒ Legislation receives party clearance—*generally held Tuesday morning of week of proposed introduction*

❒ Print bulk copies of explanatory memorandum and second reading speech and lodge with Parliament House

* at least one sitting day before proposed introduction

❒ Prepare briefing folders and submit to minister’s office

❒ Follow up on any outstanding agreements and provide copies to PM&C (via LLO)

* all relevant departments and/or ministers must provide written agreement to the legislation before a bill can be introduced

❒ **Bill is introduced**

## Passage of your legislation through the Parliament

❒ Monitor progress of legislation—e.g. timing of debate, examination by Senate Standing Committee for the Scrutiny of Bills and Parliamentary Joint Committee on Human Rights, referral to committees

❒ If necessary, respond to report(s) of Senate Standing Committee for the Scrutiny of Bills and/or Parliamentary Joint Committee on Human Rights

* minister may need to write to relevant committee(s) to address concerns; explanatory memorandum may require an addendum or a correction

❒ If government amendments proposed:

* Brief minister—prepare correspondence seeking policy authority from Prime Minister and/or other relevant ministers
* Issue drafting instructions to OPC and settle text of amendments
* Prepare supplementary explanatory memorandum
* Electronically lodge supplementary explanatory memorandum with Legislation Section of PM&C
* Seek party clearance and, if requested by minister, attend party meetings
* Submit final papers to minister for approval, including provision of speaking notes
* Advise PM&C (via LLO) when minister has approved amendments for introduction

❒ Amendments are approved for introduction at legislation approval process meeting

❒ Amendments receive party clearance

❒ If the Government intends to accept non-government amendments:

* Consult OPC on the proposed amendments to ensure legislation will still operate as intended
* Brief minister—prepare correspondence seeking policy authority from Prime Minister

❒ **Bill debated and passed in first chamber**

❒ If bill was amended in first chamber (either government or non‑government amendments), prepare revised explanatory memorandum and, if required, a new second reading speech

❒ Update legislation briefing folders for your minister

❒ Monitor progress of legislation—further government amendments may be required

❒ **Bill debated and passed in second chamber**

❒ If bill was amended in second chamber, amendments are returned to first chamber for consideration

❒ **Same version of bill passes both chambers**

❒ Check for **Royal Assent** (via LLO)

* If required, prepare proclamation papers and subordinate legislation for consideration by Executive Council