



**Australian Government**

**Office of Parliamentary Counsel**

# **2021–22 Corporate Plan**

for the period 2021–22 to 2024–25



# OPC snapshot 2020-21

Total no. of in force items on the register

27 857



189 173

Pages checked by editorial

Size of register

1.18 TB



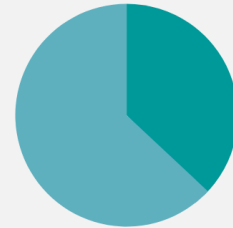
16.4 MILLION

Number of visits to the register

Search

Total number of items on the register

Not In Force  
47,504



In Force  
27,857

Total no. of gazettes on the register

13 597

1656

No. of compilations published

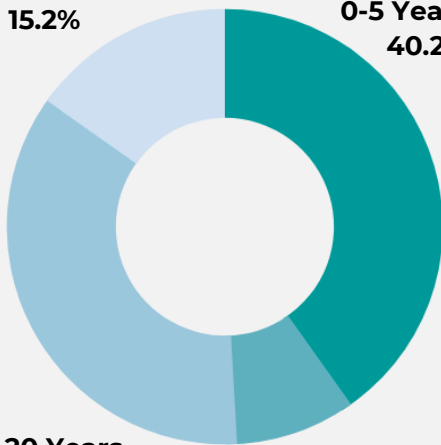
No. of pages of compilations published

532 759

Workforce by years at OPC

20+ Years  
15.2%

0-5 Years  
40.2%



10-20 Years  
35.7%

5-10 Years  
8.9%

487

No. of legislative instruments made

7421

Pages in total

161  
6443

No. of Bills Introduced

Pages in total

## Introduction

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The Office of Parliamentary Counsel's (OPC) Corporate Plan for 2021-22 covers the periods 2021-22 through 2024-25.

The plan has been prepared, in accordance with the *Public Governance and Accountability Rule 2014*, under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (the **PGPA Act**).

This plan sets out OPC's mission and purpose, the key activities that OPC will undertake to achieve its purpose, and how we will measure the achievements of our purpose over the period of the plan.

This plan is a central part of our business planning and performance framework.

OPC will report progress on the plan through the annual performance statements in the Annual Report, as required by subsection 38(1) of the PGPA Act.

## Our mission

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**OPC's mission is to provide clear, effective and accessible Commonwealth law for all Australians.**

## Our purpose

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OPC's purpose is:

- to enable government to carry out its legislative program by drafting Commonwealth Acts and some legislative instruments; and
- to ensure Commonwealth laws are freely available and accessible to all Australians by publishing Commonwealth laws on the Federal Register of Legislation.

## Our key activities

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The key activities that OPC will undertake in order to achieve our purpose are grouped into the following broad headings:

-  Supporting our people
-  Delivering our services
-  Managing our business

### ***Supporting our people***

Our staff are our most important asset, and investing in our staff is one of our highest priorities. We do this through recruiting and retaining great people. We invest heavily in our staff through extensive on-the-job training and development, as well as through online and other methods of formal training. We offer personal and professional support to our staff, and focus on providing a supportive, inclusive and flexible work environment.

### ***Delivering our services***

With the support of our corporate services staff, we deliver our two functions, drafting and publishing Commonwealth Acts and legislative instruments, to a high standard.

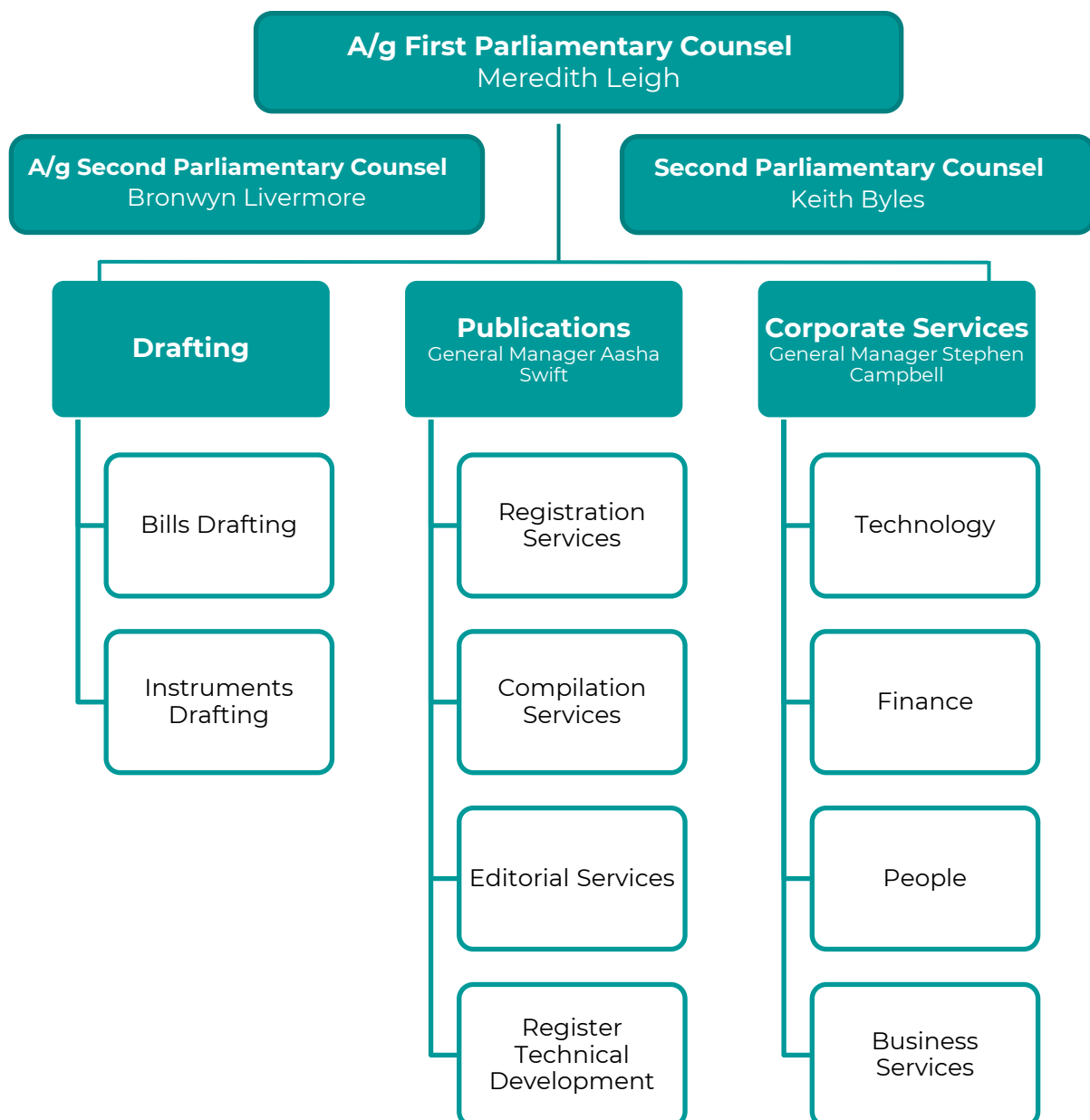
### ***Managing our business***

First Parliamentary Counsel (**FPC**) is the accountable authority for OPC, and is assisted in running the office by the Senior Management Team (**SMT**). SMT consists of First Parliamentary Counsel, 2 Second Parliamentary Counsel, the General Managers of our Publications and Corporate Services workgroups, and SES Band 2 drafters who rotate through SMT.

## Our structure

To achieve our purpose, we work across three broad workgroups:

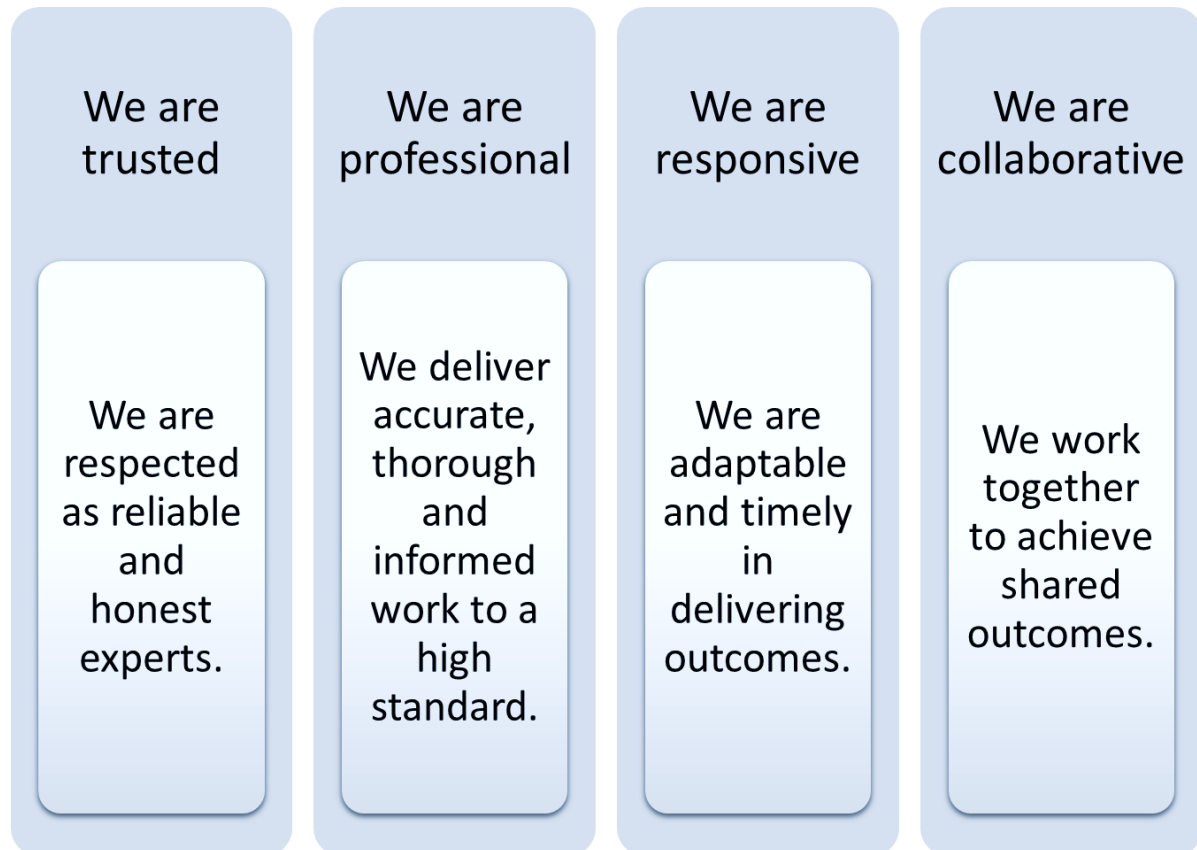
- Drafting workgroup;
- Publications workgroup
- Corporate services workgroup.



## Our values

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OPC staff uphold and promote the APS Values outlined in the *Public Service Act 1999*. Recently, we have been collaborating together to develop a set of OPC values. We demonstrate these values daily to achieve our purpose:



## About us

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OPC is a non-corporate Commonwealth entity established under the *Parliamentary Counsel Act 1970*, within the Attorney-General's portfolio, and reporting to the Attorney-General. As a small, specialised agency of about 110 staff who are focused solely on legislative drafting and publishing, we are able to perform our functions in a way that delivers high quality products extremely efficiently.

About half of our staff are legislative drafters, responsible for drafting Commonwealth Bills and legislative instruments. About a third of our staff work in our Publications group, with responsibility for editing, registering and compiling all Commonwealth Acts and some legislative and other instruments. The Acts and instruments are registered on the Federal Register of Legislation, which is a complete Register of all Commonwealth Acts and legislative instruments. The rest of our staff work hard to support us to achieve our purpose.

During 2020, OPC celebrated 50 years of being a statutory agency dedicated to Commonwealth legislation. In 2022, we will celebrate 10 years of having the additional functions of drafting subordinate instruments and publishing Commonwealth legislation.

Taken together with our previous function of drafting Commonwealth legislation, these additional functions have improved our ability to provide a high quality legislative drafting service, recognising that Commonwealth laws, whether primary or subordinate, operate as a whole. The Federal Register of Legislation is a permanent record of all Commonwealth Acts and legislative instruments, reflecting the issues of the day since Federation.

## **The context in which we work**

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There are many factors, both internal and external, which impact on OPC and how we operate.

### **Our environment**

#### **General**

The COVID-19 pandemic tested all Australians, and provided an opportunity for OPC to consider the way we work. The move to remote working required us to adapt and change, forcing us to experiment without fear of failure. As we pause now and reflect on that period, we are able to seize the opportunities that increased digitisation from working remotely provided, with a renewed understanding of the strengths of coming together in one location. We will continue to pursue different technologies that allow us to work more effectively into the future.

#### **Drafting work**

OPC's drafting work is regulated by the *Legal Services Directions 2017*. All Commonwealth Bill and regulation drafting is tied to OPC and budget funded. OPC also drafts other legislative instruments for government clients on a fee-for-service basis.

OPC's drafting work is done by highly skilled lawyers working in small team arrangements. The small team arrangements serve two purposes: producing the legislation required for today, and discharging our role as stewards of OPC by training the drafters of tomorrow. It is critical to OPC's ability to meet short term demands, and for the long term functioning of the Office, for OPC to recruit, train and retain highly skilled drafters.

OPC performs a role that is central to the functioning of government and delivering the government's legislative agenda. Among other things, we raise issues that relate to broader government policy, and ensure that certain areas of the government with relevant policy responsibility are consulted about proposed legislation.

FPC also has an obligation under the *Legislation Act 2003* to encourage high standards in the drafting of legislative instruments. FPC has worked on a number of initiatives to achieve this, including developing courses provided by drafters which aim to build instructing and drafting capability within other agencies.

COVID, and the increased automation of systems, has also highlighted some of the areas where legislation was ill-prepared for the digital age. We will continue

to work with agencies to identify these areas, future proofing legislation and providing flexibility, while protecting the rule of law.

## **Publications work**

The Federal Register of Legislation contains all Commonwealth Acts and legislative instruments (both current and historical), notifiable instruments, Gazette notices, and some related information. The Commonwealth is one of only 2 jurisdictions in Australia to have a comprehensive Register that contains not only all Acts, but also all legislative instruments (irrespective of the kind of legislative instrument).

OPC's Publications Group is responsible for publishing all Commonwealth laws on the Federal Register of Legislation, by registering all Commonwealth legislative instruments and other Commonwealth instruments, and preparing compilations of Commonwealth Acts and some Commonwealth instruments.

The Acts and instruments on the Federal Register of Legislation are administered by Commonwealth Departments. Only approximately one third of instruments registered on the Federal Register of Legislation are drafted by OPC. The cost of the Federal Register of Legislation is recovered from Departments who administer the legislation published on the Register. Some additional services are provided to Commonwealth agencies for additional fees.

The redevelopment of the Federal Register of Legislation is well advanced and is expected to be completed in the 2021-2022 financial year. The redevelopment is an opportunity to increase the efficiency, useability, functionality, and responsiveness of all levels of the Federal Register of Legislation. It is also an opportunity to review current technologies to ensure the Federal Register of Legislation remains technologically viable into the future.

We also recognise that a comprehensive and complete Register underpins the rule of law and Australia's vibrant democracy. Our laws are part of the fabric of our society and are important to so many: lawyers, judges, librarians, historians, public servants, private sector and non-government organisations, and members of the public. 2021 saw us complete a challenging project, first begun in 2015, to ensure that every Act as made since 1901 is on the Register in accessible format. We will continue working to complete some of the historical gaps on our Register, particularly in relation to our statutory rules, to ensure that our data is accurate and comprehensive.

With an increased focus on diversity, our drafting and publications staff have been collaborating on a policy to ensure we comply with Web Content Accessibility Guidelines in providing alternative text for Commonwealth legislation. We will begin by embedding the policy internally, and aim to promote the policy for other agencies drafting their own subordinate instruments.

## **Cooperation**

The COVID-19 pandemic brought the Australian Public Service (the **APS**) together in ways that had not been seen before. This increased focus on cooperation and collaboration demonstrated that the whole is greater than the sum of the parts.



We will continue this focus on cooperation and collaboration, building closer relations with a number of key external stakeholders. These include the Treasury, the Attorney-General's Department, and the Departments of Agriculture, Water and the Environment, Finance, Health, Home Affairs, Social Services, and Prime Minister and Cabinet.

OPC will continue our close ties with a range of areas within the Attorney-General's Department on matters of mutual interest. FPC will continue to be a member of the Department's Legislation Committee and the Significant Legal Issues Committee. Acting FPC, Meredith Leigh, is also currently a member of the Australian Government Legal Service Board which draws together all legal services providers across the Commonwealth.

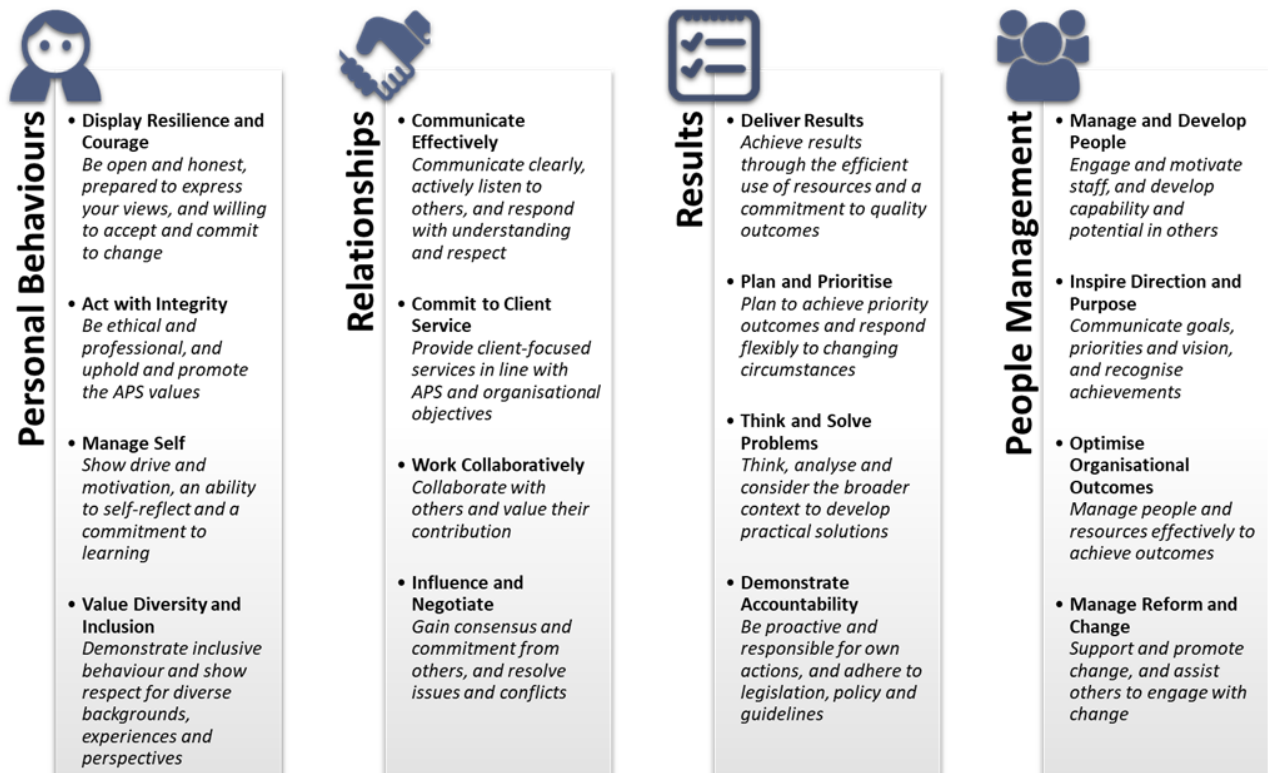
The redevelopment of the Federal Register of Legislation has also given us an opportunity to bring together a stakeholder group from across the APS and the private sector to support us in designing the public website for the Federal Register of Legislation.

Within OPC, we focus on collaboration and cooperation through our Consultation and Engagement Framework. This framework establishes a number of Committees, the People Committee, the Business Operations Committee and the Joint Publications and Drafting Working Group, ensuring that OPC staff have a direct voice in matters affecting OPC.

## Capability

Over the last twelve months, OPC has focussed on building capability across the entire organisation.

We have been working together to identify a new set of core capabilities which aim to retain our focus on technical excellence, while also recognising other essential behaviours that underpin the success of each of us in the workplace.



In 2021-2022, we will continue this focus on building capability with the following initiatives:

- The release of a new performance management framework called Achieving Capability and Excellence;
- The embedding of a new mission statement for OPC, our new OPC values and a new core capabilities framework to support the performance management framework;
- Implementing strategies to embed the habits developed during the CONNECT program delivered in May 2021. The CONNECT program aimed to equip OPC supervisors with skills and habits to transform performance feedback conversations;
- Offering the “IMPROVE” training program to all staff, to build a feedback culture by empowering staff to ask for performance feedback. Both CONNECT and IMPROVE are being supported by the Neuroleadership Institute;

- The creation of new roles to oversee the long term development of our assistant drafters;
- The creation of a new role in the Publications workgroup dedicated to training new Publications staff.

In addition, OPC will continue with our culture of high performance in relation to drafting, allowing us to be responsive to government legislative priorities through:

- continuing our high level of training in the drafting workgroup through the use of drafting teams, with an increased focus on peer-to-peer learning at all levels;
- working on practical measures to improve the clarity and accessibility of Commonwealth Acts and subordinate legislation;
- working with agencies who are responsible for Commonwealth legislation by providing advice and training to those agencies.

Our APS Census results highlighted 4 themes of focus for our office as a whole. OPC will continue our focus on these 4 theme:

- promoting a culture of respect and understanding where **staff feel valued** and their contributions to achieving OPC's objectives are recognised;
- attracting and retaining a great workforce, and **building our capability** through effective performance feedback;
- promoting and inspiring opportunities for **innovation** and creativity;
- acknowledging, encouraging, and **celebrating diversity** in and outside OPC's workforce.

## Performance

OPC's current performance measures have been published in the 2021-22 Portfolio Budget Statements.

Below is a summary, for each reporting period, of the planned performance measures and targets to be used to assess the performance of OPC and its significant activities over the period of the Plan.

<b>Summary of planned performance</b>					
<b>Performance criteria</b>	<b>Performance measure</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
<b>Legislative drafting</b>					
Bills and ExCo instruments reflect sponsors' policy intentions and are legally effective	Proportion of client surveys that indicate Bills and legislative instruments to be made or approved by the Governor-General ( <b>ExCo</b> ) instruments reflect sponsors' policy intentions and are legally effective	100%	100%	100%	100%
Drafting standards and conventions are applied consistently to all Bills and ExCo instruments	Average rating (rating scale 1-5) received on client survey forms for overall satisfaction with the drafting process and draft legislation	≥4	≥4	≥4	≥4
	Proportion of Bills and ExCo instruments that have drafting standards and conventions applied consistently	100%	100%	100%	100%
<b>Publication</b>					
New legislative and notifiable instruments and gazette notices lodged for registration are registered promptly on the Federal Register of Legislation	Proportion of legislative and notifiable instruments and gazette notices that are registered on a specific date as required by lodging entities	100%	100%	100%	100%
	Proportion of other legislative and notifiable instruments and gazette notices that are registered no later than two working days after lodgement	98%	98%	98%	98%

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**Summary of planned performance**

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<b>Performance criteria</b>	<b>Performance measure</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>
New Acts are registered promptly on the Federal Register of Legislation	Proportion of Acts that are registered on the Federal Register of Legislation no later than two working days after the Royal Assent copy is received and verified as accurate	98%	98%	98%	98%
Act and legislative and notifiable instrument compilations are registered promptly on the Federal Register of Legislation	Proportion of Act and legislative and notifiable instrument compilations required to be prepared by OPC that are registered on the Federal Register of Legislation 20 working days after commencement of the prospective amendments	90%	90%	90%	90%

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## Risk oversight and management

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OPC is continuing to refine its approach to managing risk, including by more clearly defining our enterprise level risks and risk appetite in relation to each enterprise level risk and ensuring that staff at all levels engage with risk.

Overall accountability for risk management rests with FPC. OPC's SMT is responsible for developing, implementing, and managing OPC's Risk Management Framework, and for identifying and managing OPC's organisational risks, including fraud.

Our key operational risks are the availability of drafting resources and the availability of OPC's information technology systems (including the Federal Register of Legislation).

The risks surrounding the availability of drafting resources are being managed by regularly recruiting drafters, providing comprehensive training to drafters, and implementing strategies to retain drafters. This is directly overseen by FPC and the two Second Parliamentary Counsel.

The risks related to the availability of OPC's information technology systems are managed through extensive planning, investment in technology and staff in the information technology area, and direct oversight of the system by the Chief Information Officer. We will continue to focus on modernising our IT infrastructure, ensuring our systems are fit-for-purpose. The redevelopment of the Federal Register of Legislation will ensure that it remains technologically viable, and is more robust and responsive into the future.

The risks related to ensuring a safe working environment, including during the COVID-19 period, are managed through workplace plans, including a comprehensive COVIDSafe Plan.



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