

between drafter and instructing department is similar to that between solicitor and client. The drafter must provide advice and drafting services in a professional and impartial manner. It is not the drafter's role to push through whatever an instructing department wants at all costs. On legislative scheme. This does not always make them popular with ministers or policy makers, but it is a necessary part of their job.

The drafter has a wider responsibility to ensure that, in the public interest, legislation as finally enacted by parliament or made by the executive:

- Complies with fundamental legal principles.
- Complies with the guidelines.
- Is workable and effective.
- Is clear and unambiguous.
- Will withstand challenge or adverse criticism in the courts.

Does not impose unnecessary or unreasonable compliance costs.

Typically, the drafter's work involves:

- Receiving and reviewing instructions from the instructing department.

- Raising issues with the instructing department that arise out of the instructions or seeking clarification of matters.

- Producing drafts that are clearly drafted and that give effect to the policy intent.

- Devising solutions to problems that arise during the drafting process.

- Assisting in resolving conflicts between departments over the policy or provisions in a draft

- In the case of bills, drafting amendments for Select Committees and during the Committee of the whole stage and ensuring that the assent copies are completely accurate and incorporate changes made during the parliamentary process

In the case of statutory regulations, certifying to the responsible Minister that the regulations are in order.

Drafting involves mastering the policy and legal background of the proposal and dealing with the relationship with other legislations and the common law. Importantly, it involves working out a structure for a bill or regulations that is coherent and logical. A

sensible structure will aid readability and understanding just as will the use of clear language. Depending on the type of legislation, the drafter should consider whether readers will be assisted by including an outline part that gives an overview of the bill or regulations. In some cases, it may be appropriate to include examples, either separately or as part of the text of a provision, of how particular or complex provisions will operate. The drafter may wish to discuss these matters with the instructing department and obtain its views.

The drafting of legislation is a number of other matters designed to ensure consistency across the statute book. They include:

- The format or design of Acts of parliament and statutory regulations, that is, physical layout, typeface, and size of text

- The Standing Orders of the house of Representatives

- Drafting practices and conventions.

Guidelines

In order to draft workable and effective legislation,