

**Manual for the Drafting
of
Non-Government Legislation**

8th edition

Parliamentary Counsel's Office

April 2007

New South Wales Government

Contact directory for the Parliamentary Counsel's Office

Parliamentary Counsel

Don Colagiuri (02) 9321 3300

parliamentary.counsel@pco.nsw.gov.au

Deputy Parliamentary Counsel

Leigh Glover (02) 9321 3320

Marion Pascoe (02) 9321 3319

Director, Legislative Services and Publications

Michael Rubacki (02) 9321 3361

General Office numbers

Switchboard (02) 9321 3333

Facsimile (02) 9232 4796

After hours service

The Parliamentary Counsel's Office will provide an after hours service on the evenings when Parliament is sitting. This service operates until 8 pm, or later on request.

The service is provided to assist with urgent amendments in committee.

Contact can be made on the Parliamentary Counsel Office's central phone number ((02) 9321 3333) or by fax ((02) 9232 4796).

Street address

Level 23, AMP Centre

50 Bridge Street

Sydney NSW 2000

Postal address

Parliamentary Counsel's Office

GPO Box 4191

Sydney NSW 2001

E-mail address

parliamentary.counsel@pco.nsw.gov.au

Office website

www.pco.nsw.gov.au

Legislation website

www.legislation.nsw.gov.au

Manual for the Drafting
of
Non-Government Legislation

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*This manual contains arrangements and guidelines
for the drafting of non-Government legislation
(including amendments in committee).*

*The arrangements are as agreed to by the Government.
The guidelines are as issued by the Parliamentary Counsel.*

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Arrangements for the drafting of non-Government legislation

These arrangements are as agreed to by the Government.

1 Drafting services

The Government has agreed that arrangements should (subject to the conditions mentioned below) continue under which the services of the Parliamentary Counsel's Office are available to non-Government parties, groups and members.

2 Scope of arrangements

The arrangements cover the drafting of both Bills and amendments in committee.

3 Allocation of non-Government drafting hours

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

	<i>Hours</i>
3.1 Opposition total	250
3.2 Other non-Government members each	25

(Parties and groups to 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 forwarded if it appears likely that an allocation will be exhausted before the end of the six month period.

5 Accounting periods

The six-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 to a following period.

6 Availability of services

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

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

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 maintain 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 amendments in committee drafted under these arrangements, unless the relevant document has been introduced or circulated by the originator, or unless the originator has requested 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 the 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 further notice or until the end of the 54th Parliament.

The arrangements will not be available when it becomes clear that there will be no opportunity for further legislation to be introduced in the 54th Parliament.

These arrangements operate as a revision of the arrangements that took effect as from April 1995.

Guidelines for the drafting of non-Government legislation

These guidelines are as issued by the Parliamentary Counsel, under the arrangements agreed to by the Government.

Under the arrangements agreed to by the Government, the Parliamentary Counsel's Office is available to draft all Bills and amendments in committee for non-Government parties, groups and members.

The current arrangements, which took effect from April 1995, state that guidelines may be issued from time to time, including guidelines about how and when requests for drafting services should be made. The following guidelines are issued to assist members in these areas and to provide an indication of the simple and sensible procedures that should be adopted for the drafting of non-Government legislation. The guidelines are of course to be read in conjunction with the arrangements themselves.

Bills

1 Requests should be in writing

Requests for the drafting of a Bill should be made by letter, fax or e-mail, outlining the objects of the proposed Bill, indicating the proposed timetable for introduction and providing a contact name, telephone number, fax number and e-mail address.

2 Address all requests to the Parliamentary Counsel

Requests initiating new drafting work should be made by letter sent, faxed or e-mailed 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. A contact directory appears at the front of this manual.

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 elucidate 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. This advice can be given by fax or more simply by telephoning Don Colagiuri (9321 3300) or, after hours, the Office's central phone number (9321 3333).

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 Printing arrangements

Bills for introduction and subsequent stages are printed by the Parliamentary Counsel's Office and several hours' notice should be given before printed copies are needed in Parliament. Where sitting days start before midday, any printed Bills required in the morning should be requested the day before. A longer production time may be necessary where large Bills or a number of Bills are involved. Information about the time within which printing needs to be completed should be given in the same way as for notices of motion.

Amendments in committee

7 Request to be in writing unless urgent

Requests for the drafting of amendments in committee should preferably be made by letter (either faxed or e-mailed), although the urgency of a situation will sometimes dictate that a request can only be made by telephone. In either case, a contact name, telephone and fax number should be provided. In the case of written requests, instructions for amendments in committee should be in narrative or prose form, and preferably not in the form of a draft.

8 Address all requests to the Parliamentary Counsel

Requests initiating amendments in committee 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. A contact directory appears at the front of this manual.

9 Notice of amendments to Clerks

Finalised amendments in committee should be given to the appropriate Procedure Clerk in the Legislative Assembly or Legislative Council as soon as possible, to enable processing to take place.

10 Amendments to Bills not intended for passage

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

General matters

11 Allow 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 or impossible burden, the Parliamentary Counsel will decline to proceed with the project.

12 Allow PCO adequate time to prepare material

As the notice of motion and printed copies of Bills take time to prepare, your assistance is requested in letting the Parliamentary Counsel know in a realistic timeframe the dates when the notice is to be given and when it is expected that the Bill will be introduced.

13 After hours service

The Parliamentary Counsel's Office provides an after hours service on the evenings when Parliament is sitting. This service operates until 8 pm, or later on reasonable request. It is obviously preferable to contact the Office during ordinary business hours when the full resources of the Office are available, but the after hours service is available to assist with urgent amendments in committee. Contact can be made on the Office's central phone number (9321 3333), by fax (9232 4796) or e-mail.

14 Any changes should be made by PCO

The documents provided by the Parliamentary Counsel's Office (notices of motion, Bills, and amendments in committee) for use in Parliament 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 made or undertaken. The Office will expeditiously attend to any necessary changes or redrafting. The continued provision of services is dependent on observance of this understanding.

15 Legislative proposals can be discussed

The Parliamentary Counsel or nominated senior officers will be available to discuss legislative proposals for the purpose of establishing priorities and timetables. Contact should be made with the Parliamentary Counsel.

16 PCO will ordinarily deal only with member or staff

This drafting service is provided for the benefit of non-Government parties, groups and members. Accordingly, the Parliamentary Counsel's Office will deal with members or their staff. Care should be taken in arranging for matters to be handled by external third parties, in order 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. Generally speaking, the Parliamentary Counsel's Office will send drafts to members or their staff only, unless the member requests that the Office follow other arrangements in the particular case.

17 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 by the party, group or member. Parties, groups or independent members will, therefore, need to ensure that drafting hours are not wasted on projects that are not likely to be endorsed for introduction.

18 Inform PCO of abandoned project

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.

19 PCO drafting service is confidential

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

20 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.

21 Guidelines subject to change

These guidelines will be supplemented and revised as necessary.

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