



Drafting amending instruments

Key points



Amending instruments change the law through instructions for how the text of a principal instrument should be amended.



It is important that the instructions clearly identify the principal instrument, the location of the amendment within that instrument, and what exactly is to be done to amend the text.

A misdescribed amendment can result in errors or ambiguity in, and delays to implementation of changes to, the law.

Consequential amendments carry changes through to other provisions that refer to, or use concepts within, the primary amendments.

Other resources

- [OPC Drafting Manual](#)
- [The Instruments Handbook](#)
- [Amending instrument template](#)
- [Instrument Fact Sheet Series](#)

Drafting effective amendments

Step 1: Specify the name of the principal instrument you want to amend

Tip: To avoid transcription errors, copy and paste any text cited from the principal instrument (and its name) from the Federal Register of Legislation.

Step 2: Specify the location of the amendment within that instrument

Make sure the location of the amendment is precisely identified, for example by reference to its unit* (section, subsection etc.), Schedule number^ (where relevant), or even the occurrence of the phrase+.

Step 3: Choose the correct instruction word for the amendment

Repeal removes a named unit (like a section, or a paragraph). It is also used to strike a whole instrument from the statute book. (Do not use language like “cease to have effect” or “modify”. It will not change the text of the principal instrument.)

Omit removes words identified in quotation marks.

Substitute is used with the repeal and omit instructions if new text will replace the removed text.

Insert inserts new text without removing any existing text.

Step 4: Check that the resulting provision will read as intended

Missing or duplicated punctuation, like commas, are a common issue.

Tip: If you repeal and substitute a unit that has a heading (e.g. a Part, Division, or section), a new heading will need to be included with the new text.

Step 5: Look for and repeat the above for any consequential amendments

Look for updates to cross-references and conceptual changes. Search within the same instrument and in other instruments affected by your amendments.

Step 6: Carefully check each amendment made by your instrument

Ideally, ask someone else to check your instrument for you!

Example

Ramen Amendment Rules 2023

Schedule 1—Amendments

Ramen Rules 2020

1 Paragraph 6(1)(a)*

After “chopsticks” (first occurring) +, insert “, or fork,”.

2 After subsection 12(3)* (before the note)

Insert:

(4) The requirements in this section apply in relation to meals consumed at the restaurant and in the home.

3 Subsection 14(1A)*

Omit “subsections 12(1) to (3)”, substitute “subsections 12(1) to (4)”.

4 Clause 25* of Schedule 1^

Repeal the clause, substitute:

25 Purpose of this Part

For the purposes of section 35 of the Act, this Part specifies information about a recipe that the chef must make publicly available.

Schedule 2—Repeals

Ramen (Ramen Commissioner) Rules 2021

1 The whole of the instrument

Repeal the instrument.

Don't forget!

Your instrument will also need to contain all of the requirements in the [Essentials of a legislative instrument](#) fact sheet.