

PARLIAMENTARY COUNSEL

**Drafting Direction No. 4.7
Clerk's and Chairman's amendments, and changes
to Minister's copy of Bill**

Document release 3.3

Reissued May 2016

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Part 1—Clerk's and Chairman's amendments

Power to make Clerk's and Chairman'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 Clerk's or Chairman's amendment. Unlike parliamentary amendments, a Clerk's or Chairman's amendment is not moved in Parliament. It is simply a documentary change, made at the discretion of:

- (a) for a Clerk'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 Chairman's amendment of a Bill originating, or a parliamentary amendment moved, in the Senate—the Chairman 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 Clerk's or Chairman's amendments.

Procedure for Clerk's or Chairman's amendments of Bills

Initial discussion

3 Since it is a matter of discretion for the Clerk or Chairman 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 Officer in the House of Representatives; or
- (b) for a Bill originating in the Senate—the Director of Legislation and Documents in the Senate.

4 The Bills Officer 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

5 If the Bills Officer 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.

6 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 the Bills Officer sends an email to the originating House including an electronic copy of the request then the Bills Officer will TRIM that email, including the copy.

7 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 TRIMed their email and the attached copy of the request and copied the Bills Officer into the email.

Incorporation of amendments

8 Clerk's and Chairman'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).

9 Before a Bill is recommended by OPC for Royal Assent, any Clerk's and Chairman'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.

Procedure for Clerk's or Chairman's amendments of parliamentary amendments

Parliamentary amendment has not yet been moved

10 If the parliamentary amendment has not yet been moved, the drafter should 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

11 If the parliamentary amendment has been moved, a request for a Clerk's or Chairman's amendment of the parliamentary amendment should be made by the drafter. Since it is a matter of discretion for the Clerk or Chairman whether an amendment 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 Officer in the House of Representatives; or
- (b) for an amendment moved in the Senate—the Director of Legislation and Documents in the Senate.

12 The Bills Officer 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

13 If the Bills Officer 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.

14 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

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is put on the Assent file for assent checking. If the Bills Officer sends an email to the House in which the parliamentary amendments were moved including an electronic copy of the request then the Bills Officer will TRIM that email, including the copy.

15 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 TRIMed their email and the attached copy of the request and copied the Bills Officer into the email.

Incorporation of amendments

16 Clerk's or Chairman'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).

17 Clerk's or Chairman'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.

18 Before a Bill is recommended by OPC for Royal Assent, any Clerk's and Chairman'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

19 If an error in a printed Bill is discovered before the Bill is introduced, and the error is not suitable for fixing by a Clerk's or Chairman'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 Clerk's and Chairman's amendments, any changes that are marked on the Minister's copy of the Bill are not moved in Parliament.

20 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.

21 The use of correction sheets is not intended to replace Clerk's or Chairman's amendments. A correction sheet should not be prepared without First Parliamentary Counsel's approval.

Procedure for making changes to Minister's copy of Bill

Initial discussion

22 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

23 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.dotx` in Word under Bills. The amending forms for parliamentary amendments should be used to describe the changes.

24 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. If a drafter does 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.

Incorporation of changes

25 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).

26 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.

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First Parliamentary Counsel
5 May 2016

Document History		
Release	Release date	Document number
1.0	1 May 2006	s06rd395.v01.doc
2.0	17 Jan 2008	s06rd395.v08.doc
3.0	25 September 2009	s06rd395.v13.docx
3.1	21 October 2009	s06rd395.v15.docx
3.2	12 October 2010	s06rd395.v19.docx
3.3	5 May 2016	s06rd395.v27.docx

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