



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
- ☐ Consult within your department and other relevant Commonwealth agencies
- ☐ Check the Impact Analysis (IA) requirements with the Office of Impact Analysis
- ☐ 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
- ☐ Get on the legislation program—lodge a bid for the next sittings or seek to vary the program for the current sittings
 - Parliamentary Business Committee considers requests to add bills to the program and accords priority
- ☐ 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, an IA
- ☐ 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 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**

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- ☐ 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