

Office of Parliamentary Counsel's Statement of Intent

22 October 2024

This Statement of Intent outlines the response of the Office of Parliamentary Counsel (*OPC*) to the Government's Statement of Expectations given to OPC on 9 October 2024.

OPC's role

OPC is the Commonwealth's principal provider of professional legislative drafting and publishing services, established under the *Parliamentary Counsel Act 1970*. Our role focuses on the entire life cycle of legislation, from the early stages of drafting to ensuring that the Australian public have access to up-to-date and accessible Commonwealth laws.

Our drafters work collaboratively with instructing agencies to help them develop their instructions so that they can be drafted as legislation. Our publications team work with agencies on issues relating to legislative instruments: registering and compiling legislative and notifiable instruments; supporting the Parliamentary disallowance process for and sunseting of legislative instruments; and maintaining the Federal Register of Legislation websites.

Delivering the Government's policy priorities and objectives

We recognise the critical role we play in supporting the Government to deliver on its legislative reform agenda.

We will continue to support the Government to deliver on this agenda by providing clear advice, to Departments and to the Parliamentary Business Committee, in relation to legislative drafting projects, particularly time-sensitive, large or complex reforms. In addition, we will continue to provide high-quality and timely drafting services for Bills in accordance with the priorities set by the Parliamentary Business Committee, and for tied subordinate instruments. Using our judgment and experience, we will draft untied subordinate instruments where we believe we can add maximum value for the Government.

Supporting Ministers

We will continue to support Ministers by working closely and collaborating with instructing Departments in relation to their policy, their timeframes and legal issues in drafting legislation, particularly large, complex or time-sensitive projects. In particular, First Parliamentary Counsel, Second Parliamentary Counsel, or other senior drafters, will continue to make themselves available to Departments on a regular basis for significant, large or challenging projects to ensure timely advice and guidance is provided.

Supporting the Australian Public Service

Many of OPC's drafters have significant experience drafting and working with legislation, and as such, support Departments in developing their legislative reform packages through the drafting and instructing process. We see this as a key part of our role.

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We will complement this support with formal training that we provide, in the form of courses we give on the legislative process, legislative design and drafting instruments. We will look for opportunities through taskforces or committees to provide any other support OPC can usefully provide to the Australian Public Service in relation to building capability across the Service to deliver large legislative reforms.

Maximising drafting capacity

At the core of every high performing institution are wonderful people. We will continue to recruit and retain high quality, dedicated and professional staff to help us achieve our mission.

We will continue to recruit drafters and publications staff in accordance with the additional funding with which we have been provided. We will also continue to innovate and experiment with new ways of training our drafters, while also maintaining the pairing system, which has been at the heart of our success for so long. Recognising that the best training is on the job training, we will seek to allocate drafting work in a way that optimises the training opportunities for our newer drafters without compromising on the need to deliver large, more complex projects in tighter timeframes.

Maintaining Public Service best practice

As a committed agency within the Commonwealth family, with the responsibility for drafting laws, we understand the importance of complying with our obligations under the various pieces of legislation that bind us, including the *Public Service Act 1999*, the *Public Governance, Performance and Accountability Act 2013*, the *Privacy Act 1989* and the *Archives Act 1983*.

Relationship with Minister and portfolio

Delivering on the Government's legislative agenda is a genuinely collaborative effort across the APS. OPC will continue to work cooperatively with the Attorney-General, the Assistant Minister for the Attorney-General, and their offices, as well as with the Attorney-General's Department. We will seek to continue to build on relationships with key stakeholders, recognising that accountability and transparency requires us to provide our advice in a timely and clear way.

We welcome this Statement of Expectations, which we will incorporate in our Corporate Plan and Annual Report.

We look forward to continuing to support the Government to deliver on its legislative agenda.