



Instrument Name	Amendment (Subject Matter)
Kind of Instrument	Year

I, **name of maker**, **title of maker**, make the following **kind of instrument**.

Dated

Name of maker **DRAFT ONLY—NOT FOR SIGNATURE**

Title of maker

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1 Name

This instrument is the **name of instrument**.

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.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under **provision under which instrument is made**.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Name of instrument being amended

1 Provision of instrument being amended

Omit “words being omitted”.

2 Provision of instrument being amended

Omit “words being omitted”, substitute “words being substituted”.

3 Provision of instrument being amended

Repeal the description of provision.

4 Provision of instrument being amended

Repeal the description of provision, substitute:

(b) text of new provision;

5 Provision of instrument being amended

After “relevant words”, insert “words being inserted”.

6 After provision of instrument being amended

Insert:

12A Section heading

This is the new section.

Schedule 2—Repeals

Name of instrument being repealed

1 The whole of the instrument

Repeal the instrument.

Accompanying notes for amending instrument

1 Choosing the correct template

- 1 These notes are for instruments that amend other instruments. Please check that you have chosen the correct template.
- 2 In addition, you should also have a copy of the document entitled “Instrument Templates—User Guide” which can also be found on OPC’s website with the template documents.

2 Choosing the name of the instrument

- 3 There are a number of elements in the name of an instrument. The following information should help you to name your instrument appropriately. The name of each instrument should be unique so that it can be accurately identified. For OPC’s rules on naming instruments, see Drafting Direction 1.1A.

2.1 Instrument name

- 4 If only one instrument is being amended, the name of the instrument to be made should reflect the name of the principal instrument that is being amended, excluding the reference to the kind of instrument and the year. For example, if the instrument is amending the *Australian Citizenship Determination 2016*, the name of the amending instrument should begin with the words “Australian Citizenship”.
- 5 If more than one instrument is being amended, then you will need to choose a name that is sufficiently informative and accurate.

2.2 Amendment

- 6 Generally, an amending instrument should have the word “Amendment” in the name. If more than one instrument is being amended, then the instrument should refer to “Legislation Amendment”. For example, if the instrument is amending the *Australian Citizenship Determination 2016*, the name of the amending instrument may be the *Australian Citizenship Amendment Determination 2016*.

2.3 Subject matter

- 7 The name of the instrument may include a reference to the subject matter of the instrument if this would be helpful to a reader. This can be particularly useful if the instrument you are amending is amended frequently because it helps to ensure that the instrument’s name is unique.
- 8 If the instrument does not require a subject matter, then the reference to “(Subject Matter)” on the front page can be deleted.

2.4 Kind of instrument

9 The name of the instrument should refer to the kind of instrument the instrument is. This will generally be the same kind of instrument as the instrument that is being amended. So an instrument amending a “Determination” will also be a “Determination”.

2.5 Year

10 Include a reference to the year in which the instrument is to be made.

3 Machinery provisions

11 There are 4 machinery provisions in the body of an amending instrument.

3.1 Name

12 The name of the instrument should be inserted in italics in section 1. Each word in the name (other than little words like “of”) should be capitalised. The name in this section should match exactly the name on the front page of the instrument.

3.2 Commencement

13 The time the instrument is to commence should be inserted in section 2.

14 The main commencements are:

- (a) “The day after this instrument is registered.”;
- (b) on a specified day (such as 1 July 2016);
- (c) at the same time as a provision of another Act or instrument commences.

15 For OPC’s rules on drafting commencements, see Drafting Direction 1.3.

3.3 Authority

16 The provision under which the instrument is to be made should be specified in section 3. If the instrument is being made under a general rule-making power, then this provision should refer to the entire Act or instrument under which the instrument is to be made. Otherwise, the specific provision and the name of the Act or instrument under which the instrument is being made should be referred to (such as “section 15 of the *Empowering Act 2015*”).

3.4 Schedules

17 Section 4, the provision headed “Schedules”, should not be changed. It “activates” the amending Schedule which follows.

4 Amending Schedules

18 The amending Schedules begin with the Schedule headed “Schedule 1—Amendments”. In this template, there are 2 Schedules. A Schedule of amendments, and a Schedule of repeals. Additional amending Schedules can be added, or a Schedule can be deleted, as required.

19 The title of an amending Schedule can remain as “Amendments” or “Repeals” even if only one instrument is being amended or repealed. However, if there is more than one Schedule of amendments, then each Schedule should be given an informative heading.

20 The correct name of the instrument being amended or repealed should be inserted in italics at *Name of instrument being amended*. The name inserted should reflect the exact name by which the instrument being amended or repealed refers to itself (including in relation to capital letters used).

21 Schedule 1 of the template sets out some of the main amending forms OPC uses. It is important to use the words in the Schedule to ensure that the text of the instrument is actually amended and a compilation of the instrument can be prepared. Other words like “cease to have effect” and “modify” do not directly affect the text of an instrument as it appears on the Federal Register of Legislation, but merely notionally modify the operation of the instrument. For this reason, words like “cease to have effect” and “modify” should generally be avoided.

22 Each amendment is included in a separate item in the Schedule. Each item should correctly identify the provision that is being amended. The way the provision is described in the item heading should be consistent with the way provisions in the principal instrument are described. So, for example, if all provisions in the principal instrument are called paragraphs, then the item headings should also refer to paragraphs. (OPC’s practice is to refer to sections, subsections, paragraphs and subparagraphs.)

23 In the items themselves, you should be very careful to identify the exact words that are being omitted, substituted or inserted.

24 In items 3 and 4 of Schedule 1, if the provision in the item heading refers to, for example, “Paragraph 4(b)”, then the item should refer to “Repeal the paragraph”.

25 For other amending forms, see OPC’s Amending Forms Manual on OPC’s website.

26 You should ensure that you check the principal instrument, and any other relevant instruments, for any consequential amendments that might be required.

5 Before finalising your instrument for signing

27 Before finalising your instrument for signing, you should check that you have done the following:

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- (a) correctly inserted appropriate text where there is yellow highlighting;
 - (b) removed all yellow highlighting;
 - (c) if the instrument does not require a subject matter in the name—deleted the words “(Subject Matter)” on the front page;
 - (d) deleted the grey highlighted text “DRAFT ONLY—NOT FOR SIGNATURE”;
 - (e) deleted these accompanying notes;
 - (f) deleted any Schedule that is not required.