

PARLIAMENTARY COUNSEL

Drafting Direction No. 4.7 Deputy Speaker's and Chair's amendments, and changes to Minister's copy of Bill

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Contents

Part 1—Deputy Speaker's and Chair's amendments	2
Power to make Deputy Speaker's and Chair's amendments	2
Procedure for Deputy Speaker's or Chair's amendments of Bills	2
Initial discussion	2
Formal request for amendment.....	2
Incorporation of amendments	3
Declined requests.....	3
Procedure for Deputy Speaker's or Chair's amendments of parliamentary amendments .	3
Parliamentary amendment has not yet been moved	3
Parliamentary amendment has been moved.....	3
Incorporation of amendments	4
Part 2—Changes to Minister's copy of Bill	4
Power to make changes to Minister's copy of Bill.....	4
Procedure for making changes to Minister's copy of Bill.....	5
Initial discussion	5
Preparing a correction sheet	5
Incorporation of changes	5

Part 1—Deputy Speaker's and Chair's amendments

Power to make Deputy Speaker's and Chair's amendments

1 If after a Bill is introduced a minor textual error in the Bill or in parliamentary amendments of the Bill is discovered, it may be possible to fix the error with a Deputy Speaker's or Chair's amendment. Unlike parliamentary amendments, a Deputy Speaker's or Chair's amendment is not moved in Parliament. It is simply a documentary change, made at the discretion of:

- (a) for a Deputy Speaker's amendment of a Bill originating, or a parliamentary amendment moved, in the House of Representatives—the Clerk of the House, acting with the authority of the Deputy Speaker (see Standing Order 156); or
- (b) for a Chair's amendment of a Bill originating, or a parliamentary amendment moved, in the Senate—the Chair of Committees (see Standing Order 124).

2 In general, only errors that are obvious on the face of a Bill or of a parliamentary amendment of a Bill are suitable for Deputy Speaker's or Chair's amendments.

3 Errors that FPC would not fix using FPC's editorial powers are unsuitable for Deputy Speaker's or Chair's amendments. This includes errors where, if amendments fixing the errors were to be made using an Act instead of FPC's editorial powers, the amendments would require consultation under an intergovernmental agreement (see Drafting Directions No. 4.3 and No. 4.4).

Procedure for Deputy Speaker's or Chair's amendments of Bills

Initial discussion

4 Since it is a matter of discretion for the Clerk or Chair whether an amendment will be made, a drafter requesting an amendment of a Bill should first discuss the matter with:

- (a) for a Bill originating in the House of Representatives—the Bills Manager in the House of Representatives; or
- (b) for a Bill originating in the Senate—the Director of Legislation and Documents in the Senate.

5 The Bills Manager or the Director will either agree to the amendment being made or will advise that a parliamentary amendment is required to fix the error.

Formal request for amendment

6 If the Bills Manager or the Director agrees to the amendment being made, the drafter should still prepare a formal written request addressed to the Clerk of the originating House. Requests must be signed by a senior drafter. Templates for making the requests are available in Word under Memos.

7 A drafter making a request should not send it to Parliament House, unless OPC's Bills Officer is not available (e.g. because the request is made after hours). Instead, the drafter

should give the original and a copy to OPC's Bills Officer, who will ensure that the original is delivered to the originating House and the copy is put on the Assent file for assent checking. If OPC's Bills Officer sends an email to the originating House including an electronic copy of the request then OPC's Bills Officer will file that email in Content Manager, including the copy.

8 If a drafter does electronically send a request to Parliament House when OPC's Bills Officer is not available, the drafter must give the original and a copy to OPC's Bills Officer as soon as possible afterwards. The drafter should also have filed the email and the attached copy of the request in Content Manager, copied OPC's Bills Officer into the email and updated PENGUIN to record the request being delivered to the Table Office.

Incorporation of amendments

9 Deputy Speaker's and Chair's amendments of a Bill are incorporated into the print of the Bill next prepared after the request is sent to the originating House (which is either a 3rd reading print or the Assent print).

10 Before a Bill is recommended by OPC for Royal Assent, any Deputy Speaker's and Chair's amendments of the Bill are "read into" the text of the Bill by the assent checker. OPC's Bills Officer will ensure that the assent checker is provided with a copy of the written request.

Declined requests

11 If the Bills Manager or the Director does not agree to the amendment being made, the drafter who made the request must notify the Senior Publishing Officer Compilations (who has general oversight of editorial changes). This should be done even if the request was just an oral enquiry. This is to ensure that the change is not later made using FPC's editorial powers (see Drafting Direction No. 4.4). The notice must include details of the Bill, the affected Principal Act, relevant sections/items/clauses and the amendment.

Procedure for Deputy Speaker's or Chair's amendments of parliamentary amendments

Parliamentary amendment has not yet been moved

12 If the parliamentary amendment has not yet been moved, the drafter should simply provide OPC's Bills Officer with a new version with the error fixed to be sent to the Table Office of the House in which the parliamentary amendment is to be moved.

Parliamentary amendment has been moved

13 If the parliamentary amendment has been moved, a request for a Deputy Speaker's or Chair's amendment of the parliamentary amendment should be made by the drafter. Since it is a matter of discretion for the Clerk or Chair whether an amendment of a parliamentary amendment that has been moved will be made, a drafter requesting an amendment of a parliamentary amendment should first discuss the matter with:

- (a) for an amendment moved in the House of Representatives—the Bills Manager in the House of Representatives; or

- (b) for an amendment moved in the Senate—the Director of Legislation and Documents in the Senate.

14 The Bills Manager or the Director will either agree to the amendment being made or will advise that a parliamentary amendment is required to fix the error.

15 If the Bills Manager or the Director agrees to the amendment being made, the drafter should still prepare a formal written request addressed to the Clerk of the House in which the parliamentary amendment was moved. Requests must be signed by a senior drafter. Templates for making the requests are available in Word under Memos.

16 A drafter making a request should not send it to Parliament House, unless OPC's Bills Officer is not available (e.g. because the request is made after hours). Instead, the drafter should give the original and a copy to OPC's Bills Officer, who will ensure that the original is delivered to the House in which the parliamentary amendments were moved and the copy is put on the Assent file for assent checking. If OPC's Bills Officer sends an email to the House in which the parliamentary amendments were moved including an electronic copy of the request then OPC's Bills Officer will file that email, including the copy, in Content Manager.

17 If a drafter does electronically send a request to Parliament House when OPC's Bills Officer is not available, the drafter must give the original and a copy to OPC's Bills Officer as soon as possible afterwards. The drafter should also have filed the email and the attached copy of the request in Content Manager, copied OPC's Bills Officer into the email and updated PENGUIN to record the request being delivered to the Table Office.

Incorporation of amendments

18 Deputy Speaker's or Chair's amendments of parliamentary amendments moved in the House in which the Bill originated are incorporated into the print of the Bill next prepared after the request is sent to that House (which is either a 3rd reading print or the Assent print).

19 Deputy Speaker's or Chair's amendments of parliamentary amendments moved in the House in which the Bill did not originate are incorporated into the Schedule of amendments that is transmitted to the House in which the Bill originated.

20 Before a Bill is recommended by OPC for Royal Assent, any Deputy Speaker's and Chair's amendments are "read into" the text of the Bill by the assent checker. OPC's Bills Officer will ensure that the assent checker is provided with a copy of the written request.

Part 2—Changes to Minister's copy of Bill

Power to make changes to Minister's copy of Bill

21 If an error in a printed Bill is discovered before the Bill is introduced, and the error is not suitable for fixing by a Deputy Speaker's or Chair's amendment, it may be possible to fix the error by preparing a correction sheet that sets out changes to be marked on the Minister's copy of the Bill by the Table Office of the House in which the Bill is to be introduced. Like Deputy Speaker's and Chair's amendments, any changes that are marked on the Minister's copy of the Bill are not moved in Parliament.

22 This option is most likely to be appropriate in urgent situations when there is not time to have the Bill reprinted before introduction. The change will have to be communicated to the Table Office of the relevant House (see below), and marked by the Table Office on the Minister's copy of the Bill, in what is likely to be a very narrow window of opportunity between prints of the Bill coming back from the printer and introduction of the Bill on the same day. The Table Office will also make the change to the electronic version of the Bill.

23 The use of correction sheets is not intended to replace Deputy Speaker's or Chair's amendments. A correction sheet should not be prepared without First Parliamentary Counsel's approval.

24 The template for a correction sheet (Bill_Cor) is available in Word under the Bills tab.

Procedure for making changes to Minister's copy of Bill

Initial discussion

25 Drafters considering using a correction sheet should first discuss the matter with the Table Office of the House in which the Bill is to be introduced.

Preparing a correction sheet

26 If the relevant Table Office agrees to the changes being made by using a correction sheet, the drafter should prepare a correction sheet using the template (Bill_Cor) available in Word under the Bills tab. The amending forms for parliamentary amendments should be used to describe the changes.

27 A drafter preparing a correction sheet should not send it to Parliament House (unless the correction sheet is prepared after hours). Instead, the drafter should give 2 copies of the correction sheet to OPC's Bills Officer, who will ensure that one copy is delivered to the Table Office of the House in which the Bill is to be introduced and that the other copy is put on the Bill file for assent checking. The drafter must give a copy to OPC's Bills Officer as soon as possible afterwards. If a drafter does electronically send a correction sheet to Parliament House when OPC's Bills Officer is not available, the drafter must give a copy to OPC's Bills Officer as soon as possible afterwards. The drafter should also have filed the email and the attached copy of the correction sheet in Content Manager, copied OPC's Bills Officer into the email and updated PENGUIN to record the correction sheet being delivered to the Table Office.

Incorporation of changes

28 Changes made this way are incorporated into the print of the Bill next prepared after the correction sheet is sent to the originating House (which is either a 3rd reading print or the Assent print).

29 Before a Bill is recommended by OPC for Royal Assent, any changes to the Bill that have been marked on the Minister's copy are "read into" the text of the Bill by the assent checker. OPC's Bills Officer will ensure that the assent checker is provided with a copy of the correction sheet containing the changes.

Meredith Leigh
First Parliamentary Counsel
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Note: Before the issue of the current series of Drafting Directions, this Drafting Direction was known as Drafting Direction No. 17 of 2005.