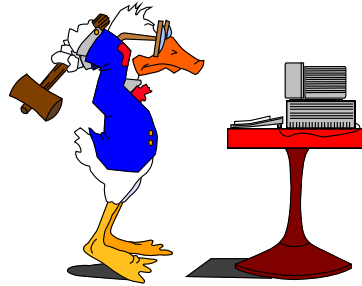


# PARLIAMENTARY COUNSEL



## Word Note No. 4.2 Formatting rules for legislation and other instruments drafted in OPC

**Document release 8.16**

**Updated July 2018**

### **Background**

1 This Word Note sets out a variety of rules related to the formatting of legislation. Although worded in terms of legislation, the rules also apply to proposed legislation (such as Bills and parliamentary amendments) and to other instruments drafted in OPC.

2 Word Note 4.1 sets out the basic information about the formatting of legislation and should also be referred to. A number of other Word Notes contain rules covering particular areas, for example:

- (a) Word Note 3.4: Tables in legislation;
- (b) Word Note 4.3: Formatting of agreements etc.; and
- (c) Word Note 4.6: Formatting Social Security and Veterans' Affairs legislation.

It is proposed that there be another Word Note dealing with special rules for formatting civil aviation safety regulations, health insurance regulations and migration regulations.

3 The fundamental reason for these rules is to maintain consistency in the format of Commonwealth legislation.

4 Having clear rules that are fully documented also provides the following benefits for OPC staff:

- (a) drafters do not have to spend time trying to decide what is the “best” approach;
- (b) drafters and editorial staff keying legislation have clear guidance on the approach that should be adopted;

- (c) editorial and publication staff have clear guidelines as to the formatting that should be used in legislation and can spend more time concentrating on other aspects of quality of legislation;
- (d) IT staff can develop a range of macros relying on the fact that documents will be formatted consistently (this then provides a benefit to those staff who use the macros).

5 For example, there was a noticeable reduction in the amount of time spent on the formatting of social security Bills after the Word Note dealing with that topic was released.

6 In addition, having clear rules provides similar benefits to those in the legislative “life-cycle”—primarily the staff of the Publications Group and the two Table Offices.

7 Rules are usually added to this Word Note, or altered, after:

- (a) the editorial staff question something in a draft and the resolution of the matter is not covered, or not clear, under the current rules;
- (b) a drafter or a member of the editorial staff raises a matter with the Principal Legislative Counsel or First Parliamentary Counsel and its solution is not covered, or not clear, under the current rules;
- (c) publishing staff raise a matter with the Principal Legislative Counsel or First Parliamentary Counsel that affects the operation of the current rules;
- (d) a matter is raised where the operation of a rule produces an undesirable result.

8 In many cases there are a number of different approaches that could be adopted. In these cases, one of the approaches is selected to ensure that a consistent approach will be taken in all legislation. The reason for these rules is shown as “To ensure consistency”.

9 By documenting the solution (in the form of a new or revised rule) it is hoped that the same issue will not arise in the future—or that the solution will be clear. Therefore, as far as possible, all solutions are documented.

10 The process for adding or altering rules takes into account the fact that a decision often needs to be taken quickly (because the result needs to be included in draft legislation that is nearing completion).

11 The usual process is as follows:

- (a) the matter is raised with, and discussed with, First Parliamentary Counsel;
- (b) First Parliamentary Counsel makes a decision;
- (c) the decision is applied in the particular case in question and an email is circulated to all staff advising the new, or amended, rule and seeking comments;

- (d) subject to comments, the rule is included in the electronic version of Word Note 4.2;
- (e) when there have been a number of changes to Word Note 4.2, a new version is issued in hard copy to staff who request hard copies of documents.

12 Where it is necessary as a result of comments, a more extensive consultation process is undertaken.

13 Staff who are unsure of the approach to adopt in a particular case, or who would like the operation of a particular rule revised, should see First Parliamentary Counsel.

## Departing from OPC formatting rules when doing billable drafting

14 You may depart from OPC formatting rules (in this Word Note or any other Word Note) if:

- (a) you are amending a billable instrument or drafting a form to go in a billable instrument; and
- (b) the instructing agency requests that the agency's styles be used; and
- (c) the instructing agency may prepare the compilation incorporating the amendment or form; and
- (d) you have discussed the departure from OPC formatting rules with First Parliamentary Counsel or Principal Legislative Counsel.

15 To use a style that is not an OPC style in a billable matter, the text or other material from the Federal Register of Legislation or the instructing agency's Word document can be copied and pasted into an OPC document.

Andrew Newbery  
IT Director

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Note: Before the renumbering of the current series of Word Notes, this Word Note was known as Word Note (No. 4), also called Word Note 4.

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## Cover page and covering clauses

### ***Cover should fit on one page***

16 The cover of a Bill must all fit on only one page. A problem arises where either the short title or the long title of a Bill is so long that it causes an additional page (probably blank apart from a line at the top and the bottom of the page and numbered as page 2) to appear after the cover page. To fix this problem, delete some of the paragraph marks that occur after the words “Presented and read a first time” and before the short title of the Bill. *Do not* delete paragraph marks that occur below the long title.

**Reason for Rule:** To ensure consistency.

17 The cover of an instrument must all fit on only one page. A problem arises where a long signature block causes an additional page to appear after the cover page. To fix this problem, reduce the space before the paragraphs in the signature block. However, the spacing for a signature must not be less than 7 cm by 2 cm to align with the Style Manual and allow enough room for signature.

18 The title of an instrument may also cause an additional page to appear after the cover page. To fix this problem, delete some of the paragraph marks that occur after the making words. It is however important to ensure there is enough space for dating and signature by the Governor-General. If the Great Seal needs to be applied to the instrument, a 6 cm by 6 cm space is required for the Seal. If there is not enough space on a cover page for signature by the Governor-General, the Special Assistant for Instruments or the Unit Head should contact the Federal Executive Council Secretariat to ensure the instrument spacing is sufficient for their purposes.

19 The exception to the rule that a cover must fit on one page is court rules and other instruments to be signed by multiple makers where the signature block may go over two pages depending on the number of makers who sign the rule or instrument.

**Reason for Rule:** To ensure consistency.

### ***Section 3 of instruments***

20 In most instruments, section 3 sets out the name of the legislation or the provisions of legislation, or other sources of authority, under which the instrument is made. The name of the legislation should be set out in full, even if the instrument contains a definition (e.g. a definition of *Act*) providing a shorter way of referring to the legislation.

21 If an instrument is made under multiple authorities, these should be set out in a paragraphed list, consistently with the following example:

#### **3 Authority**

This instrument is made under the following:

- (a) the *Agricultural and Veterinary Chemicals (Administration) Act 1992*;
- (b) the *Agricultural and Veterinary Chemicals Code Act 1994*.



22 The authorities should generally be listed in alphabetical order. However, another appropriate order may be used.

**Reason for Rule:** To ensure consistency.

## References to legislation names

### *All legislation amended or repealed to appear in table of contents*

23 The name (short title) of every Act or instrument that is amended or repealed must appear in the table of contents (which will happen if the name of each such Act or instrument is mentioned in an ActHead 9,aat style heading, as required by paragraph 43). This applies even if the legislation only amends or repeals one Act or instrument. However, it does not apply to a repeal of all or part of an Act or instrument by the Act or instrument itself.

**Reason for Rule:** The Senate has previously commented unfavourably in a case where an Act amended by a Bill was not mentioned in the table of contents.

### *Inclusion of “the” before legislation name*

24 The word “the” must appear before an Act or instrument name anywhere in legislation (unless the name is in a heading and is the only thing in the heading) (e.g. you could have “Schedule 1—Amendment of the ABC Act 2000”, or “Schedule 1—ABC Act 2000” but not “Schedule 1—Amendment of ABC Act 2000”). This applies even if the first word in the name is “A”.

**Reason for Rule:** To avoid problems with macros for including details of legislation in Folio and PENGUIN and to maintain consistency.

## Headings (other than table headings)

### *Text of headings*

#### **Text of headings to amending Schedules, and Parts and Divisions of such Schedules**

#### ***Guidelines for drafting amending Schedule headings***

25 You should try to avoid excessively long headings to amending Schedules.

26 The short form “Schedule 2—[Name of legislation being amended or repealed]” (without the word “The” before the Act or instrument name) is acceptable, but if it is used the name of the legislation must also appear in ActHead 9,aat style in the Schedule (see paragraph 43).

27 For amendments grouped in a Schedule by subject, the short form “Schedule 2—Thin capitalisation” is acceptable.

28 A method of avoiding long headings in amending Schedules is to use the Schedule heading to describe what the amendments are about and then rely on the heading in ActHead 9,aat style (which must be included regardless of the form of the Schedule heading—see paragraph 43) to say what legislation is amended. For example:

## Schedule 1—Amendments related to tax file numbers

### *Income Tax Assessment Act 1936*

**Reason for Rule:** To keep headings short to make the headers more useable.

29 You should try to make headings informative (taken together with paragraphs 25 and 27 this suggests that “Schedule 2—Amendments of the Income Tax Assessment Act 1997 relating to thin capitalisation” should be replaced with “Schedule 2—Thin capitalisation” or, at worst, “Schedule 2—Amendments relating to thin capitalisation”).

30 Schedule headings should as far as possible be drafted consistently within a single piece of legislation. This would not stop the legislation containing some schedule headings consisting just of the names of legislation amended, and other schedule headings referring to subject matters (where those schedules amend several different pieces of legislation). However, it should mean that, for instance:

- (a) legislation containing several schedules each amending a single different Act or instrument would use the same form for each schedule heading; and
- (b) legislation amending a single Act or instrument but containing amendments relating to different subjects would also use the same form for each amending schedule.

31 This consistency may be difficult for drafters working on legislation for which several drafters contribute different schedules, but an early discussion on the Schedule naming approach for the legislation would address this problem.

**Reason for Rule:** To improve the style of headings and ensure consistency.

### ***Schedule, Part and Division headings—use of “amendment” and “repeals”***

32 Where a heading to an amending Schedule, or to a Part or Division of an amending Schedule, is in the form “Amendment of the [name of legislation]”, the word “Amendment” not “Amendments” is to be used.

33 However, “Amendments” should always be used in the heading to an amending Schedule, or to a Part or Division of an amending Schedule, other than a heading in the form “Amendment of the [name of legislation amended]” (e.g. “Amendments commencing 1 July 2010”). This applies even if the Schedule, Part or Division is to make only one amendment.

**Reason for Rule:** To ensure consistency and avoid the need for changes if the number of amendments to be made by the Schedule, Part or Division changes.

34 Similarly, “Repeals” (not the singular “Repeal”) should always be used in the heading to a repealing Schedule, or to a repealing Part or Division of a Schedule, other than a heading in the form “Repeal of the [name of legislation repealed]”. This applies even if the Schedule, Part or Division is to repeal only one Act or instrument.

**Reason for Rule:** To ensure consistency and avoid the need for changes if the number of Acts or instruments to be repealed by the Schedule, Part or Division changes.

### ***Schedule, Part and Division headings indicating commencement***

35 The heading to an amending Schedule that indicates when the Schedule commences should be worded along the following lines, without the words “on” or “on the” after “commencing”:

- (a) Schedule 1—Amendments commencing day after registration
- (b) Schedule 2—Amendments commencing 1 July 2013
- (c) Schedule 3—Amendments commencing the same time as the XYZ Act 2014 commences [but see paragraph 38 about not mentioning in the Schedule heading legislation that is not being amended by the Schedule]

36 The same principle applies to the heading to a Part or Division of an amending Schedule that indicates when the Part or Division commences.

37 It is desirable to have a separate Schedule or Part for each item or group of items commencing at a particular time and occupying more than a page. It is not necessary to have separate Schedules or Parts for items commencing at different times if each item, or group of items, commencing at a particular time occupies less than a page.

**Reason for Rule:** To ensure consistency.

### ***Not mentioning in Schedule headings etc. legislation that is not being amended***

38 Generally, you should try to avoid mentioning legislation that is not being amended in headings to amending Schedules, headings to Parts of amending Schedules and headings to Divisions of Parts of amending Schedules.

**Reason for Rule:** To avoid published legislation tables indicating that legislation is being amended when it is not.

39 If you do mention such legislation in such a heading, you must include under that heading lower level headings identifying each Act or instrument being amended by the Schedule, Part or Division. (These lower level headings could be the headings in ActHead 9,aat style that must be included regardless of the wording of the heading to the Schedule, Part or Division—see paragraph 43.) For example, if you had a Schedule amending the *Animals Act 1982* and you wanted to make clear that some of the amendments were consequential on the *Dog Act 2008*, you might use either of the following approaches:

40 Approach 1 (preferable)

#### **Schedule 1—Animals Act 1982**

##### **Part 1—Amendments relating to dogs**

***Animals Act 1982 [formatted in ActHead 9,aat style]***

## Part 2—Other amendments

*Animals Act 1982 [formatted in ActHead 9,aat style]*

41 Approach 2

### **Schedule 1—Animals Act 1982**

#### Part 1—Amendments consequential on the Dog Act 2008

*Animals Act 1982 [formatted in ActHead 9,aat style]*

#### Part 2—Other amendments

*Animals Act 1982 [formatted in ActHead 9,aat style]*

42 It would not be acceptable to have just the following headings:

### **Schedule 1—Animals Act 1982**

#### Part 1—Amendments consequential on the Dog Act 2008

#### Part 2—Other amendments

### **ActHead 9,aat style heading for all legislation being amended or repealed**

43 Each piece of legislation being amended or repealed by an amending Schedule (whether or not by a particular Part or Division of the Schedule) must have its name set out in a separate heading in ActHead 9,aat style. That heading must appear below the heading to the Schedule, Part or Division containing the amending or repealing item. This applies whether or not the heading to the Schedule, Part or Division mentions the name of the legislation being amended or repealed.

**Reason for Rule:** Including a heading in ActHead 9, aat style for each piece of legislation being amended or repealed ensures that standard Folio proximity searches for clashing amendments will not miss clashing amendments. Such amendments may be missed if the name of the legislation appears only in the Schedule, Part or Division heading.

44 The requirement for a separate heading in ActHead 9,aat style for each instrument being repealed by an amending Schedule does not apply to a Schedule to an instrument that repeals multiple instruments that are all specified in a table (such as a Schedule to “spent and redundant instruments repeal regulations”). The Amending Forms Manual contains more information about tables for such multiple repeals.

### ***Format of headings***

#### **Use of capital letters**

45 Capital letters should be used only for the following:

- (a) the first letter of the first word of a heading;

- (b) the first letter after the first em rule in a heading at a level above a section or subsection heading;
- (c) the first letter of any other word that would start with a capital letter if it appeared in the middle of a sentence;
- (d) acronyms or initialisms that are presented using all capital letters (see Part 4 of Drafting Direction 1.5 in relation to definitions of acronyms and initialisms).

46 For example:

## **Part 6—Licences to export sheep from Australia**

### **64 Offence—failure to give a report to the Secretary**

#### **40A References to the new corporations and ASIC legislation**

47 The rule on the use of capital letters in headings applies even if amended legislation has headings that were originally enacted in all capitals (in accordance with previous drafting practice).

**Reason for Rule:** To avoid questions as to the capitalisation that should be used (because of changes from our previous style).

#### **Italics not to be used in certain headings**

48 Italics are not to be used in any headings above the section or item level other than the ActHead 9,aat heading.

49 For example, an Act or instrument name appearing in a Part heading will not be in italics.

**Reason for Rule:** To avoid problems with headers.

#### **Headings may have more than one em rule**

50 Headings may have more than one em rule. The previous rule that headings are to have only one em rule is no longer required.

#### **Amending Schedule Part and Division headings not to follow AAT headings**

51 An AAT Heading (ActHead 9,aat) must come immediately before the items to which it is to apply. It cannot come before an amending Part Heading (ActHead 7,ap) if it is to apply to items in that Part. (Similarly, it cannot come before an amending Division Heading (ActHead 8,ad).)

**Reason for Rule:** To avoid problems in interpretation arising from a lower level heading applying beyond a later higher level heading. Also, required for macros that determine the legislation being amended.

## Page breaks before headings

52 A page break must be included before each of the following sorts of headings unless the heading is being inserted by an amending Schedule or is the first heading in the legislation (or follows another heading that follows a page break or that is the first heading in the legislation):

- (a) Chapter headings;
- (b) Part headings;
- (c) Division headings;
- (d) amending and non-amending Schedule headings;
- (e) amending and non-amending Schedule Part headings;
- (f) non-amending Schedule Division headings.

**Reason for Rule:** Consistent style.

53 The page break must be inserted using Alt+P. Put the cursor immediately before the paragraph mark for the first paragraph that is to appear on the new page and press Alt+P.

54 IT Staff has modified existing macros which insert a page break when the Chapter, Part, Division or Schedule headings are applied. The page breaks are only inserted if they are required e.g. the page breaks are not inserted if a Chapter heading is used in amending legislation as the Chapter does not need to start on a new page.

55 However, with some of the above headings a section break instead of a page break is required to be inserted so as to ensure that the headers are correct. See paragraphs 249 to 255 for more information on section breaks.

**Reason for Rule:** To ensure that the headers work correctly.

## Space before Chapter 1 headings in Bills and Acts

56 If a Bill for a new principal Act is divided into Chapters, you will need to include extra space before the heading to Chapter 1. Similarly, if a heading to Chapter 1 of an Act is inserted or substituted, by an amending Schedule to a Bill or by a parliamentary amendment, extra space will need to be included before the new heading. This applies whether the substitution is of the heading only or of all of Chapter 1.

57 The extra space should be included by applying the ActHead 1,c style, then going to the Page Layout tab on the Ribbon and “Spacing” (in the Paragraph group on that tab) and changing “Before” to 18pt. (This only applies to Chapter 1—not later Chapters.)

**Reason for Rule:** To ensure that heading looks appropriate on the first page.

## Keeping headings with text

58 The styles for Chapter, Part, Division, Subdivision, section and subsection headings have been altered so that they will “keep with next”. In new principal legislation, this means

that they will be kept with the text to which they belong. In amending legislation, it may mean that they will be kept with the following Item heading.

59 Where there are a large number of headings and the “keep with next” causes all of the headings to move to the next page, the “keep with next” may be removed from the last heading only.

60 Headings in amending Schedules are not set to “keep with next”.

61 You should *not* use page breaks to keep text together.

**Reason for Rule:** To ensure consistency.

## ***Blank headings***

### **Why are blank headings needed?**

62 Blank headings are used to ensure that the header for a page of legislation does not include text from a heading that is not relevant to that page.

63 You need to include a blank heading of a particular sort whose text is “picked up” for the header on a page of legislation if the legislation does not contain a heading of that sort that is relevant to the page. See the table in paragraph 69 for the headers that should appear in various locations of legislation.

### **When do you need to include blank headings?**

64 Therefore, situations in which you need to include blank headings are as follows:

- (a) if you have a non-amending Part without Divisions, you need to include a blank Division heading just under the Part heading;
- (b) if you have a Chapter without Parts, or a non-amending Schedule without Parts:
  - (i) you need to include a blank Part heading just under the heading to the Chapter or Schedule (but after the note indicating the section that gives effect to the Schedule); and
  - (ii) you need to include a blank Division heading just underneath the blank Part heading;
- (c) if you have an amending Schedule without amending Parts, you need to include a blank amending Part heading just under the Schedule heading.

**Reason for Rule:** To avoid problems with headers.

65 Also, if you are drafting an amendment (including a parliamentary amendment) to insert or add a heading (whether alone or as part of a whole Chapter, Schedule or non-amending Part), or to substitute a whole Chapter, Schedule or non-amending Part, you need to ensure that blank headings are included so that the headers in the principal legislation

(or the Bill affected by the parliamentary amendment) will work properly when the amendment is incorporated.

66 However, if you are merely substituting the heading to a Chapter, Schedule or Part (without substituting the rest of the Chapter, Schedule or Part), you do not need to include any blank headings. This is because any blank headings that are needed will presumably be included already in the legislation concerned.

### How do you include blank headings?

67 To include a blank heading, simply position the cursor where you want the blank heading to appear and run the Blank Header macro by:

- (a) clicking on the Fix Doc button and choosing Blank Header from the menu; or
- (b) clicking on the OPC Macros button and choosing Formatting, Blank Header from the menus.

68 The macro will insert the appropriate heading (2 blank spaces and a paragraph mark in Header style). Running the Header macro will apply the appropriate character style formatting so that the headers on the relevant pages do not show text from any Part or Division headings. (To run the Header macro, click on the Fix Doc button and choose Header from the menu, or click on the OPC Macros button and choose Formatting, Header from the menus.)

## Headers

69 The following table shows the headers that can appear at the top of a page:

Location of page	Examples of headers on page	Style used to generate headers
Body of new principal legislation	<b>Chapter 1</b> Introduction	ActHead 1,c
	<b>Part 1</b> Preliminary	ActHead 2,p
	<b>Division 1</b> Definitions	ActHead 3,d
Amending Schedule	<b>Schedule 1</b> Amendment of the ABC Act 2000	ActHead 6,as
	<b>Part 1</b> Amendments related to broadcasting	ActHead 7,ap
Non-amending Schedule (with clauses)	<b>Schedule 1</b> Committee on Legislative Instruments	ActHead 1,c
	<b>Part 1</b> Preliminary	ActHead 2,p
	<b>Division 1</b> Definitions	ActHead 3,d
Non-amending Schedule (without clauses)	<b>Schedule 2</b> Instruments that are not legislative instruments	ActHead 1,c
	<b>Part 1</b> Instruments	ActHead 2,p
	<b>Division 1</b> Determinations	ActHead 3,d

70 Note that section or clause numbers also appear in the header.

71 If the headers in legislation do not appear to be correct, try the following:



- (a) re-run the Header macro;
- (b) check that there are sufficient blank headers beneath appropriate headings;
- (c) check if a page break required for the heading is missing;
- (d) check whether an Alt+X section break is needed.

72 If after investigating all of the above the headers are still not correct, contact one of the IT staff.

### ***Inserting word processing sections with blank headers***

73 Sometimes parts of legislation will need to have a blank header as a separate word processing section of the legislation inserted using the Alt+X macro. For example, this will occur where there is a list of defined terms (also called dictionary) at the end of the legislation (but not in the body of the legislation or a Schedule to the legislation). See paragraph 196 for more information.

### **Security markings**

74 Generally, security markings (indicating classification and dissemination limits) can be included (if necessary) in a document when it is first saved using the OPC Save (Alt+S) macro. If it is necessary to include them or change them later, this can be done using the OPC Security Markings macro (accessible by choosing OPC Macros on the OPC tab of the Word ribbon, then choosing Finalising, Insert Security Markings).

### **Forms**

75 Drafters should avoid using forms in Bills and instruments. However, if forms are required, they are not subject to OPC formatting rules. The instructing agency should provide the format for the form that will be used.

### ***Layout of forms***

76 Forms will generally consist of tables and text, but may occur in other formats such as a graphic provided by a client. While graphics are simple to manipulate, it is worth noting that the text in graphics is not searchable, and should be accompanied by accurate, helpful Alt Text. A change to a form provided as a graphic would also require a new graphic in the future. Regardless of the format, all forms should fit within the margins of the page.

### ***Format of text in forms***

77 If a form inserted into draft legislation causes issues with formatting, the “FreeForm” style can be applied to the text of the form. Once the FreeForm style has been applied, directly format the text using font and paragraph formatting to whatever is required for the form. Changes to text will vary, but might include changing the font typeface, size, bold etc.

78 Use of Normal style in forms may result in the format of the text in forms being changed when the FixDocument macro is run. The FreeForm style is not updated when the FixDocument macro is run.

### ***Modifying the FreeForm style***

79 If required, staff can modify the FreeForm style itself in a document to make the style look different. Modifying the FreeForm style could make formatting multiple forms in one document simpler, in that not all the FreeForm text would need direct formatting.

80 If the FreeForm style is already in use in the document, modifying the style could cause unwanted formatting changes to the existing text in FreeForm style.

### ***Format of tables in forms***

81 Tables used for forms are not governed by normal formatting rules. Tables for forms may be formatted in any way required by the form. Formatting will vary, but might include changing the borders, shading, merging cells etc.

## **Tables**

### ***Format of tables***

82 Tables should be inserted using the OPC Table Maker macro (see Word Note No. 3.4), which will ensure they are formatted according to OPC standards.

**Reason for Rule:** To ensure consistency.

### ***Approval of tables that do not comply***

83 If you want to include in legislation a table, or an amendment of a table, that does not comply with either the standards or any of the following rules, you will need to obtain the approval of First Parliamentary Counsel. This approval must be sought *before* the legislation is given to the editorial staff for checking.

**Reason for Rule:** To ensure consistency.

84 In particular, the following features of tables from CASA legislation should not be used in other legislation without the approval of First Parliamentary Counsel:

- (a) having more than one table in a unit (see paragraph 91);
- (b) numbering of tables (see also paragraph 94);
- (c) dividing tables internally using subheadings (see also paragraph 102).

### ***Size and position of tables***

85 All tables in legislation must fit within the page margins.

86 Tables that do not take up the full width of the page should be flush left with the margin of the text that the table relates to.

**Reason for Rule:** To match general style of legislation.

87 If the table is too wide to start at this margin, it should start at the left page margin and go to the right margin. (If necessary, a landscape page may be used after seeking First Parliamentary Counsel approval. See paragraphs 251 and 252 for further information.)

88 To adjust the width of a table, drag the left edge of the table to the correct position.

**Reason for Rule:** To ensure consistency and to ensure that the whole of the table is printed.

### ***Blank line before or after tables***

89 A blank line may be included before or after any table (including table items being inserted by amending legislation) in Tabletext,tt style.

**Reason for Rule:** To make formatting easier and to ensure appropriate flexibility.

### ***No unit to have more than one table***

90 Each table should have an introductory provision describing the purpose of the table. A heading to the provision containing the table and a table heading alone may not be enough to be helpful.

91 Each table is to be in a separate unit in legislation. For example, a section cannot contain more than one table unless the tables are in separate subsections or paragraphs. Similarly, a Schedule that contains more than one table must be divided into Parts, clauses or items with only one table in any Part, clause or item.

92 Amendments of Schedules originally containing only tables should be drafted so as to ensure that the Schedule as amended will comply with these requirements where possible.

**Reason for Rule:** To ensure that there is an appropriate description of the purpose and functions of the table.

### ***All tables to have headings***

93 Each table must have a heading describing the table (for example “Road grants to each State”). The heading is to be part of the table, (i.e. the first row of the table), before the second row containing the column headings.

94 Names such as “Table A” should not be used unless there is a consistent naming convention for the whole of the principal legislation. Before deciding to use such names, consideration should be given to the effect of later amendments (see for example the Social Security Act, where it has been necessary to use names such as Table EA for tables inserted after the Act was originally enacted). Even where names such as Table A are used, the table must also have a descriptive heading. Where letters are used for naming tables in legislation, capital letters should be used (e.g. Table A, Table B etc.).

**Reason for Rule:** To ensure that there is an appropriate description of the purpose and functions of the table.

### ***Items in tables to be numbered***

95 The first column appearing in any table must contain a number for each item in the table. (This rule does not apply to tables with only one column.) To save space (column width), a column containing only item numbers need not have a heading. If it does, the heading should be “Item”.

96 Tables in which some items are split into subitems must be numbered in a way that allows each cell to be identified. An example of such a table is in the Schedule to the *Excise Tariff Act 1921*.

**Reason for Rule:** To simplify the making of references to segments of the table (including for the purposes of amendment).

### ***Numbering of columns***

97 Columns in tables may be numbered but they do not have to be. Numbering of columns will make cross-references to particular columns or cells in the table easier. It will also make amendments marginally easier. However, a column containing only item numbers should not be counted as Column 1. Column 1 of a table that includes a column that contains only item numbers will always be the first column to the right of the item number column. As a result, if the columns are numbered, the column heading for the column containing only item numbers will not include a column number.

**Reason for Rule:** To ensure consistency.

98 Column numbers may be included in the same table heading cells as the corresponding column descriptions, with a return mark separating the column number and column description. Alternatively, the column numbers may be included in a separate table heading row directly above the column descriptions, similarly to commencement table headings.

### ***Single column tables***

99 Tables with one column need not have a column headed “Item”. If they do not have a column headed “Item”, they should not have any horizontal lines between the items. The only lines in the table should be above and below the heading and at the foot of the table. (Paragraph 109 gives guidance on when it is appropriate to use tables with only one substantive column.)

**Reason for Rule:** To ensure consistency.

### ***Headings repeated on each page***

100 The rows containing the heading to the table and the column headings will be repeated at the top of each page on which the table appears.

101 See the IT staff if the headings do not repeat on each page.

**Reason for Rule:** To make use of the table easier.

## ***Subheadings in tables***

102 Subheadings in tables are to be used only if First Parliamentary Counsel agrees. In that case they should be formatted with TableHeading,th style.

## ***Alignment of text in tables***

### **Horizontal alignment**

103 All text in tables, including text in headings, is to be flush left.

**Reason for Rule:** To ensure consistency.

104 The only exception is in columns containing figures. For these the drafter has a discretion about the alignment of text in the column and the alignment of the column heading, except if amending an existing table (in which case the drafter either needs to follow the existing approach or repeal and substitute the whole table).

### **Vertical alignment**

105 All text should be aligned to the top of the cell.

106 For an example of a heading aligned at the top of a cell, see the heading “Item” in the example below (between paragraphs 109 and 110).

**Reason for Rule:** To ensure consistency.

## ***Subparagraphs in tables***

107 Subparagraphs in tables should be avoided where possible. If used, they should be formatted with Table(i),taa style, and have a space (not a tab) between the closing parenthesis of the subparagraph number and the text of the subparagraph.

## ***Notes and examples in tables***

108 If a note or example is included in a cell of a table, the note or example should be formatted with note(margin),nm style. If the note or example is divided into paragraphs, they should be formatted with note(para),na style (which will indent paragraphs a long way from the left edge of the opening text of the note or example).

## ***Using tables for lists***

109 Tables with only one substantive column (whether or not there is also a column of item numbers) should only be used where there is a significant drawback to using paragraphs or subsections (e.g. because of the number of things to be listed (15+ items)).

## ***Example of table without figures***

---

**Transitional cases and the consequences of each case**

---

Item	Situation at the commencement of this Act	Consequences
1	Application is being processed.	Application is taken to have been made to Federal Court. Item 3 applies to registration of claims.
2	Application is being reviewed by a court.	Application is taken to have been made to Federal Court. Old law is to apply to non-acceptance appeals. Item 4 applies to registration of claims.

### ***Amendment of tables***

110 General rules about the amendment of tables are set out in the Amending Forms Manual. The following notes cover some points not dealt with by the Manual.

#### **Assumption about format**

111 For the purpose of amending tables, you should assume that the table, and the text in it, have the format (including the lines) they would have if the OPC style `TableText,tt` were used (with the OPC style `TableHeading,th` used for the heading rows of the table, if relevant).

**Reason for Rule:** To simplify amendments.

#### **Lines in tables—inserting or adding rows**

112 Where one item is to be inserted in, or added to, a table, no lines should appear in the inserted text. (No vertical lines because there are none in the standard table, no horizontal ones to avoid having to determine the exact format.)

113 Where more than one item is inserted or added, lines should only be included between the items. These lines should be solid in accordance with the new style.

114 For example:

#### **21 Section 23 (table item 2)**

Repeal the item, substitute:

2	New South Wales	10,239,835
---	-----------------	------------

#### **22 Section 23 (after table item 2)**

Insert:

2A	New South Wales	10,239,835
2B	Northern Territory	20,235,535
2C	Queensland	9,234,585

**Note:** In this example, it is assumed that figures in the right-hand column of the existing table are right-aligned.

**Reason for Rule:** To simplify amendments.

#### **Margins etc. for amendments of tables**

115 Amendments that involve insertion of a table item should, as far as possible, use the same margins as in the principal legislation. Time should not be wasted trying to get the various columns exactly the same size as in the principal legislation—an approximate match will be sufficient.

116 Even if the table in the principal legislation is on a landscape page, a portrait page should be used in the amending legislation (unless it is impossible to fit the material on a portrait page).

117 Where a cell is being inserted, the cell should be aligned with the same margin as the text in the amending item (see above examples).

**Reason for Rule:** To simplify amendments while making it clear where the material should be located.

## Schedules

### *Inserting Schedules*

118 There are 3 types of Schedules to legislation:

- (a) amending Schedules (which for Bills may also contain only application provisions or transitional provisions relating to amendments);
- (b) non-amending Schedules with clauses;
- (c) non-amending Schedules without clauses (e.g. for text of treaties or other agreements).

119 See the *Sample New Principal Bill 2005* that is attached to Word Note 4.1 for examples of these 3 types of Schedules needing a section break.

120 Two or more Schedules of the same type (e.g. 2 non-amending Schedules with clauses) should be separated by a page break (using the Alt+P macro) rather than a section break.

121 If any Schedules of different types follow one another, then they should be separated by a section break.

122 To insert section breaks for a Schedule, type Alt+X and select the appropriate option. You will see that 2 section breaks and some text will be inserted. The text of the Schedule should be inserted between the 2 section breaks.

123 The Insert amending Schedule option of the Alt+X macro is to be used ONLY in new principal legislation, to insert a section break rather than a page break before a Schedule that does not immediately follow another amending Schedule.

124 Note that the inclusion of an amending Schedule in new principal legislation requires First Parliamentary Counsel's permission (see the material in Chapter 1 (Part 1.1) of the Amending Forms Manual about consequential amendments arising from new principal legislation). However, First Parliamentary Counsel's permission is not required for an

amending Schedule that is inserted to include a repeal of the previous instrument at the end of a new principal instrument.

### ***Schedules must have headings***

125 All Schedules must have a heading as well as a number.

**Reason for Rule:** To ensure consistency and to provide information to readers.

### ***Single Schedules to be numbered as Schedule 1***

126 Where legislation has only one Schedule, the Schedule is to be numbered as Schedule 1.

**Reason for Rule:** To ensure consistency and to avoid later amendments if a subsequent Schedule is added.

### ***Items in Schedule to be numbered sequentially***

127 The items in a Schedule are to be numbered sequentially starting from 1. Numbering is not to restart at the beginning of Parts or Divisions in the Schedule.

**Reason for Rule:** To ensure consistency.

### ***Non-amending Schedules—reference to operative section***

128 In general, non-amending Schedules should include a note referring readers to the operative section. The operative section might be the only thing that allows a reader to make any sense of the Schedule. Approval of First Parliamentary Counsel is required if a note to the operative provision of a non-amending Schedule is not included.

129 Where a reference to the operative section is to be included, this should be done by a note immediately under the Schedule heading (before any blank headings). The note is to be formatted with the Note(margin),nm style. The note should state “Note: See section *x*.” If the operative provision is a definition, the note should state “Note: See the definition of *abc* in section *x*.”

130 A note is not to be used to refer to the operative provision for amending Schedules.

**Reason for Rule:** To ensure consistency.

### **No page break**

131 No page break is to be inserted before a whole Chapter, Part, Division or a Schedule (amending or non-amending) that is inserted or added (whether or not in substitution for something else) by an amending Schedule.

**Reason for Rule:** To ensure consistency.

### **Blank headings**

132 Blank headings for Parts and Divisions are to be included as if the Chapter, Schedule or Part were being inserted into new principal legislation.

**Reason for Rule:** To ensure headers will work correctly when it is incorporated into the relevant principal legislation.



## **Schedules containing lists**

133 Lists in Schedules should be done as tables.

134 The normal OPC table formatting rules may not apply. If appropriate, the lines of the table can be removed and the vertical alignment adjusted. The approval of First Parliamentary Counsel is required for all tables not complying with the rules.

**Reason for Rule:** To ensure consistency.

## **Application, transitional, saving etc. items in amending Schedules**

135 The following rules apply to application, transitional, saving etc. items in amending Schedules:

- (a) each item of this type should have a heading formatted with the Transitional, tr style;
- (b) if the item is not broken into subitems, the item should be formatted with the Item, i style;
- (c) if the item is broken into subitems, each subitem should be formatted with the SubItem, iss style;
- (d) any paragraphs in the item (or in a subitem of the item) should be formatted with the paragraph, a style;
- (e) if an item or a subitem goes “back to the margin” after a paragraph, the text should be formatted with the Item, i style;
- (f) a definition in an item or subitem should be formatted with the item, i style (so it starts on the appropriate margin);
- (g) any subitem headings should be formatted with the SubItemHead, iss h style.

**Reason for Rule:** To ensure consistency.

## **Notes**

### **Notes to headings**

136 Notes may be attached to headings in the following cases:

- (a) notes to non-amending Schedule headings that refer to the operative provision (using the Note (margin), nm style);
- (b) notes to general definition section headings in instruments that refer to terms defined in the Act (using the Note(text), n style).

137 Notes may be attached to headings in other appropriate cases (using the Note(margin), nm style). However, this approach should be used with discretion. It should rarely if ever be necessary for section or subsection headings (sections should be short

enough for a note at the end of the section to be adequate), and it should not be used as a basis for turning purpose or context-setting provisions into notes.

138 In all cases, you should decide where to put notes having regard to where readers are likely to look, and what is likely to be most helpful to readers.

139 Where a note is included after a heading, the note should be before any blank headings.

**Reason for Rule:** To ensure consistency.

### ***Paragraphs in note(text),n notes***

140 Where a note(text),n note is broken into paragraphs, the paragraphs should be formatted with the note(para),na style.

Note: This is an example of note(text),n with paragraphs:

- (a) apply style note(para),na; and
- (b) remember that this will not align perfectly.

**Reason for Rule:** To ensure consistency.

### ***Examples with steps in notes***

141 If a note(text),n contains an example that is broken into steps, each step should be in a new paragraph formatted with the note(text),n style. The words “Step 1.” should be aligned with the word “Example:”, and should not be in italics. A tab is to follow the full stop.

Example: This is an example of an example with steps:

Step 1. Put on the style note(text),n.

Step 2. Type “Step 1.” and a tab.

Step 3. Type the rest of the step (noting that it will wrap to the appropriate margin).

**Reason for Rule:** To ensure consistency.

### ***Numbering notes***

142 Where a single note occurs, the note is not to be numbered.

**Reason for Rule:** To ensure consistency.

143 Where there are 2 or more notes in a row, the notes should be numbered “Note 1”, “Note 2” etc. This is the case even if one or more of the notes relates to a smaller unit (e.g. the preceding definition) and one or more of the other notes relates to a larger unit (e.g. the preceding subsection).

**Reason for Rule:** To make it easier to refer to and amend the notes.

### ***Notes to particular bits of a provision***

144 If a note (or example formatted in the same way as a note) is at the end of a provision and it is desirable to indicate that the note (or example) relates to only a bit of that provision, that should be indicated by words after the colon. For example, a note at the end of subsection (1) that relates only to paragraph (1)(a) would be as follows:

Note: For paragraph (a), ...

145 The technique shown in this example may be preferable to placing the note immediately after paragraph (1)(a) and formatting the note using NoteToPara,ntp style. This is because notes to paragraphs tend to interrupt the reader.

### ***Notes to amending, application or transitional items and subitems***

146 Notes to amending, application or transitional items and subitems should be formatted with the Note(margin),nm style.

**Reason for Rule:** To ensure consistency.

### ***Notes pointing to definitions***

147 A note pointing a reader to a definition should be in the following form:

Note: For *cat*, see section 4.

148 The note should not include the words “the definition of”; it is enough that the defined term is bolded and italicised in the note.

**Reason for Rule:** To ensure consistency.

### ***Format of notes referring to the definitions of strict liability and absolute liability***

149 Bold and italics should not be used for the defined terms of “strict liability” and “absolute liability” when appearing in notes of the following kind:

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

**Reason for Rule:** To ensure consistency.

### ***Order of notes or examples and penalties***

150 Generally notes or examples should go before any penalties at the foot of a subsection or section.

**Reason for Rule:** To avoid questions about the application of section 4D of the *Crimes Act 1914* and of provisions about civil penalties that depend on penalties being set out at the foot of subsections and sections.

151 Offence provisions drafted using the single conduct, multiple consequences approach are an exception to this rule, and may include a note after a penalty. See, for example, offence provisions in the *Civil Aviation Safety Regulations 1998*.

## **Formulas**

### ***General***

152 All text in formulas is to be in the typeface and size produced by MathType as a result of using the OPC Insert Formula macro. Changes to typeface and size must not be made while using MathType.

153 The first word of each component is to have an initial capital.

154 Formulas that do not take up the full width of the page should be flush left with the section text margin (or the paragraph text margin if they relate to a paragraph).

**Reason for Rule:** To ensure consistency.

### ***Formulas to be on own line***

155 All formulas must be on their own line ending with a word-processing paragraph mark. There is to be no other text on that line. A formula can be in the same cell of a table as other text as long as it is on its own line in the cell ending with a word-processing paragraph mark.

156 The paragraph mark should be formatted with the paragraph style appropriate to the lowest level provision containing the formula, for example:

- (a) subsection2,ss2 style for a subsection containing the formula (unless the formula is too wide to fit, in which case subsection,ss style may be used); or
- (b) paragraph,a style for a paragraph containing the formula; or
- (c) tabletext,tt style for a table cell containing the formula.

Note that this will require manually applying the appropriate style once the formula has been inserted using the Insert formula macro (because it inserts a formula in a paragraph formatted with Formula style).

157 Mathematical symbols may be used only in Mathtype equations. Substitute characters for mathematical operators must not be used outside Mathtype equations. This is necessary to ensure that the symbols will be reproduced correctly when printed. An exception to this is the lower case letter “x”, which may be used as a multiplication sign outside of Mathtype equations if necessary.

158 A formula should not have a full stop or semi-colon at the end of it (even if it is the last thing in a section or paragraph etc.).

159 The rule that there must be no other text on the same line as a formula has led to problems where the formula is in a paragraph (or subparagraph) and the drafter wants to have a conjunction after the formula (i.e. “and” or “or”).

160 Consequently, conjunctions are not be used in paragraphs or subparagraphs that end with a formula. Provisions should be drafted so that conjunctions are not required after paragraphs or subparagraphs containing formulas.

161 If you have a particular case that you think should be an exception to this rule, you should see First Parliamentary Counsel.

**Reason for Rule:** To ensure consistency and to avoid problems with different printer drivers and fonts.

## ***Defined terms for formulas***

162 The first word of a term defined for a formula should not be capitalised (unless it would be if it appeared in ordinary text in the legislation).

163 Definitions of formula components should use the same format as other definitions where the formula is in a section or subsection and should be in alphabetical order.

164 Where the formula is in a paragraph, any terms defined under the formula must use the paragraph style. Alternatively, the provision could be restructured so that the definitions are in a separate subsection.

**Reason for Rule:** To ensure consistency.

## **Fonts etc.**

### ***Partial amendments—match typeface only***

165 A “partial amendment” usually consists of the amendment of one or more words in a unit. It does not include the insertion or substitution of a whole unit.

166 A unit is any segment that could be referred to in the words in the item heading (e.g. sections, definitions, subparagraphs).

167 In partial amendments only the typeface (bold, italics, bold-italics) is to be matched. The font (Times, Helvetica etc.) and the type size (11pt, 8pt etc.) are not to be matched in amendments that are smaller than a complete unit.

168 For the purpose of formatting text to be omitted, it is to be assumed that it was in the format that it would be in when reprinted in OPC style. It is also to be assumed that defined terms were not surrounded by quotes.

169 Examples:

#### **12 Section 124**

Omit “Departure Tax”, substitute “Passenger Movement Charge”.

#### **12 Section 124**

Omit “the tax (the *Departure Tax*)”, substitute “the charge (the *Passenger Movement Charge*)”.

#### **12 Section 124 (note)**

Omit “the *Departure Tax Act 1986*”, substitute “the *Passenger Movement Charge Act 1986*”.

#### **12 Item 10 of Schedule 7 (heading)**

Repeal the heading, substitute:

#### **10 Section 126**

**Reason for Rule:** To ensure consistency.

170 The requirement to match typeface does not apply in relation to bulk amendments in:

- (a) a table (see the example of amendments done in a table under the heading “L2. Multiple amendments or repeals in one item using a paragraphed list of provisions or a table” in the Amending Forms Manual); or
- (b) a single amending item that deals with all occurrences across an Act or instrument (see the material under the heading “L4. Multiple amendments to change references across an Act or instrument” in the Amending Forms Manual).

### ***Italicising names or titles of legislation and other documents referred to in legislation***

171 A reference in Commonwealth legislation to the name or title of a particular piece of Commonwealth, State or Territory legislation or other document should be italicised (whatever typeface the citation or name provision for the legislation referred to suggests should be used to refer to the legislation). However, the reference should not be italicised if it is in a heading above section or item level unless the heading is in ActHead 9, aat style (see paragraph 48).

### ***Italicising particular words***

172 Previous Office practice was to italicise “foreign words”.

173 The Macquarie Dictionary view is that if a word is sufficiently in use in Australia to warrant inclusion in the dictionary, it no longer counts as a foreign word and therefore doesn’t need italicising. Therefore, the Macquarie Dictionary does not set any words or phrases in italics.

174 Since we rely on the Macquarie in other respects, we will also rely on their approach in this area too. Therefore, words that are included in the Macquarie Dictionary should not be italicised in legislation. Other foreign words (not found in Macquarie) should be italicised.

175 The word “Gazette” should not be italicised.

### ***Use of bold or italic for emphasis***

176 Bold and italics are not to be used to add emphasis. (This rule does not apply to Tax Code or to Tax Code related Bills in which italics (but not bolding) may be used for emphasis.)

**Reason for Rule:** To ensure consistency.

## **Preambles**

### ***Location***

177 A preamble should start at the point on “Page 1” of a Bill where the enacting words would normally appear.

**Reason for Rule:** To ensure consistency.

## ***Formatting***

178 The heading to a Preamble should be formatted with the Preamble style as should other bold headings in the Preamble. This will not appear in the Table of Contents.

179 Standard text in the Preamble should be formatted with the subsection,ss style with 2 tabs before it. Paragraphs etc. should be formatted in the normal way.

**Reason for Rule:** To ensure consistency.

## ***Headers***

180 The headers will be done automatically. No change needs to be made to the standard headers.

181 The header for the first page of the Preamble will be blank. On other pages of the Preamble, it will just have the word “Section” in it unless there is another heading that can be picked up. (This will occur where the last page of the Preamble also has the first headings for the body of the Bill).

**Reason for Rule:** To ensure consistency.

## **Readers guides**

182 If you are drafting amendments of legislation containing a readers guide, you are encouraged to draft an amendment to repeal the guide. Before creating or amending a readers guide, you must consult First Parliamentary Counsel (for a Bill) or Principal Legislative Counsel (for an instrument).

183 The following rules about locations, formatting and headers of readers guides are only for cases where First Parliamentary Counsel or Principal Legislative Counsel has agreed to the inclusion or amendment of a readers guide.

### ***Location***

184 A readers guide should start at the top of the page immediately following the cover sheet. The Table of Contents should then start on the next page after the readers guide.

**Reason for Rule:** To ensure consistency.

### ***Formatting***

185 The heading to a readers guide should be formatted with the Preamble style as should other bold headings in the readers guide.

186 Standard text in the readers guide should be formatted with the subsection,ss style with 2 tabs before it. Paragraphs etc. should be formatted in the normal way.

**Reason for Rule:** To ensure consistency.

## **Headers**

187 The headers will be done automatically. No change needs to be made to the standard headers.

188 The header for the readers guide will be blank apart from the line.

**Reason for Rule:** To ensure consistency.

## **Capitals**

### **Full capitals**

189 Full capitals are not to be anywhere in legislation (except on the cover page of a Bill for “HOUSE OF REPRESENTATIVES/THE SENATE”).

190 If you are amending text that is in full capitals, the whole of the text is to be omitted and replaced.

191 Text should not be in full capitals even if you are inserting text and similar text in the legislation is in full capitals.

**Reason for Rule:** To ensure consistency. It is considered that full capitals are more difficult to read.

### **Capitals in notes**

192 The first word after the colon in a note or example must begin with a capital.

**Reason for Rule:** To ensure consistency.

## **Lists of defined terms (also called Dictionaries)**

193 These rules apply to lists of defined terms in legislation (such as the list in section 3 of the *Patents Act 1990*). These are sometimes described as Dictionaries. These rules do not apply to Dictionaries that contain the definitions of the terms.

194 A list of terms defined in legislation is not to be included in the legislation unless it is approved by First Parliamentary Counsel.

195 If one is included in legislation, it should be done as a table. The rules about formatting of tables do not apply. The lines in the table can be removed and the vertical spacing adjusted.

196 Generally, such a dictionary or list of defined terms would be at the end of the legislation and have a blank header. To do this, insert a special section break using the Alt+X macro and select either option 7 or 8—insert section with Blank headers in new principal legislation or in amending legislation.

**Reason for Rule:** To ensure consistency.



## Notional amendments (modifications) of legislation

197 These are provisions in legislation that modify the operation of other provisions by making notional amendments of their text. For example “section 6 applies as if subsection (6) were omitted and the following subsection were substituted....”.

### ***Notional amendments in Acts***

198 Notional amendments in Acts that insert or substitute any unit of text should be done in the same way as if they were actual amendments (except in sections rather than items). (Some examples of this type of provision are items 112 and 114 of Schedule 3 to the *Tax Laws Amendment (2004 Measures No. 6) Act 2005*.)

199 Each notional amendment that inserts, adds or substitutes a unit of any kind at or below section level is to be done by a separate section. Such modifications should not be done in subsections or paragraphs. The reason for this rule is to avoid confusion about what text is notional text. You should speak to First Parliamentary Counsel if you are considering drafting a notional amendment that inserts, adds or substitutes 2 or more sections or a unit above section level.

200 Quotation marks should not be used where complete units are inserted, added or substituted.

201 The alignment of inserted or substituted units should be exactly the same as they would be if the units were substantive provisions.

202 Multiple modifications that do not involve the insertion, addition or substitution of a unit may be done in subsections where each subsection contains the modification(s) of an individual unit. (An example of this type of provision is in item 72 of Schedule 1 to the *Jurisdiction of Courts Legislation Amendment Act 2000*.)

**Reason for Rule:** To ensure consistency and to ensure that it clear what is the modified text and what is the modifying text.

### ***Notional amendments in instruments***

203 The approach to take for notional amendments (modifications) in instruments is currently under review. For amendments to existing modifications, the approach in the instrument should be maintained. For new modifications, the Principal Legislative Counsel should be consulted.

## Documents set out in legislation—rules do not apply

204 None of the OPC formatting rules apply to documents (e.g. international agreements) that are set out in legislation. The formatting of these is to be as close as possible to that of the original document.

205 Text in documents set out in legislation should be formatted with the Normal style or with any special styles that come in the electronic version. Alternatively, FreeForm style may be used instead of those styles. Once the FreeForm style has been applied, the text may be

directly formatted to whatever is required for the document (e.g. to apply bold or italic typeface, to apply full capitals or to indent or centre text). If required, staff can modify the FreeForm style itself in a piece of legislation to make the style look different. Modifying the FreeForm style could make formatting multiple documents set out in one piece of legislation simpler, in that not all the FreeForm text would need direct formatting. However, if the FreeForm style is already in use in the legislation, modifying the style could cause unwanted formatting changes to the existing text in FreeForm style.

206 See Word Note 4.3 for more information.

**Reason for Rule:** To avoid OPC staff spending time trying to get documents to fit the OPC style.

## Parliamentary amendments

### *Sponsor to be included*

207 The sponsor of all parliamentary amendments, and other motions done using the Bill\_PAM template, must be included. It must be formatted with the Sponsor style.

**Reason for Rule:** This is picked up for use in PENGUIN.

## Other rules

### *Sub-subparagraphs not to be used*

208 New provisions are not to be divided into sub-subparagraphs. First Parliamentary Counsel's permission must be sought if you think using sub-subparagraphs is necessary.

**Reason for Rule:** To improve readability of legislation.

### *Division of amending items*

209 Amending items are not to be divided into paragraphs or sub-items (see the Amending Forms Manual).

**Reason for Rule:** To ensure consistency.

### *References to time*

210 References to "am" or "pm" (e.g. 10.30 am and 9 am) are not to contain full stops.

**Reason for Rule:** To ensure consistency.

### *Dot points*

211 Dot points are not to be used in any legislation other than:

- (a) in Tax Code or Corporations Bills (or Bills amending those Bills/Acts or associated Bills); and
- (b) in simplified outlines in any legislation.

212 They should not be used in *any* case (except material in simplified outlines) where the material is likely to require amendment in Parliament or by later legislation.

213 Dot points (applied using Alt+B) are the only symbol to be used—other symbols such as em rules are not to be used.

214 If you are amending a provision (other than one covered by the exceptions) that contains dot points, the provision is to be repealed and remade without dot points.

215 No amendment of a provision containing dot points is to use the term “dot point”, “bullet” or “bullet-point” (or any similar term) to identify the material to be omitted or inserted.

**Reason for Rule:** To ensure consistency. It is not considered appropriate to refer to “dot points” and, therefore the description of these units for amendment (and it assumed in court or in articles etc.) is problematic.

### ***Amendment of defined terms***

216 If it is necessary to amend the defined term in a standard definition, the whole of the definition must be repealed (and the definition with the new defined term inserted by a separate amendment).

**Reason for Rule:** To ensure clarity.

### ***Format of definitions***

217 The general rule with definitions is that they should be aligned with the margin of the text to which they relate (for example, see the rule about definitions relating to formulas in paragraphs).

218 Therefore, definitions in items in amending Schedules (for example, in application or transitional provisions) are to be in the Item,i style, not the Definition,dd style.

219 This will ensure that they have the same margin as the text to which they relate (as is the case in the body of legislation).

**Reason for Rule:** To ensure consistency and clarity.

### ***Capitalisation of words in a defined term***

220 A word in a defined term should only be capitalised if the word would normally be capitalised (for example, if the word “Australia” appears in a defined term it should have a capital). This also extends to words that become proper nouns as a result of being a defined term.

**Reason for Rule:** To ensure consistency.

### ***Format of “the” in definitions***

221 Where a term is defined in the body of a provision (for example “the tax (the *passenger charge*)”), the word “the” should not be in bold italics.

**Reason for Rule:** To ensure consistency.

## ***Format of cross-references to definitions***

222 Cross references to definitions should be set in bold italics (without quotes) (e.g. a notice covered by paragraph (a) of the definition of ***final notice***).

**Reason for Rule:** To ensure consistency.

223 This does not apply to definitions set out in a list. For example:

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) daily payment;
- (b) refundable deposit;
- (c) reportable assault.

## ***Order of definitions***

224 Definitions that begin with a number (including a year) should be positioned at the beginning of the list of definitions, with the remaining definitions following in alphabetical order. When working out the alphabetical order of definitions, ignore any symbols and spaces within a defined term (so the order is determined on a letter-by-letter basis).

**Reason for Rule:** To ensure consistency.

## ***Numbers***

225 In Bills and instruments, numbers greater than 999 must be set out using commas rather than spaces (e.g. \$4,928,000 rather than \$4 928 000).

226 However, changes should not be made to spaces or commas in numbers that are in whole provisions (such as Schedules to annual Appropriation Bills and tables for regulations under the *Health Insurance Act 1973*) that are supplied in electronic form by instructors and simply copied and pasted (without alteration) into a Bill or instrument.

## ***Latitude and longitude expressed using symbols***

227 In an expression of latitude or longitude using symbols, the symbols for degrees (°), minutes (') and seconds (") must be inserted using the Insert symbol macro (or Alt+T for the degree symbol). Such an expression of latitude or longitude must be set solid (without spaces), but if both the latitude and longitude of a point are set out in a single word-processing paragraph or table cell, there should be a space between the solid latitude description and the solid longitude description. An initial capital letter (without a preceding space), not a word, must be used to indicate whether the latitude is south or north or whether the longitude is east or west. To indicate that no significant figures are missing:

- (a) a number of whole degrees of longitude should be expressed using 3 numerals (the first one or 2 of which may be the numeral 0), e.g. 008°E, 045°E or 157°E; and
- (b) a number of whole degrees of latitude, or of whole minutes or seconds of either longitude or latitude, should be expressed using 2 numerals (the first of which may be 0), e.g. 09°S, 35°S, 05', 23', 00", 07" or 49"; and

- (c) decimal fractions of seconds (or, rarely, minutes) of either longitude or latitude should be expressed to a consistent number of decimal places (the last one or more of which may be the numeral 0).

228 An example of all these rules is 14°11'19.0864"S 157°00'09.6639"E.

### **Take-overs**

229 No take-overs (i.e. forcing text to be kept together rather than splitting over 2 lines) are to be done in legislation except:

- (a) to ensure that a hyphenated word (e.g. Governor-General) does not split across lines;
- (b) for the Division-Section numbering system (e.g. Tax Code and others) to ensure that the number itself is not broken across 2 lines; and
- (c) hard spaces as defined below.

230 Hard hyphens and hard spaces (non-breaking spaces) will be inserted automatically by both the Header and Finaliser macros. This will ensure that hyphenated words do not split across lines and hard spaces are used consistently in Commonwealth legislation.

231 The following is a comprehensive list of the spaces that macros replace with hard spaces:

- (a) a space between the number and the month in dates (but not between the month and the year);
- (b) a space between the words “subsection”, “subclause”, “subitem”, “paragraph”, “subparagraph” and “sub-subparagraph” (and plurals of those words) and the following left bracket;
- (c) a space between a number and the following degree symbol for temperature (e.g. 212 °F or 100 °C) (this is used in Customs and Excise legislation);
- (d) a space between 2 digits;
- (e) a space between a word or abbreviation listed in the following table and a number (whether Arabic or Roman).

---

Chapter, chapter, Chapters, chapter

Part, part, Parts, part

Division, division, Divisions, divisions

Subdivision, subdivision, Subdivisions, subdivisions

Schedule, schedule, Schedules, schedules

Section, section, Sections, sections

Clause, clause, Clauses, clauses

Item, item, Items, items

Subsection, subsection, Subsections, subsections  
Subclause, subclause, Subclauses, subclauses  
Subitem, subitem, Subitems, subitems  
Paragraph, paragraph, Paragraphs, paragraphs  
Subparagraph, subparagraph, Subparagraphs, subparagraphs  
Sub-subparagraph, sub-subparagraph, Sub-subparagraphs, sub-subparagraphs  
Regulation, regulation, Regulations, regulation  
Rule, rule, Rules, rules  
Determination, determination, Determinations, determinations  
By-law, by-law, By-laws, by-laws  
Declaration, declaration, Declarations, declarations  
Direction, direction, Directions, directions  
Guideline, guideline, Guidelines, guidelines  
Notice, notice, Notices, notices  
Order, order, Orders, orders  
Principle, principle, Principles, principles  
Appointment, appointment, Appointments, appointments  
Delegation, delegation, Delegations, delegations  
No., no.  
S., s.  
SS., ss.  
Reg., reg.  
SLI, SLI.  
SR, SR.

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232 Compilations will follow the same rule as above for hard spaces.

**Reason for Rule:** To ensure consistency and to ensure that staff do not spend time trying to “fix” the formatting. This is particularly relevant as the use of different printer drivers will change the line endings in documents.

### ***Vertical spacing***

233 All of the vertical spacing (the spacing between units of text) in legislation is fixed by the styles. There should be no numbered blank lines in the body of legislation (i.e. after the cover page).

234 The exceptions to this are:

- (a) the blank Part, Division and Amending Part headings required to ensure that headers are correct; and
- (b) a blank line (to be formatted with the style Header) between boxes where one box follows immediately after another; and
- (c) a blank line before or after tables (optional) in Tabletext,tt style.

(d) a blank line before or after flowcharts or diagrams (optional) in Normal style.

**Reason for Rule:** To ensure consistency.

### ***Double spaces***

235 Double spaces should not be used in legislation except after section and item numbers and after the item number in commencement tables.

**Reason for Rule:** To ensure consistency.

### ***Em rules***

236 Where em rules (long dashes) are required in legislation, they should be applied using Alt+M. There should *not* be a space either side of the em rule.

**Reason for Rule:** To ensure consistency.

### ***Boxes—method statements etc.***

237 There are a number of styles that are to be used to create boxes in legislation. Boxes are used for such things as method statements, Social Security calculators and simplified outlines. (See Word Notes 4.1 and 4.6.)

**Reason for Rule:** To ensure consistency.

### ***No centred text in legislation***

238 No text in legislation is to be centred (even if it is centred in the principal legislation).

239 The only exceptions are text within formulas and text in agreements covered by Word Note 4.3.

**Reason for Rule:** To ensure consistency. The use of flush left text is a basic feature of legislation layout.

### ***Italics comma in repeated long title***

240 The comma after the Act name in the long title of amending Bills *may* be in italics.

**Reason for Rule:** This rule is necessary because of an apparent bug in Word that changes the comma to italics.

### ***Asterisks***

241 If you are including asterisks to highlight defined terms (such as in a Tax Code Bill), you can use a normal asterisk because the Fix document macro and the Finaliser macro will change them to appropriately formatted asterisks. This will give a smaller and higher asterisk than will be obtained using the standard one.

242 If you are drafting new principal legislation that is to include asterisks, you will need to include a note at the bottom of every page. This note explains that the asterisk is used to mark defined terms. See the IT staff who can insert this note. See the *Income Tax Assessment Act 1997* for an example.

## ***Format of amendments of amending or transitional text and of notional text***

243 Sometimes it is necessary to amend amending text, or text of an application, saving or transitional item, in legislation using an amending item in other legislation. Examples of this are:

- (a) inserting an amending item or an item that is an application, saving or transitional provision;
- (b) inserting an AAT heading;
- (c) inserting an amending Part;
- (d) amending a heading to an amending Schedule, amending Part, amending item or an item that is an application, saving or transitional provision.

244 Problems will arise if such text is formatted with the correct style (i.e. it will be renumbered, appear in the header or appear in the Table of Contents).

245 A similar problem occurs with “notional text” where that text contains a heading (for example, a section heading).

246 If you need to do this you should apply the correct style, and then click on OPC Styles and choose Miscellaneous, Special Style. This will change the style name for that paragraph to “Special X” (where “X” is the shortcut of the style the paragraph is emulating - e.g. “Special as” for an amending Schedule heading). All other OPC macros recognise the style as inserted text and operate properly.

247 For example, an amending item heading is being inserted; it is formatted using the ItemHead,ih style, then a new style called “Special ih” is created and applied by clicking on OPC Styles and choosing Miscellaneous, Special Style.

**Reason for Rule:** The reason for adopting this particular solution is that it should be fairly easy for staff to implement and will ensure that the correct style name is used and, therefore, that all macros will then work correctly.

## ***Quotation marks***

248 Double (rather than single) “smart” (curly) quotation marks should be used to mark the start and end of text being quoted from legislation. However, if some of the text being quoted is already surrounded by quotation marks in the legislation from which it is being quoted, the existing quotation marks should be changed from double to single (or vice versa, if necessary). Avoiding quoting text already surrounded by quotation marks may be less confusing for readers, and will save having to change those quotation marks.

**Reason for Rule:** To avoid confusion as to where quotations start and end.

## ***Section breaks using the Alt+X macro***

249 A section break using the Insert Special Sections (Alt+X) macro is required before landscape pages, certain Schedules and sections with blank headers in legislation. The Alt+X



macro can be run using the shortcut Alt+X or by clicking on the OPC Macros button and choosing Formatting, Insert Special Section from the menus.

250 Where a section break is inserted using Alt+X, it will cause a blank page to be added at the end of the document. This blank page should be ignored during drafting because it should automatically be removed when the Finaliser macro is run on the legislation.

### **Inserting a landscape page**

251 Where possible, landscape pages should be avoided in legislation. Before inserting one, you should speak to First Parliamentary Counsel to see if there is an alternative approach.

252 To insert a landscape page, type Alt+X and select one of the first 3 options. You will see that 2 section breaks and some text will be inserted. The landscape page or pages are to be inserted between the 2 section breaks.

### **How to fix incorrect section breaks**

253 If the section breaks in legislation are incorrect the headers will be incorrect. Generally this occurs if the last section break in legislation is deleted or the incorrect section breaks were chosen when the Alt+X macro was run.

254 If the last section break in legislation was deleted, go to the end of the legislation and rerun the Alt+X macro to insert the special section breaks again. This will insert 2 section breaks and some text in between. Delete the first of these new inserted section breaks and the new text that was between them. This will leave the last new section break, which will fix the problem.

255 If the section breaks inserted were the wrong type, go to the end of the legislation and delete the last section break. Then follow the procedure in the previous paragraph to insert the correct section breaks using the Alt+X macro.