

Appendix 1

Paper for Appropriations, Staffing and Security Committee: Legislative drafting services

On 26 August 2025, the Senate referred the following matter to the committee for inquiry and report by 21 October 2025:

The resourcing and staffing of the Clerk Assistant (Procedure) Office to support non-government senators to prepare amendments and private senators' bills as well as provide advice and other relevant information.

A similar reference in the 47th Parliament lapsed after that Parliament was prorogued.

The committee asked me to provide a paper on the resourcing of Procedure Office, focusing on the department's legislative drafting services. Although there has been discussion about the adequacy of resourcing, the output of the legislative drafting team is currently at record levels.

Background

The Procedure Office provides advisory, legislative drafting, training, research and public information services to support the work of senators and the Senate, as well as providing secretariat support for the Parliament's three legislative scrutiny committees.

The full-time equivalent staffing level for the Procedure Office in 2024–25 was 22.5 (23.2 in 2023–24). The cost of providing the services of the Procedure Office in 2024–25 was \$4.8m (\$5.0m in 2023–24).

Legislative drafting services

The demand for legislative drafting services is driven by the requirements of senators and the Senate. This demand takes two forms: the demand for drafting amendments to government bills, which is driven by the government's legislative program, and the demand for drafting private senators' bills. Several officers involved in legislative drafting also provide procedural advice and draft procedural material for use in the Senate, such as notices of motion and procedural scripts.

The demand for legislative drafting services was very strong throughout the 47th Parliament. The following table is indicative of the output of the legislative drafting team:

	2020/21	2021/22*	2022/23	2023/24	2024/25*
Committee of the whole amendments circulated	740	668	747	1,049	1079
Second reading amendments circulated	59	31	63	86	77
Private senators bill requests	47	26	63	67	56
Private senators' bills introduced	18	23	26	31	29

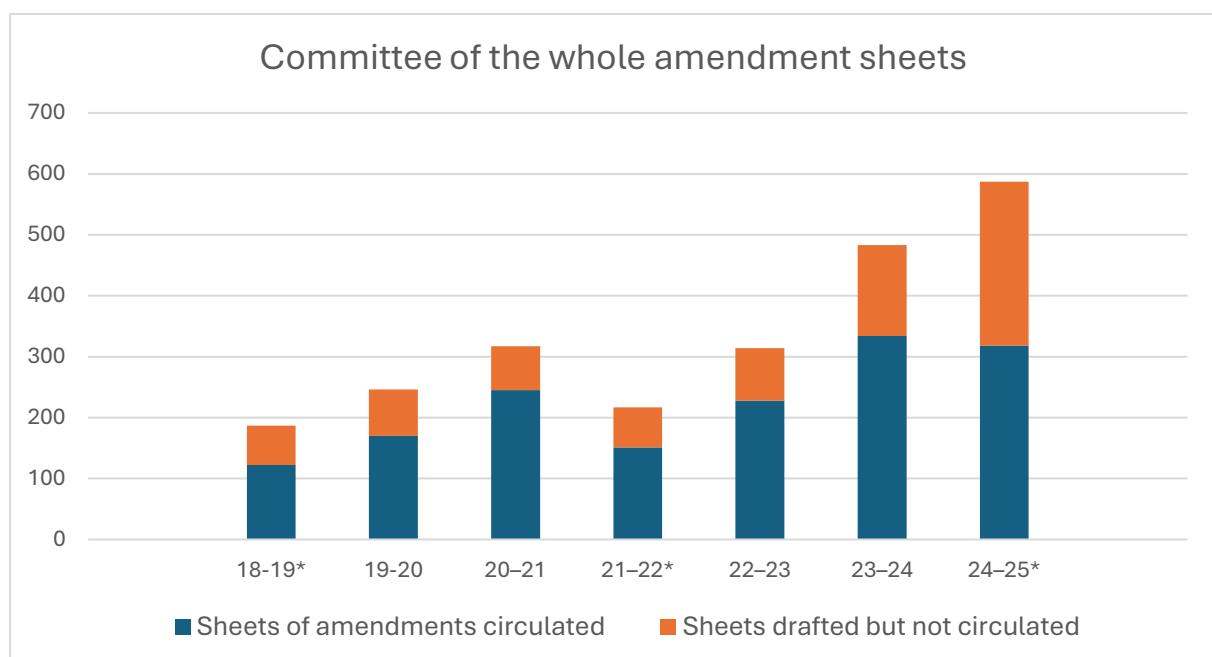
*election year

However, that table doesn't tell the full story about the demand for legislative drafting services and the output of the legislative drafting team. This is because it deals only with amendments that are finalised and then circulated and, similarly, bills that are finalised and introduced. The output of the team also includes large volumes of amendments that are drafted and provided to senators, but which senators choose not to circulate, and bills that are drafted to an advanced stage and provided to senators, which are not finalised for introduction.

Output through the 47th Parliament

The statistics on committee of the whole amendments for the 47th Parliament demonstrate that the output of the drafting team is currently at record levels. In recent annual reports I have noted the trend of increasing demand for the legislative drafting work undertaken by Procedure Office staff. That trend continued through the final year of the Parliament.

Although 2024-25 comprised only 40 sitting days (compared with 59 the previous year), the Procedure Office drafted and circulated more amendments than in the previous year: 318 sets (or “sheets”) comprising 1,079 individual amendments; compared with 1,049 amendments on 334 sheets in 2023-24. On top of this, there was a substantial increase in the number of amendment sheets drafted for senators but not circulated. In all, the drafting of committee of the whole amendments increased across the life of the 47th Parliament, from 314 sheets in the first year, to 483 in the second, to an astounding 587 sheets in the truncated final year.



At the same time, the office received 56 requests to draft private senators’ bills (including requests received after the Parliament was prorogued), with 29 such bills introduced; comparable with the 31 bills introduced in the previous year. Ordinarily, 2 hours and 20 minutes is set aside each sitting week for debating private senators’ bills. The allocation of debating opportunities in the 47th Parliament is shown on the attached

The department employs long-standing approaches to determining where to allocate its resources when demand outstrips drafting capacity. For instance, one of the main constraints on the department’s capacity to draft private senators’ bills is the need to prioritise committee of the whole amendments in response to the government’s legislative timetable. We also seek senators’ assistance in prioritising their drafting requests. Where time does not permit the drafting of extensive committee amendments, we will often suggest the use of second reading amendments or contributions in debate. Because the department is required to provide services to all senators on an equitable basis, there are times when we have to look to the representation of parties and independent senators across the Senate and apportion resources accordingly.

The attached statistics illustrate how the services of the legislative drafting team were employed in the 47th Parliament.

Response to demand

The department brought forward a proposal to the 2023–24 Budget for an additional ongoing PEL 2 executive drafter and a PEL 1 principal drafter. The proposal also sought operational funding to fund the secondment of the OPC executive drafting resource. The proposal was for approximately \$0.6 million each year over the forward estimates. Ultimately the proposal was not supported.

To help meet demand, the department has continued to draw more people into the process from our existing staff allocation, although our capacity to do so is limited. Eleven staff are now routinely involved in legislative drafting. The main work is undertaken by an executive drafter seconded from the Office of Parliamentary Counsel (OPC) and three staff drafters: one EL1 officer and two at the APS6 level. Two APS4 officers provide administrative support; the Director (Procedure and Research) and the Clerk Assistant (Procedure) provide input, and also review and approve drafting; and the Deputy Clerk assists with complex drafting as required. Finally, two PEL2 officers in other sections provide drafting support when capacity permits.

Tasks within the procedural drafting team have also been realigned to increase the amount of time staff drafters spend on drafting. To achieve this, the Clerk Assistant (Procedure) and the Director (Procedure and Research) have absorbed additional procedural drafting and advice.

In December 2024 the Government facilitated the OPC to provide an additional full time executive drafter for the final 5 days of the year, to assist with a period of peak demand.

Recruiting staff with drafting experience is difficult, as the pool of skilled drafters is small and concentrated in agencies like the OPC. The department's focus has been on developing staff with an interest and aptitude for drafting. This 'on-the-job' development takes time and includes direct involvement of senior staff and the OPC secondees.

The statistics cited above indicate that demand for drafting services continues to soar and the output of the drafting team is at record levels. The Senate Procedure Office continues to meet the majority of demands of non-government senators whilst also ensuring there are not excessive work pressures on the staff in the team, consistent with the department's work health and safety obligations.

As can be seen from the survey results noted on p. 49 of the department's 2024-25 annual report, senators' satisfaction with the legislative drafting services provided by the Procedure Office remains high:

The survey (23 responses) showed high overall satisfaction with services, including legislative drafting. Of the respondents who had utilised drafting services: 95% indicated their requirements for committee of the whole and second reading amendments were 'fully met' and 5% 'partially met'; 94% indicated their requirements for private senators' bills were 'fully met' and 6% 'partially met'; and 79% indicated their timeframes for private senators' bills were 'fully met' and 21% 'partially met'. In addition, 96% of respondents rated their satisfaction with procedural advice as 'excellent'

The office will continue to engage with senators about their priorities where demand exceeds drafting capacity.

Discussion

The annual appropriations for the Department of the Senate are overseen by the Appropriations, Staffing and Security Committee: SO 19(2)(a). It is also open to the committee to make recommendations to the President or report to the Senate on matters relating to the staffing of the department: SO 19(3)(b).

If the committee considers that additional resources are required to be allocated to this aspect of the department's work, this could be achieved either through a successful budget bid, or by a recommendation that the department reallocate existing resources. Reallocation of resources would be difficult at the moment, as the department's current budget is fully committed. As senators know, the demand for the services provided by the department is largely determined by the decisions senators make in their legislative and committee work. Shifting more resources into this area without additional funding would likely mean withdrawing services elsewhere.

The committee could also take the view that the department is best placed through its senior management to determine where to allocate resources, and may be minded to maintain a watching brief on demand for these services.

There is a question as to how useful it would be to add further resources to the mix, and whether this would represent an effective use of the department's resources. The legislative drafting workload is subject to peaks and troughs, particularly in relation to the drafting of committee of the whole amendments. Where the Senate's legislative priorities shift suddenly – as occurred multiple times in the previous Parliament – there will always be limitations in what can be provided in response to senators' requests, particularly if those requests come late in the piece. There is a question whether drafting high volumes of technical amendments is a good use of resources where it is clear that those amendments have no prospect of success.

Similarly, the department's capacity to draft lengthy and complex private senators' bills will always be limited. By their very nature such projects are time consuming, and it is often the case that senators and their staff lack the time and resources to undertake the detailed policy work such bills require. There is also a question whether developing a private senator's bill will always be the best vehicle for pursuing a policy outcome.

Clerk's office

15 October 2025

Attachment: legislative drafting output, 47th Parliament

Circulated committee of the whole amendment sheets

(not including revised sheets)

Opposition	215	25.4%
<i>Liberal</i>	<i>185</i>	<i>21.8%</i>
<i>Nationals</i>	<i>30</i>	<i>3.5%</i>
Greens	249	29.4%
JLN	50	5.9%
One Nation	39	4.6%
Babet	6	0.7%
Payman	4	0.5%
Pocock	146	17.2%
Rennick	3	0.4%
Thorpe	126	14.9%
Tyrrell	0	0.0%
Van	9	1.1%

(where more than one sponsor sheet is included in statistics for first listed party)

Total:	847	100.0%
---------------	------------	---------------

Private senators' bills introduced

(where more than one sponsor a bill is included in statistics for first listed party)

Opposition	28	30.8%
<i>Liberal</i>	<i>19</i>	<i>20.9%</i>
<i>Nationals</i>	<i>9</i>	<i>9.9%</i>
Greens	34	37.4%
JLN	8	8.8%
One Nation	6	6.6%
Babet	2	2.2%
Payman	0	0.0%
Pocock	7	7.7%
Rennick	0	0.0%
Thorpe	5	5.5%
Tyrrell	0	0.0%
Van	1	1.1%

Total:	91	100.0%
---------------	-----------	---------------

This table compares the number of slots for private senators' bills as allocated on schedules circulated by the whips' offices to what actually happened.

Party/Senator	Allocated	Actual
Government	3 (4%)	2 (3%)
Opposition	34 (45%)	30 (45%)
Greens	17 (22%)	18 (27%)
PHON	5 (7%)	7 (10%)
JLN	4 (5%)	3 (4%)
UAP	3 (4%)	1 (1%)
Senator Pocock	3 (4%)	2 (3%)
Senator Thorpe	3 (4%)	4 (6%)
Senator Tyrrell	2 (3%)	0 (0%)
Senator Van	2 (3%)	0 (0%)
TOTAL	76	67