



**Legislative Assembly  
Parliament of Victoria**

## **Fact Sheet 17**

### **Amendments to Bills — A Practical Guide**

The aim of this guide is to outline the procedure relating to the preparation and moving of amendments and the relevant formal requirements. The procedure is explained initially and the formal requirements are set out later in the guide. It is intended primarily to assist members who wish to move amendments to bills. Additional guidance can be sought from the Clerk's Office or the Procedure Office.

Information about reasoned amendments is available in *Fact Sheet 3: Reasoned Amendments*, or from the Procedure Office. A reasoned amendment is not an amendment to the text of a bill, but a method of showing an argument for opposing or delaying the bill, usually on an issue of principle.

A flow chart, showing the stages at which amendments may be circulated and moved, appears below.

#### ***Procedure***

##### ***When can a bill be amended?***

Although there are a number of stages in the consideration of a bill where amendments may be proposed, the most common stages are when the bill is considered in detail or when amendments made by the Legislative Council are being considered.

##### ***Who drafts the amendments?***

All amendments must be drafted by Parliamentary Counsel. Instructions should be given to them at the earliest opportunity.

##### ***What happens after the draft is approved?***

It is important that approval is confirmed with Parliamentary Counsel by the member as soon as possible so that the amendments can be prepared for circulation in the

House. Similarly, Parliamentary Counsel also need authority to release a copy (at the draft or final stage) to the Procedure Office. This is so that the amendments can be checked by that Office to ensure they are constitutionally and procedurally acceptable to the Legislative Assembly.

Once this check has been completed and, subject to clearance from the relevant member, Parliamentary Counsel releases a final copy of the amendment to the Procedure Office. After release multiple copies are made by the Office and kept securely in the Chamber until the amendment is circulated. The member moving the amendment received six copies of it. Copies are not provided to ministers who move amendments.

### ***How are amendments circulated?***

An amendment cannot be formally moved until the consideration in detail stage is reached. They can, however, be circulated earlier. Standing Order 64 allows amendments to be circulated during the second reading debate of bills. After amendments have been circulated, a member may discuss their general principles during the debate.

For government amendments to be eligible for consideration under the government business program, they must be circulated at least two hours before the cut-off time set under the program for that week.

Leave is not needed to circulate an amendment but another member should not be speaking at the time it is done. Although the Clerk will be aware that amendments have been prepared, members should advise the Clerk before circulating them. The Clerk provides the member with the wording of the announcement needed, normally 'I wish to advise the House of amendments to the [ ] Bill and request that they be circulated'.

### ***How are amendments moved?***

Unless otherwise decided during consideration in detail, a bill will be considered in a set sequence, the Deputy Clerk calling each part as applicable:

- Clauses in turn
- New clauses
- Schedules
- New schedules
- Preamble
- Long title
- Short title.

Clauses are normally considered individually but may be moved in groups where there are no amendments to a sequence of clauses, and providing there has not been any indication that a member wants to speak on a particular clause in that sequence.

Amendments are dealt with during the consideration of the relevant part of the bill and in the order that they affect the text of the bill. Normally an amendment may be moved by the member referring to the copy he or she has previously circulated, saying for example: ‘I move amendment No 1 standing in my name’. The amendment may be supported with an explanation.

### ***Disagreeing with an entire clause***

Where a member disagrees with an entire clause Parliamentary Counsel will indicate that disagreement in the amendments prepared by saying the clause should be omitted. For example, the amendments may include ‘Clause 14, omit this clause’.

When the clause is called on, a formal amendment that the clause ‘be omitted’ does not need to be moved. Instead, the member should vote against the clause. It is included by Parliamentary Counsel only as an indication of the member’s intention.

### ***What is the procedure for the consideration of amendments?***

After debate, the Chair will put the relevant question. Where there is general agreement a simple question ‘That the amendment be agreed to’ is proposed and carried on the voices (ie without a division). In situations where an amendment is contested or is to be amended by another amendment, the following questions may be proposed:

- To omit words: the question is ‘that the words proposed to be omitted stand part’. In effect this is asking that the relevant words should be left in the bill. They will only be removed if the question is defeated.
- To substitute words: the questions are ‘That the words proposed to be omitted stand part of the clause’, followed by ‘That the words proposed in the amendment be inserted’ if the previous question has been defeated.
- To insert or add words: the question is ‘That such words be inserted [or added]’.

If an amendment is defeated, any amendments consequential on that particular amendment automatically fail and may not be moved.

Where various members are moving amendments to the same clause, the government amendment will be moved first, with the Chair accepting amendments to that amendment. The Chair will, however, attempt to put the questions so as not to preclude proposed amendments by other members.

For example, Chairman Coyle<sup>1</sup> tested amendments in a situation where three members proposed amendments to the same part of the bill. In order to preserve the rights of each, he tested the first amendment by putting the question for the omission of a small group of words. He then put a question relating to the omission of another small group of words immediately following in order to test the second amendment. Both questions being defeated, the Chair then put the question relating to the third amendment, concerning the insertion of words immediately following the second small group of words.

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<sup>1</sup> *Hansard*, vol 201, 27 July 1937, pp 298–302.

### ***Call lists and grouping of amendments***

In a complicated situation, where two or more members move various sets of amendments, informal call lists are prepared by the Deputy Clerk to assist the Chair. The list may be based on those clauses proposed to be amended and/or upon clauses which members have informally indicated to the Chair they want to speak on.

For convenience, the list will also indicate to the Chair the grouping of amendments. With the leave of the House the Chair may permit the debate to range over several amendments which are connected or consequential to the actual amendment under consideration.

### ***What happens if consideration in detail does not occur?***

Generally amendments can only be considered after they have been moved during Consideration in Detail. There is an alternative procedure in Standing Order 96 for dealing with government amendments under the government business program. Note that this only applies to government amendments, there is no opportunity for private members (non-ministers) to move amendments in this situation.

Where government amendments have been circulated<sup>2</sup> in relation to a programmed bill, and the consideration in detail stage has not been reached or concluded, the Chair must deal with the amendments at the cut off time specified under the program for that week. That question, as appropriate, will be combined with any other outstanding questions, for example ‘That this bill be now read a second time, government amendments Nos 1 to 6 inclusive be agreed to and the bill be read a third time ...’. No debate is allowed and the question as a whole is put.

## **Formal Requirements**

### ***Construction***

All amendments must be constructed in the correct form. Under Standing Order 157 text may be amended by:

- Omitting words
- Omitting words to add or insert others (substitution)
- Inserting or adding words.

When drafted, amendments must refer to the clause number, page number (optional and is used where a clause goes over more than one page) and the line number. They must also be in the correct order for consideration in detail (see above).

### ***Relevancy***

To be admissible, amendments must be within the scope of, or relevant to, the subject matter of the bill. If an amendment is proposed to an amendment made by the Legislative Council, it must be relevant to the Council’s amendment.

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<sup>2</sup> Providing this is at least two hours prior to the cut-off time.

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During consideration in detail the House is restricted to considering the principles contained in the original bill.

If amendments contain new principles, these can only be considered in certain circumstances, and if a motion is moved to extend the scope of the bill. A motion to extend the scope of the bill is only allowed where an amendment is reasonably relevant to the scope of the bill. If the amendment is only remotely relevant, an extension to the bill's scope is not permitted, and the amendment cannot be moved. Should a member attempt to move it, the Chair would rule it to be inadmissible.

The motion moved by the member to extend the scope of the bill must specify the new principle to be considered. Usually one day's notice of the motion is given, but it can also be moved by leave.

### ***Appropriation and taxation***

Appropriation is Parliament's authorisation of government expenditure. If any of the clauses in a bill forces an appropriation, the bill can only proceed if a message from the Governor recommending an appropriation from the Consolidated Fund is presented.

Where an amendment causes, or increases, an appropriation, the amendment can only be considered if an appropriation message is presented. If a message has already been presented for the bill itself, the second message is known as a 'further appropriation message'.

Only a minister can request such messages. Similarly, any proposal to increase the rate of an existing tax can only be made by a minister. This effectively means that only ministers can propose such amendments and any attempt by private members (non-ministers) to move them would be ruled out of order. In such circumstances a member should consider moving a reasoned amendment: see *Fact Sheet 3: Reasoned Amendment*.

**Fact Sheets**

The Legislative Assembly Procedure Office has produced a series of Fact Sheets that explain parliamentary procedure and terminology. All Fact Sheets are available on Parliament's website [www.parliament.vic.gov.au](http://www.parliament.vic.gov.au) or through the Procedure Office.

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