



Australian Government

Office of Parliamentary Counsel

2022–23 Corporate Plan

for the period 2022–23 to 2025–26



OPC snapshot 2021-22

Total no. of in force items on the register

28,640



52,392

Pages checked by editorial

Size of register

1.35 TB



14.4 MILLION

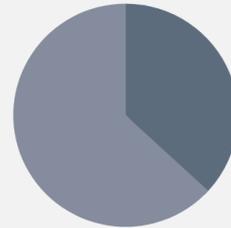
Number of visits to the register

Search...



Total number of items on the register

Not In Force
49,095



In Force
28,640

Total no. of gazettes on the register

14,633



1,935

No. of compilations published

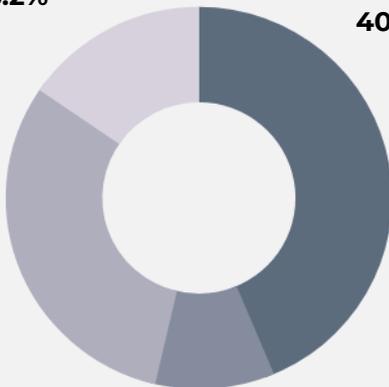
No. of pages of compilations published

542,608

Workforce by years at OPC

20+ Years
15.2%

0-5 Years
40.2%



10-20 Years
35.7%

5-10 Years
8.9%

464

No. of legislative instruments made

5,507

Pages in total

110

No. of Bills Introduced

4,990

Pages in total

Introduction

The Office of Parliamentary Counsel (**OPC**) plays a role at the centre of Government, drafting and publishing Commonwealth legislation for all Australians.

We are a team of dedicated specialists, with deep expertise in drafting and publishing legislation. With our focus on the statute book as a whole, we have the opportunity to work across all subject matters, and the privilege to work with many Commonwealth agencies.

OPC's 2022-23 Corporate Plan covers the periods 2022-23 through to 2025-26.

This 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 purposes, the key activities that OPC will undertake to achieve its purposes, the context in which we work, and how we will measure our performance in achieving our purposes over the period of the plan. It also addresses our key risks and our strategies to mitigate those risks.

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

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

Meredith Leigh
First Parliamentary Counsel
August 2022

Our mission

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

Our purposes

OPC's purposes are:

- to enable the Government to implement its legislative program by drafting Commonwealth Acts, and Executive Council and other 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

The key activities that OPC will undertake in order to achieve our purposes are:



Drafting high quality Bills and instruments



Registering, compiling, and delivering for tabling, legislative and other instruments



Managing the Federal Register of Legislation

Drafting high quality Bills and instruments

The functions of OPC under the *Parliamentary Counsel Act 1970* include drafting proposed laws, amendments and subordinate legislation. Our dedicated focus on drafting Bills and instruments allows us to ensure that the legislation we draft is of a high quality.

Our drafters are not merely scribes who write policy as a series of rules. Instead, our drafters work with agencies across the Australian Public Service (the **APS**) to help them to develop their policy, simplify their policy to the extent possible, and ensure that legislation is legally effective. Through this process our drafters are able to draft legislation in a way that is as clear and easy to understand as possible.

Registering, compiling, and delivering for tabling, legislative and other instruments

Managing the Federal Register of Legislation

One of the objects of the *Legislation Act 2003* includes establishing the Federal Register of Legislation as a permanent repository of versions of Acts, legislative and notifiable instruments, and compilations of such Acts and instruments.

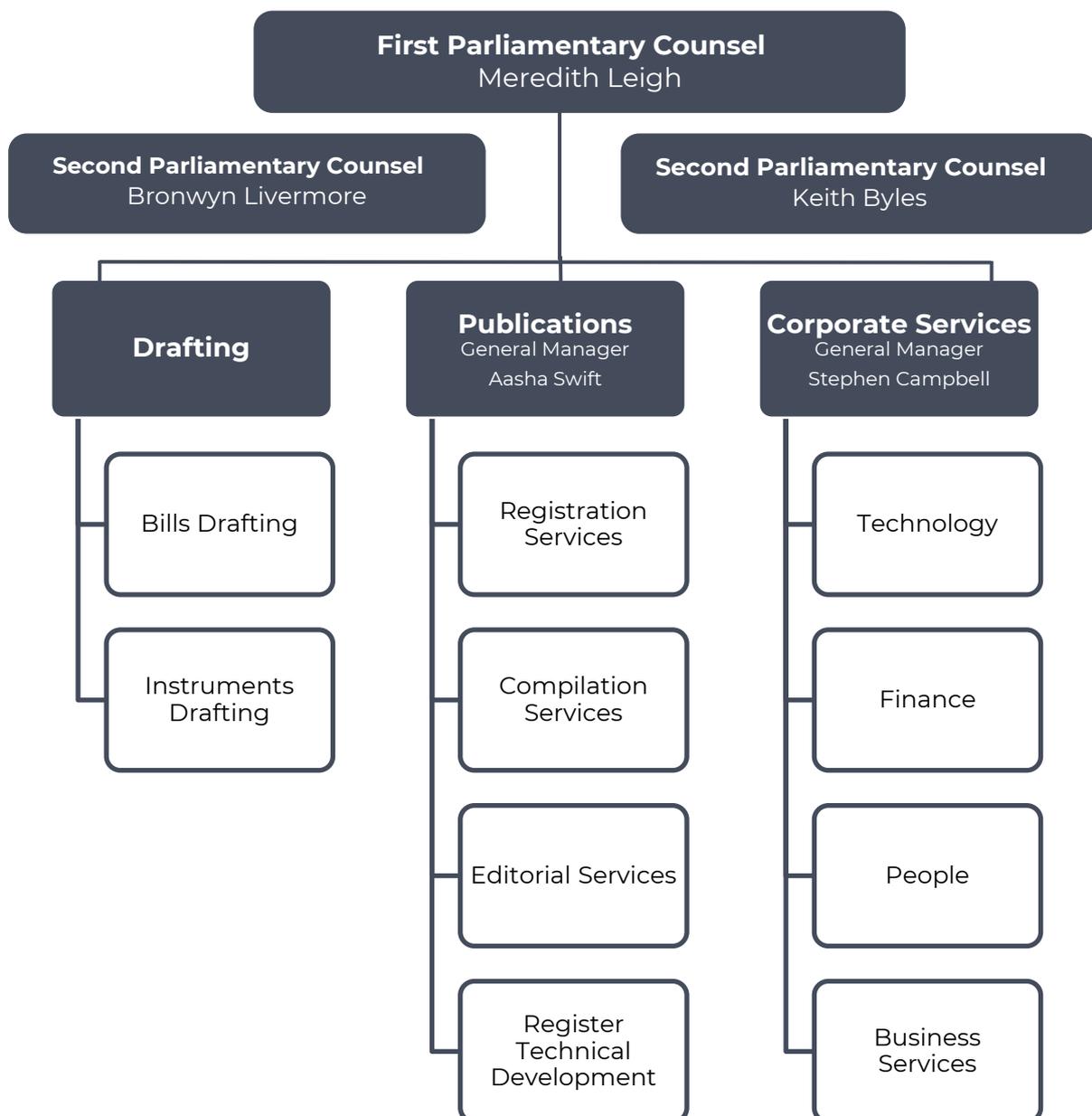
We manage the Federal Register of Legislation by registering, and providing certain information on, Acts and instruments. It is essential that the Australian public can see up-to-date versions of our laws, and we contribute to this by producing and registering compilations of Acts and some legislative and notifiable instruments.

The ability of the Parliament to disallow instruments is a central feature of Australia's democratic system. Under the *Legislation Act 2003*, First Parliamentary Counsel (**FPC**) is responsible for ensuring that legislative instruments are delivered to the Parliament for tabling.

Our structure

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

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



Our values

OPC staff uphold and promote the APS Values outlined in the *Public Service Act 1999*. OPC is a values-driven agency, and we have collaborated to develop a set of OPC values. We demonstrate these values daily to achieve our purposes:



About us

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, and tabling legislative 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. Our corporate services staff support us to achieve our purposes.

OPC has a long history, with 52 years as a statutory agency focussed solely on 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 Bills, 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

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 respond without fear of failure. We are still reflecting on that period, but as a result of the pandemic, 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 are continuing to pursue different technologies that allow us to work more effectively into the future.

In these uncertain times, the Government frequently needs to respond as new challenges arise, pivoting to focus on different subject areas and pieces of legislation to deal with these challenges. OPC drafters deal with the entire statute book. When new challenges emerge, we collaborate with Departments and agencies who bring knowledge of their particular legislation, just as we bring knowledge of the whole statute book, and in doing so, support the Government to deal with these new and emerging issues.

OPC, like the rest of Australia, is finding the current employment market challenging. For all areas of OPC, we have seen a significant fall in the number of applications we receive for our positions. Despite this, we have managed to continue to recruit excellent staff across the office.

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 section 16 of 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 Departments and agencies to design and draft legislation that is fit-for-purpose in the digital age in which we live.

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).

The comprehensive nature of the Federal Register of Legislation is a huge asset to the Australian public, who are able to access the entire statute book in a single place.

However, OPC is responsible for drafting only about 30% of all subordinate instruments. The diversity of instruments registered across the government raises challenges, and a key part of OPC's role is to support Departments and agencies as they draft and register their subordinate legislation. OPC does this by providing templates, guidance and training in relation to subordinate instruments.

The redevelopment of the Federal Register of Legislation, which began in 2017, is well advanced and is expected to be completed in 2022. 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. We are always 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 collaborated on a policy to ensure we comply with Web Content Accessibility Guidelines in providing alternative text for Commonwealth legislation. This has resulted in Drafting Direction 1.9, which is on OPC's website. As this policy is now embedded in OPC, we aim to promote the policy for other agencies drafting their own subordinate instruments.

Cooperation

The COVID-19 pandemic brought 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 Attorney-General's Department, the Treasury, and the Departments of Agriculture, Fisheries and Forestry, Finance, Health and Aged Care, Home Affairs, Social Services, and Prime Minister and Cabinet. Through this cooperation and collaboration we are better able to deliver on our purpose of enabling the Government to implement its legislative program.

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. FPC is currently a member of the Australian Government Legal Service Board which draws together all legal services providers across the Commonwealth.

FPC is also an ex officio member of the Board of Tax which allows her to engage and collaborate with the private sector, the Treasury and the Australian Taxation Office. This engagement provides insight into how tax laws are received by the Australian public, contributing to ensuring the tax legislation achieves its purposes as clearly as possible.

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

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 our modern and flexible performance program (the ACE Program), extensive on-the-job training and development, a focus on peer-to-peer learning at all levels, 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.

We are continuing to focus on building capability across the entire organisation in relation to our key activities:



Drafting high quality Bills and instruments



Registering, compiling, and delivering for tabling, legislative and other instruments



Managing the Federal Register of Legislation

OPC's core capabilities bring together our focus on technical excellence, while also recognising other essential behaviours that underpin the success of each of us in the workplace.



Personal Behaviours

- **Display Resilience and Courage**
Be open and honest, prepared to express your views, and willing to accept and commit to change
- **Act with Integrity**
Be ethical and professional, and uphold and promote the APS values
- **Manage Self**
Show drive and motivation, an ability to self-reflect and a commitment to learning
- **Value Diversity and Inclusion**
Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives



Relationships

- **Communicate Effectively**
Communicate clearly, actively listen to others, and respond with understanding and respect
- **Commit to Client Service**
Provide client-focused services in line with APS and organisational objectives
- **Work Collaboratively**
Collaborate with others and value their contribution
- **Influence and Negotiate**
Gain consensus and commitment from others, and resolve issues and conflicts



Results

- **Deliver Results**
Achieve results through the efficient use of resources and a commitment to quality outcomes
- **Plan and Prioritise**
Plan to achieve priority outcomes and respond flexibly to changing circumstances
- **Think and Solve Problems**
Think, analyse and consider the broader context to develop practical solutions
- **Demonstrate Accountability**
Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines



People Management

- **Manage and Develop People**
Engage and motivate staff, and develop capability and potential in others
- **Inspire Direction and Purpose**
Communicate goals, priorities and vision, and recognise achievements
- **Optimise Organisational Outcomes**
Manage people and resources effectively to achieve outcomes
- **Manage Reform and Change**
Support and promote change, and assist others to engage with change

In 2022-2023, we will continue this focus on building capability with the following initiatives:

- We will begin embedding the new performance management framework (called the Achieving Capability and Excellence Program (the ACE Program) which was released on 1 July 2022), and OPC's core capabilities framework;
- We will implement strategies to develop the habits introduced during the IMPROVE program delivered in May 2022. The IMPROVE program aims to create a feedback culture throughout OPC;
- We will discuss and refine our understanding of the role of our Band 2 Senior Drafters, particularly as it relates to building drafting capability for all drafters. One aspect of this is the Assistant Parliamentary Counsel Development Managers, a role held by our Band 2 Senior Drafters, who will oversee the long term development of our assistant drafters;
- We will continue to provide training in the Drafter workgroup through the pairing system where experienced and newer drafters are teamed together, and through the role of the Director of Drafting Training;
- We will continue to maintain a dedicated training officer to provide training in the Publications workgroup, ensuring cross-skilling across the workgroup;
- We will continue to redevelop drafting and publications workflow management tools, so we can be as efficient and effective as possible in delivering our key activities;
- We will continue to invest in our technologies and build our capability to work remotely, so we can be agile in our approach to our work, while remaining well connected across OPC and the APS.

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

- 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.

Risk oversight and management

OPC is continuing to develop and refine its approach to managing risk, as well as building capability in relation to risk.

OPC's risk management framework is guided by the Commonwealth Risk Management Policy and whole-of-government risk management frameworks.

Overall accountability for risk management rests with FPC. OPC's Senior Management Team is responsible for developing, implementing, and managing OPC's Risk Management Framework, and for identifying and managing OPC's enterprise level risks, including fraud. OPC also draws on the deep experience and expertise relating to risk from our Audit and Risk Committee.

Our Senior Management Team continues to review OPC's enterprise level risks and risk appetite in relation to each enterprise level risk.

Key staff who engage with more significant risks have been engaging in advanced risk training and facilitating discussions across the office in relation to risk.

Our key enterprise level risks relate to our people and our ability to deliver our functions.

People risks	Strategies
Not being able to attract and retain talented staff and future leaders	<ul style="list-style-type: none"> A strong culture of building capability A clear understanding of roles Competitive remuneration and other conditions A culture of staff engagement
Risks to our staff's health, safety and wellbeing	A rigorous culture of work health and safety, with a regular review of risks, policies and performance
Delivery risks	Strategies
Failure to comply with statutory or other obligations	<ul style="list-style-type: none"> Clear, embedded and up-to-date policies Regular staff training Appropriate staff resourcing Regular compliance reporting
Fraud	Up-to-date policies and appropriate

	<p>practices</p> <p>Regular training on fraud</p> <p>Annual disclosure of material personal interests</p> <p>Reporting mechanisms for fraud</p> <p>Annual audits</p>
Failure to be able to deliver our drafting function	<p>Strong culture of drafter training</p> <p>Drafter pairing system and second reading for all drafts</p> <p>Active monitoring of workload</p> <p>Legislation program and assistance to agencies to manage legislation programs</p>
Failure to be able to deliver our publishing functions and services	<p>Appropriate resourcing of Publications staff</p> <p>Cross-skilling staff</p> <p>Active monitoring of workload</p> <p>Active engagement with stakeholders</p>
The Federal Register of Legislation (FRL) fails to provide comprehensive and free access to Commonwealth legislation	<p>Active management of FRL</p> <p>Embedded security compliance practices for FRL</p> <p>Business continuity arrangements</p>
An unplanned disruption to our technology and infrastructure	<p>Strategic and business plans covering ICT</p> <p>Embedded security compliance practices</p> <p>Appropriate resourcing of ICT staff</p> <p>Up-to-date policies and practices</p>

Performance

OPC's current performance measures have been published in the 2022-23 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.

Summary of planned performance					
Performance criteria	Performance measure	2022-23	2023-24	2024-25	2025-26
Legislative drafting					
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 (ExCo) instruments reflect sponsors' policy intentions and are legally effective	100%	100%	100%	100%
	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
Publication					
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%
New Acts are registered promptly on	Proportion of Acts that are registered on				

Summary of planned performance					
Performance criteria	Performance measure	2022-23	2023-24	2024-25	2025-26
the Federal Register of Legislation	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%

These performance measures are consistent from last financial year, however, they do not include the following performance measure:

“Drafting standards and conventions are applied consistently to all Bills and ExCo instruments”.

This is because this measure was not able to be independently verified, and did not provide an unbiased basis for measuring and assessing OPC’s performance.

Further work is being done to develop our performance measures for the next financial year.

 **(02) 6120 1400**

 **opc@opc.gov.au**

 **<https://www.opc.gov.au/>**

 **Locked Bag 30**
Kingston ACT 2604
AUSTRALIA

 **4th Floor, PWC Building**
28 Sydney Avenue
Forrest ACT 2603
AUSTRALIA