Guide to parliamentary amendments

This guide provides a quick reference for Australian Public Service employees and ministerial advisers on the amendments process for bills before the Australian Parliament.

After a bill has been introduced in either the House of Representatives or the Senate of the Australian Parliament, members of that chamber may seek to propose amendments. An amendment means a change to the bill. Amendments can be proposed by any member of parliament, including those not in the government’s party (non-government amendments). It is up to the government to accept or reject non-government amendments. Government amendments often require action within short timeframes and early consultation with the PM&C Legislation Section is necessary to enable timely approvals.

# Using this guide

This guide outlines the process for handling amendments, including the steps for accepting non government amendments. Australian Public Service employees working on amendments must coordinate with their Department's Legislation Liaison Officer (LLO), and should refer to the relevant sections of the [Legislation Handbook](https://www.pmc.gov.au/resources/legislation-handbook):

* Sections 9.1 and 9.2 deal with the types of amendments that are likely to be considered, and what may be better suited for a new bill proposal.
* Section 9.6 deals with differences between those amendments introduced in the House of Representatives and those in the Senate.

For definitions of terms used in this guide, see the [Glossary](#_Glossary).

Note that this guide is for general reference and does not replace or supersede other official resources.

# Step-by-step guide

## Government amendments

Government amendments are those initiated by the government, and require new policy authority. They are drafted by the Office of Parliamentary Counsel (OPC) and must go through the legislation approval process (LAP).

## Step 1. Notify public service stakeholders

The department notifies the following stakeholders of proposed government amendments:

* the PM&C Legislation Section
* the Office of Parliamentary Counsel (OPC)
* Parliamentary Liaison Officers

If the OPC advises significant drafting resources are needed, the department must request a variation to the legislation program.

## Step 2. Notify political stakeholders

The Minister notifies the Prime Minister’s Office and the Leader of the House of Representatives and the Manager of Government Business in the Senate about the proposed amendments.

## Step 3. Ensure policy is settled

The department resolves any policy details or issues in consultation with:

* key stakeholders and advisers
* relevant PM&C policy teams
* other departments and ministers who may be affected by the policy.

The department incorporates feedback and seeks additional input as needed.

## Step 4. Prepare and issue drafting instructions

The department prepares clear and detailed drafting instructions for the OPC, ensuring they cover how the policy will be implemented.

About drafting instructions

Refer to:

* Chapters 5 and 6 of the [Legislation Handbook](https://www.pmc.gov.au/resources/legislation-handbook)
* The [Office of Parliamentary Counsel’s drafting services: a guide for clients](https://www.opc.gov.au/drafting-resources/client-resources).

## Step 5. Obtain policy approval

The department prepares a letter from the Minister to the Prime Minister seeking policy approval for the amendments, and settles this with the OPC and the relevant PM&C policy team before progressing to the Minister.

The department’s LLO submits the Minister’s letter to the PM&C Legislation Section as soon as possible, aiming for at least 48 hours before a likely vote.

## Step 6. Prepare supporting material

The department prepares the supplementary explanatory memorandum (SuppEM) and other supporting material for the party briefing pack. The LLO provides the draft SuppEM to the PM&C Legislation Section by 11am on the Wednesday before the sitting week that the bill is scheduled for debate.

About amendments made in each chamber

For amendments to government bills made in the first chamber (where the bill was introduced)

A revised explanatory memorandum (Revised EM) incorporating the SuppEM and any non-government amendments that have been accepted must be prepared. This Revised EM must still align with the policy intent of the original bill. The departments should coordinate with the LLO to engage with the Table Office for the second chamber about timing requirements for the Revised EM.

The second reading speech may also need to be revised prior to introduction of the amended bill in the second chamber. This will also need to be approved by the Minister, printed, and delivered to the Table Offices (refer to Steps 7 and 8).

For amendments to government bills made in the second chamber

A Revised EM will not need to be prepared. If the amendment is agreed upon in the second chamber, the bill automatically returns to the first chamber for agreement.

About supporting material

Key documents include:

* government amendments sheet
* supplementary explanatory memorandum
* caucus meeting submission/ joint party room brief
* speech notes for the amendment(s).

Departments should coordinate with the LLO and Minister’s Office on the preparation and clearance of this material.

For more information, refer to Section 9.17 of the [Legislation Handbook](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiFzrmVqeKIAxUTr1YBHU6pMusQFnoECB0QAQ&url=https%3A%2F%2Fwww.pmc.gov.au%2Fsites%2Fdefault%2Ffiles%2F2022-09%2Flegislation-handbook-appendix-d.pdf&usg=AOvVaw2g5-ST35tGx9P37AHGkHgz&opi=89978449).

## Step 7. Obtain final text approvals

Final text approval for the amendments and supporting material must be obtained from the Minister by 11am on the Friday before the sitting week that the bill is scheduled for debate. The LLO notifies the PM&C Legislation Section once approvals are secured.

## Step 8. Print and lodge supporting material

There are two steps comprising the lodgement. First, the LLOs of every department lodge all the necessary documents with the PM&C Legislation Section to support legislation approval process (LAP) briefings.

Second, the department coordinates with the OPC to finalise the amendment and the LLO to arrange for the printing and lodgement of the supporting material to:

* House of Representatives Table Office
* Senate Table Office
* Parliamentary Liaison Officers (PLOs).

The LLO advises the PLOs of any changes to the departmental contact officers for the debate of the bill.

## Step 9. Legislation Approval Process (LAP)

The PM&C Legislation Section progresses the amendments through the legislation approval process (LAP) to the Legislation Minister seeking approval to introduce the amendments.

## Step 10. Obtain party clearance

The Minister arranges party clearance for the amendment, either through the Party room meeting or the Prime Minister’s Office.

If the amendments need to be tabled before the Party room meeting, the Minister must seek out of session agreement from the Prime Minister’s Office.

## Step 11. The Minister (or another member of the government) introduces the amendment

The minister, or a representing member in the other chamber, tables the amendments during the bill debate using the speech notes.

# Non-government amendments

In contrast to government amendments, non-government amendments occur when the Minister makes an agreement with members of another party, or with an independent member, to ensure the bill’s passage. The Minister may seek advice from the department prior to making an agreement, and thedepartment may need to instruct the Office of Parliamentary Counsel to draft the amendment sheet. However, the amendment is still passed to the non-government member to introduce.

This process may be initiated by the Minister, but may also begin in other ways. For example, a member of the crossbench may submit an amendment proposal directly to the Minister’s office. It is therefore critical for the department and ministerial advisers to coordinate communication and action. Once the Minister agrees to a non-government amendment, the following process applies:

## Step 1. Notify the Prime Minister

The Minister notifies the Prime Minister of the proposed non-government amendments.

## Step 2. Consult PM&C policy teams

The department consults the relevant PM&C policy teams to identify any issues with the proposed amendments.

## Step 3. Consult affected ministers

The Minister consults any other ministers affected by the amendments to resolve any issues and obtain their support.

## Step 4. Prepare approval request

The department prepares a letter from the Minister to the Prime Minister seeking approval to accept the amendment. The LLO provides the PM&C Legislation Section with a draft of the Minister’s letter as soon as possible.

## Step 5. Finalise policy approval

The Minister signs the letter and sends it to the Prime Minister. The department’s LLO provides the PM&C Legislation Section with a copy of the signed letter as soon as possible, aiming for at least 48 hours ahead of a likely vote.

## Step 6. Obtain party clearance

The Minister arranges party clearance, either through the Party room meeting or the Prime Minister’s Office.

## Step 7. A non-government member moves the amendment

A non-government member of parliament tables the amendments during the bill debate.

# Glossary

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| Term | Definition |
| Bill | A proposed law that becomes an Act of Parliament once approved by the House of Representatives and the Senate. |
| The department | The department or agency preparing the legislation. |
| Legislation Liaison Officer | The principal contact in each department regarding legislation. |
| The Minister | The minister(s) responsible for the department preparing the legislation (capital ‘M’). |
| Legislation Minister | Minister in the Prime Minister’s portfolio nominated by the Prime Minister to consider requests for minor policy and approve legislation for introduction on behalf of the Prime Minister. |
| Office of Parliamentary Counsel | A statutory agency responsible for drafting proposed laws, amendments and legislative instruments, and for publishing legislation. |
| PM&C | The Department of the Prime Minister and Cabinet. |
| PM&C Legislation Section | The Parliamentary Affairs and Legislation Section at PM&C. |
| PM&C policy team | Teams at PM&C responsible for coordinating policy for the relevant department ('shadow teams'). |
| Policy | A general government objective or the implementation plan for achieving such an objective (context dependant). |