



## Essentials of a legislative instrument

### Key points

Every legislative instrument should contain certain essential things.

A legislative instrument needs a **name**. It should also have **making words**, a **naming provision**, a **commencement provision**, an **authority provision** and appropriate **Commonwealth branding**.

Principal instruments usually have a **definitions provision**. Amending instruments should have an **amending Schedule** that identifies the instrument being amended and an **activating section**.\*

(1) The **numbering** of an instrument should be logical and consistent.

OPC has [templates](#) for drafting legislative instruments.

### Other resources

- [The Instruments Handbook](#)
- [Drafting Direction 1.1A Names of instruments etc.](#)
- [Drafting Direction 1.3 Commencement](#)
- [Instrument Fact Sheet Series](#)

### Essentials and example

This **Commonwealth branding** is the Coat of Arms.

The **name** of a legislative instrument must be unique. It should not be too long, and must always end with the kind of instrument (e.g. Determination) and the year it is made. If the instrument is an amending instrument it should have 'Amendment' in the name – e.g. the example instrument may amended by the *Coffee (Single Origin Beans) Amendment Determination 2024*.

The **making words** make the instrument. They should include the name and title of the instrument maker and the date of making.

The **naming provision** states the name of the instrument. Make sure any other references to the instrument's name match this name exactly!

The **commencement provision** sets out when the instrument commences. Always refer to 'commences' and 'commencement' (not 'takes effect' etc.).

The **authority provision** identifies the enabling legislation. It should cite the name of the enabling legislation and the enabling provision.

**Definitions** should be located together near the start of the instrument. If an expression is defined in an instrument's enabling legislation, it will have the same meaning in the instrument (see paragraph 13(1)(b) of the *Legislation Act 2003*).



#### Coffee (Single Origin Beans) Determination 2023

I, Joe Cupp, Minister for Beverages, make the following determination.

Dated *1 December* 2023

*Joe Cupp*

Joe Cupp

Minister for Beverages

#### 1 Name

This instrument is the *Coffee (Single Origin Beans) Determination 2023*.

#### 2 Commencement

(1) Each provision of this instrument 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.

#### Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	
...		

#### 3 Authority

This instrument is made under section 81 of the *Coffee Act 2020*.

#### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:  
(a) coffee beans.

(1) In this instrument:

*Act* means the *Coffee Act 2020*.

\* See: The Instrument Fact Sheet [Amending Forms].