

Topics Covered in the Open Access Legislative Drafting Courses

LGST 551 Introduction to Legislative Drafting

[Introduction to Legislative Drafting](#)

[Module 1 - The Basics: Preview](#)

[Module 1: Section 1 – What is Legislative Drafting All About?](#)

1. [Drafting and legislative counsel.](#)
 - [What is legislative drafting?](#)
 - [Why is legislative drafting important?](#)
 - [Who should draft legislation?](#)
 - [What are the advantages of a centralised drafting office?](#)
 - [What are the drawbacks of a centralised drafting office?](#)
 - [How is legislative drafting viewed by users of legislation?](#)
 - [Principles of “traditional” legislative drafting.](#)
 - [What are the responsibilities of legislative counsel?](#)
 - [How do we fulfil these responsibilities?](#)

2. [Legislative expression.](#)
 - [To whom should legislation be addressed?](#)
 - [What should be our aims as legislative counsel?](#)
 - [Are there any constraints on the legislative counsel?](#)
 - [How does legislative expression compare with other forms of communication?](#)
 - [What are the differences between legislative and non-legislative commands?](#)
 - [What more is needed to create legislative prohibitions?](#)
 - [How should we choose the right expression?](#)
 - [What work practices will facilitate drafting?](#)

[Review.](#)

[Module 1: Section 2 – What is Legislation?](#)

1. [Types of legislation](#)
 - [What is legislation?](#)
 - [What forms does primary legislation take?](#)

- [Which bodies have power to make subsidiary legislation?](#)
 - [What forms does subsidiary legislation take?](#)
2. [Classification of primary legislation \(bill and acts\).](#)
 3. [Structure and format of bills and acts.](#)
 - [What features appear in acts?](#)
 - [What features appear only in bills?](#)
 4. [Conventional arrangement of bills and acts.](#)

[Review.](#)

[Module 1: Section 3 - Why do we Draft as we do in Parliamentary Systems?](#)

1. [Historical development of legislative drafting.](#)
 - [Where did drafting begin?](#)
 - [How did drafting develop in the 19th Century?](#)
 - [How did drafting develop in the 20th Century?](#)
2. [Theoretical foundations of this form of drafting.](#)
 - [What were the premises of Coode's approach?](#)
 - [What were Coode's components of a legislative sentence?](#)
 - [What were Coode's guidelines for forming sentences?](#)
 - [How have later legislative counsel built on Coode's approach?](#)
3. [What are the principal characteristics of this form of drafting?](#)
4. [Drafting objectives.](#)
 - [How should drafting be oriented in the 21st Century?](#)
 - [What do users expect from legal documents?](#)
 - [How can we meet these expectations? \(Seven Cs of Legislative Drafting.\)](#)
 - [Are the Seven Cs equally important?](#)
 - [How can we achieve the Seven Cs? \(Seven Basic Drafting Practices.\)](#)

[Review.](#)

[Module 2: Writing Legislative Sentences.](#)

[Module 2: Section 1 – What do we need to know about grammar?](#)

1. [Why is grammar important for the drafting?](#)

2. [What grammatical terms do we need to know?](#)
3. [What common grammatical mistakes should we watch for?](#)
 - [Verb in a predicate is missing or incomplete.](#)
 - [Verb does not agree with its subject in number.](#)
 - [Pronoun is vague or ambiguous or missing.](#)
 - [Modifier is misplaced or ambiguous.](#)
 - [Preposition is incorrect or missing.](#)
 - [Article \(definite or indefinite\) is wrong or missing.](#)
 - [Punctuation is incorrect.](#)

[Review.](#)

- [Appendix I – grammar checklist.](#)
- [Appendix II – list of grammatical terms and usage.](#)
- [A. Some basic terms.](#)
- [B. Terms used for sentences.](#)
- [C. Terms used for nouns.](#)
- [D. Terms used for verbs.](#)
- [E. Terms used for modifiers.](#)
- [F. Miscellaneous terms.](#)

[Module 2: Section 2 – What are the basics of writing legislative sentences?](#)

1. [Starting to write.](#)
 - [How should we begin the process of writing a legislative sentence?](#)
 - [Are there any guidelines to help you get started?](#)
2. [Basic components of legislative sentences.](#)
 - [What are the basic components of a legislative sentence?](#)
 - [How should we decide on the components of a legislative sentence?](#)
3. [Types of legislative sentences.](#)
 - [How do legislative counsel write particular kinds of sentences?](#)
 - [Are there different ways to express the same provision?](#)

[Review.](#)

[Module 2: Section 3 - How do we put together the components of legislative sentences?](#)

1. [Principal subject.](#)

- [How do we select the grammatical subject of the sentence?](#)
- [How do we decide which legal person is to be the grammatical subject?](#)
- [How should the principal subject be described?](#)
- [How do we choose the subject of a declaratory sentence?](#)

2. [Principal Predicate.](#)

- [How do we determine the principal predicate?](#)
- [How should we write the principal predicate?](#)
- [How should we select the appropriate verb for the principal predicate?](#)
- [Is an auxiliary required in every principal predicate?](#)
- [How do we choose the appropriate auxiliary?](#)

3. [Predicate modifiers.](#)

- [How should we particularise predicates?](#)
- [How should we write context clauses?](#)

[Review.](#)

[Module 2: Section 4 – How do we punctuate and capitalise legislation?](#)

1. [Punctuation.](#)

- [What is the function of punctuation in legislation?](#)
- [Do legislative counsel use punctuation differently from other writers?](#)
- [How should we approach the punctuation of legislation?](#)

2. [Capitalisation.](#)

- [When do we use capital letters?](#)
- [When should we not use capital letters?](#)

[Review.](#)

[Module 2: Section 5 - What can go wrong in legislative expression?](#)

1. [Subjects.](#)

- [Imprecise linking of several subjects.](#)
- [Ambiguous modifiers of subjects.](#)
- [Imprecise use of pronouns.](#)

2. [Verbs.](#)

- [Imprecise linking of several verbs.](#)
 - [Ambiguous verb modifiers.](#)
 - [Ambiguous participles.](#)
3. [Modifiers.](#)
- [Defective sentence modification.](#)
 - [Ambiguous prepositions.](#)
 - [Uncertain conjunctions.](#)

[Review.](#)

LGST 553 Legislative Structure, Style and Limits

[Legislative Structure, Style and Limits.](#)

[Module 1: Section 1 – How should we structure a legislative text?](#)

1. [General considerations.](#)
 - [Why is structuring important?](#)
 - [What are the basic characteristics of structuring?](#)
 - [What guidelines should we follow in structuring legislation?](#)
2. [Drafting sections.](#)
 - [How should we approach individual sections?](#)
 - [How can we tell which matters should be covered by the same section?](#)
 - [How long should a section be?](#)
 - [How should the section note be selected?](#)
3. [Drafting Sentences in Sections.](#)
 - [How long should a sentence in a section be?](#)
 - [What can be done to shorten sentences](#)
4. [Paragraphing.](#)
 - [How can paragraphing help?](#)
 - [When might paragraphing be used?](#)
 - [What factors should be borne in mind when drafting paragraphs?](#)
 - [What can go wrong with paragraphs?](#)
 - [How can we find flaws in paragraphing?](#)
5. [Numbering.](#)

- [How should legislative provisions be numbered?](#)
 - [How should we number new provisions inserted into existing ones?](#)
6. [Arranging and linking sentences in a section.](#)
- [How should sentences in a section be arranged?](#)
 - [When should sentences in a section be linked?](#)
 - [How should sentences in a section be linked?](#)
 - [Should we use a proviso as a linking device?](#)
 - [What alternatives to the proviso should be used?](#)
 - [Can we dispense with linking words between sentences?](#)
7. [Linking sections.](#)
- [What is different about linking sections?](#)
 - [How can sections be linked?](#)
 - [How should cross-references be drafted?](#)
8. [Incorporation by reference.](#)
- [When can we incorporate provisions from one part of a text to another?](#)
 - [When can we incorporate provisions from other legislation?](#)
 - [Can provisions be incorporated from the legislation of another jurisdiction?](#)
9. [Grouping sections.](#)
- [When should we have formal groupings of sections?](#)
 - [What groupings are conventionally used?](#)
 - [When might groupings be of particular value?](#)
 - [When should the decision be made about grouping sections?](#)
 - [What should be borne in mind in grouping sections?](#)
 - [How should group headings be expressed?](#)

[Review.](#)

[Module 1: Section 2 - How should we organise a legislative text?](#)

1. [General considerations.](#)
 - [Why prepare an outline before composing the detailed provisions?](#)
 - [What advantages does an outline provide?](#)
 - [How final is an outline?](#)
2. [Preparing an outline.](#)

- [What do we need to start?](#)
 - [How do we arrive at suitable groupings?](#)
 - [How do we allocate individual items to their appropriate group?](#)
 - [How do we order the items in the groups, and the groups themselves?](#)
 - [What should the outline look like when it is completed?](#)
3. [Factors influencing an outline for a bill.](#)
- [How are formal and technical provisions arranged?](#)
 - [How are provisions grouped together?](#)
 - [How is subsidiary legislation used?](#)
 - [How are amending acts treated?](#)
 - [How are distinct subject matters dealt with?](#)

[Review.](#)

[Module 2: Section 1 - How can we develop good legislative style?](#)

1. [General considerations.](#)
- [What do we mean by good legislative style?](#)
 - [How do we decide what is good style?](#)
 - [How are style standards set for legislative counsel?](#)
 - [Why is style important?](#)
 - [What style practices get in the way of communication?](#)
 - [What is the aim of the plain language style?](#)
2. [Developing good legislative style.](#)
- [How can we improve communication?](#)
 - [How can we improve clarity?](#)
 - [How can we make legislation more readable?](#)
 - [How can we make legislation more concise?](#)
 - [How can we make legislation more complete?](#)
 - [How can we make legislation more consistent?](#)
 - [How can we make legislation certain?](#)
3. [Gender-neutral drafting.](#)
- [How can we draft in gender-neutral terms?](#)
4. [Some additional matters of style.](#)
- [Can we split infinitives?](#)
 - [Can we end a sentence with a preposition?](#)

- [Can we begin a sentence with “And” or “But”?](#)

[Review.](#)

[Appendix I – Simple words and expressions.](#)

[Appendix II – Commonly confused words.](#)

[Module 3: Working within limits.](#)

[Module 3: Section 1 - How do we work with interpretive approaches and rules?](#)

1. [General considerations.](#)

- [What do we mean by “interpretive approaches and rules”?](#)
- [How should legislative counsel look at interpretive approaches and rules?](#)
- [How should legislative counsel take account of interpretive approaches and rules?](#)
- [What questions of interpretation arise most commonly?](#)

2. [Judicial approaches to interpretation.](#)

- [How do judicial approaches affect drafting?](#)
- [How can we anticipate judicial approaches?](#)

3. [Interpretive assumptions and presumptions.](#)

- [What are the principal linguistic assumptions?](#)
- [What are the principal presumptions of legislative intent?](#)

4. [Aids to interpretation.](#)

- [What intrinsic aids may be used?](#)
- [What extrinsic aids may be used?](#)

5. [Conclusion.](#)

[Review.](#)

[Module 3: Section 2 - How do we work with Interpretation Acts?](#)

1. [Importance of Interpretation Acts.](#)

- [Why are Interpretation Acts important to legislative counsel?](#)
- [How are the benefits of Interpretation Acts obtained?](#)

- [How well do users of legislation know Interpretation Acts?](#)
- 2. [Application of Interpretation Acts.](#)
 - [What provisions do Interpretation Acts apply to?](#)
 - [How can the application of an Interpretation Act be excluded?](#)
- 3. [Using Interpretation Acts to facilitate drafting.](#)
 - [Form and application provisions.](#)
 - [Commencement provisions.](#)
 - [Standardised definitions.](#)
 - [Standardised rules for a common legislative style.](#)
 - [Resolution of interpretive uncertainties.](#)
 - [Implied rules of substantive law.](#)

[Review.](#)

[Appendix – Comparative table of Interpretation Acts.](#)

[Module 3: Section 3 – How do we work with the Constitution?](#)

1. [The Constitution and legislative counsel.](#)
 - [What is legislative counsel's responsibility?](#)
 - [How should we deal with instructions that appear inconsistent with the Constitution?](#)
 - [What constitutional instruments are you likely to need?](#)
2. [Particular constitutional constraints.](#)
 - [What are the main constraints on legislative functions and procedures?](#)
 - [What are the main constraints on judicial functions and procedures?](#)
 - [What are the main constraints on executive functions and procedures?](#)
 - [What are the main constraints on public service functions and official appointments?](#)
 - [What are the main constraints with respect to financial matters?](#)

[Review.](#)

[Module 3: Section 4 – How do we work with fundamental rights and freedoms?](#)

1. [Drafting under a bill of rights.](#)
 - [What rights and freedoms are protected by the Constitution?](#)

- [Do the specified rights and freedoms constitute a comprehensive statement of protected rights and freedoms?](#)
- [What other matters in the Bill of Rights are of particular interest to legislative counsel?](#)
- [How should we deal with qualifications?](#)
- [How should we deal with derogations?](#)
- [How should we approach Bill of Rights issues?](#)
- [How should we draft legislation to fulfil a permitted qualification?](#)

2. [International standards.](#)

- [Where do we find the international standards on human rights?](#)
- [How do international standards affect domestic law?](#)
- [What are the implications for law-making?](#)
- [What are the implications for legislative counsel?](#)
- [How can we keep in touch with international developments?](#)
- [What international human rights treaties apply?](#)

[Review.](#)

LGST 555 Drafting Preliminary, Amending and Final Provisions

[Drafting Preliminary, Amending, and Final Provisions.](#)

[Module 1: Preview.](#)

1. [Preliminary and Final Provisions](#)

- [What matters are usually contained in preliminary or final provisions?](#)
- [How are preliminary and final provisions arranged?](#)

2. [Explanatory Material](#)

- [What is a road-map and what purposes does it serve?](#)
- [What other explanatory material may be included?](#)

[Review.](#)

[Module 1: Section 2 – How do we draft titles, preambles and words of enactment?](#)

1. [Long titles of bills.](#)

- [What purposes do long titles serve?](#)
- [How should a long title be drafted?](#)

2. [Preambles.](#)

- [What purposes do preambles serve?](#)
- [When might a preamble be used?](#)
- [How should a preamble be drafted?](#)

3. [Words of enactment.](#)

- [What purposes do words of enactment serve?](#)
- [How are words of enactment dealt with?](#)

4. [Short titles.](#)

- [What purposes does a short title serve?](#)
- [How should a short title be selected?](#)
- [How should a short title be drafted?](#)

[Review.](#)

[Module 1: Section 3 – How do we draft commencement and duration provisions?](#)

1. [Commencement provisions.](#)

- [What purposes do commencement provisions serve?](#)
- [When are commencement provisions needed?](#)
- [What are good reasons for including commencement provisions?](#)
- [How should commencement provisions be drafted?](#)

2. [Expiry provisions.](#)

- [What purposes do expiry provisions serve?](#)
- [How should expiry provisions be drafted?](#)

[Review.](#)

[Module 1: Section 4 – How do we draft interpretation provisions?](#)

1. [General considerations.](#)

- [What are interpretation provisions?](#)
- [What is the difference between a definition and an interpretive rule?](#)
- [Where should interpretation provisions be placed?](#)
- [Do interpretation provisions have any shortcomings?](#)

2. [Definitions generally.](#)

- [What purposes do definitions serve?](#)
 - [What is the relationship between statutory definitions and dictionary meanings?](#)
 - [How should definitions be drafted?](#)
3. [Labelling definitions.](#)
- [When should labelling definitions drafted?](#)
 - [How should a labelling definition be drafted?](#)
4. [Stipulating definitions.](#)
- [When should stipulating definitions be drafted?](#)
 - [How should stipulating definitions be drafted?](#)
 - [What should be considered in writing stipulating definitions?](#)
 - [What pitfalls are there?](#)
5. [Syntax of definitions.](#)
- [Definitions to be read into sentences.](#)
 - [Definitions must not duplicate words in sentences that use them.](#)
 - [Definitions must be grammatically consistent with defined terms.](#)
 - [Definitions apply with the necessary modifications to the other grammatical forms of defined terms.](#)
 - [Definitions should be in the form of verbs or nouns.](#)
6. [Interpretive rules.](#)
- [When should interpretive rules be used?](#)
 - [How should interpretive rules be drafted?](#)
7. [Hints and checks.](#)
- [What practical hints should we bear in mind?](#)
 - [What final checks should we make?](#)

[Review.](#)

[Module 1: Section 5 – When and how do we draft purpose clauses?](#)

1. [What is a purpose clause?](#)
2. [Why use a purpose clause?](#)
3. [Why don't legislative counsel use purpose clauses more often?](#)

4. [When is a purpose clause useful?](#)
5. [How should a purpose clause be drafted?](#)

[Review.](#)

[Module 1: Section 6 – When and how do we draft application provisions?](#)

1. [Application provisions generally.](#)
 - [What assumptions underlie the application of legislation?](#)
 - [When should application provisions be used?](#)
 - [When are application provisions most commonly used?](#)
 - [How should application provisions be drafted?](#)
2. [Application to things in the past.](#)
 - [What types of past-application are there?](#)
 - [How has past-application generally been treated in law?](#)
 - [When should retroactive provisions be drafted?](#)
 - [When should retrospective provisions be drafted?](#)
 - [When should provision be made for procedural changes?](#)
3. [Provisions binding the state.](#)
 - [What are the relevant interpretive presumptions?](#)
 - [What are the legal effects of the presumptions?](#)
 - [How do we draft provisions to bind the State?](#)
4. [Extra-territorial extension.](#)
 - [What is the relevant presumption?](#)
 - [What legislative competence is required to make extra-territorial legislation?](#)
 - [Do the presumptions relate to the law of other countries?](#)
 - [What territorial limits are envisaged?](#)
 - [What are the drafting implications of the presumptions?](#)
 - [What does extra-territorial extension involve in criminal cases?](#)
 - [How should extension provisions be drafted?](#)

[Review.](#)

[Module 1: Section 7 – When and how do we draft schedules?](#)

1. [Drafting schedules.](#)

- [What are schedules to legislative texts?](#)
- [When should schedules be used?](#)
- [How should schedules be drafted?](#)

[Review.](#)

[Module 2: Drafting Amending Provisions.](#)

[Module 2: Section 1 - What are amending provisions and how are they arranged?](#)

- [What are amending and transitional provisions?](#)
- [In what order are amending and transitional provisions arranged?](#)
- [What section notes are appropriate?](#)

[Review.](#)

[Module 2: Section 2 - How should we repeal and amend legislation?](#)

1. [General considerations.](#)

- [How do repeals and amendments differ?](#)
- [Does amendment involve repeal?](#)
- [How can legislation be repealed and amended?](#)
- [When is legislation impliedly repealed?](#)
- [Should repeals and amendments be made by primary or subsidiary legislation?](#)
- [When are repeal and amending provisions needed?](#)
- [When should we replace rather than amend legislation?](#)

2. [Deciding what to repeal or amend.](#)

- [How do we decide what needs to be repealed or amended?](#)
- [How do we prepare for repeals?](#)
- [How do we prepare for amendments?](#)

3. [Drafting repeal provisions.](#)

- [What should be our objectives when drafting repeal provisions?](#)
- [How are repeal provisions drafted?](#)
- [Are there any special features for re-enactment and replacement legislation?](#)

4. [Drafting amendments.](#)

- [What methods of amendment can be used?](#)
- [What should be our objectives when drafting amendments?](#)

- [How should amendments be arranged?](#)
 - [How should we draft amendments?](#)
 - [Use precise amending formulas.](#)
 - [Inserting new provisions.](#)
 - [Modifying particular words in a provision.](#)
 - [Repealing and replacing provisions.](#)
 - [Be consistent.](#)
 - [Consequential amendments.](#)
 - [Section notes.](#)
5. [Concluding questions.](#)
- [What can go wrong when drafting repeals and amendments?](#)
 - [How can we explain the effects of amendments?](#)
 - [How do we draft amendments for the parliamentary process?](#)

[Review.](#)

[Module 2: Section 3 – When and how do we draft saving and other transitional provisions?](#)

1. [General considerations.](#)
 - [What is the function of transitional provisions?](#)
 - [How do saving provisions differ from other transitional provisions?](#)
 - [What purposes do these provisions serve?](#)
 - [How important are these provisions?](#)
 - [Are these provisions required in all legislation?](#)
 - [When should you work on these provisions?](#)
2. [Legal effects of repeals.](#)
 - [What are the legal consequences of a repeal?](#)
 - [What are the common law rules on the effects of repeals?](#)
 - [What modifications are made by the Interpretation Act?](#)
 - [How should the Interpretation Act be used?](#)
3. [The content of saving and transitional provisions.](#)
 - [What matters are likely to require these provisions?](#)
 - [How are unqualified saving provisions expressed?](#)
 - [How are transitional provisions affecting past matters expressed?](#)
 - [How are provisions instituting transition arrangements expressed?](#)

4. Drafting saving and transitional provisions.
 - How does the presumption against retrospective legislation relate to these provisions?
 - How do we decide which matters should be saved?
 - What forms may saving provisions take?
 - How should the drafting of transitional provisions be approached?
 - What forms may transitional provisions take?
 - What practical points should be borne in mind?

Review.

LGST 557 Implementation Provisions and Drafting Processes

Implementation Provisions and Drafting Practices.

Module 1: Section 1 – How do we draft compliance provisions.

1. General considerations.
 - When are penal provisions likely to be useful?
 - What alternatives are there to penal provisions?
 - What factors should we bear in mind when using alternatives?
2. Determining what penal provisions are required.
 - What general factors should we bear in mind?
 - What steps should we take to determine the content of penal provisions?
 - Step 1: Are penal provisions required?
 - Step 2: Is the same activity already subject to penal provisions under existing law?
 - Step 3: Whose and what precise conduct is to be prohibited?
 - Step 4: Should the mental element be addressed expressly?
 - Step 5: At what level of court is the offence to be triable?
 - Step 6: What is the maximum penalty to be attached to the offence?
 - Step 7: Should any special defence be included?
 - Step 8: Should any limitations on prosecutions be included?
3. Drafting penal provisions.
 - How should we draft penal provisions?
 - How may offence provisions be expressed?
 - When should we use these different forms?
 - Can the style of offence provisions be improved?
 - What particular points should we look out for?

- [Describing the offender.](#)
- [Prescribing the conduct.](#)
- [Including the mental element.](#)
- [Providing special defences.](#)
- [When might penal provisions also give rise to civil liability?](#)

[Review.](#)

[Module 1: Section 2 – How do we delegate powers to legislate?](#)

1. [General considerations.](#)

- [When should delegated powers be conferred?](#)
- [How should matters be divided between primary and subsidiary legislation?](#)
- [When is an instrument subsidiary legislation?](#)
- [How do the courts approach powers to make subsidiary legislation?](#)
- [What are your objectives when drafting enabling provisions?](#)
- [When are delegated powers needed?](#)
- [Ancillary matters.](#)
- [Substantive matters.](#)
- [Incidental matters.](#)
- [Supplementary matters.](#)
- [Principal provisions.](#)
- [How widely should enabling provisions be drafted?](#)

2. [General approaches to drafting subsidiary legislative powers.](#)

- [What are the basic steps?](#)
- [Are there matters that should be expressly authorised?](#)
- [What other factors can influence the drafting of subsidiary legislative powers?](#)
- [What general legislation may affect the drafting of subsidiary legislative powers?](#)

3. [Particular questions.](#)

- [What type of instrument?](#)
- [Who is to be the delegate?](#)
- [Is any body to be linked with the making? If so, how?](#)
- [What powers are to be delegated?](#)
- [Are the powers adequate to cover all the matters intended?](#)
- [What procedures are to be required for making the subsidiary legislation?](#)
- [Should external interests be involved in making subsidiary legislation?](#)
- [What procedures are required after the making?](#)

Review.

Appendix - Checklist for drafting subsidiary legislative powers.

Module 1: Section 3 – How do we draft subsidiary legislation?

1. General considerations.
 - How does drafting subsidiary legislation differ from drafting bills?
2. Drafting approach.
 - How should we approach the drafting of subsidiary legislation?
 - How do we check to prevent unauthorised subsidiary legislation?
3. Drafting details.
 - Two instruments or one?
 - What are the characteristic features of subsidiary instruments?
 - What type of instrument is required?
 - What headings are required?
 - What authorising words should be used?
 - How should the title be drafted?
 - When should provision be made for commencement?
 - When should definitions be included?
 - What special factors should be borne in mind in drafting substantive provisions?
 - Should section notes be provided?
 - Are there special features for amending, repealing or re-enacting provisions?
 - What authenticating words are needed?
 - How should an instrument be dated?
 - Should an explanatory note be added?
4. Drafting executive instruments.
 - What should we bear in mind when drafting executive instruments?

Review.

Module 2: Law-making processes and working with clients.

Module 2: Section 1 – What are the processes for making laws and our role as legislative counsel?

1. Preparing a bill.

- [How is policy made?](#)
 - [What techniques are there for assessing policy?](#)
 - [How is a policy option developed into an operational scheme?](#)
 - [What Executive approval is required?](#)
 - [How are drafting instructions provided?](#)
 - [How is the legislative text prepared?](#)
 - [How should the contents of the bill be arranged?](#)
2. [Enacting a bill.](#)
 - [How is a bill enacted as legislation?](#)
 - [What is the role of legislative counsel during the enactment process?](#)
 3. [Subsidiary legislation – how does its preparation differ?](#)

[Review.](#)

[Module 2: Section 2 - How do we work with drafting instructions?](#)

1. [Getting instructions.](#)
 - [In what form should instructions be given?](#)
 - [Why should instructions not take the form of a draft legislative text?](#)
 - [Why might instructions be incomplete?](#)
 - [What questions should instructions answer?](#)
 - [What if the instructions are incomplete?](#)
2. [Analysing instructions.](#)
 - [What should we be looking for when analysing instructions?](#)
 - [What questions might we ask to understand instructions?](#)
 - [What questions might we ask to ascertain the elements of the proposal?](#)
 - [How might we approach the task of analysis?](#)
 - [What other analytical aids can we use?](#)
 - [Should the analysis be discussed with the client Ministry?](#)

[Review.](#)