

PARLIAMENTARY COUNSEL

**Drafting Direction No. 1.7
Numbering and lettering**

Note: This Drafting Direction contains references to the “head drafter”. It is a reference to the senior person who is responsible for matters of drafting policy. This form is used to enable the Drafting Directions to be applied in other organisations. In OPC the head drafter is FPC.

Document release 2.1

Reissued March 2024

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Part 1—Arabic numerals for Parts of legislation

1 It is generally considered that Arabic numerals are more familiar and easy to understand than Roman numerals. They are also simpler when expressing large numbers.

2 You should use Arabic numerals when numbering Parts of new legislation (including Parts of amendment legislation and Parts of Schedules).

3 You should continue to use Roman numerals when inserting Parts in principal legislation whose Parts are numbered with Roman numerals.

Part 2—Numbering of sections and lettering of paragraphs

Numbering of sections

4 If you need to use letters of the alphabet in numbering sections (or equivalent provisions) in legislation, you should not use the letter “I” or “O” immediately after a digit. For example, the section numbers 25I and 25O should not be used.

5 The reason for this approach is the potential for users of the legislation to confuse the section numbers 25I and 25O with the section numbers 251 and 250.

6 You should use the letter “I” or “O” immediately after another letter. For example, the section numbers 25ZI and 25ZO should be used.

Lettering of paragraphs

7 You should use all letters of the alphabet in lettering paragraphs in legislation. In particular, this means the letters “i” and “l” should be used.

8 The reason for leaving gaps in section numbering does not extend to leaving gaps in paragraph lettering.

Paragraphs in penalties

9 If you include paragraphs in a penalty at the foot of a section or subsection, the lettering of the paragraphs should start at “(a)”, even if there are already paragraphs in the section or subsection. For example:

Civil penalty:

- (a) for an individual—250 penalty units; and
- (b) for a body corporate—1,250 penalty units.

Part 3—Renumbering legislation

Background

10 From time to time, the practice has been adopted of wholly or partly renumbering the provisions of principal legislation that is being amended. The amending legislation normally includes a provision that “legally” (but not necessarily textually) updates cross-references in

other Commonwealth legislation. While renumbering results in “tidier” legislation, it has a number of drawbacks:

- (a) if other Commonwealth legislation that contains cross-references to the renumbered legislation is not textually amended to update the cross-references, that other legislation will be misleading;
- (b) even if all consequential amendments to other Commonwealth legislation are made, it may involve a lot of time and money to prepare and publish the revised versions of the affected legislation;
- (c) there may be cross-references to the renumbered legislation in documents that we are unable to amend (e.g. State laws, text books, contracts etc.), and other people may have to spend a lot of time and money in amending and republishing this material.

Approach

11 You should not renumber legislation unless the head drafter has agreed to this occurring. The Amending Forms Manual sets out the approach to be taken in renumbering legislation.

12 If you renumber legislation, you are responsible for making the necessary textual consequential amendments to other legislation that contains cross-references to the renumbered provisions (unless the head drafter has agreed to this not occurring). You should normally make the consequential amendments at the same time as the renumbering.

Meredith Leigh
First Parliamentary Counsel
27 March 2024

Document History

Release	Release date	Document number
1.0	1 May 2006	s06rd375.v01.doc
2.0	2 October 2012	s06rd375.v12.docx
2.1	27 March 2024	s06rd375.v16.docx

Note: Before the issue of the current series of Drafting Directions, this Drafting Direction was known as Drafting Direction No. 22 of 2005.