



Office of Parliamentary Counsel

Legislation Users Survey

2010

FINAL

PASSWORD: _____

Introduction

The Office of Parliamentary Counsel (OPC) was established under the *Parliamentary Counsel Act 1970*. Its principal functions are drafting Bills for introduction into either House of the Australian Parliament and drafting amendments of Bills.

During the 1990s, OPC experimented with a range of innovations ('features') to our drafting style. These were all intended to improve the usability of legislation. Some are quite visible (such as outlines) whereas others are less obvious to the reader (such as the use of shorter provisions).

OPC is conducting a survey with users of legislation to:

- ◆ Gauge your general impressions of the innovations/features;
- ◆ Gauge the extent to which the innovations/features are useful to you, and the circumstances in which they are most valuable; and
- ◆ Seek your feedback on potential new drafting innovations.

This survey should take less than 15 minutes to complete.

Your responses will be treated as CONFIDENTIAL and the results will be presented to OPC in collated form so that identification of individuals will not be possible.

Instructions

- Each section of the survey relates to a separate legislation feature, and presents first a **description** then an **example** for your reference. The survey then asks a small number of **questions** on your views about that feature.
- Please read each question carefully before you respond.
- There are also some open-ended questions where you can elaborate or comment on specific issues. These comments will be de-identified before being presented to OPC.

Standard instructions to be included for online survey completion.

Thank you for taking the time to complete the survey.

Feature 1—commencement provisions

Description

The general approach is to have commencement clauses drafted in table format with the commencement of each provision specified in the order that the provisions appears in the Bill. In contrast, older forms of commencement provision relied on a “catch-all” provision, such as subsection 2(1) of the *Crimes Legislation Amendment Act (No. 2) 1991*.

The standardised commencement table contains a column into which information about commencement dates will be inserted as it becomes available after the Act is passed.

Example

Old format	Current format																		
<p>Section 2 of the <i>Crimes Legislation Amendment Act (No. 2) 1991</i></p> <p>Commencement</p> <p>2. (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.</p> <p>(2) Sections 5 to 10 (inclusive), Parts 3, 4, 5, 6, 7 and 9 and sections 40 to 50 (inclusive) commence 28 days after the day on which this Act receives the Royal Assent.</p> <p>(3) Subject to subsections (4) and (5), section 51 and Part 8 commence on a day or days to be fixed by Proclamation.</p> <p>(4) If the commencement of Part 8 is not fixed by a Proclamation published in the Gazette within the period of 6 months beginning on the day on which this Act receives the Royal Assent, the Part is repealed on the first day after the end of that period.</p> <p>(5) If section 51 does not commence under subsection (3) within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.</p>	<p>2 Commencement</p> <p>(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.</p> <hr/> <p>Commencement information</p> <table border="1"> <thead> <tr> <th data-bbox="810 1149 1002 1182">Column 1</th> <th data-bbox="1010 1149 1265 1182">Column 2</th> <th data-bbox="1273 1149 1423 1182">Column 3</th> </tr> <tr> <th data-bbox="810 1193 1002 1227">Provision(s)</th> <th data-bbox="1010 1193 1265 1227">Commencement</th> <th data-bbox="1273 1193 1423 1227">Date/Details</th> </tr> </thead> <tbody> <tr> <td data-bbox="810 1238 1002 1462">1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table</td> <td data-bbox="1010 1238 1265 1462">The day this Act receives the Royal Assent.</td> <td data-bbox="1273 1238 1423 1462"></td> </tr> <tr> <td data-bbox="810 1473 1002 1563">2. Sections 5 to 10</td> <td data-bbox="1010 1473 1265 1563">The 28th day after this Act receives the Royal Assent.</td> <td data-bbox="1273 1473 1423 1563"></td> </tr> <tr> <td data-bbox="810 1574 1002 1664">3. Parts 3 to 7</td> <td data-bbox="1010 1574 1265 1664">The 28th day after this Act receives the Royal Assent.</td> <td data-bbox="1273 1574 1423 1664"></td> </tr> <tr> <td data-bbox="810 1675 1002 2060">4. Part 8</td> <td data-bbox="1010 1675 1265 2060">A day or days to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they do not commence at all.</td> <td data-bbox="1273 1675 1423 2060"></td> </tr> </tbody> </table>	Column 1	Column 2	Column 3	Provision(s)	Commencement	Date/Details	1. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.		2. Sections 5 to 10	The 28th day after this Act receives the Royal Assent.		3. Parts 3 to 7	The 28th day after this Act receives the Royal Assent.		4. Part 8	A day or days to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they do not commence at all.	
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Provision(s)	Commencement	Date/Details																	
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4. Part 8	A day or days to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they do not commence at all.																		

	<p>5. Part 9 The 28th day after this Act receives the Royal Assent.</p> <hr/> <p>6. Sections 40 to 50 The 28th day after this Act receives the Royal Assent.</p> <hr/> <p>7. Section 51 A day or days to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.</p> <hr/> <p>8. Schedule 1 The 28th day after this Act receives the Royal Assent.</p> <hr/> <p style="text-align: right;">Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.</p> <p style="text-align: right;">(2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.</p>
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Survey questions

1. Before today, were you aware of this drafting feature?

1 Yes

2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
2. makes the commencement provision easier to read	1	2	3	4	5
3. makes commencement provisions easier to understand	1	2	3	4	5
4. reduces ambiguity of commencement provisions	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
5. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

6. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

7. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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8. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 2—Overviews

Description

An overview or summary is included to give readers a brief introduction to a large unit of legislative text.

The purpose of overviews and summaries is to assist readers in beginning to understand complex or lengthy legislation, as well as assisting the reader to determine the relevance of the unit of legislation to them.

Division 3 of Chapter 1 of the *Aged Care Act 1997* is an example of an overview designed to assist and guide readers to obtain an overall idea of the scheme of the Act before confronting the detail

Example

Current format

Aged Care Act 1997

Division 3—Overview of this Act

3-1 General

This Act provides for the Commonwealth to give financial support:

- (a) through payment of subsidies for the provision of aged care; and
- (b) through payment of grants for other matters connected with the provision of aged care.

Subsidies are paid under Chapter 3 (but Chapters 2 and 4 are also relevant to subsidies), and grants are paid under Chapter 5.

Survey questions

9. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
10. makes legislation easier to understand	1	2	3	4	5
11. assists in determining the relevance of legislation	1	2	3	4	5
12. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
13. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

14. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

15. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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16. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 3—Guides

Description

Guides are included to summarise a large unit of legislative text for readers.

Guides are given prominence by appearing in boxes.

Example

Current format

Aged Care Act 1997

Division 44—What is the amount of residential care subsidy?

44-1 What this Division is about

Amounts of residential care subsidy payable under Division 43 to an approved provider are worked out under this Division in respect of each residential care service. The amount in respect of a residential care service is determined by adding together amounts worked out, using the residential care subsidy calculator in section 44-2, in respect of individual care recipients in the service.

Survey questions

17. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
18. makes legislation easier to understand	1	2	3	4	5
19. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
20. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

21. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?
- 1 Yes (please briefly describe.....)
 - 2 No, no particular circumstances come to mind
 - 3 No, this is not a feature I use / refer to / rely on

22. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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23. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 4—Decentralised tables of contents

Description

Decentralised tables of contents are often used in very large principal Acts in order to assist in the navigability of large units of legislative text.

These tables of contents appear in addition to the main table of contents included at the beginning of the Act.

Example

Current format	
Table of Subdivisions	
44-A	Working out the amount of residential care subsidy
44-B	The basic subsidy amount
44-C	Primary supplements
44-D	Reductions in subsidy
44-E	The income test
44-F	Other supplements

Survey questions

24. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
25. makes legislation easier to navigate	1	2	3	4	5
26. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
27. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

28. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

29. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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30. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 5—Objects provisions

Description

Objects provisions are sometimes included at the beginning of Acts. Some objects provisions give a general understanding of the purposes of the legislation. Other objects provisions set out general aims or principles that help the reader to interpret the detailed provisions of the legislation.

Objects provisions are readily identifiable by section headings or other obvious formatting.

Example

Current format

Fuel Quality Standards Act 2000

3 Objects of Act

The objects of this Act are to:

- (a) regulate the quality of fuel supplied in Australia in order to:
 - (i) reduce the level of pollutants and emissions arising from the use of fuel that may cause environmental and health problems; and
 - (ii) facilitate the adoption of better engine technology and emission control technology; and
 - (iii) allow the more effective operation of engines; and
- (b) ensure that, where appropriate, information about fuel is provided when the fuel is supplied.

Survey questions

31. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
32. makes it easier to understand the purpose of legislation	1	2	3	4	5
33. assists in interpreting legislation	1	2	3	4	5
34. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
35. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

36. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

37. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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38. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 6—Examples

Description

Examples are often a good way of explaining the operation of a complex provision. Worked examples may be particularly useful for provisions requiring complex calculations.

Example

Current format

Aged Care Act 1997

30-3 Meaning of *distinct part*

- (1) For the purposes of this Part, ***distinct part***, in relation to a residential care service, means a specific area of the service that:
 - (a) is physically identifiable as separate from all the other places included in the service; and
 - (b) includes sufficient living space for the care recipients to whom residential care is provided in respect of the places in the area; and
 - (c) meets any other requirements specified in the Extra Service Principles.



Example: A wing of a service with a separate living and dining area for residents living in the wing might constitute a “distinct part” of the service.

Note: If the Secretary approves an application for extra service status for a distinct part of a service, all the places in that distinct part will be extra service places at a particular time as long as the requirements of section 31-1 are met.

- (2) The Extra Service Principles may specify characteristics that must be present in order for an area to be physically identifiable as separate for the purposes of paragraph (1)(a).

Survey questions

39. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements.					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
This feature...					
40. assists in explaining the operation of complex provisions	1	2	3	4	5
41. makes the legislation easier to understand	1	2	3	4	5
42. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
43. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

44. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

45. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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46. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 7—Notes

Description

Notes to provisions are now often included in legislation. They might explain, the purpose, origin or operation of the provision, or refer the reader to related provisions or to defined terms used in the provision.

Example

Current format

Aged Care Act 1997

30-3 Meaning of *distinct part*

- (1) For the purposes of this Part, ***distinct part***, in relation to a residential care service, means a specific area of the service that:
 - (a) is physically identifiable as separate from all the other places included in the service; and
 - (b) includes sufficient living space for the care recipients to whom residential care is provided in respect of the places in the area; and
 - (c) meets any other requirements specified in the Extra Service Principles.

Example: A wing of a service with a separate living and dining area for residents living in the wing might constitute a “distinct part” of the service.



Note: If the Secretary approves an application for extra service status for a distinct part of a service, all the places in that distinct part will be extra service places at a particular time as long as the requirements of section 31-1 are met.

- (2) The Extra Service Principles may specify characteristics that must be present in order for an area to be physically identifiable as separate for the purposes of paragraph (1)(a).

Survey questions

47. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
48. assists in explaining the operation of complex provisions	1	2	3	4	5
49. makes the legislation easier to understand	1	2	3	4	5
50. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
51. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

52. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

53. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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54. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 8—Use of asterisks

Description

Some legislation uses asterisks to identify defined terms, with a standard footnote on every page referring the reader to a Dictionary at the back of the Act. Every definition used in the Act is either set out, or signposted, in the Dictionary.

At the beginning of the Act, interpretative provisions are included to explain how asterisks are used.

Example

Current format

Aged Care Act 1997



8-6 States, Territories and local government taken to be approved providers

- (1) Each of the following is taken to have been approved under this Part as a provider of *aged care:
- (a) a State or Territory;
 - (b) an *authority of a State or Territory;
 - (c) a *local government authority.

The approval is taken to be in respect of all types of aged care.

- (2) Subsection (1) ceases to apply in relation to a State, Territory, *authority of a State or Territory or *local government authority if the approval:
- (a) lapses under section 10-2; or
 - (b) is revoked under section 10-3; or
 - (c) is revoked or suspended under Part 4.4.
- (3) If a State, Territory, *authority of a State or Territory or *local government authority to which subsection (1) has ceased to apply subsequently applies under section 8-2 for approval as a provider of *aged care, for the purposes of the application:
- (a) the applicant is taken to be a *corporation; and
 - (b) if the applicant is a State or Territory—paragraphs 8-3A(a) and (b) do not apply.

Survey questions

55. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
56. makes the legislation easier to interpret	1	2	3	4	5
57. reduces the ambiguity of legislation	1	2	3	4	5
58. makes the legislation easier to understand	1	2	3	4	5
59. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
60. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

61. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

62. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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63. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 9—Use of tagging of concepts

Description

Tagging of concepts can be done by using a label (appearing in bold, italicised text) to create a definition for a limited part of the Act. The label appears immediately after the thing that it describes. This device relies on a narrative flow of text, in which the reader will begin reading from the beginning of the appropriate unit, and will keep the label in his or her head while reading the unit.

Example

Current format

Aged Care Act 1997

57-21AA Refunding of accommodation bond balance—former approved providers

- (1) If:
- (a) an accommodation bond is paid to a person by a care recipient for entry to a residential care service or flexible care service conducted by the person; and
 - (b) the person ceases to be an approved provider in respect of the residential care service or flexible care service;



the person (the ***former approved provider***) must refund the accommodation bond balance in respect of the accommodation bond to the care recipient.

- (2) The accommodation bond balance must be refunded under subsection (1):
- (a) if the care recipient dies within 90 days after the day on which the former approved provider ceased to be an approved provider in respect of the residential care service or flexible care service that provided the care recipient with care (the ***90 day period***)—within 14 days after the day on which the former approved provider is shown the probate of the will of the care recipient or letters of administration of the estate of the care recipient [...]

Survey questions

64. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
65. makes the legislation easier to interpret	1	2	3	4	5
66. reduces the ambiguity of legislation	1	2	3	4	5
67. makes the legislation easier to understand	1	2	3	4	5
68. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
69. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

70. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

71. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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72. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 10—Questions as headings

Description

Section (or subsection) headings are posed as questions, as a means of directing the reader to the issue to be addressed by the provision.

Example

Current format
<p><i>Aged Care Act 1997</i></p> <p>27-1 When do classifications cease to have effect? </p> <p>(1) A classification that has an expiry date under section 27-2 ceases to have effect on that date, unless it is renewed under section 27-6.</p> <p>(2) A classification that does not have an expiry date under section 27-2 continues to have effect but may be renewed under section 27-6 if a reappraisal is made under section 27-4.</p>

Survey questions

73. Before today, were you aware of this drafting feature?
- 1 Yes
 - 2 No

To what extent do you agree or disagree with the following statements. This feature...		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
74. makes the legislation easier to understand	1	2	3	4	5	
75. makes the legislation easier to read	1	2	3	4	5	

		Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
76. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5	

77. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?
- 1 Yes (please briefly describe.....)
 - 2 No, no particular circumstances come to mind
 - 3 No, this is not a feature I use / refer to / rely on

78. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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79. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 11—Subsection headings

Description

Subsection headings are included in italicised text before the relevant subsection. This is a way of breaking up longer sections and improving navigability, particularly in Acts where rewriting whole sections is undesirable.

Example

Current format

27-4 Reappraisal at initiative of approved provider

- (1) A reappraisal of the level of care needed by a care recipient may be made at the initiative of an approved provider in accordance with this section.



Reappraisal after first year of effect of classification or renewal

- (2) A reappraisal of the level of care needed by a care recipient may be made if:
- (a) the classification of the care recipient has been in effect for more than 12 months; or
 - (b) if the classification of the care recipient has been renewed—the most recent renewal of the classification has been in effect for more than 12 months.



Reappraisal if needs of care recipient have changed significantly

- (3) A reappraisal of the level of care needed by a care recipient may be made if the care needs of the care recipient change significantly.
- (4) The Classification Principles may specify the circumstances in which the care needs of a care recipient are taken to change significantly.



Reappraisal if care recipient enters another aged care service

- (5) If a care recipient enters an aged care service (the *later service*) that is a residential care service or a flexible care service within 28 days after another residential care service or flexible care service ceased to provide residential care or flexible care to the care recipient (other than because the care recipient was on leave), a reappraisal of the level of care needed by the care recipient may be made during the period:
- (a) beginning 7 days after the day on which the care recipient entered the later service; and
 - (b) ending 2 months after the day on which the care recipient entered the later service.

Survey questions

80. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
81. makes the legislation easier to understand	1	2	3	4	5
82. makes legislation easier to navigate	1	2	3	4	5
83. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
84. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

85. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

86. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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87. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 12—Use of tables

Description

Tables are a useful way of organising a large volume of information. In particular, tables allow quick recognition of the similarities and differences in different cases dealt with in the legislation, and may also reveal the conceptual basis for those similarities and differences very readily. Tables may be operative, or merely an explanation or summary of operative provisions.

Example

Current format

5-2 Which approvals etc. may be relevant

The following table shows, in respect of each kind of payment under Chapter 3, which approvals and similar decisions under this Chapter may be relevant.

Which approvals etc. may be relevant				
		Kind of payment		
		Residential care subsidy	Community care subsidy	Flexible care subsidy
Approvals or decisions				
1	Approval of providers	Yes	Yes	Yes
2	Allocation of places	Yes	Yes	Yes
3	Approval of care recipients	Yes	Yes	Yes
4	Classification of care recipients	Yes	No	Yes
5	Decisions relating to extra service places	Yes	No	No
6	Certification of residential care services	Yes	No	No

Note 1: Classification of care recipients is relevant to flexible care subsidy only in respect of some kinds of flexible care services.

Note 2: Allocation of funding for residential care grants, community care grants and flexible care grants is dealt with in Parts 5.1, 5.2 and 5.2A respectively, and not in this Chapter.

Survey questions

88. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
89. makes the legislation easier to understand	1	2	3	4	5
90. makes the legislation easier to interpret	1	2	3	4	5
91. reduces the ambiguity of legislation	1	2	3	4	5
92. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
93. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

94. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

95. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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96. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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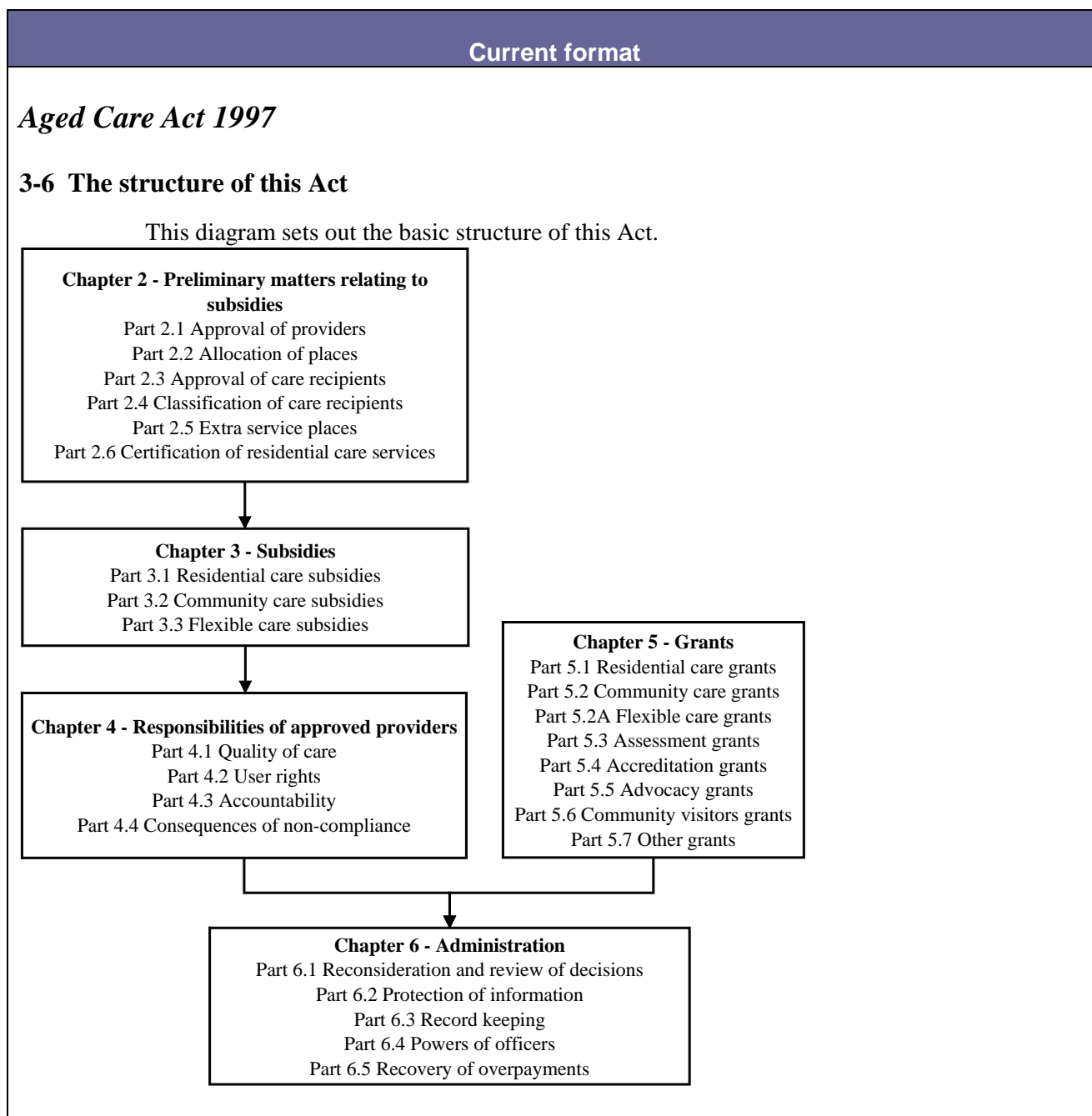
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Feature 13—Diagrams

Description

Diagrams can provide a useful method of communicating complex information. For instance, a flow chart may give a simple overview of lengthy provisions detailing a complex process or the structure of an Act.

Example



Survey questions

97. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
98. makes the legislation easier to understand	1	2	3	4	5
99. makes legislation easier to navigate	1	2	3	4	5
100. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
101. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

102. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

103. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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104. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 14—Method Statements

Description

Method statements can be used if a number of steps are needed to determine an entitlement or calculate an amount (which might otherwise be presented as a formula). Method statements can be particularly useful in cases where the calculation is not a straightforward, single process but has alternative outcomes depending on the circumstances.

Example

Standard format	Alternative format
<p>58-2 Maximum daily amount of resident fees</p> <p>The maximum daily amount of resident fees payable by the care recipient is the amount worked out as follows:</p> <p>Resident fee calculator</p> <p>Step 1. Work out the standard resident contribution for the care recipient using section 58-3, 58-3B, 58-3C or 58-4 (whichever is applicable).</p> <p>Step 2. Add the compensation payment reduction (if any) applicable to the care recipient on the day in question (see section 44-20).</p> <p>Step 3. Add the daily income tested reduction (if any) applicable to the care recipient on that day (see sections 44-21 to 44-23).</p> <p>Step 4. Subtract the amount of any hardship supplement (expressed as a daily amount) applicable to the care recipient on the day in question under section 44-30.</p> <p>Step 5. Add any other amounts agreed between the care recipient and the approved provider in accordance with the User Rights Principles.</p> <p>Step 6. If, on the day in question, the place in respect of which residential care is provided to the care recipient has extra service status, add the extra service amount in respect of the place worked out under section 58-5.</p> <p>The result is the <i>maximum daily amount of resident fees</i> for the care recipient.</p>	<p>44-2 Amount of residential care subsidy</p> <p>The maximum daily amount of resident fees payable by the care recipient is the amount worked out using the formula:</p> $\begin{matrix} \text{standard} & \text{compensation} & \text{daily income} & \text{agreed} & \text{extra} & \text{hardship} \\ \text{resident} & + \text{payment} & + \text{tested} & + \text{amount} & + \text{service} & - \text{supplement} \\ \text{contribution} & \text{reduction} & \text{reduction} & & \text{amount} & \end{matrix}$ <p>where:</p> <p><i>compensation payment reduction</i> means the compensation payment reduction (if any) for the care recipient in respect of the day in question, as worked out in accordance with section 44-20.</p> <p><i>agreed amount</i> means an amount agreed between the care recipient and the approved provider in accordance with the User Rights Principles.</p> <p><i>extra service amount</i> means the amount in respect of a place worked out under section 58-5 if, on the day in question, the place in respect of which residential care is provided to the care recipient has extra service status.</p> <p><i>hardship supplement</i> means the amount of any hardship supplement (expressed as a daily amount) applicable to the care recipient on the day in question under section 44-30.</p>

Survey questions

10! Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. The standard format...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
106. is easier to understand than the alternative	1	2	3	4	5
107. makes complex calculations easier than the alternative	1	2	3	4	5
108. makes the legislation easier to read	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
109. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

110. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

111. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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112. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 15—Use of the second person

Description

In some legislation, the provisions are drafted in the second person, that is by referring directly to “you” as the person upon whom an obligation is imposed or an entitlement is conferred or in relation to whom rights are determined.

Example

Current format

Part 2—Entitlement to product stewardship (oil) benefits

8 Registration must precede a claim for product stewardship (oil) benefit

- (1) Despite the other provisions of this Part, you are not entitled to a product stewardship (oil) benefit unless you were registered for entitlement to product stewardship (oil) benefits when you made a claim for payment of the product stewardship (oil) benefit.

Note: You register for product stewardship (oil) benefits under the *Product Grants and Benefits Administration Act 2000*.

- (2) For the purposes of subsection (1), if you make a claim in respect of an entitlement that is referred to in subsection 9(1):

- (a) after, or at the same time as, you apply for registration; but
- (b) before you are registered;

the claim is taken to have been made immediately after you are registered.

- (3) For the purposes of subsection (1), if you make a claim in respect of an entitlement referred to in subsection 9(3):

- (a) after the introduction into the Parliament of the Bill for the *Product Stewardship (Oil) Legislation Amendment Act (No. 1) 2003*; but
- (b) before you are registered;

the claim is taken to have been made immediately after you are registered.

Survey questions

113. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...					
	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
114. makes the legislation easier to understand	1	2	3	4	5
115. reduces the ambiguity of legislation	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
116. Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

117. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

118. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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119. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Feature 16—New format including indenting conventions

Description

The current format for Bills was adopted in 1996. It was developed in response to the realisation that the layout of the print on the page can be a significant factor influencing how effectively the legislative message is communicated.

The current format has the following features (when compared with the previous formatting):

- (a) wider left and right margins;
- (b) greater line spacing between units;
- (c) section numbers appearing before section headings;
- (d) greater prominence given to section headings;
- (e) standardised tables of contents for every Act;
- (f) definitions appearing in bold, italicised font;
- (g) simplified enacting words in more prominent text.

Example

Old Format	Current Format
Insert scanned copy of <i>Asian Development Bank (Additional Subscription) Act 1983</i>	Insert <i>Asian Development Bank (Additional Subscription) Bill 2009</i> .

Survey questions

120. Before today, were you aware of this drafting feature?

- 1 Yes
- 2 No

To what extent do you agree or disagree with the following statements. This feature...	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
121. makes the legislation easier to read	1	2	3	4	5
122. makes the legislation easier to understand	1	2	3	4	5
123. reduces ambiguity of legislation	1	2	3	4	5
124. makes legislation easier to navigate	1	2	3	4	5

	Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
12! Overall, how satisfied are you with the usefulness of this feature?	1	2	3	4	5

126. Are there any particular circumstances when you find (or think you would find) this feature to be of most value to you?

- 1 Yes (please briefly describe.....)
- 2 No, no particular circumstances come to mind
- 3 No, this is not a feature I use / refer to / rely on

127. Are there any comments that you would like to make in terms of the **strengths** of this feature?

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128. Are there any comments that you would like to make in terms of any **weaknesses** of this feature?

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Future Innovations

129. Do you have any suggestions for additional innovations to legislation drafting that OPC could implement that would be of value to you?

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About you

130. How long have you been working with **Commonwealth** legislation?

- 1 0-5 years
- 2 6-10 years
- 3 11-15 years
- 4 16-20 years
- 5 21+ years

131. How long have you been working with legislation **other than** Commonwealth legislation?

- 1 0-5 years
- 2 6-10 years
- 3 11-15 years
- 4 16-20 years
- 5 21+ years

132. Are there any other comments that you would like to make about Commonwealth legislation?

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133. Are there other matters that could usefully be covered by a survey of users of legislation?

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Please take a moment to double check that you have completed all the questions in the survey.

Thank you for your feedback.