

Manual for Members of Parliament for the Drafting of Non-Government Legislation

13th edition

This manual contains the Premier's authorisation to the Parliamentary Counsel for the drafting of non-Government legislation and Parliamentary Counsel's procedures for the drafting of non-Government legislation.



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Contact directory for the Parliamentary Counsel's Office

Parliamentary Counsel

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After-hours service

The Parliamentary Counsel's Office provides an after-hours service on the evenings when Parliament is sitting. The service is provided to assist with urgent amendments to Bills before Parliament. To request this after-hours service, please contact the Office before 7pm on the night concerned by phone or email even if the details of the draft request are not yet settled. If, unexpectedly, drafting services are needed after 7pm, please contact the Parliamentary Counsel, Annette O'Callaghan.

Street address

Level 1
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Office website

www.pco.nsw.gov.au

Legislation website

www.legislation.nsw.gov.au

Premier's authorisation to Parliamentary Counsel for the drafting of non-Government legislation

Premier's authorisation to Parliamentary Counsel for the drafting of non-Government legislation

1 Drafting services

The Government has authorised the Parliamentary Counsel to continue the previous arrangements under which the services of the Parliamentary Counsel's Office are made available to non-Government parties, groups and members.

The drafting services of the Parliamentary Counsel's Office will be made available in accordance with the procedures set out below.

2 Scope of authority

The authority covers the drafting of both Bills and amendments to Bills before Parliament at the committee or consideration in detail stage.

3 Allocation of non-Government drafting hours

There will be a limitation on the hours of core drafting and editorial work devoted to these services. The following represents the allocation of hours on a 6-monthly basis for the members of both Houses combined:

	Hours
3.1 Opposition total	250
3.2 Other non-Government members each	25

Parties and groups will be aggregated, unless other arrangements are requested.

The allocation will be reviewed in the event of changes in party or group structures.

4 Statements of credits

The Parliamentary Counsel will arrange for a statement of available hours to be provided if it appears likely that an allocation will be exhausted before the end of the 6-month period.

5 Accounting periods

The 6-monthly periods will start from 1 January and 1 July, and will facilitate an orderly and manageable flow of work.

Unused credits will not be transferable from or to a following period.

6 Availability of services

Provision of these services is not to interfere with the Government's legislative program and is subject to the availability of legislative drafting and other resources in the Parliamentary Counsel's Office.

Non-Government drafting work should be carried out during non-peak periods of the year where possible.

In particular, the Parliamentary Counsel will decline to draft large or multi-issue Bills if resources are not available. Preference will be given to minor, single-issue Bills.

7 Confidentiality

The Parliamentary Counsel will continue the usual confidentiality in providing these services. Information will not be provided to the Government or elsewhere that would disclose the title, substance or originator of a Bill or that would disclose the substance or originator of proposed amendments drafted under these arrangements, unless the relevant document has been introduced or circulated by the originator, or unless the originator has asked the Parliamentary Counsel that this occur.

8 Guidelines

The Parliamentary Counsel may from time to time issue guidelines relating to the provision of these services, including guidelines about how and when requests for drafting services should be made. The Parliamentary Counsel may decline to proceed with a matter if the guidelines are not complied with.

9 Administration of arrangements

The Parliamentary Counsel will administer the arrangements on an equitable basis, but the Parliamentary Counsel's decision should be regarded as final in the event of a dispute on any aspect.

10 Duration

These arrangements will be kept under review, and will continue until the end of the 58th Parliament or until earlier notice is given.

The arrangements will not be available when it becomes clear that there will be no opportunity for further legislation to be introduced in the 58th Parliament.

This authority operates as a revision of the arrangements that took effect from April 1995.

Procedures for the drafting of non-Government legislation

Procedures for the drafting of non-Government legislation

Under the Premier's authorisation, the Parliamentary Counsel's Office is available to draft all Bills and proposed amendments to Bills before Parliament for non-Government parties, groups and members.

The following procedures are issued to assist members in these areas and to provide an indication of the simple and sensible process that should be adopted for the drafting of non-Government legislation.

Bills

1 Requests to be in writing

Requests for the drafting of a Bill should be made by email to parliamentary.counsel@pco.nsw.gov.au, outlining the objects of the proposed Bill, indicating the proposed time frame for introduction and providing a contact name, telephone number and email address.

2 Address all requests to the Parliamentary Counsel

Requests initiating new drafting work should be made by email to the Parliamentary Counsel, not to an individual officer of the Parliamentary Counsel's Office. This procedure will avoid correspondence being delayed. The Parliamentary Counsel will allocate each project to an available officer.

3 Requests should not be in the form of a draft bill

Requests in the form of a draft Bill are not favoured. If a Bill only is provided, the Parliamentary Counsel's Office can generally provide only a limited service, restricted to correcting formal matters.

4 Drafting officer will make contact

The officer to whom the project is allocated will make contact to seek further details, if necessary, and one or more drafts will be provided for comment.

5 Notices of motion prepared by PCO

Notices of motion for the introduction of Bills are prepared by the Parliamentary Counsel's Office. Advice is needed in advance about the proposed timing of giving notice so that notices can be prepared by the Office and delivered on time.

Generally, notices of motion should not be given until the Bill has been drafted.

If given beforehand, the Bill may not be ready when required for introduction or the notice may not reflect the ultimate form of the Bill.

6 Publishing and quality control of draft Bills

After a Bill has been drafted and the content settled, it undergoes an editorial checking process to ensure consistency of expression, incorporability of amendments and compliance with PCO's plain-English legal language drafting principle. Other processing is carried out for compliance with standards for introduction into Parliament.

These procedures must be carried out before a tabling copy PDF can be prepared and a certificate indicating the Bill is ready for introduction can be issued. These procedures are not commenced until the member advises that the policy and content of the draft has been settled.

The time required for editorial checking and processing should be considered when determining the timing of introduction.

A certificate for the Bill, known as a "certificate of readiness", must be issued by the Parliamentary Counsel before the member advises the Clerk of the relevant House of Parliament that the Bill is ready for introduction.

7 Tabling copies for introduction into Parliament

Electronic tabling copies of Bills for introduction are prepared by the Parliamentary Counsel's Office and emailed to the member's office at Parliament House. Sufficient notice should be given to enable the tabling copies to be prepared, checked and emailed on time. If the editorial and processing stages have not yet been undertaken, several days notice should be given. If the Bill has already undergone those processes, tabling copies should be requested the day before they are needed for introduction.

Note—The presence of a "draft" banner or "draft" watermark on the Bill or an absence of line numbers on the right-hand side of the Bill are indications that the Bill is not yet ready for tabling.

Amendments to Bills before Parliament

8 Requests to be in writing unless urgent

Requests for the drafting of proposed amendments to Bills should be made by email to parliamentary.counsel@pco.nsw.gov.au. Instructions for proposed amendments should be in narrative or prose form, and preferably not in the form of draft legislation. Contact details should be provided.

9 Address all requests to the Parliamentary Counsel

Requests initiating amendments to Bills should be made to the Parliamentary Counsel, not to an individual officer of the Parliamentary Counsel's Office. This procedure will avoid correspondence being delayed. The Parliamentary Counsel will allocate each project to an available officer.

10 Notice of amendments to Clerks

When a member is satisfied with the drafted amendments, the member should advise the drafting officer. Once notified that the member is satisfied with the drafting of the amendment, the amendment will be editorially checked for style, consistency and incorporability. The "draft" watermark will not be removed from a drafted amendment until it is considered finalised and has been checked. The drafting officer will email the finalised amendment to the member once the "draft" watermark has been removed.

11 Amendments to Bills not intended for passage

As a rule, proposed amendments will not be drafted for Bills that are merely released or tabled in Parliament for exposure purposes or that are known to not be proceeding further in the legislative process in their current form.

12 Conscience votes

When a conscience vote is to be allowed on a particular Bill, the Parliamentary Counsel's Office will draft amendments to Bills for individual members. Government or Opposition members should consult the Premier's office or the Leader of the Opposition's office, as appropriate, on whether proposed amendments are part of the agreed conscience vote arrangements and comply with other approval processes.

General matters

13 Allow PCO adequate time for drafting

Although the Parliamentary Counsel's Office will make every attempt to provide legislation in accordance with the known timetable, adequate time should be allowed for a drafting project. If the time allowed is manifestly inadequate and would impose an unreasonable burden, the Parliamentary Counsel will decline to proceed with the project.

14 Allow PCO adequate time to prepare material

The notice of motion and printed copies of Bills for tabling take time to prepare. Your assistance is requested with informing the Parliamentary Counsel in a realistic time frame regarding dates of when the notice is to be given, and when the Bill is expected to be introduced.

15 After-hours service on sitting nights

Ordinarily, drafting services to assist with the preparation of amendments to Bills are provided by the Parliamentary Counsel's Office during ordinary business hours. However, the Office can provide an after-hours service for urgent drafting on the evenings when Parliament is sitting. To request this after-hours service you must contact the Office before 7pm on the night concerned by phone or email. For urgent requests for drafting services after 7pm, please contact the Parliamentary Counsel, Annette O'Callaghan.

16 Any changes should be made by PCO

The documents provided by the Parliamentary Counsel's Office including notices of motion, Bills, and proposed amendments to Bills should always be used in the form in which they are provided. To avoid unintended consequences, unauthorised changes or unauthorised redrafting of documents prepared by the Office must not be undertaken. The Office is available during business hours and during agreed after-hours periods on sitting nights to attend to any necessary changes or redrafting.

17 Legislative proposals can be discussed

The Parliamentary Counsel or nominated senior officers will be available to discuss legislative proposals to establish priorities and time frames. Contact should be made with the Parliamentary Counsel.

18 PCO will ordinarily deal with members or staff

This drafting service is provided for the benefit of non-Government parties, groups and members. The Parliamentary Counsel's Office will deal only with members or their staff. Care should be taken in arranging for matters to be handled by external third parties to avoid the impression that external pressure groups are controlling the agenda and to ensure that the member is fully informed of the effect of a draft and the available alternatives. The Parliamentary Counsel's Office will send drafts to members or their staff only.

19 Allocated hours should be used carefully

As members are aware, there are maximum allocated hours for drafting non-Government work. The Parliamentary Counsel's Office will treat any approach for drafting by a member of a non-Government party, group or an independent member (or their staff) as an official request for drafting time. Parties, groups or independent members will need to ensure that drafting hours are not wasted on projects that are not likely to be endorsed for introduction.

20 Inform PCO of abandoned projects

The Parliamentary Counsel should be informed as soon as possible whether any drafting project has been abandoned or put on hold, so that allocated drafting hours are not wasted.

21 PCO drafting service is confidential

The services of the Parliamentary Counsel's Office as outlined in this manual are provided on a confidential basis, as described in the arrangements.

22 Accountability

As part of its accountability to government for the use of official resources, the Parliamentary Counsel's Office reports on the level of usage of these services on a periodic basis.

23 Procedures subject to change

These procedures will be supplemented and revised as necessary.



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2nd edition 1995
3rd edition 1997
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5th edition 2000
6th edition 2003
7th edition 2004
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