Australian Government
Office of Parliamentary Counsel

Legislation quick reference guide

[November 2026]

This guide is intended to help staff from Commonwealth agencies quickly locate Australian Public Service information on legislative topics and issues. Some of the information referenced in this guide may be of an introductory nature and may not be comprehensive.

The legislative topics and issues referenced in this guide are grouped below under the headings 'measure development', 'drafting process', 'post introduction or making' and 'other'. These headings broadly reflect the stages of a legislative measure. Depending on the particular measure, certain topics and issues may be relevant to more than one stage. To help ensure measures progress effectively, many of the topics and issues should generally be considered early in a measure, even where the topics and issues may directly relate to the later stages of the measure.

It is recommended that you access this guide through OPC's website to ensure you are using the latest version of the guide.

The Ctrl + F keyboard shortcut may help you quickly locate particular topics or issues in this guide.

Feedback on this guide can be provided to feedback@opc.gov.au.

Measure development

Item	Topic or issue	Reference
1	Introduction to the legislation process	(a) PMC's Guide to the legislation process (b) Chapter 1 of PMC's Legislation Handbook
2	Role of instructors	OPC's Instructor Guidance Note on roles of instructors and drafters
3	Role of drafters	(a) OPC's Instructor Guidance Note on roles of instructors and drafters (b) OPC's Drafting Direction No. 4.1—Dealings with instructors
4	The legislation programme and priority of legislation	(a) OPC's Instructor Guidance Note on bills prioritisation and priority (b) OPC's Instructor Guidance Note on instrument program and policy authority (d) Chapter 2 of PMC's Legislation Handbook (e) PMC's Guide to legislation program variations
5	Policy impact analysis	PMC's Office of Impact Analysis website
6	Policy authority	(a) Chapter 3 of PMC's Legislation Handbook (b) PMC's Cabinet Handbook (for Cabinet processes) (c) Finance's Budget Process Operational Rules (d) OPC's Instructor Guidance Note on bills prioritisation and policy authority (e) OPC's Instructor Guidance Note on instrument program and policy authority
7	Which minister and department is responsible for certain legislation?	(a) Administrative Arrangements Order (PMC's webpage) (b) Page 7 of PMC's Legislation Handbook

Item	Topic or issue	Reference
8	Appropriate type of bill	(a) Chapter 4 of PMC's Legislation Handbook (b) Contact the relevant OPC client adviser
9	Primary or subordinate legislation	(a) Pages 6-7 of PMC's Legislation Handbook (b) Page 41-43 of PMC's Legislation Handbook (c) OPC's Drafting Direction No. 3.8—Subordinate legislation (d) OPC's Instructor Guidance Note on instrument issues for Bills
10	Offences, infringement notices and enforcement	(a) AGD's Guide to Framing Commonwealth Offences, Infringement Notices and Enforcement Power (b) Page 26 of OPC's Instrument Handbook (c) OPC's Drafting Direction No. 3.5—Criminal law and law enforcement (d) OPC's Drafting Direction No. 3.5A—Regulatory powers (e) OPC's Instructor Guidance Note on the drafting instructions template checklist topics
11	Drafting instructions	(a) OPC's Instructor Guidance Note on working with OPC drafters (b) Chapter 5 of PMC's Legislation Handbook (including specific matters for consideration when preparing instructions) (c) OPC's Drafting instructions template for Bills (d) OPC's Instructor Guidance Note on drafting instructions template checklist topics
12	Consultation on draft legislation and policy	(a) Pages 5-6 of PMC's Legislation Handbook (re consultation when developing legislation) (b) Pages 35-39 of PMC's Legislation Handbook (re the need to consult AGD) (c) Pages 39-41 of PMC's Legislation Handbook (re the need to consult other departments) (d) Page 44 of PMC's Legislation Handbook (re consultation with other agencies on draft bills) (e) Pages 60-61 of OPC's Instrument Handbook (re the requirement to consult before making an instrument) (f) OPC's Instructor Guidance Note on exposure drafts (g) OPC's Drafting Direction No. 4.2—Referral of drafts to agencies (h) OPC's Drafting Direction No. 4.3—Amendments requiring consultation with States and Territories under an intergovernmental agreement (i) OPC's Instructor Guidance Note on exposure drafts (j) OPC's Instructor Guidance Note on matters affecting timeframes for the development of Bills
13	Judging the size and complexity of legislation,	(a) OPC's Judging size and complexity of Bills

Item	Topic or issue	Reference
	and the timeframes for the development of legislation	(b) OPC's Timeframes for the development of Bills (c) OPC's Instrument Drafting Guidance Note No. 1.4—Timeframes for the development of instruments (d) OPC's Instrument Drafting Guidance Note No. 1.3—Judging size and complexity for instrument projects (e) OPC's Instructor Guidance Note on matters affecting timeframes for the development of Bills
13A	Parliamentary sittings for 2026	PMC's website

Drafting process

Item	Topic or issue	Reference
14	Tied and non-tied drafting work	(a) *Legal Services Directions 2017* (b) OPC's Instrument Drafting Guidance Note No. 1.1—Deciding if a non-tied instrument should be drafted by OPC
15	Drafting process	(a) OPC's Instructor Guidance Note on working with OPC drafters (b) Chapter 6 of PMC's Legislation Handbook
16	Obtaining legal advice on draft legislation	(a) OPC's Instructor Guidance Note on matters affecting timeframes for the development of Bills (b) OPC's Drafting Direction No. 4.5—Legal advice on issues arising during drafting
17	Reducing complexity in legislation	OPC's Guide to reducing complexity in legislation
18	Explanatory material and second reading speeches for Bills	(a) OPC's Instructor Guidance Note on explanatory memorandums, explanatory statements and other supporting documents (b) Chapter 7 of PMC's Legislation Handbook (c) The Senate Standing Committee for the Scrutiny of Bills' Guidelines (re the Committee's expectations for explanatory memorandum)
19	Explanatory material for instruments	(a) OPC's Instructor Guidance Note on explanatory memorandums, explanatory statements and other supporting documents (b) OPC's Instructor Guidance Note on key considerations in making legislative instruments (c) Chapter 8 of OPC's Instrument Handbook (d) Pages 14-16 of the Federal Executive Council Handbook 2021 (re explanatory memoranda for ExCo) (e) The Senate Standing Committee for the Scrutiny of Delegated Legislation's Guidelines (re the Committee's expectations for explanatory statements)

Item	Topic or issue	Reference
20	Statements of compatibility with human rights	(a) OPC's Instructor Guidance Note on explanatory memorandums, explanatory statements and other supporting documents (b) Page 69 of OPC's Instrument Handbook (c) AGD's Tools for assessing compatibility with human rights
21	Legislation Approval Process	(a) OPC's Instructor Guidance Note on matters affecting timeframes for the development of Bills (b) Chapter 8 of PMC's Legislation Handbook (c) OPC's Drafting Direction No. 4.6—Legislation Approval Process
22	Party clearance of government bills	Chapter 10 of PMC's Legislation Handbook
23	Finalising and printing bills	OPC's Instructor Guidance Note on matter affecting timeframes for the development of Bills
24	Commencement of legislation and application provisions	(a) OPC's Instructor Guidance Note on commencement provisions (b) OPC's Instructor Guidance Note on application, saving and transitional provisions (c) Pages 5 and 18-19 of OPC's Instrument Handbook (re instruments) (d) OPC's Drafting Direction No. 1.3—Commencement provisions
25	Instrument making powers	(a) OPC's Instrument Fact Sheet: Is a legislative instrument within power? (b) OPC's Instructor Guidance Note on key considerations in drafting instruments
26	Subdelegation of legislative power in legislative instruments	(a) OPC's Instructor Guidance Note on key considerations in drafting instruments (b) Pages 24-26 of OPC's Instrument Handbook
27	Incorporation by reference in legislative instruments	(a) OPC's Instructor Guidance Note on key considerations in drafting instruments (b) Pages 23-24 of OPC's Instrument Handbook
28	Retrospective commencement or application of legislative instruments	(a) OPC's Instructor Guidance Note on key considerations in drafting instruments (b) Pages 18-19 of OPC's Instrument Handbook
29	What is an instrument?	(a) Pages 5-8 of OPC's Instrument Handbook (b) OPC's Instrument Fact Sheet Series: Essentials of a Legislative Instrument (c) OPC's Instructor Guidance Note on key considerations in drafting instruments
30	Who is the rule-maker of an instrument?	Pages 4-5 of OPC's Instrument Handbook
31	What should be included in an instrument?	(a) Pages 12-18 of OPC's Instrument Handbook (b) OPC's Instructor Guidance Note on key considerations in drafting instruments
32	Default rules on amending or repealing a legislative instrument	(a) Pages 19-23 of OPC's Instrument Handbook (b) OPC's Instructor Guidance Note on application, saving and transitional provisions

Item	Topic or issue	Reference
33	Finalising and preparing ExCo instruments for making	(a) Paragraphs 24 and 25 of OPC's Instructor Guidance Note on key considerations on drafting instruments (b) Federal Executive Council Handbook 2021 (c) OPC's Instructor Guidance Note on key considerations in making legislative instruments
35	Names of instruments and provision units of instruments	OPC's Drafting Direction No. 1.1A—Names of instruments and provision units of instruments
36	Technical drafting matters	(a) OPC's Drafting Manual (b) OPC's Amending Forms Manual (c) OPC's Plain English Manual (d) Drafting reporting or external assurance requirements - information from the AASB and AUASB (e) OPC's Instrument Fact Sheet Series: Drafting amending instruments (e) Various OPC Drafting Directions

Post introduction or making

Item	Topic or issue	Reference
37	Introduction and passage of bills	(a) OPC's Instructor Guidance Note on my Bill has passed, what happens next? (b) Chapter 11 of PMC's Legislation Handbook (re introduction of a bill) (c) Chapter 12 of PMC's Legislation Handbook (re passage of a bill through the House of Representatives) (d) Chapter 13 of PMC's Legislation Handbook (re passage of a bill through the Senate) (e) Chapter 14 of PMC's Legislation Handbook (re procedures after passage of a bill) (f) Various documents on Senate practice and procedure (g) Various documents on House of Representatives practice and procedure
38	Parliamentary amendments and supplementary explanatory memorandum	(a) PMC's Guide to parliamentary amendments (b) OPC's Instructor Guidance Note on amending a Bill while it is in Parliament (c) Chapter 9 of PMC's Legislation Handbook (d) OPC's Drafting Direction No. 4.8—Parliamentary amendments-various matters
39	Royal Assent	(a) OPC's Instructor Guidance Note on my Bill has passed, what happens next? (b) Pages 98-99 of PMC's Legislation Handbook (c) OPC's Drafting Direction No. 4.10—Presentation of Bills for Royal Assent
40	Registration on Federal Register of Legislation of Acts and compilations	(a) OPC's Instructor Guidance Note on my Bill has passed, what happens next?

Item	Topic or issue	Reference
		(b) OPC's website
41	Making an instrument between Royal Assent and commencement of enabling power	OPC's Instructor Guidance Note on key considerations in drafting instruments
42	Lodgement on Federal Register of Legislation of instruments and compilations	(a) Paragraphs 14 to 20 of OPC's Instructor Guidance Note on key considerations in making legislative instruments (b) Chapter 4 of OPC's Instrument Handbook (c) OPC's website
43	Requirement for instrument to be published or notified in the Gazette	Page 37-39 of OPC's Instrument Handbook
44	Preparing compilations of instruments	(a) Chapter 5 of OPC's Instrument Handbook (b) OPC's website
45	Tabling and disallowance of legislative instruments; Parliamentary scrutiny of legislative instruments	(a) Chapter 9 of OPC's Instrument Handbook (b) OPC's Instructor Guidance Note on sunsetting (c) OPC's Instructor Guidance Note on key considerations in drafting instruments
46	Sunsetting of legislative instruments	(a) Chapter 10 of OPC's Instrument Handbook (b) AGD's Guide to Managing Sunsetting of Legislative Instruments (c) OPC's Instructor Guidance Note on sunsetting
47	Parliamentary committees	(a) APH's webpage for Parliamentary committees (b) APH's webpage for the Senate Standing Committee for the Scrutiny of Bills (includes a link to the Committee's guidelines) (c) APH's webpage for the Senate Standing Committee for the Scrutiny of Delegated Legislation (includes a link to the Committee's guidelines) (d) Pages 66-70 of OPC's Instrument Handbook (re explanatory statements for instruments) (e) OPC's Instructor Guidance Note on key considerations in drafting instruments (f) OPC's Instructor Guidance Note on key considerations in making instruments
48	Errors on the Federal Register of Legislation	Chapter 6 of OPC's Instrument Handbook
49	Notification of events affecting instruments registered on Federal Register of Legislation	Pages 55-56 of OPC's Instrument Handbook
50	If an instrument is no longer needed	Pages 59-61 of OPC's Instrument Handbook
51	FPC's editorial powers and statute law revision amendments	(a) OPC's Drafting Direction No. 4.4—Minor, technical and editorial changes (including changes using FPC's editorial powers) (b) OPC's Editorial changes reports

Other

Item	Topic or issue	Reference
52	What is the Office of Parliamentary Counsel	(a) OPC's website

Item	Topic or issue	Reference
	(OPC)?	
53	OPC's courses	(a) OPC's website
54	Effect of elections on drafting work and process; caretaker	(a) OPC's Instructor Guidance Note on the effect of elections and caretaker period (b) Pages 19-20 of PMC's Cabinet Handbook (c) PMC's Guidance on Caretaker Conventions (d) Pages 5-6 of the Federal Executive Council Handbook 2021
55	What is the Federal Register of Legislation (FRL)?	(a) Federal Register of Legislation's website (b) Pages 9-10 of OPC's Instrument Handbook
56	What is the Federal Executive Council?	Pages 3-4 of the Federal Executive Council Handbook 2021
57	OPC templates relating to instruments	(a) ExCo instruments bids template (b) ExCo instruments variation template (c) Instrument Templates—User Guide (instructions on how to use the OPC drafting templates) (d) OPC's Instrument Fact Sheet Series: Templates for drafting instruments (e) Template—appointment by the Governor-General (f) Template—appointments (other than by Governor-General) (g) Template—authorisation (h) Template—delegation (i) Template—principal instrument (j) Template—amending instrument
58	Meaning of certain abbreviations and acronyms	OPC's Instructor Guidance Note - glossary