

Amending forms manual

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Note: This manual does not cover the forms to be used for amendments of Schedules 1 to 3 and 5 to the *Customs Tariff Act 1995* or the Schedule to the *Excise Tariff Act 1921*. The Customs Tariff Amending Forms Manual contains the forms to be used for amendments of the Schedule to the *Customs Tariff Act 1995*.

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Chapter 1—Legislation to amend or repeal Acts or instruments

The textual amendment system

1 Amendments of Commonwealth Acts or instruments are generally made using the textual amendment system. This system uses a “cut-and-paste” analogy. A principal Act or instrument is amended by direct amendments of the text. Later amending Acts or instruments then operate on a version of the principal Act or instrument that incorporates all the textual amendments that have previously been made.

2 The alternative method of amendment is non-textual amendment, often referred to as “legislation by reference” or “referential” amendment (see Chapter XIII of the Renton Report, “The Preparation of Legislation” Cmnd. 6053 (U.K.), and Xanthaki, *Thornton’s Legislative Drafting* (5th ed, pp 193-197)). The amending Act or instrument changes the effect of the Act or instrument being amended without altering the text of that Act or instrument.

Choosing among several possible amendment approaches

3 The same end result can often be achieved using different amendment approaches. For example, the same amendment might be made either by replacing several words in a subsection, or by replacing the whole subsection. In choosing among the different approaches available, you should bear in mind the convenience of users of legislation, in particular members of Parliament, departmental officers and affected members of the public.

Schedules of amendments or repeals

General rules

4 Generally, all amendments and repeals are made by numbered items of a Schedule (except a repeal of all or part of an Act or instrument by that Act or instrument: see paragraph 60).

5 Schedules are numbered Schedule 1, Schedule 2 etc. Even if there is only one Schedule, it is called “Schedule 1”. Word Note 4.2 sets out additional requirements for Schedule headings.

6 The items in a Schedule are numbered consecutively, starting with 1 (even if there is only one item).

7 Non-amending items (for example, application, saving or transitional provisions) may be included in an amending/repealing Schedule to a Bill. For further rules in relation to application, savings and transitional provisions, see paragraphs 26 to 33.

8 Appendix 1A summarises the principles for the amendment forms used in amending items.

Examples of amendment forms

9 Appendix 1B contains examples of many of the situations likely to be encountered. The examples are not exhaustive. Drafters should discuss novel amending forms they propose

to use with the editor before the Bill or instrument is sent for its first editorial check. If necessary, the editor and the drafter should raise the novel form with First Parliamentary Counsel.

“Activating” section for amending Schedules

10 The following form should be used for Bills, unless there is a special reason for not using it:

3 Schedules

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

11 The following form should be used for instruments, except for Court Rules and Ordinances, unless the instrument amends one or more Acts or the head drafter approves another form for a particular instrument:

4 Schedules

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

12 The following form should be used for legislative instruments that amend one or more Acts, unless the head drafter approves another form for a particular instrument:

4 Schedules

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

13 The following form should be used for Court Rules:

4 Schedules

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

14 The following form should be used for Ordinances:

4 Schedules

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

15 The standard form should be used for an amending Bill or instrument even if the Bill or instrument has only one Schedule, amends only one Act or instrument or has only one amending item.

16 The section heading is the same whether the Bill or instrument has only one Schedule or has more than one Schedule.

17 The reference to any other item having effect “according to its terms” covers any non-amending items (for example, application, saving or transitional provisions) in an amending Schedule in a Bill.

18 If the remainder of the Act or instrument (apart from the activating section) has a single commencement time, the activating section should also commence at that time. Otherwise, the activating section should commence at the same time as the citation or name section.

Notes to amending items in instruments

19 A note to an amending item may be included in an instrument only if it is clear that the inclusion of the note would not prevent the automatic repeal of the instrument under Division 1 of Part 3 of Chapter 3 of the *Legislation Act 2003*.

No page breaks within inserted blocks

20 The normal rules about starting Chapters, Parts, Schedules etc. on a new page do not apply within a block of text that is to be included in a principal Act or instrument.

Order and grouping of amendments

21 There are various ways of grouping amending items in an amending Bill or instrument. These include:

- (a) A single amending Schedule that amends only one Act or instrument, with the items arranged according to the order of the amended provisions.
- (b) A single amending Schedule that amends several Acts or instruments. The amended Acts or instruments are in alphabetical order, and the items for each amended Act or instrument are in the order of the amended provisions.
- (c) Several amending Schedules that amend one or more Acts or instruments, grouped according to the subject matter of the amendments or by commencement dates.

22 Care should be taken if the same provision of a principal Act or instrument is being amended for different purposes and the amendments are to commence on the same day. In this case, the amendments should generally be expressed to commence in sequence, with each amendment in the sequence commencing immediately after the previous one.

Consequential amendments arising from new principal Act or instrument

23 The enactment of a new principal Act or instrument can result in consequential amendments having to be made to other Acts or instruments.

24 If a new principal Act is to be enacted, any consequential amendments, together with any application, saving or transitional provisions that are required, are usually included in a separate Bill. Any consequential repeals of other Acts are also included in the separate Bill.

The approval of First Parliamentary Counsel is required to include consequential amendments or repeals in a Bill for a new principal Act.

25 If a new principal instrument is to be made:

- (a) Any consequential amendments that are required should be included in a separate amending instrument. The approval of the head drafter is required to include any consequential amendments in a new principal instrument.
- (b) Any application, saving or transitional provisions that are required should be included in a separate Part or Chapter at the end of the new principal instrument.
- (c) Any consequential repeals of other instruments that are required should be included in an amending Schedule to the new principal instrument, unless there is another instrument including consequential amendments, in which case any consequential repeals should be included in a separate Schedule or Part to that instrument. If a repeal is included in an amending Schedule to a new principal instrument, the activating section set out above must also be included in the new principal instrument.

Application, saving and transitional provisions

26 Application, saving and transitional provisions should not be included in the introductory provisions of an amending Bill. However, provisions relating to the amendment of assessments may be included in the introductory provisions of Tax Laws Amendment Bills.

27 Application, saving and transitional provisions may be included in an amending or repealing Bill:

- (a) as separate items after the relevant amendment or repeal; or
- (b) at the end of the Schedule, Part or Division containing the relevant amendments or repeal; or
- (c) in a separate Schedule, Part or Division.

28 Choosing which option depends on how many provisions there are and how many amendments or repeals the provisions relate to.

29 Application, saving and transitional provisions relating to amendments of some Acts should be included, by amendment, in the Act being amended or in another Act (other than the Act being amended). This is often the case if the Act being amended relies on references of power from the States. For some other Acts, there is a drafting convention about location of these kinds of provisions. The Drafting Note called “Special issues for amending particular Acts” deals with some of these Acts.

30 Application, saving and transitional provisions relating to amendments of instruments are to be included, by amendment, in a separate Part or Chapter at the end of the relevant instrument being amended. Application, saving or transitional provisions that relate to an instrument that is being repealed, and is not being replaced by a new instrument, may be

included in the repealing instrument. In this case, the repealing instrument may need to contain a sunset provision for the application, saving or transitional provisions (see paragraph 60).

31 Some existing principal instruments have been set up to include application, saving and transitional provisions in a non-amending Schedule to the instrument. A separate Part is added to the non-amending Schedule for each new amending instrument to contain the application, saving and transitional provisions related to amendments made by the amending instrument. (For example, see Schedule 13 to the *Migration Regulations 1994*.) For the amending instruction when adding Parts to these Schedules, see the example in Subpart C2A.

32 Application, saving or transitional provisions may be included in Division 1 of a Part, or in Part 1 of a Chapter, in an instrument even if there are no other Divisions in the Part, or Parts in the Chapter. This makes the addition of future Divisions or Parts easier.

33 Word Note 4.2 sets out formatting rules applying to application, saving and transitional provisions included in amending Schedules of Bills.

Tables of contents for amending Bills or instruments

34 Where a Schedule amends 2 or more Acts or instruments, the table of contents that is generated automatically will list all Acts or instruments amended by the Schedule (if the correct style has been used for the Act or instrument names). This list should be retained in the table of contents.

35 Similarly, a properly formatted repealing Schedule will result in a table of contents listing the Acts or instruments repealed. Again, this list should be retained.

Identifying the “owner” of subsection headings, notes and examples

Subsection headings

36 A subsection heading is to be treated as part of the subsection that immediately follows, even if the heading also relates to later subsections. If a subsection with a heading is repealed, then the heading will also disappear. This means that:

- (a) if you want to replace a subsection but you want to keep the heading, you will need to include the heading with the substituted subsection; and
- (b) if you want to remove a subsection but you want to keep the heading because it still applies to succeeding subsections, you will need to say this expressly in the amending form (e.g. “repeal the subsection (not including the heading)”).

Notes and examples

37 A note or example at the foot of a subsection (other than the last subsection in a section) is to be treated as part of the subsection. If you wish to repeal the subsection, but retain the note or example, use the following form “Repeal the subsection (not including the note/example)”.

38 A note or example at the foot of the last subsection in a section is to be treated as follows:

- (a) if it clearly relates only to the last subsection, treat it as part of the last subsection;
- (b) if it clearly relates to more than the last subsection, treat it as part of the section;
- (c) in other cases, clarify the intended effect of the amendment, even if this involves modifying the amending form (e.g. “repeal the subsection (not including the note/including the note)”).

39 A note or example at the foot of a paragraph (other than the last paragraph in a subsection) is to be treated as part of the paragraph. If you wish to repeal the paragraph, but retain the note or example, use the following form “Repeal the paragraph (not including the note/example)”.

40 A note or example at the foot of the last paragraph in a subsection is to be treated as follows:

- (a) if it clearly relates only to the last paragraph, treat it as part of the last paragraph;
- (b) if it clearly relates to the subsection, treat it as part of the subsection;
- (c) in other cases, clarify the intended effect of the amendment, even if this involves modifying the amending form (e.g. “repeal the paragraph (not including the note/including the note)”).

41 If you repeal one or more notes or examples from a provision so that only one note or example remains, you should also amend that note or example to omit the note or example number. Similarly, if you add one or more notes or examples after a single note or example, you should renumber the existing note or example as Note 1 or Example 1.

42 A note under a non-amending Schedule heading referring to the operative provision supporting the Schedule may be amended without amending the Schedule heading itself. The amending item heading should refer to the Schedule number and be followed by “(note to Schedule heading)”. This form is to be used even if the word “Note” does not appear in the actual note under the Schedule heading.

Penalties

43 A penalty at the foot of a subsection (other than the last subsection) is to be treated as part of the subsection. A penalty at the foot of the last subsection that clearly relates to that subsection is to be treated as part of that subsection. If it not clear whether a penalty at the foot of the last subsection relates to that subsection only, it will be necessary to clarify the intended effect of the amendment (e.g. “repeal the subsection (including the penalty)”). If the penalty related to any other remaining subsections in the section, amendments to add the penalty at the foot of those subsections will also be needed.

Common things that need to be checked

44 The following are some of the things you should check when drafting an amending Bill or instrument:

- (a) Check that the correct material is omitted or inserted.
- (b) Consider whether any application, saving or transitional provisions are needed.
- (c) If more than one amendment is required to a section, subsection, paragraph etc., consider whether the matter would be more conveniently dealt with by remaking the unit of text in question. Remaking is particularly desirable if the amendments are extensive (however, it may be inadvisable to remake a provision that contains contentious matter).
- (d) If matter is to be repealed or omitted from an Act or instrument, definitions and interpretative provisions relating to words and expressions used only in that matter will also need to be repealed. Note that a definition that is no longer relevant for the Act or instrument in which it appears might sometimes still be needed because *another* Act or instrument relies on it. If so, the other Act or instrument should be amended to include the substance of the definition.
- (e) Consider whether the amendments require a consequential change to any headings or simplified outlines in the amended Act or instrument, or to the long title (for an amended Act).
- (f) Consider whether there are any uncommenced or proposed amendments that clash with or affect the provisions of the principal Act or instrument being amended.
- (g) Consider whether the provisions being amended no longer apply or will sunset in the future.

Checking cross-references

45 If a provision of a principal Act or instrument is being amended or repealed, you should check cross-references to the provision and make any necessary consequential amendments. If the provision being amended or repealed was inserted into the principal Act or instrument by a previous amending Act or instrument, the previous amending Act or instrument might indicate other provisions that could be affected. It might also indicate the need for application, saving or transitional provisions. Similarly, if the name of an Act or instrument is being changed, you should check references to the Act or instrument and make any necessary consequential amendments.

Acts amending instruments

46 Acts should not amend regulations or other instruments except for compelling reasons. One such compelling reason would be the need to amend a legislative instrument retrospectively in a way that adversely affects a person's rights or imposes new liabilities. Subsection 12(2) of the *Legislation Act 2003* prevents a retrospective provision of a legislative or notifiable instrument from applying to a person if the provision adversely affects the person's rights or imposes new liabilities. Another approach would be to amend the Act containing the legislative instrument-making power by expressly excluding the

application of subsection 12(2) in relation to that power. However, the Senate Scrutiny of Bills Committee might comment adversely on this approach.

47 If it is decided that an Act must amend an instrument, you should take care to ensure that any amending instruments with suspended commencements will not affect the amendments to be made by the Act. In addition, you should notify the Principal Legislative Counsel of the amendments, and warn the instructing Agency that no amendments by instrument should be made that may affect the amendments to be made by the Act. It is also important to ensure that the instrument can be further amended or repealed by another instrument.

48 Drafting Direction 3.8 contains important information about the technical requirements for amending instruments by Acts.

Repeal of Acts and instruments

General

49 Repeals of Acts are to be included in a separate amending Schedule, Part or Division from amendments of Acts. Only items repealing Acts (and any associated application, saving or transitional provisions) are to be included in this Schedule, Part or Division.

50 Repeals of instruments that are consequent on the making of a new principal instrument should be included in an amending Schedule to the new principal instrument, unless there is another instrument including consequential amendments, in which case any consequential repeals should be included in a separate Schedule, or separate Part or Division of a Schedule, to that instrument. (An amending Schedule that is included in a new principal instrument, and that only repeals one or more instruments, will be automatically repealed under Division 1 of Part 3 of Chapter 3 of the *Legislation Act 2003*. The activating section for the amending Schedule will also generally be automatically repealed under that Division.) Other repeals of instruments (except multiple repeals of spent or redundant instruments) should be included in an amending Schedule, Part or Division of an amending instrument. Only items repealing instruments (and not consequential amendments) are to be included in this Schedule, Part or Division.

51 Multiple repeals of legislative instruments (for example, repeals of spent and redundant instruments) are to be made by a new principal instrument. The instruments to be repealed are included in tables in amending Schedules to the new principal instrument. A hyperlink is to be attached to the reference to the FRL identifier of each instrument being repealed. For example, see the *Attorney-General's (Spent and Redundant Instruments) Repeal Regulation 2013*.

52 When repealing an Act that has been amended by other Acts or instruments, the amending item should normally repeal only the principal Act concerned (and not the individual Acts or instruments that amended it). If the current name of the principal Act differs from its original name, the repealing item should specify the current name.

53 When repealing an instrument that has been amended by other instruments or Acts, the principal instrument, and any amending instruments that have not already been repealed, should be repealed, if practicable. If the current name of the principal instrument differs from its original name, the repealing item should specify the current name. If it is necessary to

repeal an instrument that does not have a unique name equivalent to the short title of an Act, or a unique series number, then the instrument must be cited by:

- (a) its name (if any); and
- (b) its series number (if any); and
- (c) if the instrument is a legislative instrument—its FRL identifier; and
- (d) any additional information necessary to clearly identify the instrument (for example, the Act and provision under which the instrument was made and the date on which it was made).

See the example in Part A of Appendix 1A.

Repeal of amending provisions

54 Repealing an Act or instrument (or a part of an Act or instrument) that contains a provision amending another Act or instrument does not result in the amendment ceasing to have effect (because of section 7 of the *Acts Interpretation Act 1901*).

55 If you are repealing all the amending items included under an Act or instrument title at style heading (so there will be no amending items remaining under that heading), you must also repeal the heading.

Repeal of legislative instruments and provisions under Division 1 of Part 3 of Chapter 3 of the *Legislation Act 2003*

56 Division 1 of Part 3 of Chapter 3 of the *Legislation Act 2003* automatically repeals:

- (a) legislative instruments and provisions of legislative instruments if their only legal effect is to amend or repeal one or more legislative instruments; and
- (b) legislative instruments and provisions of legislative instruments that provide solely for the commencement of a legislative instrument or an Act, or the commencement of a provision of a legislative instrument or an Act.

57 Such instruments and provisions have no continuing operation or effect after the relevant amendment, repeal or commencement has taken effect.

58 Legislative instruments or provisions of legislative instruments that are not automatically repealed under Division 1 of Part 3 of Chapter 3 of the *Legislation Act 2003*, and that are spent or are no longer required, may be repealed by a regulation made under Division 2 of that Part. See, for example, the *Attorney-General's (Spent and Redundant Instruments) Repeal Regulation 2013*.

59 A repeal of a legislative instrument or provision of a legislative instrument under Part 3 of Chapter 3 of the *Legislation Act 2003* does not:

- (a) undo the instrument's effect (see section 7 of the *Acts Interpretation Act 1901*); or

- (b) remove the requirements to lodge the instrument for registration on FRL and to table the instrument in each House of Parliament; or
- (c) prevent a House of the Parliament from disallowing the instrument.

Sunset provisions

60 Drafting Direction 2.2 sets out the issues to consider in choosing whether to repeal an Act or instrument, or a provision of an Act or instrument, or provide that the Act, instrument or provision ceases to be in force. If an Act or instrument, or a provision of an Act or instrument, is to have a finite life by being repealed, the form to be used is:

777 Repeal of this [Act/instrument/section]

This [Act/instrument/section] is repealed at the start of [date].

Instruments replaced due to sunseting

61 If you are drafting a new instrument to replace an existing instrument that sunsets on a particular day, you should explicitly repeal the existing instrument. This is the case even if that instrument is due to sunset on or before the date the new instrument is to commence. Explicitly repealing the existing instrument is clearer for users and also avoids problems that may arise if the sunset date turns out to have been incorrectly calculated.

Instruments not in OPC styles

62 If you are amending a billable instrument that is not formatted using OPC styles, and you think that it is not appropriate to apply the OPC standard amending forms, you should discuss this with the head drafter.

63 Likewise, if you are amending any other instrument, or an Act, that is not formatted using OPC styles, and you think a departure from the OPC standard amending forms is warranted, you should discuss this with the head drafter.

Appendix 1A—Amendment forms (general principles)

64 This Appendix sets out the general principles for the amendment forms to be used when amending Acts or instruments. This Appendix has a small number of examples that help to explain the general principles.

65 A fuller set of examples is in Appendix 1B, which covers most of the commonly used forms.

A. Repealing or omitting

66 The “repeal” form is used to repeal whole Acts or instruments or whole units of Acts or instruments. Examples of units are a Chapter, Part, Division, section, paragraph, note, penalty, table, table item or table cell. The omit form is used for words that do not amount to a whole unit. The effect of this distinction is that an amending form that ends with the words “... the [name of unit].” will always use the repeal form. Otherwise, the “omit” form is used.

A1. Repealing an Act or instrument

67 There are 2 options for repealing Acts and instruments. The first option is to use a separate amending item (and Act or instrument heading) for each Act or instrument that is to be repealed, in accordance with the following examples. The second option is to use the multiple amendment format outlined in Subpart L3.

XYZ Act 1990

777 The whole of the Act

Repeal the Act.

TUV Regulation 2013

777 The whole of the instrument

Repeal the instrument.

Proclamation made on 3 October 2002 under subsection 390D(1) of the Environment Protection and Biodiversity Conservation Act 1999 (Federal Register of Legislation No. F2007B00734)

777 The whole of the instrument

ABC Court Rules 2013

777 The whole of the Rules

Repeal the Rules.

A2. Repealing a unit

68 The item heading identifies the unit to be repealed. The action line takes the form “Repeal the [name of unit]”.

777 Division 3 of Part 5

Repeal the Division.

[In Acts or instruments with unique Division numbering (e.g. the Aged Care Act 1997 and the Income Tax Assessment Act 1997), it is not necessary to refer to the Part number in the amending item heading.]

777 Subsection 200(4) (subparagraph (b)(ii) of the definition of *animal*)

Repeal the subparagraph.

777 Regulation 4C

Repeal the regulation.

A3. Omitting words

69 The item heading identifies the affected unit. The action line identifies the words to be omitted, by quoting them or otherwise identifying them.

777 Subsection 200(4) (definition of *animal*)

Omit “frog”.

777 Subsection 200(4) (definition of *animal*)

Omit all the words from and including “frog” to and including “pond”.

B. Substituting

70 This consists of a repeal or omission of text, and its replacement with new text. It is simply an extension of the repeal/omission forms. The replacement text may consist of a unit, some words or a combination of both.

777 Division 3 of Part 6

Repeal the Division, substitute:

[text of new Division]

[In Acts or instruments with unique Division numbering (e.g. the Aged Care Act 1997 and the Income Tax Assessment Act 1997), it is not necessary to refer to the Part number in the amending item heading.]

777 Subsection 200(4) (paragraph (b) of the definition of *animal*)

Repeal the paragraph, substitute:

[text of new paragraph]

777 Subsection 200(4) (definition of *animal*)

Omit “frog”, substitute “toad”.

777 Subsection 200(4)

Omit all the words after “Deputy”, substitute:

Commissioner must notify:

- (a) the responsible authority for the State; and
- (b) each person who received a copy of the original summons.

C. Adding

C1. Adding a unit at the end of an Act or instrument

71 This form applies when adding a unit at the end of an Act or instrument, *unless the unit is being added at the end of another unit (so as to become part of the unit)*. For example, this form applies when adding a Schedule at the end of an Act or instrument.

72 For an Act or instrument that has Schedules, the “end of the Act or instrument” is after the last Schedule. Therefore this form is *not* used when inserting something after the last section, but before the Schedules, in an Act or instrument.

777 At the end of the Act

Add:

777 At the end of the instrument

Add:

73 Note that you can refer to the “At the end of the instrument” for all instruments (except court rules), even if the instrument refers to itself internally by another name.

C2. Adding a unit at the end of another unit

74 This form applies in cases where a unit is being added at the end of another unit (so as to become part of the unit). The only exceptions are:

- (a) a definition, which is “inserted” even when it will be at the end of the definition section or subsection; and
- (b) an amendment adding a unit to a principal Act or instrument or a unit of a principal Act or instrument that deals with application, transitional and savings provisions; and
- (c) adding a table item to a table in a Schedule to the *Financial Framework (Supplementary Powers) Regulations 1997*.

75 The new unit is added at the end of the next “higher” unit. The item heading generally identifies the “higher” unit and includes the words “at the end of”.

777 At the end of subsection 200(1)

Add:

; (c) each person who was given a copy of the original notice.

777 Subsection 200(4) (at the end of the definition of *domestic animal*)

Add:

; (c) any cat other than a tiger.

C2A. Adding units dealing with application, transitional and savings provisions and adding table items to certain frequently-amended tables

76 When application, transitional and savings provisions are included in frequently amended principal Acts and instruments, more than one amending Act or instrument may need to add units dealing with such provisions at the end of the Act or instrument or a unit of the Act or instrument. In these cases, it is not always clear in which order the amending Acts or instruments will commence, causing problems for the traditional amending form of “At the end of the [Act/instrument/unit], add”.

77 For example, a Bill in Parliament adds Part 10.25 to Chapter 10 of the *Corporations Act 2001*, using the amending form “At the end of Chapter 10, add”. Another Bill that is introduced into the Parliament after the first Bill, adds Part 10.26 to that Chapter, also using the amending form “At the end of Chapter 10, add”. Both Bills have a day after Royal Assent commencement. If the second Bill commences first, its amending form will work to add Part 10.26 at the end of Chapter 10 (and after Part 10.24). But the result of this amendment is that the amending form for the first Bill would add Part 10.25 after Part 10.26.

78 A similar issue arises when adding table items to certain tables that are frequently amended, and where the order of the items in the tables is not legally significant, such as a table in a Schedule to the *Financial Framework (Supplementary Powers) Regulations 1997* or a table of deductible gift recipients in Subdivision 30-B of the *Income Tax Assessment Act 1997*.

79 The amending form discussed below avoids this problem.

80 This form is to be used where an amendment is to add:

- (a) one or more units, consisting of application, transitional or savings provisions, in a location of the principal Act or instrument; or
- (b) a table item to a table in a Schedule to the *Financial Framework (Supplementary Powers) Regulations 1997* or to a table of deductible gift recipients in Subdivision 30-B of the *Income Tax Assessment Act 1997*.

81 This form may be used in other circumstances with the agreement of FPC.

82 It does not matter whether the location of the addition is at the end of the principal Act or instrument, or at the end of a unit of the principal Act or instrument that is at a higher level than the units being added.

83 In order to use this form:

- (a) each of the units being added must have a purely numerical number that is one greater than the previous unit (taking into account any other amending Acts, Bills or instruments that are adding units in the same location); and
- (b) if there are sub-units of the units being added, the numbers (which may be numerical or alphanumerical) of the sub-units must be determined.

84 The reason for limiting paragraph 83(a) to units with numerical numbers is that it is important for the Publications group to be able to identify exactly where to put the units when

a compilation is prepared, and there is no rule for the order in which alphanumeric numbers occur (for example, section 2A may occur before or after section 2AA). (However, in the majority of cases, application, transitional and savings provisions will be added at the end of an Act or instrument so it will be rare that alphanumeric numbers would be required.)

85 Instead of using “At the end of [Act/instrument/unit], Add”, this amending form avoids the issues mentioned above by using “In the appropriate position, Insert”.

86 If the units are being added to a higher-level unit of the Bill or instrument (such as a Schedule, Chapter, Part or Division), rather than at the end of the Bill or instrument, the item heading also refers to the higher-level unit in which the units are being inserted.

87 In the example above, the drafter of the first Bill will number his or her Part as Part 10.25, and the section numbers for Part 10.25 will continue on from the final section of the previous Part. The drafter of the later Bill can assume that the next Part is 10.26 and again continue the section numbering on from the final section in Part 10.25.

88 Although each amendment may (depending on timing) be conceptually an addition (because the location of the amendment may be at the end of an Act or instrument, or at the end of a higher level unit), the amending form is “Insert:”.

89 The same principles apply to multiple amendments to add Subdivisions at the end of a Division, but in that case, each additional Subdivision must have a single Subdivision letter, the amending item heading is “In the appropriate position in Division [X] of Part [X]”, and the item is “Insert:”.

777A In the appropriate position

Insert:

Schedule 10—One new Schedule

1 First clause of new Schedule 10

...

2 Second clause of new Schedule 10

...

777B In the appropriate position

Insert:

Schedule 11—Another new Schedule

1 First clause of new Schedule 11

...

2 Second clause of new Schedule 11

...

[In this pair of examples, items 777A and 777B are adding Schedules at the end of an Act or instrument. Note that the new units being added must each have a purely numerical number. Note that the amending form in items 777A and 777B is “Insert” even though the items insert/add 2 Schedules.]

777A In the appropriate position in Part 3

Insert:

Division 4—One new Division of Part 3

42 First section of new Division 4

...

43 Second section of new Division 4

...

Division 5—Another new Division of Part 3

44 First section of new Division 5

...

45 Second section of new Division 5

...

777B In the appropriate position in Part 3

Insert:

Division 6—Yet another new Division of Part 3

46 First section of new Division 6

...

47 Second section of new Division 6

...

[In this pair of examples, items 777A and 777B are adding Divisions at the end of a Part. Note that the new units being added must each have a purely numerical number. Note that the amending form in items 777A and 777B is “Insert” even though the items insert/add 2 Divisions.]

777A In the appropriate position in Division 3 of Part 4

Insert:

Subdivision E—One new Subdivision of Division 3

53 First section of new Subdivision E

...

54 Second section of new Subdivision E

...

777B In the appropriate position in Division 3 of Part 4

Insert:

Subdivision F—Another new Subdivision of Division 3

55 First section of new Subdivision F

...

56 Second section of new Subdivision F

...

[In this pair of examples, items 777A and 777B are adding Subdivisions at the end of a Division of a Part. Note that the new Subdivisions being added must each have a single Subdivision letter. Note that the amending form in items 777A and 777B is “Insert” even though the items insert/add 2 Subdivisions.]

777A In the appropriate position in Part 4 of Schedule 1AB (table)

Insert:

157	Program	Objective
158	Program	Objective

777B In the appropriate position in Part 4 of Schedule 1AB (table)

Insert:

159	Program	Objective
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[In this pair of examples, items 777A and 777B are adding table items to Part 4 of Schedule 1AB to the Financial Framework (Supplementary Powers) Regulations 1997. Note that the new table items being added must each have a single number. Note that the amending form in items 777A and 777B is “Insert” even though the items insert/add 2 table items.]

C3. Adding words

90 This form applies when adding words at the end of a complete unit, for example, when adding words at the end of a subsection. The item heading identifies the “higher” unit.

777 At the end of subsection 200(1)

Add “or during any earlier year”.

777 At the end of subsection 200(4)

Add:

and must give a copy of the summons to each of the following persons:

- (a) the responsible authority for the State;
- (b) each person who received a copy of the original summons.

D. Inserting (not at the end)

D1. Inserting a unit

91 The item heading should, if possible, identify an existing unit of the *same* type as the inserted unit. For example, when inserting a Chapter, it should identify the existing Chapter after which the new one is to be inserted. In some cases the insert form is used where it is not possible to identify an existing unit of the same type. For example, when inserting a heading to a provision.

92 The item heading should, generally, identify the unit *after* which the new unit is to be inserted. In some cases, it may be appropriate for the item heading to identify the unit *before* which the new unit is to be inserted (e.g. when inserting new headings to Parts, Divisions, Subdivisions or subsections).

777 After Part 3 of Chapter 6

Insert:

[text of new Part]

[In Acts or instruments with unique Part numbering (e.g. the Aged Care Act 1997, the Fair Work Act 2009, the Income Tax Assessment Act 1997), it is not necessary to refer to the Chapter number in the amending item heading.]

777 Subsection 200(4) (after paragraph (b) of the definition of *domestic animal*)

Insert:

(ba) crocodiles less than 3 metres long;

D2. Inserting words

93 The item heading identifies the unit into which the words are to be inserted.

777 Subsection 200(4) (paragraph (b) of the definition of *animal*)

After “frog”, insert “, toad”.

E. Decentralised tables of contents

94 Sometimes a Part, Division or Subdivision contains its own table of contents or table of sections, known as a decentralised table of contents. For example, decentralised tables of contents are used in the *Civil Aviation Safety Regulations 1998*, the *Civil Aviation Regulations 1988*, and the Acts that make up the tax code.

95 If you amend legislation to include in it a new unit (such as a Division or Subdivision) and that unit is to contain a decentralised table of contents, you should include the table in the amendment.

96 If you are amending legislation that contains decentralised tables of contents and a provision stating that these tables are not part of the legislation (see, for instance, section 950-105 of the *Income Tax Assessment Act 1997* and regulation 1.006 of the *Civil Aviation Safety Regulations 1998*), you should not amend a table of contents when you make an amendment that will affect the accuracy of the table. The table will be updated by the Compilations team when the legislation is compiled.

97 However, if legislation contains decentralised tables of contents but doesn't expressly state that those tables are not part of the legislation, any necessary changes to the tables should be made by formal amendments. If you are dealing with such legislation, it would also be desirable to include a provision of the kind mentioned above; this will reduce the work required to make any further amendments.

98 Some examples of amendments to decentralised tables of contents are as follows:

777 Part 11 (table of contents)

Repeal the table, substitute:

Table of contents

Subpart 11.A—Preliminary

- 11.005 Purpose of Part
- 11.010 What is in this Part

Subpart 11.B—Applications for authorisations

- 11.020 Effect of this Subpart
- 11.025 Application of Part 11 to authorised persons

777 Part 21 (table of contents)

Omit the entry for section 21.112.

777 Part 11 (table of contents)

Omit the entry for section 11.090, substitute:

- 11.090 Authorisation document—authorisations to which Chicago Convention, Annex 1 applies

777 Part 131 (table of contents)

Omit the entry for Division 131.E.1, substitute:

Division 131.E.1—Preliminary

777 Part 67 (table of contents)

Omit all the entries from and including the entry for Subpart 67.D to and including the entry for section 67.275, substitute:

Subpart 67.D—Modified Austroads medical standards

- 67.262 Definition of *meets the modified Austroads medical standards*
- 67.263 Definition of *modified Austroads medical standards* for Subpart 67.D

Subpart 67.E—Responsibilities of holders of medical certificates and recreational aviation medical practitioner's certificates

- 67.265 Obligation to tell CASA of changes in medical condition—medical certificate holders
- 67.270 Offence—doing act while efficiency impaired—licence holders
- 67.271 Offence—doing act while efficiency impaired—student pilots
- 67.275 Surrender of medical certificates

777 Part 67 (at the end of the table of contents)

Add:

- 67.275 Surrender of medical certificates

777 Part 11 (table of contents)

After the entry for Subpart 11.B, insert:

- 11.020 Effect of this Subpart

99 Amendments to omit, substitute, add or insert words in an entry in a decentralised table of contents must not be made. An amendment of this kind must be made by omitting and substituting the whole entry.

F. Definitions

F1. Amending definitions

100 The following rules apply to amendments of a provision that contains a list of definitions (usually a section or subsection):

- (a) One amending item may be used to insert several definitions in a provision, provided there are no intervening amendments. If there are 2 Bills or instruments being drafted, or in Parliament or awaiting signature, that are inserting definitions into the same section and the order in which they will commence is not clear, each Bill or instrument may either ignore the other for the purpose of this rule or the amendments may be drafted in a way that avoids a clash. You should not do contingent amendments to try to cover the different commencement possibilities.
- (b) Amending items are arranged according to the correct order of the definitions they deal with (even if the definitions do not appear in correct order in the provision being amended).
- (c) The “substitute” form is used only for “true substitutions” i.e. those where the old defined term and the new defined term are the same. An old defined term is considered to be the same as a new defined term even if the old defined term begins with a capital letter (e.g. ***Motor vehicle***) and the new defined term does not (e.g. ***motor vehicle***).
- (d) If it is necessary to amend the defined term, the whole of the definition must be replaced.

101 There is normally no need to specify the alphabetical positions in which new definitions are inserted. Section 11A of the *Acts Interpretation Act 1901* provides that the definitions are inserted in their appropriate alphabetical positions, determined on a letter-by-letter basis. However, if a definition cannot be unambiguously positioned on a letter-by-letter basis (e.g. if a defined term includes numbers) its location must be specified. See Word Note 4.2 in relation to the correct order of definitions.

102 Sometimes a definition will be defining 2 related terms in the one definition as follows:

Private Postal officer or PPO means ...

103 To amend definitions with 2 related defined terms, only the terms should be set out in the item heading in bold italic; the conjunction should not be in bold italic.

777 Subsection 4(1) (definition of *Private Postal Officer or PPO*)

Omit “entity”, substitute “body”.

F2. Relocating definitions

104 The following form should be used to relocate a definition that is out of sequence. It should not be used to relocate any other kind of provision:

777 Subsection 3(1) (definition of *social security benefit*)

Relocate the definition to its appropriate alphabetical position, determined on a letter-by-letter basis.

G. Diagrams, forms and other graphics

105 Generally, if a diagram, flowchart, form, formula or other graphic is to be amended, it should be completely replaced. If there is not enough time, or there are other good reasons for not completely replacing it, it may, with the approval of the head drafter, be amended by textual amendments in the normal way.

777 Schedule 1 (Form 7)

Repeal the form, substitute:

[Text of replacement form.]

H. Dot points

106 Amendments of dot points must be drafted in a way that avoids referring to the dot points. For example, if the dot points are in a simplified outline, they could be amended using the following form:

777 Section 4

After:

- This Act establishes the Australian Civilian Corps.

insert:

- The Australian Civilian Corps consists of persons engaged under this Act as Australian Civilian Corps employees.

107 See Word Notes 4.2 and 4.6 for further rules about using, amending and formatting dot points.

J. Headings

108 Headings at any level may be amended by adding, inserting, omitting or substituting words, or by repealing and substituting the whole heading.

109 You can use the ASS macro to draft amendments of headings (except aat-style headings in amending Schedules).

110 Some of the commercial services insert their own subsection headings and these may not be easily distinguished from the subsection headings actually included in the legislation. You should check the status of any headings found in the commercial services before including amendments of them.

K. Method statements, rate calculators and other similar features

111 Attachment C of Word Note 4.6 (Formatting Social Security and Veterans' Affairs Bills) sets out the correct amending forms for amending method statements, rate calculators and other similar features in such Bills. That Word Note also applies for amending similar features in other Acts or instruments.

L. Multiple amendments and repeals

112 There are 4 alternative methods:

- (a) multiple amendments or repeals in one item otherwise than by using a paragraphed list of provisions or a table (see Subpart L1); and
- (b) multiple amendments or repeals in one item using a paragraphed list of provisions or a table (see Subpart L2); and
- (c) multiple amendments or repeals using a separate Schedule or a separate Part of a Schedule (see Subpart L3); and
- (d) multiple amendments to change references across an Act or instrument (see generally Subpart L4), including multiple amendments to insert feminine pronouns (see Subpart L5).

113 You must obtain approval from the head drafter if you intend to use a multiple amending form that is not provided for in this manual.

L1. Multiple amendments or repeals in one item otherwise than by using a paragraphed list of provisions or a table

114 The multiple amendments or repeals in one item method uses an amending item (other than an item containing a table or a paragraphed list of provisions) to make multiple amendments or repeals.

115 The multiple amendments or repeals in one item method can be used only where the unit of text to be amended or repealed is at the same level in each occurrence (e.g. section, subsection, and paragraph). The units do not need to be consecutive.

116 The method should not be used to amend more than one provision if amendments of one or more intervening provisions are also being made in the same amending Schedule (not broken into Parts or Divisions), or the same amending Part or Division. For example, sections 21 and 23 may not be amended in the same amending item of a Schedule, Part or Division if a different amendment of section 22 is also being included in that Schedule, Part or Division.

117 This method may be used to amend all the provisions within a specified range of provisions, indicated by the word “to” (e.g. “Sections 23 to 52”). However, the method should not be used to repeal, or repeal and substitute, a range of provisions if those provisions are broken up by higher level headings. For example, if sections 23 to 26 are in Part 3 and sections 27 to 52 are in Part 4, sections 23 to 26 should be repealed using a separate amending item to the item repealing sections 27 to 52.

118 This method should not be used to repeal more than 2 definitions at once. (See Subpart L2 in relation to multiple repeals of definitions.)

119 This method should also not be used to amend or repeal identical definitions, or table items, from multiple provisions. In that case, use a separate amendment for each provision.

120 Examples of multiple amendments and repeals at the same level are as follows.

777 Sections 23, 26 and 135

Omit “cat”, substitute “dog”.

777 Paragraphs 43(1)(a) and (b), 46(1)(b) and 136(1)(g)

Omit “cat”, substitute “dog”.

777 Subsections 143(1), 146(1) and 148(1), (2) and (3)

Repeal the subsections.

777 Subsections 64U(2) to (4)

Repeal the subsections.

777 Paragraphs 149(1)(a), (b) and (e)

Repeal the paragraphs.

777 Paragraphs 150(1)(b) to (f)

Repeal the paragraphs.

777 Subsections 92(1) and (1A) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

777 Subsections 12(3) and (6) (note)

Repeal the note.

121 The method can be used to amend a definitions provision to insert a number of definitions if there are no intervening amendments of other definitions in that provision.

122 Similarly, there are a number of instruments with large lists and it is often necessary to insert a large amount of material into these lists each time the instrument is amended. There are also similar lists in some Acts.

123 A single amendment can insert multiple items into a list, or multiple definitions into a section, even if they will not be sequential in the principal Act or instrument, as long as there are no intervening amendments.

124 Section 11A of the *Acts Interpretation Act 1901* will ensure that the terms/items are inserted in their appropriate alphabetical positions (unless the list is not alphabetical). Therefore, the amending line should just state “Insert:”.

125 An example of how to amend a definitions provision or alphabetical list to insert a number of definitions or entries if there are no intervening amendments of other definitions or entries in that provision is:

777 Subsection 995-1(1)

Insert:

long term bond rate, for a period, means:

- (a) the average, expressed as a decimal fraction to 4 decimal places (rounding up if the fifth decimal place is 5 or more), of the daily assessed Australian Government bond

capital market yields in respect of 10-year non-rebate Treasury bonds published by the Reserve Bank in relation to the period; or

- (b) if no such yields in respect of bonds of that kind were published by the Reserve Bank in relation to the period, the decimal fraction determined by the Minister by legislative instrument for the purposes of this definition in relation to the period.

miner has the meaning given by section 300-1 of the *Minerals Resource Rent Tax Act 2012*.

mining and quarrying operations has the meaning given by section 40-730.

126 In the case of alphabetical lists other than lists of definitions, multiple entries can also be omitted from the list by a single item (even if they are not consecutive) as long as there are no intervening amendments of other entries in the list. For example:

777 Schedule 5

Omit:

Capsicum annuum

Capsicum annuum var. *acuminatum*

Capsicum annuum var. *annuum*

Capsicum annuum var. *aviculare*

Capsicum annuum var. *cerasiforme*

L2. Multiple amendments or repeals in one item using a paragraphed list of provisions or a table

127 Sometimes it will be appropriate to set out multiple amendments or repeals in a table or a paragraphed list of provisions. This will usually occur where there are many amendments of a similar term or of related terms. The form is also suitable for amendments to replace asterisks or to amend or repeal definitions.

128 To ensure that a consistent approach is being adopted, all amendments in tables need the approval of the head drafter, and any drafter who is unsure whether proposed amendments would be suitable for any version of this method should discuss the matter with the head drafter.

129 If a table is used, or amendments of one or more intervening provisions are also being made in the same amending Schedule (not broken into Parts or Divisions), the amending item should appear at the end of a group of items amending the Act or instrument concerned. In other words, the item containing the table or a paragraphed list of provisions would be the last item in an amending Schedule, Part or Division, unless more than one Act or instrument is amended in the Schedule, Part or Division. In that case, the item would be the last under the relevant Act or instrument title at-style heading.

130 If 2 or more paragraphed lists or 2 or more multiple amendment tables amending the same Act or instrument are to be included, and the amendments to be made by one paragraphed list or table would overlap with the amendments to be made by the other paragraphed lists or tables (in that they would cause the compilers to double back in the legislation to be amended), then the second and any subsequent paragraphed list or table should be put into a separate Part or Division.

131 To make it more likely that the items will be found in cross-checking searches, the item heading “Amendments of listed provisions” (followed by some description if appropriate) must be used.

132 Examples are set out below.

777 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *cat*;
- (b) definition of *dog*;
- (c) definition of *goanna*;
- (d) definition of *kangaroo*;
- (e) definition of *mouse*;
- (f) definition of *rat*;
- (g) definition of *snake*;
- (h) definition of *wallaby*.

[This is an example of the repeal of a number of definitions in a definitions provision where there is no intervening amendment of a definition in that provision.]

[Note: It is not possible to repeal and substitute a number of definitions in the one item.]

777 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *cat*;
- (b) definition of *dog*;
- (c) definition of *goanna*;
- (d) definition of *kangaroo*;
- (e) definition of *mouse*.

777 Subsection 4(1) (definition of possum)

After “brush-tailed,” insert “ringtail,”.

777 Subsection 4(1)

Repeal the following definitions:

- (a) definition of *rat*;
- (b) definition of *snake*;
- (c) definition of *wallaby*.

[These 3 amendments are an example of the repeal of a number of definitions in a definitions provision where there is an intervening amendment of a definition in that provision. These would go in the normal position in the Schedule etc.]

777 Amendments of listed provisions—Chief Executive Officer

Omit “General Manager” (wherever occurring) and substitute “Chief Executive Officer” in the following provisions:

- (a) section 3 (definition of *officer*);
- (b) subsection 4(2);
- (c) paragraph 6(1)(c);

- (d) subparagraphs 7(2)(f)(ii) and (iii);
- (e) subsections 10(3A) and (3B);
- (f) Schedule 3, items 7 and 9;
- (g) Schedule 4, item 9.

[This is an example of a number of amendments done as further amendments. This would go at the end of the Schedule etc.]

[The words “(wherever occurring)” are only required if the words to be omitted occur more than once in 1 or more of the listed provisions.]

777 Amendments of listed provisions—repeals

Repeal the following provisions:

- (a) subsections 14(1), 15(1) and 16(1), (2) and (3);
- (b) paragraphs 17(1)(a), (b) and (e);
- (c) subsection 18(2);
- (d) paragraph 19(3)(c);
- (e) section 20;
- (f) paragraphs 21(2)(b) and (d);
- (g) subsections 22(1) and (4).

[This is an example of the repeal of a number of provisions done as further amendments. This would go at the end of the Schedule etc.]

777 Amendments of listed provisions

Further amendments			
Item	Provision	Omit	Substitute
1	Section 2	Organizations	Organisations
2	Paragraph 3(2)(c)	organization	organisation
3	Subsection 5(5) (definition of <i>eligible body</i>)	organizations	organisations
4	Subsections 6(1) and 7(3)	organization	organisation
5	Paragraph 8(a)	organizations	organisations
6	Subsection 9(1)	organization	organisation
7	Schedule 6 (heading)	organization	organisation
8	Schedule 6, items 3 and 4	organizations	organisations
9	Schedule 6, item 5, column 2	organization	organisation
10	Schedule 6, items 7 and 8	organizations	organisations
11	Schedule 9 (table of contents) entry for Division 3 of Part 1	organizations	organisations
12	Schedule 9 (table of contents) entry for clause 21	organizations	organisations

[This is an example of a number of amendments done in a table as further amendments. This would go at the end of the Schedule etc.]

[Note that if the text being omitted and substituted contains bold or italics, the bold or italics is not required in either the Omit or the Substitute column.]

777 Amendments of listed provisions—Schedule 1

The items of the table in Schedule 1 listed in the following table are amended as set out in the table.

Amendments relating to charges			
Item	Table item	Omit	Substitute
1	Item 1	22,526	23,269
2	Item 2	56,316	58,174
3	Item 3	22,526	23,269
4	Item 4	112,631	116,348
5	Item 5	56,316	nil
6	Item 6	45,052	46,539
7	Items 7 and 8	112,631	116,348
8	Item 9	867,255	895,874
9	Item 10	225,261	nil
10	Item 11	11,263	11,635

777 Amendments of listed provisions—Part 1 of Schedule 1

The items of the table in Part 1 of Schedule 1 listed in the following table are amended as set out in the table.

Amendments relating to fees			
Item	Table item	Omit	Substitute
1	Item 1	25,744	26,594
2	Item 2	160,900	166,210
3	Item 3	128,721	132,969
4	Items 4 and 5	64,360	66,484
5	Item 6	128,721	132,969
6	Item 7	514,882	531,873
7	Item 8	128,721	132,969
8	Item 9	551,660	569,865
9	Item 10	128,721	132,969
10	Item 11	12,872	13,297

777 Amendments of listed provisions relating to asterisking

Amendments relating to asterisking			
Item	Provision	Omit	Substitute
1	Section 10-55	loan repayment (first occurring)	*loan repayment

Amendments relating to asterisking			
Item	Provision	Omit	Substitute
2	Paragraph 15-45(2)(a)	*frequent flier points	frequent flier points
3	Subsection 41-10(7)	main residence	*main residence
4	Section 55-57	ETP	*ETP
5	Paragraph 115-27(2)(a)	*test time	test time
6	Subsections 128-10(7) and (9)	indirect tax payment	*indirect tax payment
7	Subsection 128-15(6)	indirect tax payment	*indirect tax payment
8	Paragraphs 135-60(1)(d) and (e)	loan repayment (first occurring)	*loan repayment
9	Section 149-10	*asterisk	asterisk
10	Section 155-40	loan repayment (wherever occurring)	*loan repayment
11	Paragraph 260-135(2)(c)	main residence (first occurring)	*main residence
12	Paragraph 387-45(5)(b)	*frequent flier points (first occurring)	frequent flier points

[This is an example of a number of amendments related to asterisks done in a table. This would go at the end of the Schedule etc.]

133 Note that the items are arranged in strict order of the provisions being amended. They are not grouped according to the term to be changed. Nor are they grouped by the level of provision (section, subsection or paragraph) being amended. Provisions of the same level can be grouped (as in items 6 and 8 of the asterisking example), but only if they are being amended in the same way, and the grouping does not result in any of the grouped provisions being out of order relative to provisions amended by other items in the table.

134 Note that where the words to be amended occur more than once in a provision, words such as “(first occurring)” or “(wherever occurring)” should be included in the relevant items of the table to indicate which occurrence(s) of the words are to be amended. If you want to amend every occurrence of the specified words in every provision mentioned in the table, and the specified words occur more than once in at least one of the provisions mentioned in the table, you may include the words “**(wherever occurring)**” in the column heading instead of including them in individual items of the table.

L3. Multiple amendments or repeals using a separate Schedule or a separate Part of a Schedule

135 If the same amendment is being made to a large number of provisions, an alternative method is to make the amendments in a separate Schedule or a separate Part of a Schedule. The first item of the Schedule or Part would set out the amendment and be followed by item headings listing the provisions to be amended. This method is suitable for amendments of a single Act or instrument and amendments of multiple Acts or instruments.

136 Acts, instruments and units of text can also be repealed using this method.

137 Here are some examples:

Schedule 4—Amendments of certain Acts to correct references to the Remuneration Tribunal Act 1973

1 Amendments of Acts

Omit “*Tribunals*” and substitute “*Tribunal*” in the specified provisions of the Acts listed in this Schedule.

[This form can be used to substitute the same phrase in a number of provisions if the phrase to be substituted occurs once only in the specified provisions. If the phrase occurs more than once in a provision, use the form in the next example.]

Aboriginal and Torres Strait Islander Commission Act 1989

2 Subsection 194(3)

Aboriginal Land Rights (Northern Territory) Act 1976

3 Subsection 77(4)

Administrative Appeals Tribunal Act 1975

4 Subsection 9(3)

5 Subsection 53(3)

Schedule 6—Amendments of other Acts to change references to the Trade Practices Act 1974

1 Amendments of Acts

Omit “*Trade Practices Act 1974*” (wherever occurring) and substitute “*Competition and Consumer Act 2010*” in the specified provisions of the Acts listed in this Schedule.

Liquid Fuel Emergency Act 1984

2 Section 43

Telecommunications Act 1997

3 Subsections 98(2), 102(6) and 103(3)

[This form can be used to substitute the same phrase wherever it occurs in a number of provisions (including in notes at the foot of those provisions). Note that the phrase “(wherever occurring)” is included in item 1 after the expression that is to be omitted. If a provision that is to be amended using this form has one or more notes, it is not necessary to include “(including the notes)” in the amending item heading. The notes are considered to be part of the provision being amended, so they will also be amended.]

Schedule 4—Repeals of Acts

1 Repeals of Acts

Repeal the following Acts:

Anti-Dumping Authority Act 1988

Archives Act 1983

Audit Act 1901

L4. Multiple amendments to change references across an Act or instrument

138 This method of multiple amendments may only be used with the approval of the head drafter. In the past it has mainly been used to insert feminine pronouns (see Subpart L5 for the amendments to do this) but it may be suitable in other cases—for example where the name of a body or office is changing.

139 If an Act or instrument requires substantial amendments of this kind, it may be appropriate to use the following general provision. You must still check each relevant provision individually to work out the best form of amendment.

777 The whole of the Act

Omit every occurrence of “Federal Magistrate”, substitute “Federal Circuit Court Judge”.

777 The whole of the Act

Omit every occurrence of “Federal Magistrates Court”, substitute “Federal Circuit Court”.

140 These forms of amendment will not *always* give the right result. If you plan to use this method of amendment, you must check the Act or instrument to ensure that it produces no identifiable problems.

141 When omitting and substituting expressions across a whole Act or instrument, it is not necessary, for each expression being omitted and substituted, to indicate what the formatting should be as the Publications Group will format the substituted expression with the formatting of the original expression.

L5. Multiple amendments to insert feminine pronouns

142 This method of multiple amendments is an example of the method described in Subpart L4 and may only be used with the approval of the head drafter.

143 Individual amendments to insert feminine pronouns can be time-consuming and tedious to draft. On the other hand, it is probably true that the best results (in terms of the elegance of the resulting text) are achieved by checking each relevant provision individually and working out the best form of amendment. However, if an Act or instrument requires substantial amendments of this kind, it may be appropriate to use the following set of general amendments:

777 The whole of the Act

Amend so that every occurrence of “he” is followed once by “or she”.

777 The whole of the Act

Amend so that every occurrence of “him” is followed once by “or her”.

777 The whole of the Act

Amend so that every occurrence of “himself” is followed once by “or herself”.

777 The whole of the Act

Amend so that every occurrence of “his” is followed once by “or her”.

144 These forms of amendments will not *always* give the right result (e.g. if the Act or instrument already has “she or he” or “his office or her office”). If you plan to use this method of amendment, you should check the Act or instrument to ensure that it produces no identifiable problems.

L6. Commencement of multiple amendments

145 Amendments using the forms set out above should generally be expressed to commence *immediately after* all other amendments included in the same Bill or instrument have commenced.

L7. Dangers of using multiple amendment forms

146 The use of multiple amendment forms can increase the risk of misdescribed amendments occurring.

147 In a recent case, a “misdescribed amendment” occurred in the following way.

148 The amendment was not misdescribed when it was introduced. Some months after it was introduced, another Bill was introduced that amended the same provision by a multiple amendment form to insert feminine pronouns. The second Bill was passed, and commenced before the commencement of the first Bill. As a result, the earlier amendment could not operate as intended.

149 The “misdescribed amendment” arose because the two Bills were not passed in the order in which they were drafted; it did not arise directly from the use of the multiple amendment form. However, the drafter preparing the multiple amendments should have undertaken the normal checks for other amendments of provisions affected by the multiple amendments, and should have made appropriate commencement provisions to deal with the possibility of the second Bill being passed first.

150 If you propose to use a multiple amendment form, you will still need to run the normal checks to find other current amendments of affected provisions of the principal Act or instrument. Also, of course, when you run those normal checks in the course of drafting other kinds of amendments, you should always check for amendments expressed to apply to the whole of an Act or instrument.

LA. Notional text (modifications)

151 Some provisions in legislation modify the operation of other provisions by making notional amendments of their text.

152 Some notional amendments have been formatted in the same way as amending Schedule items. For example:

6 Subsection 10(1)

Repeal the subsection, substitute:

- (1) A TCF contract outworker is eligible for an advance if the Secretary is satisfied of all of the following:
 - (a) the TCF contract outworker has ceased to do work for the specified person;
 - (b) after the commencement of this section, an insolvency event happened to the specified person;
 - (c) the TCF contract outworker is (or would, apart from the discharge of the bankruptcy of the specified person, be) owed one or more debts wholly or partly attributable to work done for the specified person in the capacity of an outworker.

153 To amend notional text that has been inserted using items formatted like amending Schedule items, use the amending forms set out in Subpart P2 for amendments of amending Schedules. For example:

1 Item 6 of Schedule 1 (paragraph 10(1)(c))

Repeal the paragraph.

154 Sometimes notional text is included within a section in the body of an Act or instrument. For example:

8 Legal Services Directions

Section 55ZF of the *Judiciary Act 1903* applies as if that section included the following subsections:

- (5) Subsection (4) ceases to apply at the earlier of the following times:
 - (a) the end of the first reporting period that commences at or after the commencement time;
 - (b) the time when the directions are repealed.

...

155 To amend notional text that has been included within a section in the body of an Act or instrument, identify the section first and then, in parentheses, identify the part of the notional text to be amended. For example:

8 Section 8 (paragraph 55ZF(5)(a) of the *Judiciary Act 1903*)

Omit “at or after the commencement time”, substitute “on or after 1 July 2014”.

M. Readers guides

156 If you are drafting amendments of legislation containing a readers guide, you should, if possible, repeal the readers guide by formal amendment. If appropriate, the readers guide can be replaced with a simplified outline.

157 If you are planning to create or amend a readers guide, you must consult the head drafter.

158 Because of the variety of forms that readers guides take, drafters will need to adapt the standard amending forms to suit the particular guide they are amending. Note, however, that this does not extend to matching case or including any apostrophe in “Readers”. The correct form is “Readers guide” (i.e. no apostrophe in “Readers” and no initial capital letter for “guide”). Some examples are as follows:

777 Readers guide (third paragraph under the heading “Overview of this Act”)

Omit “of this Act”.

777 Readers guide (list of terms defined in section 6)

Omit “approved trading house”.

777 Readers guide (diagram 2)

Repeal the diagram.

N. Renumbering

159 Provisions should not be renumbered except in exceptional cases, or, in the case of a billable instrument, on express instructions.

N1. Renumbering a whole Act or instrument

160 To renumber an Act or instrument, include an item in the amending Schedule modelled on Schedule 5 to the *Workplace Relations Amendment (Work Choices) Act 2005* (No. 153 of 2005). (However, note that the precedent will need to be adapted if it is necessary to renumber Chapters.)

N2. Renumbering an individual provision

161 To renumber a specific provision, use the following forms:

777 Section 49A

Renumber as section 75.

777 Subsection 10(2A)

Renumber as subsection (3).

162 If the text of the renumbered provision needs to be amended by the same amending Act or instrument, the amendment should refer to it by its former number.

N3. Renumbering to correct duplicated numbers

163 The following form should be used to renumber a provision that has the same number as another provision, where the provisions were inserted by different amending Acts or instruments:

777 Subclause 10(2A) of Schedule 5 (the subclause (2A) inserted by item 85 of Schedule 6 to the *Veterans' Affairs Legislation Amendment Act (No. 1) 2002*)

Renumber as subclause (2B).

164 The following form should be used to renumber a provision that has the same number as another provision, where the provisions were inserted by the same Act or instrument:

777 Subsection 21(6) (second occurring)

Omit “(6) The person”, substitute “(7) The person”.

[These are examples of statute law revision amendments. For more information on Statute Law Revision amendments, see Drafting Direction 4.4.]

N4. When an amendment contracts a section to a single block of text

165 When an amendment contracts a section to a single block of text, the remaining text should be amended so that no “phantom” subsection number remains.

166 The Compilations team has advised that they would never alter the text to remove a subsection number, because this might affect cross-references. This means, for example, that the Compilations team has treated as misdescribed an amendment that refers to “Paragraph 46(b)” when the text of section 46 was preceded by a “(2)”.

167 To avoid this, as well as the oddity of “phantom” subsection numbers:

- (a) the drafter should amend the remaining subsection to omit whatever subsection number precedes its text; and
- (b) if the text of that remaining subsection needs to be amended by the same amending Act or instrument, the amendment should refer to it by its subsection number.

168 The amendments should commence at the same time.

169 Drafters should also check for any affected cross-references.

N5. Fixing “phantom” subsection numbers in already-contracted sections

170 If, when amending an Act or instrument, a drafter notices in the Act or instrument a subsection number appearing before a single block of text constituting a section:

- (a) the drafter should draft an amendment to omit the subsection number; and
- (b) if the text of the section needs to be amended by the same amending Act or instrument, the amendment should still refer to it by the subsection number.

171 The amendments should commence at the same time.

172 Drafters should also check for any affected cross-references.

N6. Adding a subsection to a section that is not divided into subsections

173 When one or more subsections are added to a section that is not divided into subsections:

- (a) the drafter should insert a “(1)” before the existing opening text of the section; and
- (b) if the existing text needs to be amended by the same amending Act or instrument, the amendment should refer to it by its section number (not as subsection (1)).

174 The amendments should commence at the same time.

175 Drafters should also check for any affected cross-references.

P. Schedules

176 Schedules often contain units that correspond to units found in the body of an Act or instrument, for example, clauses or items (corresponding to sections), subclauses or subitems (corresponding to subsections), paragraphs, definitions etc. The amendment forms deal with these units in Schedules in a way that corresponds closely to the way they would be dealt with if they appeared in the body of an Act or instrument. The general principle is to use the same form as for the body of an Act or instrument, with the addition of the words “of the Schedule”, “of Schedule 1” etc. The following examples illustrate this principle.

P1. Amendments of non-amending Schedules

177 Provisions in non-amending Schedules that are formatted like sections are usually called clauses. However, they are sometimes called items or sections. They are amended by identifying in the item heading the clause, item or section number, followed by the Schedule number.

777 Subclause 200(4) of Schedule 1

After “frog”, insert “, toad”.

777 Subclause 200(4) of the Schedule (paragraph (b) of the definition of *animal*)

After “frog”, insert “, toad”.

777 Subclause 010.211(1) of Schedule 2

Omit “(5) or (6)”, substitute “(5), (6) or (7)”.

777 Subclause 1.2.3(3) of Schedule 1

Omit “vaccine”, substitute “medicine”.

777 Subparagraph 1.2.8(2)(a)(i) of Schedule 1

After “medical practitioner”, insert “or a hospital”.

777 Division 2.42 of Schedule 1 (heading)

Repeal the heading, substitute:

777 Item 5 of Part 3 of Schedule 1 (heading)

Repeal the heading, substitute:

777 Subitem 5.3 of Part 3 of Schedule 6

Repeal the subitem, substitute:

777 Paragraph 5.10(a) of Part 3 of Schedule 6

Omit “authorised officer”, substitute “inspector”.

178 Items in tables or numbered lists in a non-amending Schedule should be amended using the forms for tables, regardless of whether the items are called “table items” or just “items”. Whether the term “table item” or “item” is used in the amending form depends on how the provision is referred to in the legislation to be amended.

179 If the table or numbered list is within a clause, the clause should be identified first followed by the Schedule reference. If there is no clause, but the table or numbered list is within a Part, the Part should be identified first followed by the Schedule reference. If the table does not belong to a clause or Part, just the Schedule is identified. This is then followed in parenthesis by the location of the amendment in the table or numbered list.

180 If a list is formatted as a table, any substituted or inserted table items should be formatted with `Tabletext,tt` style, regardless of whether the table to be amended has been formatted with the `Tabletext,tt` style or with some other style. However, if you are amending a table in a billable instrument that does not use `Tabletext,tt` style, check with the head drafter as to which style to use.

181 If a list is not formatted as a table, any substituted or inserted items should match as closely as possible the style already used for the other items in the provision. If in doubt as to which style to use, check with the head drafter.

777 Clause 23 of Schedule 1 (table item 3, column 4)

Omit “Board”, substitute “Commission”.

777 Part 2 of Schedule 6 (cell at item 1A, column 3)

Repeal the cell, substitute:

To suspend an approved provider from
making appraisals under section 25-3 and
reappraisals under section 27-5

[The substituted cell should be aligned with the word “Repeal”.]

777 Schedule 9 (item 11)

Repeal the item, substitute:

11. Australian Capital Territory

777 Part 1 of Schedule 10 (table item 8)

Repeal the item, substitute:

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

777 Part 4 of Schedule 11 (item 10)

Omit “868-85-9”, substitute “868-86-9”.

777 Part 2 of Schedule 13 (item 41, column headed “Requirements”, after paragraph (f))

Insert:

(fa) the number of persons; or

[See Part S for further examples.]

P2. Amendments of amending Schedules

777 Item 200 of Schedule 1 (heading)

Repeal the heading, substitute:

200 Transitional provisions

[Remember to apply the “Special Style” formatting to the replacement item heading.]

777 Item 200 of Schedule 1 (heading)

After “**Transitional**”, insert “**and application**”.

777 Item 200 of Schedule 1

Omit “the paragraph”, substitute “the subparagraph”.

777 Item 57 of Schedule 1 (after subsection 148C(2))

Insert:

777 Item 200 of Schedule 1 (paragraph (b) of the definition of *frog* in subsection 32(9A))

Omit “groan”, substitute “green”.

777 Subitem 200(4) of Schedule 1

After “1995, ”, insert “1996”.

[In this example, the amendment is being made to an application subitem in a Schedule to an amending Bill. Amending or repealing items are never divided into subitems.]

777 Items 9 and 10 of Schedule 5

Repeal the items.

[The above form is to be used to repeal an amending item or items. If the repeal will mean that there are no amending items remaining under the relevant Act or instrument title at style heading, you will also need to include a separate amending item to repeal that heading (see the example below).]

777 Schedule 5 (heading specifying *Fair Work Act 2009*)

Repeal the heading.

Q. Short titles

182 If you draft an amending item that amends the short title of an Act, you should insert the following note under the item:

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act's previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

183 A note is not required for an amending item that amends the name of an instrument.

R. Simplified outlines

184 When amending a simplified outline, the words “simplified outline” should not be used in the amending item heading unless it is not possible to identify the simplified outline by reference to a section number. For example, if a simplified outline is contained in section 5 of an Act or instrument, it should be identified as “Section 5” in the amending item heading not “Section 5 (simplified outline)”.

185 The text being added or inserted should be in simplified outline style.

186 If a simplified outline is not broken into units e.g. paragraphs, it should be amended using the standard amending forms.

187 If a simplified outline is broken into units, e.g. paragraphs, and the changes are not such as to warrant repealing and substituting the outline, there are 2 methods available for amending the outline.

188 The first method is to identify the unit of text affected in the heading to the amending item. Some examples are as follows:

777 Section 101 (after the paragraph relating to Division 4)

Insert:

Division 5 allows the Secretary to establish one or more offshore security zones on and around a security regulated offshore facility.
--

777 Section 101 (paragraph relating to Division 4)

Omit “Commission”, substitute “Tribunal”.

777 Section 101 (paragraph relating to Division 4)

Repeal the paragraph.

189 You should not identify the text by counting the paragraphs e.g. “Section 101 (second paragraph)”. This is to minimise the possibility of misdescribed amendments and the need for contingent commencements if paragraphs are being inserted in, or omitted from, the simplified outline by another Act or instrument.

190 The second method is to identify the unit of text affected in box form. Some examples are as follows:

777 Section 101

After:

Division 4 allows the Secretary to establish one or more on-board security zones on a regulated Australian ship.
--

insert:

Division 5 allows the Secretary to establish one or more offshore security zones on and around a security regulated offshore facility.

777 Section 101

Omit:

Division 4 allows the Secretary to establish one or more on-board security zones on a regulated Australian ship.

substitute:

Division 4 allows the Secretary to establish one or more on-board security zones on a regulated Australian ship. It also allows the Secretary to vary those zones.

191 Choosing which method to use depends on what is the clearest and easiest way of identifying the affected text. For example, if a simplified outline is broken into both paragraphs of unnumbered text and lettered paragraphs, using the first method may cause confusion if the only way to identify the text affected is by reference to the “paragraph” it is in. In such a case, the second method may be the clearest way of identifying the affected text.

192 Where a simplified outline contains dot points, these must not be referred to in the amending item. If you want to substitute or otherwise amend any text in a dot point, you must use the second method to identify the dot point. If you want to adopt a different approach in a particular case you will need to seek the approval of the head drafter.

777 Section 4

Omit:

- This Act establishes the Australian Civilian Corps.

substitute:

- This Act establishes the Australian Civilian Corps. The Australian Civilian Corps consists of persons engaged under this Act as Australian Civilian Corps employees.

S. Tables

193 The forms for amending tables follow the same principles as for ordinary text. Amendments of tables need to identify the unit in which the table appears.

194 The amendments need to unambiguously identify the text to be amended. You should do this in a way that is convenient to the reader. This will very often involve referring to table items, column headings or numbers, or both.

S1. Repealing a table

195 The form of the amendment is:

777 Section 23 (table)

Repeal the table.

[This form and the other forms in this Part may need to be modified if there are 2 or more tables in the provision being amended (as in some Divisions of the Health Insurance (General Medical Services Table) Regulation 2012).]

777 Regulation 201.004 (table 201.004)

Repeal the table.

[This form is used for numbered tables such as those found in the Civil Aviation Safety Regulations 1998.]

S2. Replacing the whole of an item or inserting an item in a table

196 In the following discussion, and elsewhere in this manual, table rows are generally referred to as items.

197 Sometimes it will be more convenient, or more helpful to readers, to replace the whole of an item in a table (for example, if amendments are required in more than one cell in the item).

198 Amendments to replace the whole of an item in a table should identify the section (etc.), the table and the item. The substituted text should be in the form of item(s) from the table and be formatted in the appropriate font, size and typeface. The cells in the item(s) should be roughly the size of the original cells and be positioned in approximately the same position as the original cells. Horizontal lines are not to be included before or after any items being inserted, only between table items where more than one item is being inserted.

777 Section 23 (table item 2)

Repeal the item, substitute:

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

199 The form of the amendment to insert a table item is as follows. The cells in the item(s) should be roughly the size of the original cells and be positioned in approximately the same position as the original cells.

777 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

200 Where a number of table items are grouped under a table subheading, a new item may be included at the end of the grouped table items using the following form:

777 Schedule 2 (at the end of the table items headed “Victoria”)

Add:

5A	Melbourne	10,239,835
----	-----------	------------

S3. Referring to an unnumbered item in a table

201 If you need to refer to an item or a cell in a table in which the items are not numbered, the words “table item x” in the identifying words should be replaced with “table item dealing with x”. The form “table item relating to x” should not be used.

777 Section 23 (table item dealing with the Australian Capital Territory)

Repeal the item, substitute:

Australian Capital Territory	10,239,835
------------------------------	------------

777 Section 23 (cell at table item dealing with the Australian Capital Territory, column headed “amount”)

Repeal the cell, substitute:

10,239,835

S4. Repealing a column in a table

202 If you are considering repealing an entire column of a table, you must seek approval from the head drafter. This is because of the difficulties with formatting that may result from doing so.

S5. Referring to an unnumbered column in a table

203 If you need to refer to a column or a cell in a table in which the columns are not numbered, the columns should not be identified by reference to a column number. Instead, the identifying words should refer to “column headed ‘x’”. Note that the forms “column dealing with x” and “column relating to x” should not be used.

777 Section 85-1 (cell at table item 27, column headed “Decision”)

Repeal the cell, substitute:

To suspend an approved provider from
making appraisals under section 25-3 and
reappraisals under section 27-5

S6. Replacing a cell in a table

204 Sometimes it will be more convenient, or more helpful to readers, to replace the whole of a cell in a table. A “cell” refers to all the text in a column that relates to a table item. It does not refer to the formatting in Word.

205 It is a matter for discretion whether to use this approach or to use one of the other approaches outlined in this Part. If the cell contains only a small number of words or figures, it may be simpler to amend it by omitting and substituting the text, even if the whole text of the cell is to be replaced (see Subpart S10).

206 Amendments to replace the whole of a cell in a table should identify the section (etc.) and the cell in the table. The substituted text should be in a table cell and should be formatted in the appropriate font, size and typeface. No lines should be included. The cell should be roughly the size of the original cell and be aligned with the same margin as the text of the amending words of the amending item (regardless of which column of the table the cell is in).

777 Section 23 (cell at table item 3, column headed “State/Territory”)

Repeal the cell, substitute:

Australian Capital Territory

S7. Amending a heading or subheading in a table

207 Any heading or subheading in a table may be amended by adding, inserting, omitting or substituting words in the heading, or repealing and substituting the whole heading or subheading.

208 The overall heading in the first row of the table is referred to as the “table heading”, the headings to the columns (usually in the second row of the table) are referred to as the column headings and any headings grouping items within the table are referred to as subheadings.

209 In some cases, table items will have their own individual bold headings. Such headings are treated as part of the item and are automatically repealed if the item is repealed.

210 The heading in the first row of a table is amended as follows:

777 Subsection 172(2) (table heading)

Repeal the heading, substitute:

Individual grantor details—permitted searches

777 Subsection 172(2) (table heading)

Omit “**grantor**”, substitute “**grantee**”.

211 Column headings are amended as follows:

777 Section 5-2 (table, heading to column headed “Community care subsidy”)

Repeal the heading, substitute:

Home care subsidy

777 Subsection 260(1) (table, heading to column 3)

Repeal the heading, substitute:

Column 3

Titles Administrator

777 Subsection 260(1) (table, heading to column 3)

Omit “**Titles**”, substitute “**General**”.

[The column heading includes the column number.]

212 If a table does not have an overall heading but has column headings, or if you want to amend the overall heading as well as the column headings, the following form may be used. However, this form is not appropriate where the table also contains a number of subheadings that are not being amended, as there may be some confusion as to whether those subheadings are covered by the reference to “headings”:

777 Regulation 15AB (table, headings)

Repeal the headings, substitute:

Calculating periods of time

Item	Column 1	Column 2
	If the period of time:	then the period of time:

213 Table subheadings that are numbered are amended as follows:

777 Rule 20.001 (table, Part 2 (subheading))

Repeal the subheading, substitute:

Part 2—Calculating periods of time

777 Rule 20.001 (table, Part 2 (subheading))

Omit “**Part 2**”, substitute “**Part 3**”.

214 Table subheadings that are unnumbered, but that can be referred to by reference to a table item, are amended as follows:

777 Rule 20.00A (subheading before table item 31, column 2)

Repeal the subheading, substitute:

Calculating periods of time

777 Rule 20.00A (subheading before table item 31, column 2)

Omit “**Calculating**”, substitute “**Working out**”.

215 Table subheadings that are unnumbered, and that cannot be referred to by reference to a table item, are amended as follows:

777 Section 539 (table, subheading “Other provisions”)

Repeal the subheading, substitute:

Even more provisions

777 Section 539 (table, subheading “Other provisions”)

Omit “**Other**”, substitute “**Even more**”.

[You should consider whether the unnumbered table subheadings could be replaced with table subheadings that contain Part numbers.]

S8. Replacing, inserting or adding a paragraph in a table

216 Sometimes it will be more convenient, or more helpful to readers, to replace, insert or add a paragraph in a table. The paragraph to be substituted, inserted or added should be

formatted with Table(a),ta style. It should not be formatted in a cell but should line up with the left page margin.

777 Section 57 (table item 3, column 3, paragraph (a))

Repeal the paragraph, substitute:

(a) the number of persons; and

777 Schedule 11 (table item 1A.01, column headed “Activity”, paragraph (e))

Repeal the paragraph, substitute:

(e) the number of persons;

777 Section 23 (table item 2, column 2, after paragraph (b))

Insert:

(ba) the number of persons; or

777 Section 46 (at the end of the cell at table item 4, column 3)

Add:

; or (n) the number of persons.

S8A. Replacing or inserting a formula in a table

217 If you are substituting or inserting a formula in a table, the formula should be formatted with Tabletext,tt style (or Table(a),ta style if it is within a paragraph). It should line up with the left page margin.

777 Section 10 (table item 3, column 2, formula)

Repeal the formula, substitute:

$$\frac{\text{Assets excess} \times 19.5}{250}$$

S9. Repealing and substituting a Part in a table

777 Section 12 (table, Part 2)

Repeal the Part, substitute:

Part 2—Instrument approach endorsements

8	IAP 2D instrument endorsement	Conduct a 2D instrument approach operation	
9	IAP 3D instrument endorsement	Conduct a 3D instrument approach operation	IAP 2D instrument endorsement

S10. Amending words in a table

218 Amendments to words in tables should identify the section (etc.), the table, and if necessary (or if it would be more useful to readers) the location of the words in the table.

777 Section 23 (table)

Omit “Board”, substitute “Commission”.

777 Subsection 6(1) (table in paragraph (a) of the definition of *percentage*)

After “cat”, insert “dog”.

777 Section 23 (table item 3)

Omit “Board”, substitute “Commission”.

777 Subregulation 201.004(2) (table 201.004, item 3)

Omit “Board”, substitute “Commission”.

[This form is used for numbered tables such as those found in the Civil Aviation Safety Regulations 1998.]

777 Section 23 (table item 3, column 4)

Omit “Board”, substitute “Commission”.

777 Section 57 (table item 3, column headed “Activity”, paragraph (a))

Omit “member”, substitute “members”.

777 Schedule 11 (table item 1A.01, column headed “Assessment component”, fee relating to paragraph (d))

Omit “nil”, substitute “\$150”.

[This form is used where the fee is opposite the paragraph referred to but not within the paragraph. For example, see table item 1A.01 in Schedule 11 to the Environment Protection and Biodiversity Conservation Regulations 2000.]

777 Section 116-25 (at the end of the cell at table item A1, column headed “Special rules:”)

Add:

If the disposal is a disposal of part of an interest in a *mining, quarrying or prospecting right under a *farm-in farm-out arrangement: see section 116-115

T. Amendments of particular legislation

T1. *Agricultural and Veterinary Chemicals Code Act 1994*

219 The Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* sets out the Agricultural and Veterinary Chemicals Code. The Act does not contain a provision stating that the Schedule is to be cited in a certain way (except as it applies as a law for the government of the participating Territories).

220 The Schedule should be amended as follows:

Agricultural and Veterinary Chemicals Code Act 1994

777 Subsection 31(3) of the Code set out in the Schedule

Omit “dog”.

T2. *Criminal Code*

221 The Act being amended should be referred to as the *Criminal Code Act 1995* and the Schedule being amended should be referred to as the *Criminal Code*.

Criminal Code Act 1995

777 Section 10.6 of the *Criminal Code*

Omit “, unless the person objects in writing to the investigating officer within 21 days after receiving the summons”.

777 Subsection 45.8(1) of the *Criminal Code* (paragraph (a) of the definition of *staff member*)

Omit “or officer”.

777 Subparagraph 72.4(1)(b)(ii) of the *Criminal Code*

Omit “under subsection (3)”.

222 Note that the sections and other units of the *Criminal Code* are referred to as sections etc. *of* the *Criminal Code* and not sections etc. *in* the *Criminal Code*.

223 Finally, because the Dictionary forms part of the *Criminal Code* but does not have any sections, a reference to it should take the place of the normal section reference and be worded as follows:

777 Dictionary in the *Criminal Code* (definition of *staff member*)

Omit “or officer”.

777 Dictionary in the *Criminal Code*

Insert:

criminal means ...

T3. Marine Safety (Domestic Commercial Vessel) National Law

224 The Act being amended should be referred to as the *Marine Safety (Domestic Commercial Vessel) National Law Act 2012* and the Schedule being amended should be referred to as the Marine Safety (Domestic Commercial Vessel) National Law.

Marine Safety (Domestic Commercial Vessel) National Law Act 2012

777 Section 6 of the Marine Safety (Domestic Commercial Vessel) National Law

Omit “cat”, substitute “dog”.

[Note that italics should not be used to refer to the National Law because there are no italics in the citation provision for the National Law.]

T4. National Credit Code

225 The Act being amended should be referred to as the *National Consumer Credit Protection Act 2009* and the Schedule being amended should be referred to as the *National Credit Code*.

National Consumer Credit Protection Act 2009

777 Section 12 of the National Credit Code

Omit “cat”, substitute “dog”.

T5. Social Security Act 1991 and Veterans’ Entitlements Act 1986

226 Forms for amending certain provisions of the *Social Security Act 1991* and the *Veterans’ Entitlements Act 1986* are in Word Note 4.6.

T6. Civil Aviation Safety Regulations 1998 and Civil Aviation Regulations 1988

227 Forms for amending certain provisions of the *Civil Aviation Safety Regulations 1998* and the *Civil Aviation Regulations 1988* are to be included in a Word Note (not yet available).

T7. Health Insurance (Medical Services Tables) Regulations

228 Forms for amending items of the tables in the *Health Insurance (General Medical Services Table) Regulation* and other health insurance (medical services) regulations are to be included in a Word Note (not yet available).

T8. Migration Regulations 1994

229 Forms for amending certain provisions of the *Migration Regulations 1994* are to be included in a Word Note (not yet available).

Appendix 1B—Amendment forms (examples)

A1. Repealing an Act or instrument

1 Repealing a whole Act or instrument

XYZ Act 1901

777 The whole of the Act

Repeal the Act.

[Repeals of complete Acts are to be included in a separate amending Schedule, Part or Division from other amendments (except for any associated application, saving or transitional provisions).]

TUV Regulation 2013

777 The whole of the instrument

Repeal the instrument.

PQR Regulations 1990

777 The whole of the instrument

Repeal the instrument.

ABC Principles 1999

777 The whole of the instrument

Repeal the instrument.

Proclamation made on 3 October 2002 under subsection 390D(1) of the Environment Protection and Biodiversity Conservation Act 1999 (Federal Register of Legislation No. F2007B00734)

777 The whole of the instrument

Repeal the instrument.

Determination (Statutory Rules 1998 No. 3) made on 27 June 1999 under section 4 of the Principal Act 1999 (Federal Register of Legislation No. FXXXX)

777 The whole of the instrument

Repeal the instrument.

ABC Court Rules 2017

777 The whole of the Rules

Repeal the Rules.

[Repeals of complete instruments are to be included in a separate amending Schedule in a new principal instrument or in a separate amending Schedule or Part in an amending instrument.]

A2. Repealing a unit

2 Repealing a Chapter, Part, Division or Subdivision

777 Part 3 of Chapter 4

Repeal the Part.

777 Division 2 of Part 3 of Schedule 1

Repeal the Division.

3 Repealing a Schedule

777 Schedule

Repeal the Schedule.

777 Schedule 3

Repeal the Schedule.

4 Repealing the heading to a Chapter, Part, Division, Subdivision, section or subsection (or equivalent unit)

777 Part 3 of Chapter 4 (heading)

Repeal the heading.

777 Division 3 of Part 2 of Schedule 1 (heading)

Repeal the heading.

777 Subsection 17(2) (heading)

Repeal the heading.

5 Repealing an amended Act or instrument title aat-style heading

777 Schedule 5 (heading specifying *Fair Work Act 2009*)

Repeal the heading.

6 Repealing a section or subsection (or equivalent unit)

777 Section 11

Repeal the section.

777 Clause 6 of Schedule 3

Repeal the clause.

777 Items 9 and 10 of Schedule 1

Repeal the items.

[If the repeal of items of an amending Schedule will mean that there are no amending items remaining under the relevant Act or instrument title aat style heading, you will also need to include a separate amending item to repeal that heading (see Repealing an amended Act or instrument title aat-style heading above).]

777 Subsection 11(2)

Repeal the subsection (not including the heading).

[This form is to be used if you are repealing a subsection that has a heading that is still appropriate for one or more succeeding subsections.]

777 Subsection 5(4)

Repeal the subsection (not including the note).

[This form is to be used if you are repealing a subsection with a note at its foot, and you wish to retain the note. This might be necessary if the subsection is the last subsection in the section and the note relates to the whole section. However, this form may be used to repeal any subsection with a note at its foot without repealing the note. See also the next example.]

777 Subsection 5(6)

Repeal the subsection (including the note).

[This form is to be used if you are repealing the last subsection in a section with a note at its foot, and you need to make it clear that the note is also being repealed. Note that it is not necessary to include the words in parenthesis if you are repealing a subsection and a note at its foot (other than the last subsection); the note is treated as part of the subsection so it will also be repealed. This rule also applies to a penalty at the foot of a subsection.]

777 Subsection 11(2)

Repeal the subsection.

[If all but one of the subsections in a section are repealed, the remaining subsection needs to be converted to a section by omitting the subsection number. If the subsection has a subsection heading, this needs to be repealed. The amendments should commence at the same time. The following is an example (located before the amendment that repeals the subsections).]

777 Subsection 11(1) (heading)

Repeal the heading.

777 Subsection 11(1)

Omit “(1)”.

[If the subsection contains any cross-references to another subsection numbered (1), the words “(first occurring)” need to be added after the “(1)”. Also, check whether in other provisions there are any cross-references to the subsection that need amendment.]

If it is necessary to amend the text of the remaining subsection, the amendment of that text should refer to the remaining subsection by its existing subsection number.

If, while amending an Act or instrument, a drafter notices in the Act or instrument a subsection number appearing against the text of a section constituted by a single block of text, the drafter should draft an amendment to omit the subsection number. If it is necessary to amend the text of the section, the amendment of that text should still refer to it by the subsection number.]

777 Subclause 11(2) of Schedule 3

Repeal the subclause.

7 Repealing a paragraph, subparagraph or sub-subparagraph

777 Paragraph 51(3)(c)

Repeal the paragraph.

777 Paragraph 51(3)(c) of Schedule 3

Repeal the paragraph.

777 Subsection 4(1) (subparagraph (a)(ii) of the definition of *office*)

Repeal the subparagraph.

777 Subclause 4(1) of Schedule 3 (subparagraph (a)(ii) of the definition of *office*)

Repeal the subparagraph.

8 Repealing a final paragraph, subparagraph or sub-subparagraph

777 Subparagraph 17(1)(b)(iii)

Omit “and” (last occurring).

777 Subparagraph 17(1)(b)(iv)

Repeal the subparagraph.

[If the provision being amended is in the old form, with the conjunction appearing only at the end of the penultimate paragraph, subparagraph or sub-subparagraph, an additional amendment is required. This amendment should insert the appropriate conjunction at the end of each other paragraph, subparagraph or sub-subparagraph (other than the last), as in the following examples.]

777 At the end of subparagraphs 17(1)(b)(i) and (ii)

Add “and”.

777 At the end of paragraphs 17(1)(a) to (p)

Add “and”.

[If the remaining paragraph etc. will be the end of the section or subsection, you will need to amend it to omit the semi-colon, and any conjunction, and replace it with a full stop (as in the following example).]

777 Subparagraph 17(1)(b)(iii)

Omit “Minister; and”, substitute “Minister.”.

9 Repealing a definition

777 Subsection 4(1) (definition of *Director*)

Repeal the definition.

777 Part 1 of the Dictionary (definition of *free balloon*, twice occurring)

Repeal the definitions.

[Use this form to repeal 2 definitions of the same term in the same provision.]

[See Part L of Appendix 1A for examples of repealing multiple definitions in the one item.]

777 Subclause 4(1) of Schedule 3 (definition of *Director*)

Repeal the definition.

10 Repealing a penalty or note

777 Subsection 108(2) (penalty)

Repeal the penalty.

777 Section 59 (penalty)

Repeal the penalty.

777 Subsection 10(4) (note)

Repeal the note.

777 Subsection 10(5) (note 2)

Repeal the note.

[If only one note now remains, remember to amend it to omit “Note 1” and substitute “Note”.]

777 Subsection 6(1) (note to the definition of *associate*)

Repeal the note.

777 Schedule 5 (note to Schedule heading)

Repeal the note, substitute:

[This form is to be used even if the word “Note” does not appear in the actual note under the Schedule heading.]

777 Subsection 5(2) (second note)

Repeal the note.

[This form is only used if the notes are not numbered.]

777 Section 4 (second note to the definition of *under co-payment data*)

Repeal the note.

[This form is only used if the notes are not numbered.]

777 Section 4 (note at the end)

Repeal the note.

[This form is used if there is an unnumbered note at the end of the section plus one or more notes in other locations within the section and it would not otherwise be clear which note is being referred to.]

777 Section 4 (notes at the end)

Repeal the notes.

[This form is used if there are multiple unnumbered notes at the end of the section plus one or more notes within the section and it would not otherwise be clear which notes are being referred to.]

777 Section 4 (note 1 at the end)

Repeal the note.

[This form is used if there are notes numbered “Note 1” in multiple locations within the section and it would not otherwise be clear which note is being referred to.]

777 Subsection 4(2) (note 2 at the end)

Repeal the note.

[This form is used if there are notes numbered “Note 2” in multiple locations within the subsection and it would not otherwise be clear which note is being referred to.]

11 Repealing a table or table item

777 Subsection 6(2) (table)

Repeal the table.

777 Subclause 6(2) of the Schedule (table)

Repeal the table.

777 Subsection 6(2) (table item 6)

Repeal the item.

777 Subsection 6(2) (table item dealing with eligible pensioners)

Repeal the item.

[In this example, the table items are not numbered.]

A3. Omitting words

12 Omitting words from a long title

777 Title

Omit “the collection of”.

13 Omitting words from a short title

777 Section 1

Omit “National”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

14 Omitting words (including a complete sentence) from a section or subsection (or equivalent unit)

[When omitting words at the end of a section, subsection etc. it may sometimes be more convenient to use the form “all the words after ...”. See example 20.]

777 Section 23

Omit “, unless the person objects in writing to the investigating officer within 21 days after receiving the summons”.

777 Section 42

Omit the second sentence.

[A sentence is not considered to be a unit and so it is “omitted” (in the same way as words), not “repealed”.]

777 Subsection 49(5)

Omit “unless the person objects in writing to the investigating officer within 21 days after receiving the summons”.

777 Clause 23 of Schedule 3

Omit “, unless the person objects in writing to the investigating officer within 21 days after receiving the summons”.

777 Subclause 49(5) of Schedule 3

Omit “unless the person objects in writing to the investigating officer within 21 days after receiving the summons”.

15 Omitting words from a paragraph, subparagraph or sub-subparagraph

777 Paragraph 72(1)(b)

Omit “under subsection (3)”.

777 Subparagraph 72(1)(b)(ii) of the Schedule

Omit “under subsection (3)”.

16 Omitting words from a definition

777 Subsection 4(1) (definition of *staff member*)

Omit “or officer”.

777 Subsection 4(1) (paragraph (a) of the definition of *staff member*)

Omit “or officer”.

17 Omitting words from a penalty or note

777 Subsection 93(3) (penalty)

Omit “or imprisonment for 2 years, or both”.

777 Subsection 62(1) (note 2)

Omit “or Part 7”.

777 Subsection 5(1) (note to the definition of *Model Law*)

Omit “Internet site”.

777 Schedule 5 (note to Schedule heading)

Omit “section 87,”.

18 Omitting words from a table

777 Subsection 93(3) (table)

Omit “the parent or”.

777 Subsection 93(3) (table item 6)

Omit “the parent or”.

18A Omitting words from the heading to a Chapter, Part, Division, Subdivision or section (or equivalent unit)

777 Chapter 7 (heading)

Omit “and other matters”.

18B Omitting words from the heading to a subsection (or equivalent unit)

777 Subsection 7(7) (heading)

Omit “and other matters”.

19 Omitting a long sequence of words

777 Subsection 28(1)

Omit all the words from and including “or the member” to and including “consents”.

20 Omitting words at the end of a section or subsection (or equivalent unit)

777 Section 28

Omit all the words after “the Board”.

777 Section 28

Omit all the words after paragraph (d).

777 Subclause 28(1) of Schedule 3

Omit all the words after paragraph (d).

[It is generally not necessary to deal with the punctuation at the end of the section or subsection (or equivalent unit). The concluding punctuation is not considered to be a word and so it will not be omitted. However, if the amendment will mean that the section or a subsection (or equivalent unit) will end with a semi-colon, you will need to include an amendment to change the semi-colon to a full stop.]

21 Omitting words at the end of a paragraph, subparagraph or sub-subparagraph

777 Paragraph 31(2)(a)

Omit all the words after “the Board”.

777 Subclause 28(4) of Schedule 3 (paragraph (a) of the definition of *frog*)

Omit all the words after subparagraph (iv).

[It is generally not necessary to deal with the punctuation at the end of the paragraph, subparagraph or sub-subparagraph. The concluding punctuation is not considered to be a word and so it will not be omitted. However, if the amendment will mean that the section or subsection (or equivalent unit) of which the paragraph, subparagraph or sub-subparagraph is part will end with a semi-colon, you will need to include an amendment to change the semi-colon to a full stop.]

22 Omitting the same words from several provisions

777 Subsections 42(2), (5) and (9)

Omit “or Secretary”.

777 Subsections 42(2), (5) and (9)

Omit “or Secretary” (wherever occurring).

777 Subclauses 42(2), (5) and (9) of Schedule 3

Omit “or Secretary” (wherever occurring).

[In the second and third examples above, “or Secretary” occurs more than once in at least one of the provisions.]

23 Omitting specific occurrences of the same words in a single provision

777 Subsection 30(3)

Omit “or member” (wherever occurring).

777 Subsection 8(1)

Omit “Chairperson or” (first occurring).

777 Subsection 4(1) (definition of *officer*)

Omit “Minister or” (second and third occurring).

777 Paragraph 25(7)(c)

Omit “and” (last occurring).

[If you want to omit all occurrences of particular words within a section, or within an equivalent or smaller provision, and you also want to make other amendments to the provision, you may use the “wherever occurring” form even if this would result in doubling back within the provision to make one or more of the other amendments. In the following example, “or member” occurs multiple times in subsections 30(1), 30(3) and 30(4).]

777 Section 30

Omit “or member” (wherever occurring).

777 Subsection 30(2)

Omit “Chairperson or”.

B. Substituting

[The substituting forms for units consist of the repeal form, with the addition of “, substitute:”.]

24 Substituting a Chapter, Part, Division or Subdivision

777 Part 5 of Chapter 4

Repeal the Part, substitute:

[text of replacement Part(s)]

777 Division 2 of Part 3 of Schedule 1

Repeal the Division, substitute:

[text of replacement Division(s)]

25 Substituting a Schedule

777 Schedule 1

Repeal the Schedule, substitute:

[text of replacement Schedule(s)]

26 Substituting the heading to a Chapter, Part, Division, Subdivision, section or subsection (or equivalent unit)

777 Division 1 of Part 2 (heading)

Repeal the heading, substitute:

Division 1—[Text of replacement heading]

777 Part 2 of Schedule 2 (heading)

Repeal the heading, substitute:

Part 2—[Text of replacement heading]

777 Section 19 (heading)

Repeal the heading, substitute:

19 [Text of replacement heading]

[The substituted heading must include the Chapter/Part/Division/Subdivision/section number or letter, as applicable.]

27 Substituting a long title

777 Title

Repeal the title, substitute:

[text of replacement long title]

28 Substituting a section or subsection (or equivalent unit)

777 Section 11

Repeal the section, substitute:

[text of replacement section(s)]

777 Subclause 200(2) of Schedule 3

Repeal the subclause, substitute:

[text of replacement subclause(s)]

29 Substituting a paragraph, subparagraph or sub-subparagraph

777 Paragraph 200(3)(c)

Repeal the paragraph, substitute:

[text of replacement paragraph(s)]

777 Subparagraph 200(6)(d)(iv) of Schedule 3

Repeal the subparagraph, substitute:

[text of replacement subparagraph(s)]

777 Subsection 4(1) (subparagraph (a)(ii) of the definition of office)

Repeal the subparagraph, substitute:

[text of replacement subparagraph(s)]

30 Substituting a definition

[This form is used only for a “true” substitution of a definition, i.e. one where the defined term omitted and the defined term substituted are identical. Each definition requires a separate amending item.]

777 Subsection 4(1) (definition of Board)

Repeal the definition, substitute:

[text of replacement definition]

777 Subclause 4(1) of the Schedule (definition of Board)

Repeal the definition, substitute:

[text of replacement definition]

31 Substituting a penalty

777 Section 200 (penalty)

Repeal the penalty, substitute:

[text of replacement penalty]

777 Subsection 200(2) (penalty)

Repeal the penalty, substitute:

[text of replacement penalty]

32 Substituting a note

777 Subsection 200(4) (note)

Repeal the note, substitute:

[text of replacement note]

777 Subsection 200(4) (note 1)

Repeal the note, substitute:

[text of replacement note]

777 Subsection 6(1) (note to the definition of associate)

Repeal the note, substitute:

[text of replacement note]

777 Schedule 5 (note to Schedule heading)

Repeal the note, substitute:

[text of replacement note]

33 Substituting a table item

777 Subsection 200(4) (table item 6)

Repeal the item, substitute:

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

777 Subsection 200(4) (table item dealing with the Australian Capital Territory)

Repeal the item, substitute:

Australian Capital Territory	10,239,835
------------------------------	------------

[In this example, the table items are not numbered.]

34 Substituting a cell in a table

777 Subsection 200(4) (cell at table item 6, column headed “State/Territory”)

Repeal the cell, substitute:

Australian Capital Territory

777 Subsection 200(4) (cell at table item dealing with the Australian Capital Territory, column headed “State/Territory”)

Repeal the cell, substitute:

Australian Capital Territory

[In this example, the table items and the columns are not numbered.]

35 Substituting words in a long title

777 Title

Omit “related”, substitute “other”.

36 Substituting words in a short title

777 Section 1

Omit “National Crime Authority Act 1984”, substitute “Australian Crime Commission Act 2002”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

37 Substituting words (including a complete sentence) in a section or subsection (or equivalent unit)

[When substituting words at the end of a section, subsection, etc., it may sometimes be more convenient to use the form “all the words after ...”. See example 45.]

777 Section 23

Omit “2 years”, substitute “6 months”.

777 Section 52

Omit the second sentence, substitute “The application must be in the approved form.”.

777 Subclause 49(5) of Schedule 3

Omit “employee”, substitute “director”.

777 Subsection 13(2)

Omit all the words before paragraph (a), substitute:

- (2) If, on or after 1 July 1990, a person becomes a permanent employee:

38 Substituting words in a paragraph, subparagraph or sub-subparagraph

777 Subparagraph 72(1)(b)(ii)

Omit “subsection (3)”, substitute “subsection (3C)”.

777 Subclause 6(2) of Schedule 3 (paragraph (a) of the definition of associate)

Omit “subclause (3)”, substitute “subclause (3C)”.

39 Substituting words in order to insert paragraphs etc. into unparagraphed text

777 Section 8

Omit “may appoint persons having suitable qualifications and experience as consultants”, substitute:

may appoint as consultants persons who have:

- (a) the qualifications that are prescribed by the regulations; or
(b) experience in the fishing industry during a total period of at least 10 years.

[In this kind of case, it would generally be preferable to re-enact the whole section. You should only use this approach when there are good reasons for not re-enacting the whole provision.]

40 Substituting words etc. in a definition

777 Subsection 4(1) (paragraph (a) of the definition of *staff member*)

Omit “officer”, substitute “employee”.

777 Subclause 4(1) of Schedule 3 (paragraph (a) of the definition of *staff member*)

Omit “officer”, substitute “employee”.

41 Substituting words in a penalty

777 Subsection 93(3) (penalty)

Omit “2 years”, substitute “5 years”.

42 Substituting words in a note

777 Subsection 62(1) (note)

Omit “Part 7”, substitute “Part 7A”.

777 Subsection 6(1) (note to the definition of *Model Law*)

Omit “Internet site”, substitute “website”.

777 Schedule 5 (note to Schedule heading)

Omit “section 87”, substitute “section 92”.

43 Substituting words in a table

777 Section 200 (table item 6)

Omit “Minister”, substitute “Secretary”.

43A Substituting words in the heading to a Chapter, Part, Division, Subdivision or section (or equivalent unit)

777 Chapter 7 (heading)

Omit “and other matters”, substitute “and related matters”.

43B Substituting words in the heading to a subsection (or equivalent unit)

777 Subsection 7(7) (heading)

Omit “and other matters”, substitute “and related matters”.

44 Substituting a long sequence of words

777 Subsection 17(7)

Omit all the words from and including “from the period” to and including “determined by the Minister”, substitute “during the applicable period”.

45 Substituting words at the end of a section or subsection (or equivalent unit)

777 Section 200

Omit all the words after “made by”, substitute “an employee”.

777 Subclause 200(4) of Schedule 3

Omit all the words after “made by”, substitute “an employee”.

[It is not necessary to include a full stop at the end of the substituted text. The concluding full stop is not considered to be a word and so it will not be omitted.]

46 Substituting words at the end of a paragraph, subparagraph or sub-subparagraph

777 Paragraph 200(2)(a)

Omit all the words after “the Board”, substitute “specifies”.

[If the paragraph, subparagraph or sub-subparagraph being amended concludes with punctuation and no conjunction, it is not necessary to include the concluding punctuation at the end of the substituted text. The concluding punctuation is not considered to be a word and so it will not be omitted.]

47 Substituting the same words in several provisions

777 Subsections 200(2), (5) and (9)

Omit “responsible Minister”, substitute “Secretary”.

777 Subclauses 200(2), (5) and (9) of Schedule 3

Omit “responsible Minister” (wherever occurring), substitute “Secretary”.

[In this example, “responsible Minister” occurs more than once in at least one of the subclauses.]

48 Substituting specific occurrences of words in a single provision

777 Subsection 200(3)

Omit “Authority” (wherever occurring), substitute “Board”.

777 Subsection 200(1)

Omit “Chairperson” (first occurring), substitute “member”.

777 Subsection 200(4) (definition of officer)

Omit “the applicable period” (second and third occurring), substitute “28 days”.

777 Paragraph 200(7)(c) of Schedule 3

Omit “and” (last occurring), substitute “or”.

C1. Adding a unit at the end of an Act or instrument

49 Adding a Chapter or Part at the end of an Act or instrument

777 At the end of the Act

Add:

[text of new Chapter or Part]

50 Adding a Schedule at the end of an Act or instrument

777 At the end of the instrument

Add:

[text of new Schedule(s). If adding a Schedule at the end of Court Rules, the item heading would refer to the “Rules” instead of instrument.]

51 Adding a section at the end of an Act or instrument that is not divided into Chapters or Parts

777 At the end of the Act

Add:

[text of new section(s)]

C2. Adding a unit at the end of another unit

52 Adding a Part at the end of a Chapter or non-amending Schedule

777 At the end of Chapter 3

Add:

[text of new Part]

777 At the end of Schedule 13

Add:

[text of new Part]

53 Adding a Division at the end of a Part

777 At the end of Part 3

Add:

54 Adding a section at the end of a Division

777 At the end of Division 3 of Part 2

Add:

55 Adding a subsection at the end of a section (or equivalent unit)

777 At the end of section 35

Add:

[text of new subsection(s)]

777 At the end of clause 35 of Schedule 3

Add:

[text of new subclause(s)]

[Adding one or more subsections to a section (or equivalent unit) that is not divided into subsections requires renumbering the existing text as subsection (1).]

777 Section 50

Before “[First word in body of section]”, insert “(1)”.

[Check whether in other provisions there are any cross-references to the text that need amendment.]

[If it is necessary to amend the text of the existing section, the amendment of that text should refer to it by its existing section number.]

[If the added subsections have subsection headings, the renumbered text may also require a subsection heading (to be inserted by another amending item). The following is an example (it would be located before the amendment that adds the subsections).]

777 Section 50 (after the heading)

Insert:

[text of new subsection heading]

[If the section has a note at the end, only use the “Add” form if the subsection to be included is to appear after the note. If the subsection to be included is to appear before the note, use the “Insert” form (see Subpart D1).]

[If you are adding a paragraph, subparagraph or sub-subparagraph at the end of an existing section that is not divided into subsections, as well as adding one or more new subsections, this may be done in the same amending item.]

777 Section 490

Before “Except”, insert “(1)”.

777 At the end of section 490

Add:

; or (c) the company is a trustee company (within the meaning of Chapter 5D) that is in the course of administering or managing one or more estates.

(2) A person with a proper interest (within the meaning of Chapter 5D) in the estate referred to in paragraph (1)(c), or who has any claim in respect of the estate, is entitled to be heard in a proceeding before the Court for leave under subsection (1).

56 Adding a paragraph at the end of a section or subsection (or equivalent unit)

[When adding a paragraph, it is often necessary to add “; and” or “; or” at the end of the existing series. This further amendment is combined with the amendment that adds the paragraph.]

777 At the end of section 200

Add:

; and (d) the person convicted of the offence.

777 At the end of subsection 200(2)

Add:

; (d) the person convicted of the offence.

777 At the end of subclause 200(2) of Schedule 3

Add:

; or (d) the person convicted of the offence.

[If the provision being amended is in the old form, with the conjunction appearing only at the end of the penultimate paragraph, an additional amendment is required. This amendment should add the appropriate conjunction at the end of each other paragraph (other than the last), as in the following example.]

777 At the end of paragraphs 200(2)(a) and (b)

Add “and”.

57 Adding a subparagraph at the end of a paragraph etc.

[When adding a subparagraph, it is often necessary to add “; and” or “; or” at the end of the existing series. This further amendment is combined with the amendment that adds the subparagraph.]

777 At the end of paragraph 200(5)(c)

Add:

; and (vi) the person convicted of the offence.

777 At the end of paragraph 200(5)(c) of Schedule 3

Add:

or (vi) the person convicted of the offence;

777 Subsection 4(1) (at the end of paragraph (a) of the definition of *eligible person*)

Add:

(vi) the person convicted of the offence;

[If the provision being amended is in the old form, with the conjunction appearing only at the end of the penultimate subparagraph, an additional amendment is required. This amendment should add the appropriate conjunction at the end of each other subparagraph (other than the last), as in the following example.]

777 At the end of subparagraphs 200(2)(a)(i) to (iii)

Add “and”.

58 Adding a definition at the end of a section or subsection (or equivalent unit)

[Use the “insert” form.]

59 Adding a penalty at the end of a section or subsection

777 At the end of section 200

Add:

[text of new penalty]

777 At the end of subsection 200(2)

Add:

[text of new penalty]

60 Adding a note

777 At the end of subsection 200(4)

Add:

Note: Division 3 of Part 3 deals with the suspension of licences.

777 Subsection 201(5) (note)

Omit “Note”, substitute “Note 1”.

777 At the end of subsection 201(5)

Add:

Note 2: A decision to limit an authority is reviewable under Part 5-7.

[The 2 amendments above go together. In these examples, there is already a note at the foot of subsection 201(5). This needs to be renumbered as Note 1 when the additional note is added.]

777 At the end of clause 200 of Schedule 1

Add:

Note 3: Division 3 of Part 3 deals with the suspension of licences.

61 Adding a table item

777 Section 200 (at the end of the table)

Add:

4	Queensland	10,239,835
---	------------	------------

C3. Adding words at the end of a unit

62 Adding words at the end of a long title

777 At the end of the title

Add “, and for related purposes”.

63 Adding words at the end of a section or subsection (or equivalent unit)

[When adding words to a section etc., there is no need to include a full-stop at the end of the added words, unless they end with a paragraph, subparagraph or sub-subparagraph or a complete sentence.]

777 At the end of section 200

Add “if the person is a member”.

777 At the end of subclause 200(3) of Schedule 3

Add “within 14 days”.

777 At the end of subsection 200(4)

Add:

and must give a copy of the summons to each of the following persons:

- (a) the responsible authority for the State;
- (b) each person who received a copy of the original summons.

[In this kind of case, it would generally be preferable to re-enact the whole subsection. You should only use this approach when there are good reasons for not re-enacting the whole provision.]

64 Adding words at the end of a paragraph, subparagraph or sub-subparagraph

[This form is not used if there is a conjunction at the end of the paragraph, subparagraph or sub-subparagraph. In this case, the words are inserted rather than added.]

777 At the end of paragraph 200(1)(b)

Add “or paragraph (5)(b)”.

777 At the end of subparagraph 200(1)(b)(ii) of Schedule 3

Add “or paragraph (5)(b)”.

777 Subsection 4(1) (at the end of paragraph (a) of the definition of *application period*)

Add “or paragraph (5)(b)”.

65 Adding words at the end of a definition

777 Subsection 4(1) (at the end of the definition of *application period*)

Add “, or such other period as is specified in the regulations”.

777 Subclause 4(1) of the Schedule (at the end of the definition of *application period*)

Add “, or such other period as is specified in the regulations”.

66 Adding words at the end of a penalty

777 Subsection 200(3) (at the end of the penalty)

Add “or imprisonment for 2 years, or both”.

67 Adding words at the end of a note

777 Subsection 200(1) (at the end of the note)

Add “or Part 7”.

777 Subclause 200(1) of Schedule 3 (at the end of note 1)

Add “or Part 7”.

777 Subsection 6(1) (at the end of the note to the definition of *Model Law*)

Add “or Part 7”.

67A Adding words at the end of the heading to a Chapter, Part, Division, Subdivision or section (or equivalent unit)

777 Chapter 7 (at the end of the heading)

Add “and other matters”.

67B Adding words at the end of the heading to a subsection (or equivalent unit)

777 Subsection 7(7) (at the end of the heading)

Add “and other matters”.

68 Single amendment of several provisions

777 At the end of subsections 200(5) and (9)

Add “or member”.

D1. Inserting a unit

[These forms do NOT apply in cases covered by Subparts C1 and C2]

69 Inserting a Chapter, Part etc. between existing Chapters, Parts etc.

777 After Part 5 of Chapter 4

Insert:

[text of new Part(s)]

777 After Division 3 of Part 2

Insert:

[text of new Division(s)]

70 Inserting a Chapter, Part etc. before the first Chapter, Part etc.

777 Before Subdivision A of Division 1 of Part 3

Insert:

[text of new Subdivision(s)]

[There is no need to expressly state that the new Subdivision is inserted “in Division 1”.]

71 Inserting a Schedule

777 After Schedule 3

Insert:

[text of new Schedule(s)]

72 Inserting a heading to a Chapter, Part, Division, Subdivision or subsection (or equivalent unit)

777 Before section 9

Insert:

[text of new heading]

777 Before subsection 18(3)

Insert:

[text of new heading]

777 Before subclause 20(3) of Schedule 2

Insert:

[text of new heading]

73 Inserting a section (or equivalent unit)

777 After section 200

Insert:

[text of new section(s)]

777 Before clause 201 of Schedule 3

Insert:

[text of new clause(s)]

[This form is used for inserting clauses or sections at the beginning of Schedules, Parts, Divisions etc.]

74 Inserting a subsection (or equivalent unit)

777 After subsection 200(2)

Insert:

[text of new subsection(s)]

777 Before subclause 200(1) of Schedule 3

Insert:

[text of new subclause(s)]

[This form is only used for inserting subsections at the beginning of sections, subclauses at the beginning of clauses etc.]

777 After the heading to subsection 10(2)

Insert:

(1A) Subsection (1) does not apply if:

- (a) the supply is not the provision of access to DSGL technology; and
- (b) the supply is made orally.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A): see subsection 13.3(3) of the *Criminal Code*.

[This form is to be used to insert a subsection between an existing subsection and its heading]

777 After subsection 200(2) (before the note)

Insert:

[text of new subsection]

[This form is to be used if you are inserting a subsection after the last subsection in the section, but before a note, and it is not clear whether the note belongs to the section as a whole or to the last subsection only.]

777 Section 53 (before the note)

Insert:

[text of new subsection(s)]

[This form can be used to insert one or more subsections into a section that has a note at its foot but is not divided into subsections. The existing text would need to be numbered as subsection (1).]

75 Inserting a paragraph, subparagraph or sub-subparagraph

[When inserting a paragraph, it is often necessary to also insert “; and” or “; or”. This further amendment is combined with the amendment that inserts the paragraph.]

[If the provision being amended is in the old form, with the conjunction “and” or “or” appearing only at the end of the penultimate paragraph, subparagraph or sub-subparagraph, an additional amendment is required. This amendment should add the appropriate conjunction at the end of each paragraph, subparagraph or sub-subparagraph (other than the last).]

777 After paragraph 200(3)(c)

Insert:

(ca) the person convicted of the offence; and

777 After paragraph 30(1)(d)

Insert:

(da) dog;

777 After paragraph 112(2)(b)

Insert:

; or (c) approved to conduct a trial of a facility under regulation 115.

[This form is used to insert a new paragraph after the last paragraph in a subsection, but before a penalty or note. It is not necessary to include “(before the penalty)” or “(before the note)” in the item heading. In cases where there is no text after the last paragraph, use the “add” form instead (see Subpart C2 above).]

777 After paragraph 112(2)(b)

Insert:

or (c) approved to conduct a trial of a facility under regulation 115;

[This form is used to insert a new paragraph after the last paragraph in a subsection, but before continuing text in ss2 style. In cases where there is no text after the last paragraph, use the “add” form instead (see Subpart C2 above).]

777 Subsection 6(1) (after paragraph (c) of the definition of prisoner)

Insert:

(ca) the person convicted of the offence; and

777 Before subparagraph 43(5)(b)(i)

Insert:

(ia) a relative of the bankrupt; or

[This form is only used for inserting paragraphs, subparagraphs and sub-subparagraphs at the beginning of a series of paragraphs, subparagraphs and sub-subparagraphs.]

76 Inserting a definition

777 Subsection 4(1)

Insert:

[text of new definition]

[The word “insert” is used, even if the definition concerned will appear at the end of the subsection. See Part L of Appendix 1A for examples of inserting multiple definitions in the one item.]

777 Subclause 4(1) of Schedule 3

Insert:

[text of new definition]

77 Inserting a table item

777 Section 200 (after table item 2)

Insert:

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

777 Section 20 (after table item dealing with the Australian Capital Territory)

Insert:

New South Wales	10,239,835
Queensland	9,234,585

[In this example, the table items are not numbered.]

D2. Inserting words

[These forms do NOT apply in cases covered by Subpart C3.]

78 Inserting words in a long title

777 Title

After “transport”, insert “and communications”.

79 Inserting words in a short title

777 Section 1

After “Crime”, insert “and Corruption”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

80 Inserting words in a section or subsection (or equivalent unit)

777 Section 23

After “officer must”, insert “, unless the person objects,”.

777 Subclause 49(5) of Schedule 3

After “member”, insert “or employee”.

81 Inserting words in a paragraph, subparagraph or sub-subparagraph

777 Paragraph 72(1)(b)

After “subsection (3)”, insert “or paragraph (5)(b)”.

777 Subparagraph 72(1)(b)(ii)

After “subsection (3)”, insert “or paragraph (5)(b)”.

777 Subsection 4(1) (paragraph (a) of the definition of *staff member*)

Before “an”, insert “employee or”.

82 Inserting words in a note

777 Subsection 62(1) (note)

After “Part 7”, insert “or 7A”.

777 Subclause 62(1) of the Schedule (note)

After “Part 7”, insert “or 7A”.

777 Subsection 6(1) (note to the definition of *Model Law*)

After “Part 7”, insert “or 7A”.

82A Inserting words in the heading to a Chapter, Part, Division, Subdivision or section (or equivalent unit)

777 Chapter 7 (heading)

After “Transitional”, insert “and application”.

82B Inserting words in the heading to a subsection (or equivalent unit)

777 Subsection 7(7) (heading)

After “*Transitional*”, insert “*and application*”.

83 Single amendment of several provisions

777 Subsections 200(2), (5) and (9)

After “Minister”, insert “or Secretary”.

84 Multiple amendment of single provisions

777 Subsection 200(3)

After “member” (wherever occurring), insert “or officer”.

85 Inserting after specific occurrences of words in a single provision

777 Subsection 200(1)

After “Chairperson” (first occurring), insert “or Deputy Chairperson”.

777 Subsection 200(1)

After “full-time” (second and third occurring), insert “or part-time”.

777 Paragraph 200(7)(c) of Schedule 3

After “subclause (5)” (last occurring), insert “or (5B)”.

Chapter 2—Parliamentary amendments

Parliamentary amendment forms (general principles)

230 This Chapter sets out the general principles for the amendment forms to be used for Parliamentary amendments of Bills. This Chapter has a small number of examples that help to explain the general principles. Drafters should discuss any novel amending forms they propose to use with the editor before sending Parliamentary amendments for the first editorial check. If necessary, the editor and the drafter should raise any novel form with First Parliamentary Counsel.

231 A fuller set of examples is in Appendix 2A.

Primary units

232 For the purpose of the amendment forms, the following parts of a Bill are primary units, *except where they are in text that is proposed to be inserted in a Principal Act*:

	Primary unit	Example of reference
A.	In body of the Bill	
A1	title	Title, page 1 (line 5)
A2	preamble	Preamble, page 1 (lines 3 and 4)
A3	clause	Clause 6, page 3 (lines 5 to 12)
A4	heading to a Chapter, Part, Division, Subdivision, clause or subclause	Heading to Division 3, page 10 (line 12)
A5	Chapter, Part, Division or Subdivision	Division 3, clauses 34 to 40, page 10 (lines 1 to 24)
B.	Non-amending Schedule	
B1	the whole Schedule	Schedule 1, page 25 (line 1) to page 40 (line 25)
C.	Amending Schedule	
C1	the whole Schedule	Schedule 2, page 25 (line 1) to page 40 (line 25)
C2	the Schedule heading	Schedule 2, heading, page 25 (line 1)
C3	amended Act or instrument title at style heading	Schedule 2, heading specifying Act to be amended
C4	item	Schedule 3, item 14, page 25 (lines 3 to 9)
C5	heading to a Part or Division of the Schedule	Schedule 3, heading to Division 3, page 15 (lines 5 and 6)
C6	Part or Division of the Schedule	Schedule 3, Division 3, page 10 (lines 1 to 24)

233 Note that the references to Parts, Divisions and Subdivisions are abbreviated (e.g. “Division 3” rather than “Division 3 of Part 6”). Also note that a reference to a Chapter, Part, Division or Subdivision *in the body of the Bill* is followed by a reference to the relevant clauses.

Two standard models for amendment forms

234 All amendment forms use one of the following two models:

- (1) First primary unit, [second primary unit], Page/line description, Action

(2) Page/line description, Action

The first model

235 The first model is the most common one. It is used whenever it is possible to specify at least one primary unit at the start of the form, *without needing to accompany it with a description of location* (e.g. “after”, “at the end of”). Two primary units are specified before the page/line number in cases covered by item A5 and items C2 to C6 of the above table. In all other cases, only one primary unit is specified.

Examples of the first model

- (~) Clause 23, page 27 (lines 12 to 23), omit the clause, substitute:
- (~) Division 3, clauses 77 to 99, page 12 (line 3) to page 23 (line 24), omit the Division, substitute:
- (~) Schedule 2, item 16, page 27 (lines 12 to 23), omit the item, substitute:
- (~) Schedule 3, Division 3, page 12 (line 3) to page 23 (line 24), omit the Division, substitute:

The second model

236 The second model is used whenever the first model cannot be used. This will usually be a case where the amendment adds or inserts a primary unit. The main aim of the second model is to keep the “action” phrase intact, instead of splitting the “before”, “after” etc. from the “insert” or “add”.

Examples of the second model

- (~) Page 6 (after line 3), after clause 6, insert:

[This form applies e.g. when inserting a Chapter, Part, Division, Subdivision or heading.]
- (~) Page 30 (after line 15), at the end of Division 2, add:

[This form applies e.g. when adding a clause or Subdivision at the end of a Division.]

Referring to page numbers and line numbers

Page and line number references kept together

237 Page and line numbers are always kept together. Except in the case of the Introduction copy of a Bill, only use the page and line numbers from a copy of the Bill printed by CanPrint. In the case of the Introduction copy, you may use the page and line numbers from the PDF version created by OPC. The line numbers in the version on the Parliament website (or even printed from our system) can be different. Copies of the Introduction Print and Third Reading Print (if one is done) of each Bill are kept in the library.

Parentheses for line numbers

238 Line numbers are always specified within parentheses.

Identification extending over 2 or more pages

239 The following form is used for identification that extends over 2 or more pages:

240 “page 6 (line 12) to page 7 (line 16)”.

Insertions before or after lines

241 When inserting a new unit in the Bill, use the following form to specify the line *after* which the new unit is inserted:

“(after line 15)”

242 If it is not possible to specify the line after which the new unit is inserted, then specify the line *before* which it is inserted.

Identification of omitted text

243 Identify both the start *and the end* of the text, by reference to page and line numbers.

Examples of page/line descriptions

- (~) Clause 23, page 12 (line 3), omit “frog or”.
- (~) Clause 23, page 5 (lines 6 and 7), omit subclause (2).
- (~) Schedule 3, Division 3, page 12 (line 3) to page 23 (line 24), omit the Division, substitute:
- (~) Schedule 3, page 12 (after line 12), after item 16, insert:
- (~) Schedule 2, item 777, page 99 (after line 15), after the definition of *aardvark*, insert:

Additional description in the “action” part

244 As a general rule the description in the “action” part of the amending form should be kept as short as possible. In most cases, the page and line number references are sufficient to unambiguously describe the intended amendment.

245 However, in a small number of cases, a minimal description in the “action” part might cause a temporary misunderstanding or an undetected error (if an incorrect line number is specified).

246 To reduce this risk of misunderstanding or error, the “action” part should include sufficient additional description to make the amendment unambiguous without needing to rely on the *line number*, i.e. by relying solely on the primary unit(s), page/line numbers and “action”. This requirement for additional description does *not* apply to the forms that omit words from a specified line, or insert words after existing words in a specified line.

247 If additional description is required, a reference in the additional description to a unit of text should normally use the same form as would be used in an Act when referring to the unit (e.g. “paragraph (a) of the definition of *office*”; “subparagraph (4)(b)(ii)”). However, references to Parts, Divisions and Subdivisions are abbreviated (e.g. “Division 3” rather than “Division 3 of Part 2”).

Examples of extent of description in the “action” part

- (~) Clause 23, page 12 (lines 3 to 5), omit paragraph (4)(a).
- (~) Schedule 3, item 6, page 12 (lines 3 and 4), omit the definition of *dog*.
- (~) Schedule 3, item 6, page 12 (lines 2 to 24), omit Division 3, substitute:
- (~) Clause 6, page 12 (line 3), omit “dog or”.

[No additional description is used. The same form is used irrespective of the part of the clause in which the words occur e.g. in a subclause, in a paragraph of a definition etc.]

Special Senate wording in the “action” part

248 Normally, the word “omit” is used in the action part to indicate that text is to be removed. However, for some Senate amendments that involve removal of text *without substitution*, a “**to be opposed**” form must be used instead.

249 This form applies where the removed text is:

- (a) one or more clauses, items or proposed sections;
- (b) one or more Subdivisions, Divisions, Parts, Chapters or Schedules (i.e. a grouping of clauses, items or proposed sections);
- (c) a preamble.

250 There are 2 forms, depending on whether the removed text is a primary unit:

Example where removed text is a primary unit

- (~) Clause 66, page 99 (lines 5 and 6), **to be opposed**.

Example in other cases

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), section 346AB **to be opposed**.

Use of “the” in descriptions

251 The amending forms should generally use the word “the”, rather than omitting it for greater brevity. For example, “*at the end of the section*” is used rather than the abbreviated form “at end of section”.

Use of “proposed”

252 The word “proposed” is *not* to be used in an amendment to distinguish between substantive text of the Bill and text that the Bill proposes to insert in a Principal Act.

Use of commas

253 In the “action” part of the amendment forms, the word “insert”, “add” or “substitute” is always preceded by a comma (even though it is not grammatically necessary in all cases).

Distinction between “add” and “insert”

When to add

254 The “add” form is used:

- (a) when adding material at the end of the Bill; or
- (b) when adding material at the end of (and as part of) an existing unit in the Bill.

255 When amending text that an amending Bill proposes to include in a Principal Act, the choice between “add” and “insert” is made by reference to the proposed text that appears *in the Bill*. For example, if the Bill proposes to add a Division at the end of an existing Part of a Principal Act, an amendment to include an additional new Division will use the “insert” form. On the other hand, an amendment to include another Subdivision at the end of the proposed new Division would use the “add” form.

256 The “add” form is never used for definitions.

257 Material is added *at the end of the next higher unit* of which it will become part. If the material is to be included at the end of the Bill, but it is not to become part of a higher unit in the Bill, then it is added “at the end of the Bill”.

258 The “add” form always includes “at the end of”.

Examples of adding

(~) Page 99 (after line 20), at the end of the Bill, add:

[To add a Chapter at the end of the Bill.]

(~) Page 99 (after line 20), at the end of Chapter 3, add:

[To add a Part at the end of the last Chapter in the Bill.]

(~) Schedule 3, page 70 (after line 20), at the end of the Schedule, add:

[To add a Part at the end of a Schedule.]

(~) Schedule 3, page 70 (after line 20), at the end of Part 3, add:

[To add a Division at the end of a Part of a Schedule.]

(~) Schedule 3, item 12, page 70 (after line 20), at the end of Part 3, add:

[To add a Division at the end of a Part that is proposed to be inserted in a Principal Act.]

When to insert

259 The “insert” form applies whenever the “add” form does not apply. The “insert” form always includes “before” or “after”.

Examples of inserting

- (~) Page 12 (after line 20), after Part 3, insert:

[To insert a new Part 3A between existing Parts 3 and 4.]

- (~) Schedule 3, item 12, page 70 (after line 20), after Division 2, insert:

[To insert an additional Division after a Division that is proposed to be inserted in, or added to, an existing Part of a Principal Act.]

Order of phrases when “adding”

260 The standard form is “at the end of ..., add ...”.

Use of “the following [unit]”

261 The forms for inserting, adding or substituting text do *not* use the words “the following:” or “the following [unit]:”.

Special forms for amendments involving tables

262 The lines of a table are not numbered. Since the standard forms rely heavily on page/line description, they need to be modified for amendments involving tables.

263 All amendments of tables will use the first model (because a table will always be part of a primary unit).

264 The page number specifies the page(s) where the amendment is to be made. The line number reference is replaced by a description that is sufficiently precise to identify the affected part of the table. The description is in parentheses, for consistency with the line number description that it replaces. When inserting or adding rows, the words in parentheses include “before”, “after” or “at the end of”.

Examples of amendments of tables

- (~) Clause 6, page 3 (table), omit the table.

[In this example, the whole table is on page 3.]

- (~) Clause 6, pages 3 and 4 (table), omit the table.

[In this example, the table starts on page 3 and ends on page 4.]

- (~) Clause 6, page 4 (at the end of the table), add:

[In this example, the table ends on page 4. There is no need to specify the starting page.]

- (~) Schedule 3, item 777, page 13 (table item 3), omit the table item.

[In this example, the whole of table item 3 is on page 13.]

- (~) Schedule 3, item 777, page 13 (after table item 3), insert:

[In this example, table item 3 ends on page 13. There is no need to specify the starting page.]

- (~) Schedule 3, item 777, page 13 (table item 3, column 5), omit “dog”, substitute “cat”.

[In this example, “dog” is in table item 3 on page 13 and the columns are numbered.]

- (~) Schedule 3, item 777, page 13 (cell at table item 3, column 5), omit the cell, substitute:

[In this example, the columns are numbered.]

265 If a table occurs at the end of a text unit (e.g. a section) that is to be omitted or replaced, it will be possible to specify the starting line number but not the ending line number. The standard form will therefore need to be modified.

Example of amendment where text ends with a table

- (~) Schedule 2, item 777, page 70 (starting at line 5), omit section 12, substitute:

266 If it is necessary to refer to a column of a table in an amendment and the columns in the table are not numbered, the column must be identified in the same way as in an amending Bill (e.g. column headed “Decision”). Ordinal numbers must not be used to describe the column.

267 If the table to be amended is on the same page as one or more other tables or parts of tables, include a reference to the section or other provision that contains the table to be amended.

Example of amendment where there are 2 or more tables on the page

- (~) Schedule 2, item 777, page 7 (table item 1 in section 5), omit “\$301”, substitute “\$321”.

Margins for tables, formulas, diagrams and other graphics

268 The page margins for Parliamentary amendments are set for A4 paper size. However, to avoid problems arising when the Parliamentary amendments are incorporated in Bills:

- (a) any table (or table item) must fit within the B5 left and right margins used in Bills; and
- (b) any formula, diagram or similar graphic must fit on a single page within the B5 margins used in a Bill.

Amendments that insert or add 2 or more clauses, Subdivisions etc.

269 Separate amendments must be used in the following cases, even where the units are consecutive, or related in subject matter:

- (a) to insert 2 or more clauses into the body of the Bill, where those clauses are not grouped into a single Subdivision, Division, Part or Chapter (however, an amendment may insert an amending item that inserts 2 or more sections into a principal Act);

- (b) to insert 2 or more Subdivisions, Divisions, Parts or Chapters into the body of the Bill or into a Schedule to a Bill (where those Subdivisions etc. are not being inserted into a Principal Act);
- (c) to insert 2 or more Schedules into a Bill;
- (d) to add, rather than insert, in any of the above cases;
- (e) to omit 2 or more Schedules from a Bill.

270 For Schedules other than amending Schedules, a single amendment may be used to insert or add a series of consecutive clauses or other units.

Examples of inserting consecutive clauses by separate amendments

- (~) Page 99 (after line 15), after clause 66, insert:

[For the first amendment in the group, the line number is specified.]

[This example adds a new clause 66A.]

- (~) Page 99, after proposed clause 66A, insert:

[For the remaining amendments in the group, the line number is not specified.]

Examples of adding consecutive clauses by separate amendments

- (~) Page 99 (after line 15), at the end of Part 3, add:

[This example adds a new clause 66A.]

- (~) Page 99, at the end of Part 3 (after proposed clause 66A), add:

[This example adds a new clause 66B.]

Inserting or adding consecutive items in an amending Schedule

Amendments moved in the House of Representatives

271 Officers of the House of Representatives have advised that, in that House, the Standing Orders limit the extent to which a single Parliamentary amendment can insert or add a series of consecutive amending items.

272 House of Representatives Standing Order 149(d)(iii) deals with debate on Schedules in amending Bills. It states that “items within a schedule shall be considered in their numerical order, and consecutive items which amend the same section of an Act shall be considered together, unless the House otherwise orders” (as at 11 October 2012).

273 This paragraph is taken to prevent a single Parliamentary amendment from inserting or adding amending Schedule items that amend more than one section.

274 Consecutive amending items are inserted in an amending Schedule like this:

- (~) Schedule 1, page 6 (after line 14), after item 18, insert:

18A Subsection 42(1)

Omit etc.

18B After subsection 42(1A)

Insert:

etc.

[topic 1; topic 2]

- (~) Schedule 1, page 6, after proposed item 18B, insert:

18C Section 43

Repeal the section.

[topic 3]

275 Consecutive amending items are added at the end of an amending Schedule like this:

- (~) Schedule 6, page 50 (after line 26), at the end of the Schedule, add:

15 After subparagraph 37(1)(b)(iii)

Insert:

etc.

[topic 4]

- (~) Schedule 6, page 50, at the end of the Schedule, add (after proposed item 15):

16 After section 52

Insert:

etc.

[topic 5]

276 In similar vein, separate Parliamentary amendments are used if 2 or more sections are added at the end of an existing Division. (In this case, the second and subsequent new sections are expressed (in the relevant item heading) to be added at the end of the Division “after proposed section ...”.)

277 The following units are inserted or added by a single Parliamentary amendment:

- (a) an entire new amending Schedule (amending one or more sections);
- (b) an entire new Part or Division of an amending Schedule;
- (c) an entire new Chapter, Part, Division, Subdivision or Schedule of an Act being amended.

278 Use separate Parliamentary amendments to insert or add any of the following new units:

- (a) consecutive new amending Schedules;

- (b) consecutive new Parts or Divisions of amending Schedules;
- (c) consecutive new Chapters, Parts, Divisions, Subdivisions or Schedules of an Act being amended.

279 Multiple amendment formats provided for in Chapter 1 of this manual cannot be used in Parliamentary amendments in the House of Representatives, unless all of the amendments grouped together in the one amending item are amendments of the same section. This rule also applies to multiple amendments to change asterisking.

Amendments moved in the Senate

280 In the Senate, a single amendment to an amending Schedule may be used to insert or add a series of consecutive amending items. There is no requirement to divide the amendments as is the practice in the House of Representatives. The amendments set out in the examples above as items 18A to 18C would be as follows if they were Senate amendments:

(~) Schedule 1, page 6 (after line 14), after item 18, insert:

18A Subsection 42(1)

Omit etc.

18B After subsection 42(1A)

Insert:

etc.

18C Section 43

Repeal the section.

[topic 1; topic 2; topic 3]

281 A single amendment may also be used to insert or add a series of consecutive Parts, Divisions or amending Schedules.

282 Senate requests for amendments should be drafted in the same form as ordinary Senate amendments, even though the requested amendments are ultimately made as House of Representatives amendments if they are accepted.

Order of amendments

283 Parliamentary amendments should follow the order of the provisions being amended. This principle applies even though Standing Orders may require a different order of consideration of the provisions of the Bill (for example, requiring the title to be considered last).

Decentralised tables of contents

284 If you are drafting Parliamentary amendments of a Bill that affect the accuracy of decentralised tables of contents in the Bill, Parliamentary officers will update the tables.

Notes about topic covered

Rules to be applied strictly

285 The purpose of inserting notes about topics covered is to facilitate consideration of Parliamentary amendments during debate in the Parliament. However, to ensure that the preparation of these notes does not absorb a disproportionate amount of drafting resources on a continuing basis, the rules have been kept simple.

286 This means that there will be individual cases in which notes prepared according to the following rules will not in fact be particularly helpful to those engaged in consideration of the amendments concerned. In such cases, drafters should simply apply the rules and insert the information required by those rules. Drafters should *not* attempt to devise more useful versions of the note to deal with individual cases.

Topic covered

287 At the end of each amendment, a note should be added describing the topic involved. The topic description should relate to the contents or purpose of the Parliamentary amendment, not the affected provision of the Act or the amending provision in the Bill. The note is to help members of Parliament and Parliamentary officers to identify all amendments that, because they are essential to the implementation of the same change, need to be considered together in the course of debate. For example, an amendment allowing applications to be made and an amendment limiting the kinds of people who can apply should be given the same topic description; and an amendment inserting a new Schedule and an amendment providing for the commencement of the new Schedule should be given the same topic description.

288 The description of the topic should be brief (no more than a few words). For example, “applications”, “contracts” etc. This should be done for every amendment drafted, even if at the time of drafting there is, and is likely to be, only one amendment covered by the particular topic description.

Examples

(~) Clause 23, page 12 (line 3), omit “to the other party”, substitute “to each party”.
[contracts]

(~) Clause 15, page 25 (line 3), omit “43(1)”, substitute “43A(1)”.
[technical correction]

289 If an amendment requires reference to more than one topic (because it should be taken into account when consideration is being given to more than one group of amendments), each topic should be included in the note, separated by a semicolon.

Example of note referring to more than one topic

(~) Clause 45, page 18 (lines 6 and 7), omit “refund the principal within 2 weeks”, substitute “pay the principal and interest within 3 weeks”.
[debts; time limits]

Amendments of Parliamentary amendments

290 Amendments of Parliamentary amendments are generally rare. Some examples are in Appendix 2B.

291 As a general rule, the fact that the House of Representatives disagrees with an amendment made by the Senate should not be reflected in the amendments to be moved in the House. Instead, this information is dealt with separately in the motion moved in the House of Representatives. As a result, the amendments moved in the House are to be expressed in the same form as normal amendments. (This approach is reflected in Example B in Appendix 2B.) Indeed, the result of this approach is that Example B is not technically an amendment of an amendment at all. Instead, the amendments to be moved in the House of Representatives are drafted as though they were original amendments of the Bill.

292 In rare cases, the House will genuinely amend an amendment of the Senate. An example of this approach is in Example C in Attachment 2B.

293 While the examples are a useful starting point, you should discuss any proposed approach with First Parliamentary Counsel and then seek advice from the relevant Clerk (or from a senior member of his or her staff) in these situations.

294 Minor textual errors in Parliamentary amendments may be able to be corrected with a Clerk's or Chairman's amendment (see Drafting Direction 4.7).

Division of Bills

295 The standard and preferable approach to the division of a Bill before the Parliament is to prepare Parliamentary amendments that excise provisions from the Bill, and introduce a new Bill that contains the excised provisions. This approach uses established procedures.

296 If a Bill is before the Senate, it is theoretically possible to use the alternative approach set out in Senate Standing Order 150, which provides that "an instruction may be given to a committee to divide a bill into 2 or more bills...". The alternative approach is rarely used. Some examples are set out in the Senate Journals mentioned in *Odgers' Australian Senate Practice* (13th ed, pp 310-313). The Senate Journals can be accessed on the Senate Publications page on the Parliament House website. While the examples are a useful starting point, you should seek advice from the Clerk of the Senate (or from a senior member of his or her staff) if the alternative approach is adopted.

297 If a Bill originated in the House of Representatives, it is likely that the House of Representatives will object to the division of the Bill in the Senate using the alternative approach. *House of Representatives Practice* (6th ed, pp 462-463) states that "it is considered that the established rules and practices of the Houses provide ample opportunity for the consideration and amendment of bills by each House and that the division of a bill in the House in which the bill did not originate is highly undesirable". If a Bill originated in the House of Representatives, and it is proposed to divide the Bill in the Senate using the alternative approach, you should consult the Clerk of the House of Representatives (or a senior member of his or her staff).

298 If it is proposed to divide a Bill (whether using the standard approach or the alternative approach), you should inform First Parliamentary Counsel of the proposal.

Appendix 2A—Parliamentary amendment forms (examples)

A: Body of the Bill

299 Use these forms if the Parliamentary amendment is amending a Bill for a new principal Act or the introductory clauses of a Bill for an amending Act.

[*Note: For details of the content of topic notes, see discussion of general principles.*]

A1: Omitting [and substituting]

1 Omitting the preamble

- (~) Preamble, page 1 (line 15) to page 2 (line 20), omit the preamble. [, substitute:] **[topic]**

[*SENATE: If there is no substitution, use “to be opposed” instead of “omit the preamble”.*]

2 Omitting a Chapter, Part, Division or Subdivision

- (~) Chapter 2, clauses 31 to 50, page 99 (line 15) to page 100 (line 20), omit the Chapter. [, substitute:] **[topic]**

[*SENATE: If there is no substitution, use “to be opposed” instead of “omit the Chapter”.*]

- (~) Part 2, clauses 31 to 50, page 99 (line 15) to page 100 (line 20), omit the Part. [, substitute:] **[topic]**

[*SENATE: If there is no substitution, use “to be opposed” instead of “omit the Part”.*]

- (~) Division 2, clauses 31 to 50, page 99 (line 15) to page 100 (line 20), omit the Division. [, substitute:] **[topic]**

[*SENATE: If there is no substitution, use “to be opposed” instead of “omit the Division”.*]

- (~) Subdivision B, clauses 31 to 50, page 99 (line 15) to page 100 (line 20), omit the Subdivision. [, substitute:] **[topic]**

[*SENATE: If there is no substitution, use “to be opposed” instead of “omit the Subdivision”.*]

3 Omitting the heading to a Chapter, Part, Division, Subdivision, clause, subclause etc.

- (~) Heading to Chapter 2, page 99 (line 15), omit the heading. [, substitute:] **[topic]**

- (~) Heading to Part 2, page 99 (line 15), omit the heading. [, substitute:] **[topic]**

- (~) Heading to Division 2, page 99 (line 15), omit the heading. [, substitute:]

[topic]

(~) Heading to Subdivision A, page 99 (line 15), omit the heading. [, substitute:]

[topic]

(~) Heading to clause 2, page 99 (line 15), omit the heading. [, substitute:]

[topic]

(~) Heading to subclause 5(2), page 99 (line 15), omit the heading. [, substitute:]

[topic]

4 Omitting a clause

(~) Clause 66, page 99 (lines 5 and 6), omit the clause. [, substitute:]

[topic]

[SENATE: If there is no substitution, use “**to be opposed**” instead of “omit the clause”.]

(~) Clause 66, page 99 (line 15) to page 100 (line 20), omit the clause. [, substitute:]

[topic]

[SENATE: If there is no substitution, use “**to be opposed**” instead of “omit the clause”.]

(~) Clauses 66 and 67, page 99 (line 15) to page 100 (line 20), omit the clauses. [, substitute:]

[topic]

[SENATE: If there is no substitution, use “**to be opposed**” instead of “omit the clauses”.]

(~) Clauses 66 to 73, page 99 (line 15) to page 100 (line 20), omit the clauses. [, substitute:]

[topic]

[SENATE: If there is no substitution, use “**to be opposed**” instead of “omit the clauses”.]

5 Omitting a subclause

(~) Clause 66, page 99 (lines 5 and 6), omit subclause (2). [, substitute:]

[topic]

(~) Clause 66, page 99 (lines 5 to 7), omit subclauses (2) and (3). [, substitute:]

[topic]

(~) Clause 66, page 99 (lines 5 to 7), omit subclauses (2) to (4). [, substitute:]

[topic]

6 Omitting a paragraph, subparagraph etc.

(~) Clause 66, page 99 (lines 3 to 5), omit paragraph (4)(a). [, substitute:]

[topic]

(~) Clause 66, page 99 (lines 3 to 5), omit paragraphs (4)(a) and (b). [, substitute:]

[topic]

(~) Clause 66, page 99 (lines 3 to 9), omit paragraphs (4)(a) to (e). [, substitute:]

[topic]

- (~) Clause 66, page 99 (lines 3 to 5), omit subparagraph (4)(a)(i). [, substitute:] **[topic]**
- (~) Clause 66, page 99 (lines 3 to 5), omit subparagraphs (4)(a)(i) and (ii). [, substitute:] **[topic]**
- (~) Clause 66, page 99 (lines 3 to 5), omit subparagraphs (4)(a)(i) to (iii). [, substitute:] **[topic]**
- (~) Clause 66, page 99 (lines 3 to 5), omit sub-subparagraph (6)(a)(i)(A). [, substitute:] **[topic]**

7 Omitting a definition from a clause or subclause

- (~) Clause 66, page 99 (lines 17 to 30), omit the definition of *dog*. [, substitute:] **[topic]**

[The same form is used for definitions in clauses and definitions in subclauses.]

8 Omitting a penalty or note

- (~) Clause 66, page 99 (lines 17 to 20), omit the penalty. [, substitute:] **[topic]**
- (~) Clause 66, page 99 (lines 17 to 20), omit the note. [, substitute:] **[topic]**
- (~) Clause 66, page 99 (lines 17 to 20), omit note 1. [, substitute:] **[topic]**

9 Omitting a table

- (~) Clause 66, page 99 (table), omit the table. [, substitute:] **[topic]**
- [In this example, the whole table is on page 99.]*
- (~) Clause 66, pages 98 to 99 (table), omit the table. [, substitute:] **[topic]**

[In this example, the table starts on page 98 and ends on page 99.]

10 Omitting an item from a table

- (~) Clause 66, page 99 (table item 3), omit the table item. [, substitute:] **[topic]**

11 Omitting a cell from a table

- (~) Clause 66, page 99 (cell at table item 3, column headed “Expense”), omit the cell. [, substitute:] **[topic]**

[If the columns in the table are numbered, the column is to be referred to by its column number, e.g. “column 5”.]

12 Omitting words from the preamble

- (~) Preamble, page 2 (line 5), omit “under any circumstances”. [, substitute “...”] **[topic]**

13 Omitting words from the heading to a Chapter, Part, Division, Subdivision, clause, subclause etc.

- (~) Heading to Chapter 3, page 99 (line 1), omit “**and companies**”. [, substitute “...”] **[topic]**
- (~) Heading to Part 3, page 99 (line 1), omit “**and companies**”. [, substitute “...”] **[topic]**
- (~) Heading to Division 3, page 99 (line 1), omit “**and companies**”. [, substitute “...”] **[topic]**
- (~) Heading to Subdivision A, page 99 (line 1), omit “**and companies**”. [, substitute “...”] **[topic]**
- (~) Heading to clause 66, page 99 (line 1), omit “**and companies**”. [, substitute “...”] **[topic]**
- (~) Heading to subclause 5(2), page 99 (line 7), omit “*and companies*”. [, substitute “...”] **[topic]**

14 Omitting words from a clause, subclause, paragraph, definition, penalty, note, example etc.

- (~) Clause 66, page 99 (line 27), omit “under any circumstances”. [, substitute “...”] **[topic]**
- (~) Clause 66, page 99 (line 27), omit “Deputy” (wherever occurring). [, substitute “...”] **[topic]**

[In this example, the word “Deputy” occurs several times on the same line.]

- (~) Clause 66, page 99 (line 27), omit “Deputy” (second occurring). [, substitute “...”] **[topic]**

[In this example, the word “Deputy” occurs several times on the same line.]

- (~) Clause 66, page 99 (lines 20 to 27), omit “Deputy” (wherever occurring). [, substitute “...”] **[topic]**

[In this example, the word “Deputy” occurs several times within a unit (e.g. a subclause) that spans several lines. The line numbers identify the start and end of the unit, rather than identifying only the first line and last line in which the word appears.]

- (~) Clause 66, page 99 (lines 20 to 27), omit all the words from and including “house” to and including “car”. [, substitute “...”]

[topic]

- (~) Clause 66, page 99 (lines 20 to 27), omit all the words from and including “house” to the end of subclause (3). [, substitute “...”]

[topic]

15 Omitting words from a table

- (~) Clause 66, page 99 (table item 3), omit “dog”. [, substitute “...”]

[topic]

- (~) Clause 66, page 99 (table item 3, column headed “Expense”), omit “dog”. [, substitute “...”]

[topic]

[If the columns in the table are numbered, the column is to be referred to by its column number, e.g. “column 5”.]

16 Omitting words from the long title

- (~) Title, page 1 (line 5), omit “**and companies**”. [, substitute “...”]

[topic]

A2: Adding

17 Adding a Chapter, Part, Division or Subdivision at the end of the Bill

[Each new Chapter etc. requires a separate amendment.]

- (~) Page 99 (after line 20), at the end of the Bill, add:

[topic]

[To add a Chapter at the end of the Bill.]

- (~) Page 99 (after line 20), at the end of Chapter 3, add:

[topic]

[To add a Part at the end of the last Chapter in the Bill.]

- (~) Page 99 (after line 20), at the end of Part 3, add:

[topic]

[To add a Division at the end of the last Part in the Bill.]

- (~) Page 99 (after line 20), at the end of Division 3, add:

[topic]

[To add a Subdivision at the end of the last Division in the Bill.]

18 Adding a Part, Division or Subdivision at the end of a Chapter, Part or Division etc.

- (~) Page 99 (after line 15), at the end of Chapter 5, add:

[topic]

- (~) Page 99 (after line 15), at the end of Part 5, add:

[topic]

- (~) Page 99 (after line 15), at the end of Division 5, add:

[topic]

19 Adding a clause at the end of the Bill

[Each new clause requires a separate amendment, except for clauses in a new Part, Division etc.]

- (~) Page 99 (after line 15), at the end of Chapter 3, add:

[topic]

[In this example, the clause is being added at the end of the last Chapter in the Bill.]

- (~) Page 99 (after line 15), at the end of Part 3, add:

[topic]

[In this example, the clause is being added at the end of the last Part in the Bill.]

- (~) Page 99 (after line 15), at the end of Division 3, add:

[topic]

[In this example, the clause is being added at the end of the last Division in the Bill.]

- (~) Page 99 (after line 15), at the end of Subdivision A, add:

[topic]

[In this example, the clause is being added at the end of the last Subdivision in the Bill.]

- (~) Page 99 (after line 15), at the end of the Bill, add:

[topic]

[In this example, the clause is not being added at the end of a higher unit such as a Part or Division.]

20 Adding a clause at the end of a Chapter, Part, Division or Subdivision

[Each new clause requires a separate amendment, except for clauses in a new Part, Division etc.]

- (~) Page 99 (after line 15), at the end of Chapter 5, add:

[topic]

- (~) Page 99 (after line 15), at the end of Part 5, add:

[topic]

- (~) Page 99 (after line 15), at the end of Division 5, add:

[topic]

- (~) Page 99 (after line 15), at the end of Subdivision E, add:

[topic]

21 Adding a subclause at the end of a clause

- (~) Clause 66, page 99 (after line 5), at the end of the clause, add:

[topic]

22 Adding a paragraph, subparagraph etc.

- (~) Clause 66, page 99 (line 5), at the end of subclause (6), add:

[topic]

[The additional material (whether it be punctuation and a paragraph, or punctuation, a conjunction and a paragraph) will start at the end of the relevant line, not after that line.]

- (~) Clause 66, page 99 (after line 5), at the end of paragraph (6)(a), add:

[topic]

- (~) Clause 66, page 99 (line 5), at the end of paragraph (6)(a), add:

[topic]

[This form is used if a punctuation and a subparagraph, or punctuation, a conjunction and a subparagraph are being added. In this case “line 5” is used instead of “after line 5”, because the addition starts at the end of line 5.]

- (~) Clause 66, page 99 (after line 5), at the end of subparagraph (6)(a)(i), add:

[topic]

- (~) Clause 66, page 99 (line 5), at the end of subparagraph (6)(a)(i), add:

[topic]

[This form is used if punctuation and a sub-subparagraph, or punctuation, a conjunction and a sub-subparagraph are being added. In this case “line 5” is used instead of “after line 5”, because the addition starts at the end of line 5.]

23 Adding an item at the end of a table

- (~) Clause 66, page 99 (at the end of the table), add:

[topic]

[In this example, the table ends on page 99. There is no need to specify the starting page.]

24 Adding words at the end of the heading to a Chapter, Part, Division, Subdivision, clause, subclause etc.

- (~) Heading to Chapter 3, page 99 (line 1), at the end of the heading, add “**and companies**”.

[topic]

- (~) Heading to Part 3, page 99 (line 1), at the end of the heading, add “**and companies**”.

[topic]

- (~) Heading to Division 3, page 99 (line 1), at the end of the heading, add “**and companies**”.

[topic]

- (~) Heading to Subdivision A, page 99 (line 1), at the end of the heading, add “**and companies**”.

[topic]

(~) Heading to clause 66, page 99 (line 1), at the end of the heading, add “**and companies**”.
[topic]

(~) Heading to subclause 9(6), page 99 (line 7), at the end of the heading, add “*and companies*”.
[topic]

25 Adding words at the end of a clause, subclause, paragraph etc.

(~) Clause 66, page 99 (line 5), at the end of the clause, add “or for any other purpose”.
[topic]

(~) Clause 66, page 99 (line 5), at the end of subclause (1), add “or for any other purpose”.
[topic]

(~) Clause 66, page 99 (line 5), at the end of paragraph (6)(a), add “or for any other purpose”.
[topic]

(~) Clause 66, page 99 (line 5), at the end of subparagraph (6)(a)(i), add “or for any other purpose”.
[topic]

(~) Clause 66, page 99 (line 5), at the end of sub-subparagraph (6)(a)(i)(A), add “or for any other purpose”.
[topic]

26 Adding words at the end of the long title

(~) Title, page 1 (line 5), at the end of the title, add “, **and for related purposes**”.
[topic]

A3: Inserting

27 Inserting a Chapter, Part, Division or Subdivision

[Each new Chapter etc. requires a separate amendment.]

(~) Page 99 (after line 15), after Chapter 5, insert:
[topic]

[To insert a Chapter between existing Chapters.]

(~) Page 99 (after line 15), after Part 5, insert:
[topic]

[To insert a Part between existing Parts.]

(~) Page 99 (after line 15), after Division 5, insert:
[topic]

[To insert a Division between existing Divisions.]

(~) Page 99 (after line 15), after Subdivision B, insert:
[topic]

[To insert a Subdivision between existing Subdivisions.]

28 Inserting a clause

[Each new clause requires a separate amendment, except for clauses in a new Part, Division etc.]

- (~) Page 99 (after line 15), after clause 66, insert:

[topic]

29 Inserting a subclause

- (~) Clause 66, page 99 (after line 15), after subclause (4), insert:

[topic]

30 Inserting a paragraph, subparagraph etc.

- (~) Clause 66, page 99 (after line 15), after paragraph (6)(b), insert:

[topic]

- (~) Clause 66, page 99 (after line 15), after subparagraph (6)(b)(i), insert:

[topic]

- (~) Clause 66, page 99 (after line 15), after sub-subparagraph (6)(b)(i)(A), insert:

[topic]

[A separate amendment may be needed to add a conjunction at the end of the paragraph, subparagraph or sub-subparagraph after which the new paragraph, subparagraph or sub-subparagraph is being inserted.]

31 Inserting a definition

[The “insert” form is used even if the definition(s) will appear at the end of the existing definitions.]

- (~) Clause 66, page 99 (after line 15), after the definition of **aardvark**, insert:

[topic]

- (~) Clause 66, page 99 (lines 16 to 25), insert:

[topic]

[This form is used for inserting more than one definition by a single amendment (if those amendments are covered by the same topic). The line numbers identify the unit (e.g. clause or subclause) that contains the existing definitions. There is no need to specify the order of the definitions in the amended definition provision—Parliamentary officers will insert the definitions in alphabetical order, on a letter-by-letter basis. If you are also including one or more separate amendments of definitions in the clause or subclause, the amendment to insert the new definitions is to be included before the amendments of the existing definitions. This is to ensure that the references to the page numbers are in correct sequence.]

32 Inserting an item in a table

- (~) Clause 66, page 99 (after table item 3), insert:

[topic]

33 Inserting words in a clause, subclause, paragraph etc.

- (~) Clause 66, page 99 (line 15), after “dog”, insert “or house”.

[topic]

34 Inserting words in a number of provisions (multiple amendments)

- (~) Part 1 to Part 5, page 1 (line 5) to page 20 (line 15), before “National Security Legislation Monitor” (wherever occurring), insert “Independent”.

[topic]

[If you are considering using this form of amendment, you should discuss it with First Parliamentary Counsel.]

35 Inserting words in a table

- (~) Clause 66, page 99 (table item 3), after “dog”, insert “or house”.

[topic]

36 Inserting words in the long title

- (~) Title, page 1 (line 5), after “companies”, insert “or partnerships”.

[topic]

B: Non-amending Schedule

300 Use these forms if the Parliamentary amendment is amending a non-amending Schedule to a Bill for a new principal Act.

[Note 1: For a non-amending Schedule, the Schedule itself is the only “primary unit”.

Note 2: Non-amending Schedules have differing forms. The following examples are based on the assumption that the Schedule concerned is divided into “clauses”, and that the clauses are divided into “subclauses”. The forms may need to be modified to deal with a Schedule that has a different structure or a different manner of referring to its units.

Note 3: A Schedule in an amending Bill that contains application, saving or transitional provisions is to be treated as an amending Schedule (and not as a non-amending Schedule) for the purpose of working out the correct amending form of Parliamentary amendments of the Schedule.

Note 4: For details of the content of topic notes, see discussion of general principles.]

B1: Omitting [and substituting]

37 Omitting a non-amending Schedule

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit the Schedule. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “to be opposed” instead of “omit the Schedule”.]

38 Omitting a Part or Division of a non-amending Schedule

- (~) Schedule 2, page 99 (line 3) to page 100 (line 20), omit Part 3. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “Part 3 to be opposed” instead of “omit Part 3”.]

- (~) Schedule 2, page 99 (line 3) to page 100 (line 20), omit Division 3. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “Division 3 to be opposed” instead of “omit Division 3”.]

39 Omitting the heading to a Part, Division etc. or clause, subclause etc. of a non-amending Schedule

- (~) Schedule 2, page 99 (line 15), omit the heading to Part 3. [, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 15), omit the heading to Division 3. [, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 15), omit the heading to clause 9. [, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 15), omit the heading to subclause 18(9). [, substitute:] **[topic]**

40 Omitting a clause, subclause, paragraph etc. of a non-amending Schedule

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit clause 3. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “clause 3 to be opposed” instead of “omit clause 3”.]

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit clauses 3 and 4. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “clauses 3 and 4 to be opposed” instead of “omit clauses 3 and 4”.]

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit clauses 3 to 5. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “clauses 3 to 5 to be opposed” instead of “omit clauses 3 to 5”.]

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit subclause 27(2). [, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit subclauses 27(2) and (3).
[, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit subclauses 27(2) to (5). [, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit paragraph 15(2)(a). [, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit paragraphs 15(2)(a) and (b).
[, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit paragraphs 15(2)(a) to (e).
[, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit subparagraph 12(2)(a)(i).
[, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit subparagraphs 12(2)(a)(i) and (ii).
[, substitute:] **[topic]**

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit subparagraphs 12(2)(a)(i) to (v).
[, substitute:]

[topic]

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit sub-subparagraph 43(2)(a)(i)(A).
[, substitute:]

[topic]

41 Omitting a note

- (~) Schedule 2, page 99 (lines 16 to 25), omit note 2. [, substitute:]

[topic]

42 Omitting words from a clause, subclause, paragraph, definition, penalty, note, example etc.

- (~) Schedule 2, page 99 (line 1), omit “without reasonable excuse”. [, substitute “...”]

[topic]

- (~) Schedule 2, page 99 (lines 1 to 30), omit all the words from and including “house” to and including “car”. [, substitute “...”]

[topic]

- (~) Schedule 2, page 99 (lines 1 to 30), omit all the words from and including “house” to the end of clause 3. [, substitute “...”]

[topic]

B2: Adding

43 Adding a non-amending Schedule at the end of the Bill

[Each new Schedule requires a separate amendment.]

- (~) Page 99 (after line 15), at the end of the Bill, add:

[topic]

44 Adding a Part at the end of a non-amending Schedule

[Each new Part requires a separate amendment.]

- (~) Schedule 2, page 99 (after line 20), at the end of the Schedule, add:

[topic]

45 Adding a Division at the end of a Part of a non-amending Schedule

[Each new Division requires a separate amendment.]

- (~) Schedule 2, page 99 (after line 20), at the end of Part 3, add:

[topic]

46 Adding a clause at the end of a non-amending Schedule

- (~) Schedule 2, page 99 (after line 20), at the end of the Schedule, add:

[topic]

47 Adding a clause at the end of a Part of a non-amending Schedule

- (~) Schedule 2, page 99 (after line 20), at the end of Part 3, add: **[topic]**

48 Adding a subclause at the end of a clause

- (~) Schedule 2, page 99 (after line 20), at the end of clause 13, add: **[topic]**

49 Adding a paragraph, subparagraph etc.

- (~) Schedule 2, page 99 (line 5), at the end of clause 6, add: **[topic]**

- (~) Schedule 2, page 99 (line 5), at the end of subclause 4(6), add: **[topic]**

[Note that the reference is to “line 5” because the additional punctuation and paragraph, or punctuation, conjunction and paragraph will start at the end of line 5.]

- (~) Schedule 2, page 99 (after line 5), at the end of paragraph 18(6)(b), add: **[topic]**

- (~) Schedule 2, page 99 (line 5), at the end of paragraph 18(6)(b), add: **[topic]**

[This form is used if punctuation and a subparagraph, or punctuation, a conjunction and a subparagraph, are being added. In this case “line 5” is used instead of “after line 5”, because the addition starts at the end of line 5.]

- (~) Schedule 2, page 99 (after line 5), at the end of subparagraph 8(6)(b)(i), add: **[topic]**

- (~) Schedule 2, page 99 (line 5), at the end of the definition of **dog** in clause 3, add: **[topic]**

50 Adding an item at the end of a table

- (~) Schedule 2, page 99 (at the end of the table), add: **[topic]**

[In this example, the table ends on page 99. There is no need to specify the starting page.]

51 Adding a note

- (~) Schedule 2, page 99 (after line 5), at the end of subclause 8(6), add: **[topic]**

- (~) Schedule 2, page 99 (after line 5), at the end of paragraph 12(6)(b), add: **[topic]**

52 Adding words at the end of the heading to a Part, Division etc. or clause, subclause etc.

- (~) Schedule 2, page 99 (line 15), at the end of the heading to Part 3, add “**or companies**”.
[topic]
- (~) Schedule 2, page 99 (line 15), at the end of the heading to Division 3, add “**or companies**”.
[topic]
- (~) Schedule 2, page 99 (line 15), at the end of the heading to clause 6, add “**or companies**”.
[topic]
- (~) Schedule 2, page 99 (line 15), at the end of the heading to subclause 27(3), add “*or companies*”.
[topic]

53 Adding words at the end of a clause, subclause, paragraph etc.

- (~) Schedule 2, page 99 (line 5), at the end of clause 34, add “or for any other purpose”.
[topic]
- (~) Schedule 2, page 99 (line 5), at the end of subclause 34(4), add “or for any other purpose”.
[topic]
- (~) Schedule 2, page 99 (line 5), at the end of paragraph 19(6)(a), add “or for any other purpose”.
[topic]
- (~) Schedule 2, page 99 (line 5), at the end of subparagraph 82(6)(a)(i), add “or for any other purpose”.
[topic]
- (~) Schedule 2, page 99 (line 5), at the end of sub-subparagraph 22(6)(a)(i)(A), add “or for any other purpose”.
[topic]

B3: Inserting

54 Inserting a non-amending Schedule

[Each new Schedule requires a separate amendment.]

- (~) Page 99 (after line 15), after Schedule 3, insert:
[topic]

55 Inserting a Part or Division in a non-amending Schedule

[Each new Part or Division requires a separate amendment.]

- (~) Schedule 2, page 99 (after line 23), after Part 2, insert:
[topic]
- (~) Schedule 2, page 99 (after line 23), after Division 2, insert:
[topic]

56 Inserting a clause or subclause

(~) Schedule 2, page 99 (after line 23), after clause 34, insert: **[topic]**

(~) Schedule 2, page 99 (after line 23), after subclause 34(2), insert: **[topic]**

57 Inserting a paragraph, subparagraph etc.

(~) Schedule 2, page 99 (after line 23), after paragraph 34(6)(b), insert: **[topic]**

(~) Schedule 2, page 99 (after line 23), after subparagraph 17(6)(b)(i), insert: **[topic]**

(~) Schedule 2, page 99 (after line 23), after sub-subparagraph 36(6)(b)(i)(A), insert: **[topic]**

[A separate amendment may be needed to add a conjunction at the end of the paragraph, subparagraph or sub-subparagraph after which the new paragraph, subparagraph or sub-subparagraph is being inserted.]

58 Inserting a definition

(~) Schedule 2, page 99 (after line 15), after the definition of *aardvark*, insert: **[topic]**

59 Inserting a note

(~) Schedule 2, page 99 (after line 15), after note 1, insert: **[topic]**

60 Inserting words in a clause, subclause, paragraph etc.

(~) Schedule 2, page 99 (line 15), after “mining”, insert “or prospecting”. **[topic]**

C: Amending Schedule—proposed blocks of text (not in quotes)

301 Use these forms if the Parliamentary amendment is amending text that a Bill for an amending Act is proposing to omit from, or add or insert in, another Act, other than text that is formatted in item style within quotes in the amending item.

302 Do not use these forms if the Parliamentary amendment is amending elements of the Bill for the amending Act such as an amending Schedule heading, aat-style heading, amending item headings, or any text formatted in item style. In that case, use the forms in Part D.

[Note 1: For details of the content of topic notes, see discussion of general principles.]

Note 2: If two topic notes are shown, you need to choose the correct form.]

C1: Omitting [and substituting]

61 Omitting a proposed Chapter, Part, Division or Subdivision

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit Chapter 3A. [, substitute:]
[topic]

[SENATE: If there is no substitution, use “Chapter 3A to be opposed” instead of “omit Chapter 3A”.]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit Part 3A. [, substitute:]
[topic]

[SENATE: If there is no substitution, use “Part 3A to be opposed” instead of “omit Part 3A”.]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit Division 3A. [, substitute:]
[topic]

[SENATE: If there is no substitution, use “Division 3A to be opposed” instead of “omit Division 3A”.]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit Subdivision B.
[, substitute:]
[topic]

[SENATE: If there is no substitution, use “Subdivision B to be opposed” instead of “omit Subdivision B”.]

62 Omitting the heading to a proposed Chapter, Part, Division, Subdivision, section or subsection

- (~) Schedule 2, item 777, page 99 (line 15), omit the heading to Chapter 3A. [, substitute:]
[topic]

- (~) Schedule 2, item 777, page 99 (line 15), omit the heading to Part 3A. [, substitute:]
[topic]

- (~) Schedule 2, item 777, page 99 (line 15), omit the heading to Division 3A. [, substitute:]
[topic]
- (~) Schedule 2, item 777, page 99 (line 15), omit the heading to Subdivision AA. [, substitute:]
[topic]
- (~) Schedule 2, item 777, page 99 (line 15), omit the heading to section 6. [, substitute:]
[topic]
- (~) Schedule 2, item 777, page 99 (line 15), omit the heading to subsection 8(4). [, substitute:]
[topic]

63 Omitting a proposed Schedule

- (~) Schedule 2, item 777, page 99 (line 12) to page 100 (line 20), omit Schedule 3A.
[, substitute:]
[topic]

[SENATE: If there is no substitution, use “Schedule 3A to be opposed” instead of “omit Schedule 3A”.]

64 Omitting a proposed section or subsection

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit section 346AB.
[, substitute:]
[topic]

[SENATE: If there is no substitution, use “section 346AB to be opposed” instead of “omit section 346AB”.]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit sections 346AB and 346AC. [, substitute:]
[topic]

[SENATE: If there is no substitution, use “sections 346AB and 346AC to be opposed” instead of “omit sections 346AB and 346AC”.]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit sections 346AB to 346AH. [, substitute:]
[topic]

[SENATE: If there is no substitution, use “sections 346AB to 346AH to be opposed” instead of “omit sections 346AB to 346AH”.]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit subsection 32(2A).
[, substitute:]
[topic]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit subsections 32(2) and (3).
[, substitute:]
[topic]

- (~) Schedule 2, item 777, page 99 (line 15) to page 100 (line 20), omit subsections 32(2) to (5).
[, substitute:]
- [topic]**

65 Omitting a proposed paragraph, subparagraph etc.

- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit paragraph 16(4)(a). [, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit paragraphs 16(4)(a) and (b). [, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit paragraphs 16(4)(a) to (c). [, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit paragraph (a) of the definition of *dog* in section 8. [, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 14 to 18), omit paragraph (6)(d) (including the note). [, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit subparagraph 13(4)(a)(i). [, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit subparagraphs 13(4)(a)(i) and (ii).
[, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit subparagraphs 13(4)(a)(i) to (iii).
[, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit subparagraph (a)(i) of the definition of *dog* in section 6. [, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit sub-subparagraph 19(4)(a)(i)(A).
[, substitute:]
- [topic]**
- (~) Schedule 2, item 777, page 99 (lines 3 to 5), omit sub-subparagraph (A) of the definition of *dog* in section 6. [, substitute:]
- [topic]**

66 Omitting a proposed definition

- (~) Schedule 2, item 777, page 99 (lines 3 to 9), omit the definition of *dog* in section 6.
[, substitute:]
- [topic]**

67 Omitting a proposed penalty or note

- (~) Schedule 2, item 777, page 99 (line 16), omit the penalty. [, substitute:] **[topic]**
- (~) Schedule 2, item 777, page 99 (lines 16 to 25), omit the note. [, substitute:] **[topic]**
- (~) Schedule 2, item 777, page 99 (lines 16 to 25), omit note 2. [, substitute:] **[topic]**

68 Omitting a proposed table

- (~) Schedule 2, item 777, page 99 (table), omit the table. [, substitute:] **[topic]**

[In this example, the whole table is on page 99.]

69 Omitting an item from a proposed table

- (~) Schedule 2, item 777, page 99 (table item 3), omit the table item. [, substitute:] **[topic]**

[In this example, the whole of table item 3 is on page 99.]

70 Omitting a cell from a proposed table

- (~) Schedule 2, item 777, page 99 (cell at table item 3, column 5), omit the cell. [, substitute:] **[topic]**

[If the columns in the table are not numbered, the column is to be referred to by reference to the text of the column heading (e.g. column headed “Expense”).]

71 Omitting words from the heading to a proposed Chapter, Part, Division, Subdivision or section

- (~) Schedule 2, item 777, page 99 (line 15), omit “**and companies**”. [, substitute “...”] **[topic]**

72 Omitting words from the heading to a proposed subsection

- (~) Schedule 2, item 777, page 99 (line 15), omit “*and companies*”. [, substitute “...”] **[topic]**

73 Omitting words from the heading to a proposed Schedule, Schedule Part etc.

- (~) Schedule 2, item 777, page 99 (line 15), omit “**and companies**”. [, substitute “...”] **[topic]**

[In this example, the words are being omitted from the heading to the proposed Schedule. Exactly the same form is used for the heading to a Part or Division of the proposed Schedule.]

74 Omitting words from a proposed section, subsection, paragraph, definition, penalty, note, example etc.

- (~) Schedule 2, item 777, page 99 (line 1), omit “without reasonable excuse”. [, substitute “...”]
[topic]
- (~) Schedule 2, item 777, page 99 (lines 1 to 7), omit all the words from and including “house” to and including “car”. [, substitute “...”]
[topic]
- (~) Schedule 2, item 777, page 99 (lines 1 to 7), omit all the words from and including “house” to the end of subsection 15(3). [, substitute “...”]
[topic]

75 Omitting words from a proposed table

- (~) Schedule 2, item 777, page 99 (table item 3), omit “dog”. [, substitute “...”]
[topic]
- (~) Schedule 2, item 777, page 99 (table item 3, column 5), omit “dog”. [, substitute “...”]
[topic]

[If the columns in the table are not numbered, the column is to be referred to by reference to the text of the column heading (e.g. column headed “Expense”).]

C2: Adding

76 Adding a Part, Division or Subdivision at the end of a proposed Chapter etc.

- (~) Schedule 2, item 777, page 99 (after line 15), at the end of Chapter 6B, add:
[topic]
- (~) Schedule 2, item 777, page 99 (after line 15), at the end of Part 6B, add:
[topic]
- (~) Schedule 2, item 777, page 99 (after line 15), at the end of Division 6B, add:
[topic]

77 Adding a section at the end of a proposed Division etc.

- (~) Schedule 3, item 777, page 99 (after line 15), at the end of Chapter 3A, add:
[topic]
- (~) Schedule 3, item 777, page 99 (after line 15), at the end of Part 3A, add:
[topic]
- (~) Schedule 3, item 777, page 99 (after line 15), at the end of Division 3A, add:
[topic]
- (~) Schedule 3, item 777, page 99 (after line 15), at the end of Subdivision AA, add:
[topic]

78 Adding a subsection at the end of a proposed section

- (~) Schedule 3, item 777, page 99 (after line 15), at the end of section 354A, add: **[topic]**

79 Adding a paragraph, subparagraph etc.

- (~) Schedule 2, item 777, page 99 (line 5), at the end of subsection 12(6), add: **[topic]**

[The additional punctuation and paragraph, or punctuation, conjunction and paragraph will start at the end of line 5.]

- (~) Schedule 2, item 777, page 99 (after line 5), at the end of paragraph 23(6)(a), add: **[topic]**

- (~) Schedule 2, item 777, page 99 (line 5), at the end of paragraph 23(6)(a), add: **[topic]**

[This form is used if punctuation and a subparagraph, or punctuation, a conjunction and a subparagraph, are being added. In this case “line 5” is used instead of “after line 5”, because the addition starts at the end of line 5.]

- (~) Schedule 2, item 777, page 99 (after line 5), at the end of subparagraph 48(6)(a)(i), add: **[topic]**

- (~) Schedule 2, item 777, page 99 (line 5), at the end of subparagraph 48(6)(a)(i), add: **[topic]**

[This form is used if punctuation and a sub-subparagraph, or punctuation, a conjunction and a sub-subparagraph, are being added. In this case “line 5” is used instead of “after line 5”, because the addition starts at the end of line 5.]

- (~) Schedule 2, item 777, page 99 (line 5), at the end of the definition of **dog** in section 12, add: **[topic]**

80 Adding a note or penalty at the end of a proposed section, subsection etc.

- (~) Schedule 2, item 777, page 99 (after line 5), at the end of section 6, add: **[topic]**

- (~) Schedule 2, item 777, page 99 (after line 5), at the end of subsection 6(6), add: **[topic]**

81 Adding an item at the end of a proposed table

- (~) Schedule 2, item 777, page 99 (at the end of the table), add: **[topic]**

[In this example, the table ends on page 99. There is no need to specify the starting page.]

82 Adding words at the end of a proposed heading

- (~) Schedule 2, item 777, page 99 (line 5), at the end of the heading to Chapter 3B, add “**and mining**”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of the heading to Part 3B, add “**and mining**”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of the heading to Division 3B, add “**and mining**”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of the heading to Subdivision BB, add “**and mining**”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of the heading to section 3B, add “**and mining**”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of the heading to subsection 18(3), add “*and mining*”.

[topic]

83 Adding words at the end of a proposed section, subsection, paragraph etc.

- (~) Schedule 2, item 777, page 99 (line 5), at the end of subsection 18(6), add “or for any other purpose”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of paragraph 17(2)(a), add “or for any other purpose”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of subparagraph 34(6)(a)(i), add “or for any other purpose”.

[topic]
- (~) Schedule 2, item 777, page 99 (line 5), at the end of sub-subparagraph 11(6)(a)(i)(A), add “or for any other purpose”.

[topic]

C3: Inserting

84 Inserting a proposed Chapter, Part, Division or Subdivision

- (~) Schedule 2, item 777, page 99 (after line 15), after Chapter 3B, insert:

[topic]
- (~) Schedule 2, item 777, page 99 (after line 15), after Part 3B, insert:

[topic]

(~) Schedule 2, item 777, page 99 (after line 20), after Division 2B, insert: [topic]

(~) Schedule 2, item 777, page 99 (after line 15), after Subdivision BB, insert: [topic]

85 Inserting a proposed section or subsection

(~) Schedule 2, item 777, page 99 (after line 23), after section 345AB, insert: [topic]

(~) Schedule 2, item 777, page 99 (before line 23), before subsection 345AB(1), insert: [topic]

(~) Schedule 2, item 777, page 99 (after line 35), after subsection 345AB(1), insert: [topic]

86 Inserting a proposed paragraph, subparagraph, etc.

(~) Schedule 2, item 777, page 99 (after line 23), after paragraph 25(6)(b), insert: [topic]

(~) Schedule 2, item 777, page 99 (after line 23), after subparagraph 25(6)(b)(i), insert: [topic]

(~) Schedule 2, item 777, page 99 (after line 23), after sub-subparagraph 42(6)(b)(i)(A), insert: [topic]

[A separate amendment may be needed to add a conjunction at the end of the paragraph, subparagraph or sub-subparagraph after which the new paragraph, subparagraph or sub-subparagraph is being inserted.]

87 Inserting a proposed definition

(~) Schedule 2, item 777, page 99 (after line 15), after the definition of **aardvark** in section 2, insert: [topic]

[In this example, item 777 is inserting the whole of proposed section 2, and the amendment is inserting one or more consecutive proposed definitions into proposed section 2.]

[The “insert” form is used even if the definition(s) will appear at the end of the existing definitions.]

(~) Schedule 2, item 777, page 99 (before line 16), before the definition of **dog**, insert: [topic]

[In this example, item 777 is inserting a group of proposed definitions into an existing section or subsection, and the amendment is inserting one or more additional consecutive proposed definitions.]

[In both cases above, separate amendments should be used to insert proposed definitions that will not appear consecutively in the amending item.]

88 Inserting a penalty or note

- (~) Schedule 2, item 777, page 99 (after line 15), after note 1, insert:

[topic]

89 Inserting an item in a proposed table

- (~) Schedule 2, item 777, page 99 (after table item 3), insert:

[topic]

[In this example, table item 3 ends on page 99. There is no need to specify the starting page.]

90 Inserting words in the heading to a proposed Chapter, Part etc. or section etc.

- (~) Schedule 2, item 777, page 99 (line 15), after “companies”, insert “and partnerships”.

[topic]

91 Inserting words in the heading to a proposed subsection etc.

- (~) Schedule 2, item 777, page 99 (line 15), after “companies”, insert “and partnerships”.

[topic]

92 Inserting words in a proposed section, subsection, paragraph etc.

- (~) Schedule 2, item 777, page 99 (line 15), after “dog”, insert “or house”.

[topic]

93 Inserting words in a proposed table

- (~) Schedule 2, item 777, page 99 (table item 3), after “dog”, insert “or house”.

[topic]

- (~) Schedule 2, item 777, page 99 (table item 3, column 5, paragraph (a)), after “dog”, insert “or house”.

[topic]

[If the columns in the table are not numbered, the column is to be referred to by reference to the text of the column heading (e.g. column headed “Expense”).]

D: Amending Schedule—other than proposed blocks of text

303 Use these forms if the Parliamentary amendment is amending elements of the Bill for the amending Act such as an amending Schedule heading, aat-style heading, amending item headings, or any text formatted in item style.

304 Do not use these forms if the Parliamentary amendment is amending text that a Bill for an amending Act is proposing to omit from, or add or insert in, another Act, other than text that is formatted in item style within quotes in the amending item. In that case, use the forms in Part C.

[Note: For details of the content of topic notes, see discussion of general principles.]

D1: Omitting [and substituting]

94 Omitting an amending Schedule

- (~) Schedule 2, page 99 (line 1) to page 100 (line 20), omit the Schedule. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “to be opposed” instead of “omit the Schedule”.]

95 Omitting a Part or Division of an amending Schedule

- (~) Schedule 2, Part 3, page 99 (line 3) to page 100 (line 20), omit the Part. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “to be opposed” instead of “omit the Part”.]

- (~) Schedule 2, Division 3, page 99 (line 3) to page 100 (line 20), omit the Division. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “to be opposed” instead of “omit the Division”.]

96 Omitting an Act title aat style heading in an amending Schedule

- (~) Schedule 2, page 99 (line 15), omit the heading. [, substitute:] **[topic]**

97 Omitting the heading to a Part or Division of an amending Schedule

- (~) Schedule 2, heading to Part 3, page 99 (line 15), omit the heading. [, substitute:] **[topic]**

- (~) Schedule 2, heading to Division 3, page 99 (line 15), omit the heading. [, substitute:] **[topic]**

98 Omitting an item, subitem or paragraph

- (~) Schedule 2, item 777, page 99 (line 1) to page 100 (line 20), omit the item. [, substitute:] **[topic]**

[SENATE: If there is no substitution, use “**to be opposed**” instead of “omit the item”.]

- (~) Schedule 2, items 777 and 778, page 99 (line 1) to page 100 (line 20), omit the items.
[, substitute:]

[topic]

[SENATE: If there is no substitution, use “**to be opposed**” instead of “omit the items”.]

[If an item has a marginal note under it, the item and the note can be omitted (and substituted if necessary) using one amendment. Ensure that the line references cover the note.]

[If all the items amending a particular Act are being omitted, ensure that a separate amendment is included to omit the Act title at style heading.]

- (~) Schedule 2, items 777 to 788, page 99 (line 1) to page 100 (line 20), omit the items.
[, substitute:]

[topic]

[SENATE: If there is no substitution, use “**to be opposed**” instead of “omit the items”.]

- (~) Schedule 2, item 777, page 99 (line 1) to page 100 (line 20), omit subitem (2). [, substitute:]

[topic]

- (~) Schedule 2, item 777, page 99 (line 1) to page 100 (line 20), omit subitems (2) and (3).
[, substitute:]

[topic]

- (~) Schedule 2, item 777, page 99 (line 1) to page 100 (line 20), omit paragraph (4)(b).
[, substitute:]

[topic]

- (~) Schedule 2, item 777, page 99 (line 1) to page 100 (line 20), omit paragraphs (5)(a) and (b).
[, substitute:]

[topic]

99 Omitting a definition

- (~) Schedule 2, item 777, page 99 (line 15), omit the definition of **dog**. [, substitute:]

[topic]

100 Omitting a note

- (~) Schedule 2, item 777, page 99 (lines 16 to 25), omit note 2. [, substitute:]

[topic]

101 Omitting words from the heading to an amending Schedule

- (~) Schedule 2, heading, page 99 (line 1), omit “**and companies**”. [, substitute “...”]

[topic]

102 Omitting words from the heading to a Part or Division of an amending Schedule

- (~) Schedule 2, heading to Part 2, page 99 (line 1), omit “**and companies**”. [, substitute “...”]

[topic]

- (~) Schedule 2, heading to Division 3, page 99 (line 1), omit “**and companies**”. [, substitute “...”]
[topic]

103 Omitting words from an amended Act title at style heading

- (~) Schedule 2, heading specifying Act to be amended, page 99 (line 10), omit “**and companies**”.
[, substitute “...”]
[topic]

104 Omitting words from an item heading

- (~) Schedule 2, item 777, page 99 (line 1), omit “, **27A, 27B**”. [, substitute “...”]
[topic]

105 Omitting words from a subitem heading

- (~) Schedule 2, item 777, page 99 (line 1), omit “, 27A, 27B”. [, substitute “...”]
[topic]

106 Omitting words from an item, subitem, paragraph etc.

- (~) Schedule 2, item 777, page 99 (line 1), omit “without reasonable excuse”. [, substitute “...”]
[topic]

- (~) Schedule 2, item 777, page 99 (lines 3 to 7), omit all the words from and including “house” to
and including “car”. [, substitute “...”]
[topic]

- (~) Schedule 2, item 777, page 99 (lines 3 to 7), omit all the words from and including “house” to
the end of the item. [, substitute “...”]
[topic]

D2: Adding

107 Adding an amending Schedule at the end of the Bill

[Each new Schedule requires a separate amendment.]

- (~) Page 99 (after line 15), at the end of the Bill, add:
[topic]

108 Adding a Part at the end of an amending Schedule

[Each new Part requires a separate amendment.]

- (~) Schedule 2, page 99 (after line 20), at the end of the Schedule, add:
[topic]

109 Adding a Division at the end of a Part of an amending Schedule

[Each new Division requires a separate amendment.]

- (~) Schedule 2, Part 3, page 99 (after line 20), at the end of the Part, add:
[topic]

110 Adding an item at the end of an amending Schedule

- (~) Schedule 2, page 99 (after line 20), at the end of the Schedule, add: **[topic]**

111 Adding an item at the end of a Part of an amending Schedule

- (~) Schedule 2, Part 3, page 99 (after line 20), at the end of the Part, add: **[topic]**

112 Adding a subitem at the end of an item

- (~) Schedule 2, item 777, page 99 (after line 5), at the end of the item, add: **[topic]**

113 Adding a paragraph at the end of an item or subitem, or a subparagraph at the end of a paragraph

- (~) Schedule 2, item 777, page 99 (line 5), at the end of the item, add: **[topic]**

- (~) Schedule 2, item 777, page 99 (line 5), at the end of subitem (6), add: **[topic]**

[The additional punctuation and paragraph, or punctuation, conjunction and paragraph will start at the end of line 5.]

- (~) Schedule 2, item 777, page 99 (after line 5), at the end of paragraph 23(6)(a), add: **[topic]**

- (~) Schedule 2, item 777, page 99 (line 5), at the end of paragraph 23(6)(a), add: **[topic]**

[This form is used if punctuation and a subparagraph, or punctuation, a conjunction and a subparagraph, are being added. In this case “line 5” is used instead of “after line 5”, because the addition starts at the end of line 5.]

114 Adding an item at the end of a table

- (~) Schedule 2, item 777, page 99 (at the end of the table), add: **[topic]**

115 Adding a note

- (~) Schedule 2, item 777, page 99 (after line 5), at the end of subitem (6), add: **[topic]**

116 Adding words at the end of the heading to an amending Schedule

- (~) Schedule 2, heading, page 99 (line 1), at the end of the heading, add “or companies”. **[topic]**

117 Adding words at the end of the heading to a Part, Division, item or subitem of an amending Schedule

- (~) Schedule 2, heading to Part 2, page 99 (line 15), at the end of the heading, add “**or companies**”.
- [topic]**
- (~) Schedule 2, heading to Division 3, page 99 (line 15), at the end of the heading, add “**or companies**”.
- [topic]**
- (~) Schedule 2, heading to item 777, page 99 (line 15), at the end of the heading, add “**or companies**”.
- [topic]**
- (~) Schedule 2, heading to subitem 777(6), page 99 (line 15), at the end of the heading, add “*or companies*”.
- [topic]**

118 Adding words at the end of an amended Act title at style heading

- (~) Schedule 2, heading specifying *Public Order (Protection of Persons and Property)*, page 99 (line 10), at the end of the heading, add “**Act 2001**”.
- [topic]**

119 Adding words at the end of an item, subitem, paragraph etc.

- (~) Schedule 2, item 777, page 99 (line 5), at the end of the item, add “or for any other purpose”.
- [topic]**
- (~) Schedule 2, item 777, page 99 (line 5), at the end of subitem (6), add “or for any other purpose”.
- [topic]**
- (~) Schedule 2, item 777, page 99 (line 5), at the end of paragraph (6)(a), add “or for any other purpose”.
- [topic]**

D3: Inserting

120 Inserting an amending Schedule

[Each new Schedule requires a separate amendment.]

- (~) Page 99 (after line 15), after Schedule 2, insert:
- [topic]**

121 Inserting a Part or Division in an amending Schedule

[Each new Part or Division requires a separate amendment.]

- (~) Schedule 2, page 99 (after line 23), after Part 2, insert:
- [topic]**

- (~) Schedule 2, Part 3, page 99 (after line 23), after Division 2, insert:

[topic]

122 Inserting an item or subitem

- (~) Schedule 2, page 99 (after line 23), after item 34, insert:

[topic]

- (~) Schedule 2, item 777, page 99 (after line 23), after subitem (2), insert:

[topic]

123 Inserting a paragraph etc.

- (~) Schedule 2, item 777, page 99 (after line 15), after paragraph (6)(b), insert:

[topic]

[A separate amendment may be needed to add a conjunction at the end of the paragraph after which the new paragraph is being inserted.]

124 Inserting a definition

- (~) Schedule 2, item 777, page 99 (after line 15), after the definition of *aardvark* in subitem (3), insert:

[topic]

[Separate amendments should be used to insert definitions that will not appear consecutively in the amending item.]

125 Inserting a note

- (~) Schedule 2, item 777, page 99 (after line 15), after note 1, insert:

[topic]

126 Inserting words in the heading to an amending Schedule

- (~) Schedule 2, heading, page 99 (line 15), after “partnerships”, insert “or companies”.

[topic]

127 Inserting words in the heading to a Part or Division of an amending Schedule

- (~) Schedule 2, heading to Part 2, page 99 (line 15), after “partnerships”, insert “or companies”.

[topic]

- (~) Schedule 2, heading to Division 3, page 99 (line 15), after “partnerships”, insert “or companies”.

[topic]

128 Inserting words in an amended Act title at style heading

- (~) Schedule 2, heading specifying *Public Order (Protection of Persons and Property) Act 1971*, page 99 (line 15), after “Public”, insert “Law and”.

[topic]

129 Inserting words in an item heading

- (~) Schedule 2, item 777, page 99 (line 15), after “**27AB**”, insert “, **27AC**”.

[topic]

130 Inserting words in a subitem heading

- (~) Schedule 2, item 777, page 99 (line 15), after “27AB”, insert “, 27AC”.

[topic]

131 Inserting words in an item, subitem, paragraph etc.

- (~) Schedule 2, item 777, page 99 (line 15), after “mining”, insert “or prospecting”.

[topic]

Appendix 2B—Amendments of amendments

A. Senate amendment of Senate amendment

Example:

Gadgets Amendment Bill 2002

(Government)

AMENDMENTS TO OPPOSITION AMENDMENTS [SHEET 1969]

- (1) Amendment (1), omit “Department”, substitute “Secretary”.
- (2) Amendment (5), item 6F, subsection 185(3), omit “one month”, substitute “28 days”.
- (3) Amendment (7), item 12A, after subsection 293(4), insert:
 - (4A) Before making a declaration under subsection (4), the Minister must consult the Council.
- (4) Amendment (24), item 15A, at the end of section 118A, add:
 - (5) Subsection (1) does not apply to a resident of Australia.

[The sheet number referred to in the heading is the sheet number of the original amending document. If the sheet number is unknown or missing, there is no need to refer to the sheet number in the heading.]

B. House of Representatives amendment that replaces a Senate amendment or modifies a Senate request

Example:

Gadgets Amendment Bill 2002

(Government)

- (1) Schedule 1, item 2, page 3 (line 29), after “these words”, insert “and some other words”.
[parliamentary topic note]
- (2) Schedule 1, item 4, page 5 (line 17), after “these words”, insert “and some other words”.
[parliamentary topic note]
- (3) Schedule 1, item 4, page 5 (line 23), after “these words”, insert “and some other words”.
[parliamentary topic note]

[In this case, the amendments or requests made by the Senate were in substantially the same form but different words were being inserted instead of “and some other words”. This example does not explicitly reflect the fact that the Senate amendments or requests to the same provisions were rejected and replaced with these amendments as this was dealt with in the motion moved in the House of Representatives.]

C. House of Representatives amendment of Senate amendment

Example:

Gadgets Amendment Bill 2002

(Government)

- (1) Senate amendment (2) (proposed new subsection 68(4) of the *Gadgets Act 1968*):

Omit “30 days”, substitute “one month”.

- (2) Senate amendment (8) (proposed new subsection 73(5) of the *Gadgets Act 1968*):

Omit “Minister”, substitute “Secretary”.

[This is a non-standard approach. This approach would only be used in a case where the Senate has inserted a large amount of text, and the House of Representatives wants to make only a small change to that text. You should not use this approach unless you are specifically asked to do so, and in such a case you should discuss this approach with First Parliamentary Counsel and the Clerk’s office before finalising the amendments.]