



# Guide to legislation program variations

This guide provides a quick reference for Australian Public Service employees and ministerial advisers on how to seek variations to the Australian Government's legislation program.

The Australian Government's legislation program is set by the Parliamentary Business Committee (PBC). The program lists the bills the government plans to introduce in the Australian Parliament for a given sitting period. Parliament has three sitting periods each year.

Once PBC finalises the legislation program, ministers can request variations. These may include:

- adding a new bill to the program
- adding or removing substantial measures from an existing bill
- proposing substantial amendments requiring significant drafting resources to a bill already before parliament
- splitting an existing bill into two or more bills
- upgrading the category of a bill on the program.

## Using this guide

This guide outlines the process for requesting variations to the legislation program. Australian Public Service employees working on legislation must coordinate with their department's Legislation Liaison Officer (LLO) and familiarise themselves with the:

- [Legislation Handbook](#)
- website of the [Office of Parliamentary Counsel](#).

For definitions of terms used in this guide, see the [Glossary](#).

For more on the role of LLOs, refer to **Appendix B** of the [Legislation Handbook](#).

Note that this guide is for general reference and does not replace or supersede other official resources.

# Step-by-step guide

## Step 1. Determine the type of variation

To add a new bill or modify an existing bill, proceed to **Step 2**

To upgrade the category of an existing bill, skip to **Step 8**

### About variation types

Refer to **Chapter 2** of the Legislation Handbook

## Step 2. Settle Policy Details

The department ensures that the policy scope of the proposed variation is well developed. The department consults:

- key stakeholders and advisers (including obtaining legal advice)
- relevant PM&C policy teams
- other departments and ministers who may be affected by the policy
- the Office of Impact Analysis.

The department incorporates feedback and seeks further input as needed.

## Step 3. Obtain policy approval

The department consults the relevant PM&C policy teams to determine the appropriate approvals process for the policy. The Minister then seeks policy approval. The department's LLO must be kept up-to-date on the status of the policy approval.

For policy changes that fall within the scope of existing policy authority, a variation may not be required. Refer to Step 4 for next steps.

### About policy approvals

Refer to **Chapter 3** of the Legislation Handbook:

- **Sections 3.5 to 3.7** deal with Cabinet approvals
- **Sections 3.8 to 3.21** deal with minor (Prime Minister's) policy approvals.

## Step 4. Notify the PM&C Legislation Section

The department coordinates with their LLO to seek advice from the PM&C Legislation Section.

The PM&C Legislation Section provides guidance on next steps, including whether a variation may be required.

## Step 5. Seek advice from the First Parliamentary Counsel

The department's LLO advises the First Parliamentary Counsel that they intend to request a variation, and seeks confirmation that a variation is necessary. The LLO seeks comments for inclusion on the variation form.

## Step 6. Prepare and issue drafting instructions

The department prepares and sends drafting instructions to the Office of Parliamentary Counsel (OPC). Drafting instructions should clearly describe the policy intent and how each element will be implemented. Before drafting, the department should ensure:

- the policy is fully developed
- policy authority is in place
- legal and constitutional issues are addressed
- relevant ministers and agencies are consulted.

### About drafting instructions

Drafting instructions should give a clear and detailed description of how the policy will be delivered, and the intent of each policy element.

For additional resources, refer to:

- **Chapters 5 and 6** of the [Legislation Handbook](#)
- The [Office of Parliamentary Counsel's drafting services: a guide for clients](#).

## Step 7. Prepare the variation request

The department prepares the variation request and the LLO provides a draft to the PM&C Legislation Section.

### About formatting the variation form

Refer to **Appendix D** of the [Legislation Handbook](#).

## Step 8. The Minister writes to the Prime Minister asking to vary the legislation program

The department prepares a letter from the Minister to the Prime Minister, submitting the bid variation request for consideration. The draft letter and variation should be shared with the PM&C Legislation Section as early as possible.

### The Minister's letter:

- explains the variation request
- justifies why the variation is needed in the current sitting period (rather than in a future sitting period)
- confirms that policy authority is in place and drafting instructions have been issued (or explains why they have not)
- includes a statement of reasons (if seeking category T status).

If seeking to upgrade the category of a bill, the letter must provide compelling reasons.

For more information on the letter, refer to **Sections 2.29 - 2.34** of the [Legislation Handbook](#).

On the advice of PM&C policy teams, the letter may also seek minor policy approval from the Prime Minister.

## Step 9. Submit variation documents

The department coordinates with the LLO to lodge the signed letter, variation form, and where category T status bills are sought, a statement of reasons, to the PM&C Legislation Section by the relevant deadlines (refer to Step 10 for details).

## Step 10. The Parliamentary Business Committee reviews requests

In advance of each sitting week, the PBC meets to review variation requests. Additional meetings may be scheduled to address urgent matters during exceptional circumstances.

## Step 11. The Parliamentary Business Committee updates the legislation program

The PBC updates the legislation program to reflect accepted variations. Decisions are recorded in Cabinet minutes, which are then distributed to Cabinet Liaison Officers. Ministers do not receive direct responses to submissions.

For improved communication efficiency, Legislation Liaison Officers may arrange with their agency's Cabinet Liaison Officer to also receive these minutes.

## Glossary

Term	Definition
<b>Bill</b>	A proposed law that becomes an Act of Parliament once approved by the House of Representatives and the Senate.
<b>The department</b>	The department or agency preparing the legislation (capital 'D').
<b>Legislation process</b>	A broad term encompassing the development, drafting, and approval process for laws introduced to parliament.
<b>Legislation Liaison Officer (LLO)</b>	The principal contact in each department regarding legislation.
<b>The Minister</b>	The minister(s) responsible for the department preparing the legislation (capital 'M').
<b>Office of Parliamentary Counsel</b>	A statutory agency responsible for drafting proposed laws, amendments and legislative instruments, and for publishing legislation.
<b>Parliamentary Business Committee</b>	A Cabinet sub-committee which determines the legislation program for each sitting period; endorses the weekly program of legislation for introduction and debate in parliament; and considers ministers' requests for significant variations to the legislation program.
<b>Parliamentary Sitting Period</b>	A period, usually of several weeks, during which one or both Houses convene formally to debate and make decisions.
<b>PM&amp;C</b>	The Department of the Prime Minister and Cabinet.
<b>PM&amp;C Legislation Section</b>	The Parliamentary Affairs and Legislation Section at PM&C.
<b>PM&amp;C policy teams</b>	Teams at PM&C responsible for coordinating policy for the relevant department ('shadow teams').