



ATTORNEY-GENERAL  
THE HON ROBERT McCLELLAND MP

11/1371

14 SEP 2011

Mr Peter Quiggin PSM  
First Parliamentary Counsel  
Office of Parliamentary Counsel  
Locked Bag 30  
KINGSTON ACT 2604

*Peter*  
Dear Mr Quiggin

I am pleased to provide you with a Statement of my Expectations for the Office of Parliamentary Counsel (OPC) for 2011-12. As you are aware, Statements of Expectation are intended to provide clarity about the Government's policies and objectives relevant to OPC, and particularly the Government's strategic priorities for 2011-12.

OPC can assist the Government to achieve its key strategic priorities in 2011-2012 through:

- continuing to progress work on practical measures to improve the clarity and accessibility of Commonwealth legislation, and
- continuing to provide a drafting service that is of the highest quality and responsive to Government priorities (including ongoing workforce planning).

In support of these priorities, I continue to have high expectations that OPC will continue to operate in a way which promotes collaboration and demonstrates accountability and transparency. In particular, I encourage OPC to:

- continue to work cooperatively with the Attorney-General's Department, in particular the Office of Legislative Drafting and Publishing, and across Government
- be responsive to any requests for information from my Office and the Department and alerting me to any significant events related to OPC's activities through clear, concise and timely advice
- keep me informed in a timely and comprehensive way about the OPC's performance and about issues affecting its capacity to achieve its priorities and functions, and
- demonstrate best practice in corporate governance, financial management, privacy, security and information management and comply with relevant legislative requirements.

## **Clearer laws**

In my letter to you of 8 February 2010, I outlined my concerns about the volume and complexity of legislation in the Commonwealth statute book. Laws that are clear and easy to understand are an essential part of an accessible justice system. I commend OPC for playing a key role in the development of the Government's Clearer Laws reforms, as part of the *Strategic Framework for Access to Justice in the Federal Civil Justice System*, to address these issues.

Achieving greater clarity in legislation will require a strong and continuing commitment from Government, Departments and drafters. I expect OPC to continue to promote the Clearer Laws initiatives in its day to day work, including:

- through the operation and evaluation of the Complexity Flag Scheme
- by expanding the areas covered by Acts of general application
- by developing, implementing and promoting new and innovative approaches to legislative drafting and providing training to instructing officers accordingly, and
- through involvement, where appropriate, in the early stages of the policy process to assist agencies to consider the practical complexity of various policy options, advise on timeframes and resource implications and to advise on agency-wide or whole of Government approaches to drafting practice.

While I appreciate that these initiatives will place extra demands on OPC in the short term, I believe that the Clearer Laws agenda is an important step towards addressing the volume and complexity of Commonwealth legislation and will lead to better policy development resulting in more well-developed drafting instructions in the future.

## **High quality responsive drafting services and ongoing workforce planning to achieve this**

I appreciate the ongoing efforts of OPC to ensure that it produces high quality, timely legislative drafting that meets the Government's needs for clear and accessible legislation, and is responsive to Government priorities.

The Government needs to ensure OPC has the experienced drafters needed for it to be able to implement the Government's legislative agenda. Since the specialist skills are the result of years of training and there is only a small pool of trained drafters, staff management, succession planning and managing resources are all important. I expect OPC to continue to carefully manage its workforce planning to ensure that it is able to meet the Government's legislative drafting needs into the future.

## **Close liaison with the Attorney-General's Department**

I expect you to continue to work closely with Mr John Leahy of the Office of Legislative Drafting and Publishing on drafting matters. This will cover information sharing, the training of drafters, IT, legislative publishing, plain English drafting and the effort to encourage simpler policy in legislation. A particular emphasis should be placed on consistency in the drafting of primary and subordinate legislation and you should continue your joint work to maintain high drafting standards across the Commonwealth. In addition, I expect you to

continue to work constructively with my Department in considering issues regarding the future relationship between OPC and OLDP.

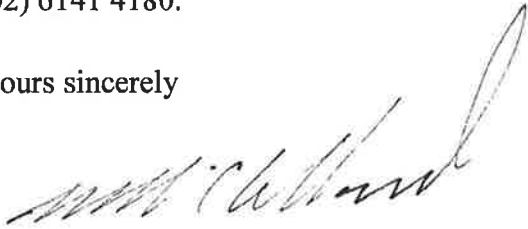
I understand that my Department instructs on more Bills than any other agency, and I would expect it to set the standard for quality of instructions. As you are aware, my Department has been working on the quality of instructions and better coordination of its legislative program, and I thank you for your involvement in this process.

I would like you to help my Department to continue to strive to achieve this, in the first instance by direct contact with instructing officers and by raising significant issues with responsible Division Heads or Deputy Secretaries. I understand that Mr John Boersig, Assistant Secretary, Cabinet and Ministerial Coordination Branch (telephone number (02) 6141 3413), has been designated as an additional departmental contact in relation to issues which have not been resolved directly with instructing line areas, such as the timeliness and quality of instructions.

I look forward to receiving your Statement of Intent outlining how you intend to implement the Statement of Expectations. I ask that you provide me with a Statement of Intent by 23 September 2011. It is my aim to have the Statement of Expectations and Statement of Intent made public by the end of September, via OPC's website. This will promote transparency and raise community awareness about the Government's priorities for its agencies.

The action officer for this matter in my Department is Karen Moore who can be contacted on (02) 6141 4180.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Robert McClelland', written in dark ink.

Robert McClelland