

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