# **Judging size and complexity of Bills**

The purpose of this document is to assist agencies in judging the anticipated size and complexity of a Bill when preparing drafting instructions. It can also be used to judge the anticipated size and complexity of each discrete measure to be included in a Bill that will include multiple measures.

Size

The following table sets out what the size categories cover.

| Size | Anticipated number of pages |
| --- | --- |
| Small | up to 10 |
| Medium | from 11 to 100 |
| Large | more than 100 |

Some factors that may affect size are:

* the number of provisions to be drafted or amended;
* the number of consequential amendments required;
* the number of transitional, application or saving provisions required.

Complexity

The following table sets out the elements that determine which complexity category applies to a Bill (or to a discrete measure to be included in a Bill).

If the Bill (or the measure to be included in the Bill) has elements from more than one complexity category, the highest of those categories will apply to the Bill (or to the measure).

*Example*: If a Bill requires a small number of provisions to be drafted (low complexity) but raises significant legal issues (high complexity), the high complexity category will apply to the Bill

| Low | Moderate | High |
| --- | --- | --- |
| requires a small number of provisions to be drafted/amended | requires a reasonable number of provisions to be drafted/amended or a smaller number of complex provisions to be drafted/amended | requires a large number of provisions to be drafted/amended or a smaller number of highly complex provisions to be drafted/amended  or  is replacing, or requires amendment of, an Act that is long, detailed or complex |
| easy to identify what provisions/amendments are needed (some analysis or research may be required) | requires a reasonable amount of analysis or research to identify what provisions/amendments are needed | requires a significant amount of analysis or research to identify appropriate legislative solution |
| involves applying well‑established or often used drafting precedents or practices | involves a degree of original or novel drafting or the careful application of drafting precedents and practices | involves a high degree of original or novel drafting or the careful application of drafting precedents and practices |
| raises no constitutional or legal issues and no political or other sensitivities | raises some constitutional or legal issues and/or some political or other sensitivities | raises significant constitutional or legal issues and/or significant political or other sensitivities |
| requires no, or only a small number of simple, consequential amendments | requires no, or only a reasonable number of, consequential amendments | requires a substantial number of consequential amendments |
| requires no, or only a small number of simple, transitional, application and saving provisions | requires no, or only a reasonable number of, transitional, application and saving provisions | requires a substantial number of transitional, application and saving provisions |

Examples

The following table sets out some examples of Acts that fall within the different size and complexity categories.

| Act | Size | Complexity |
| --- | --- | --- |
| *Administrative Review Tribunal Act 2024* | Large | High |
| *Anti‑Money Laundering and Counter‑Terrorism Financing Amendment Act 2024* | Large | High |
| *Australian Human Rights Commission Amendment (Costs Protection) Act 2024* | Small | Moderate |
| *Commonwealth Entities (Payment Surcharges) (Consequential Provisions and Other Matters) Act 2024* | Medium | High |
| *Crown References Amendment Act 2024* | Small | Low |
| *Fair Work Legislation Amendment (Secure Jobs, Better Pay) Act 2022* | Large | High |
| *Jobs and Skills Australia Amendment Act 2023* | Medium | Moderate |
| *Migration Amendment (Australia’s Engagement in the Pacific and Other Measures) Act 2023* | Small | High |
| *Modern Slavery Amendment (Australian Anti‑Slavery Commissioner) Act 2024* | Medium | Moderate |
| *Security of Critical Infrastructure and Other Legislation Amendment (Enhanced Response and Prevention) Act 2024* | Medium | High |