



Australian Government

Office of Parliamentary Counsel

Office of Parliamentary Counsel

Corporate Plan 2020-24

Message from First Parliamentary Counsel

1 The Office of Parliamentary Counsel (*OPC*) was established by the *Parliamentary Counsel Act 1970*. OPC is the Commonwealth's principal provider of professional legislative drafting and publishing services.

2 OPC delivers drafting and advisory services for Bills and subordinate legislation, prepares compilations of laws as amended, and publishes laws on behalf of Commonwealth entities. OPC also provides comprehensive, free access to Commonwealth legislation and related material through the Federal Register of Legislation website.

3 In 2020, the Office of Parliamentary Counsel celebrated the 50th anniversary of the establishment of OPC.

4 OPC was formed in 1970 due to a crisis in legislative drafting or, put simply, a lack of legislative drafters. OPC has been very successful over the last 50 years in recruiting, training, and retaining drafters to ensure that it is now in a very strong position and is able to deliver legislation of the highest quality to meet the Government's requirements.

5 I think that we can all be extremely proud when we look back over the last 50 years and see what OPC has achieved and where we are today. Over those 50 years the legislation that has been drafted and published by OPC has shaped Australia. The legislation that we draft in the future will continue to shape Australia.

6 OPC is now widely respected across the drafting offices of the world as a leader in many ways. OPC is incredibly well positioned for the future on the drafting, publishing and corporate fronts.

7 As the accountable authority of the Office of Parliamentary Counsel, I present the 2020-21 Office of Parliamentary Counsel Corporate Plan, which covers the periods of 2020-21 through 2023-24, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

A handwritten signature in black ink, appearing to read 'Peter Quiggin', with a horizontal line underneath.

Peter Quiggin PSM
First Parliamentary Counsel

Introduction

1 The Office of Parliamentary Counsel's Corporate Plan 2020-21, which covers the periods 2020-21 through 2023-24, has been prepared under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (the *PGPA Act*).

2 This corporate plan has been prepared in accordance with the *Public Governance, Performance and Accountability Rule 2014*.

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

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

5 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 vision

6 OPC's vision is to provide a body of Commonwealth laws that give effect to intended policy, and that are coherent, readable and readily accessible, through the drafting and publication of those laws.

Our purpose

7 OPC's purpose, which is derived from our enabling legislation and our outcome under the Appropriation Acts, is to:

- enable government to carry out its legislative program by drafting Bills, legislative instruments to be made or approved by the Governor-General (Federal Executive Council (*ExCo*) instruments), and a range of other instruments; and
- ensure Commonwealth laws are freely available and accessible to everyone by publishing those laws and instruments on the Federal Register of Legislation website.

Environment

8 OPC is a small, specialised agency that is focused solely on legislative drafting and publishing. This enables OPC to perform our functions in a way that delivers high quality products extremely efficiently.

9 OPC continues to adapt to the changing environment in which it operates. In particular, OPC has adapted to the current COVID-19 situation and is working to adapt to the post-pandemic future.

10 OPC's drafting work is regulated by the *Legal Services Directions 2017*. All 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.

11 OPC's drafting work is done by highly skilled lawyers working in small team arrangements.

12 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 staff.

13 OPC's principal responsibility in relation to drafting is to deliver the government's legislation program for Bills and regulations. While doing this, OPC is also working on expanding the volume of its fee for service work.

14 First Parliamentary Counsel (*FPC*) also has an obligation under the *Legislation Act 2003* to encourage high standards in the drafting of legislative instruments. FPC must cause steps to be taken to promote the legal effectiveness, clarity, and intelligibility of legislative instruments for anticipated users. FPC is working on a number of initiatives to achieve this.

15 OPC's Publications Group delivers legislative publishing services to, and on behalf of, the whole of the Australian Government through the Federal Register of Legislation to meet OPC's obligations under the *Legislation Act 2003*.

16 The Federal Register of Legislation is the whole-of-government legislative publishing and management information system. It contains Acts, legislative and notifiable instruments, Gazette notices, and related information. The Federal Register of Legislation also contains compilations of all Acts and legislative instruments currently in force. These are authoritative for the purposes of court proceedings.

17 Government entities contribute content to the Federal Register of Legislation and use the Federal Register of Legislation data to manage their legislation. OPC relies on fees paid by these clients to fund aspects of the Publications Group operations, and recovers the cost of core services through annual fees. Government entities who choose to use additional services pay additional fees.

18 The redevelopment of the Federal Register of Legislation has begun and is expected to be completed in 2021. 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.

Key activities

19 The key activities that OPC will undertake in order to achieve its purposes are grouped into the following broad headings:

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

Supporting our people

20 OPC invests substantially in the training and development of our staff, and in building their capability. This is done through extensive on-the-job training for the many specialised positions across OPC, and through online and other methods of formal training.

21 OPC will continue to recruit staff to all areas of the office to increase our skills and capabilities, and ensure that we have sufficient resources into the future.

22 Over the period of this plan, OPC will revise its performance management systems across all areas of the Office to ensure that they are effective in building the capability of individual staff and the staff of OPC as a whole.

23 OPC commits itself to providing a safe working environment by always taking reasonably practicable steps to ensure the health and safety of its workers (staff and contractors) and visitors to the workplace.

Managing our business

24 The overall management of OPC is the responsibility of FPC, supported by the Senior Management Team. SES General Managers are responsible for OPC's Corporate Services and Publications functions. OPC's drafters work in teams, each of which is led by an SES officer who is responsible for the work of that team.

25 To ensure staff engagement, OPC has a Consultation and Engagement Framework. This framework establishes a number of new Committees, in addition to the existing Workplace Consultative Committee, and provides guidance on the methods of engagement to be used within OPC. This ensures that OPC staff have a direct voice in matters affecting OPC.

26 Throughout the period of this plan, OPC will continue to embed the framework.

Delivering our services

27 OPC will continue to deliver legislative drafting services of the highest standard. This will be done using the small team structure which has proven to be highly efficient and effective in both delivering legislation in the short term, and also ensuring that OPC has the capability to continue to deliver legislation in the long term.

28 OPC will also continue to deliver publishing services of the highest standard. In particular, the redevelopment of the Federal Register of Legislation will increase the efficiency, functionality, and responsiveness of that system, and of publishing services in general. This will improve access to legislation for all Australians.

29 OPC will continue to use technology to improve the efficiency and effectiveness of all parts of OPC. During the period covered by the plan, OPC will update the infrastructure the system relies on, and move to updated platforms to ensure the system's long-term sustainability.

30 OPC will continue to work on building closer relations with a number of key stakeholders. These include the Treasury, the Attorney-General's Department, the

Department of Agriculture, Water and the Environment, and the Department of the Prime Minister and Cabinet.

31 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.

32 OPC will also have regular meetings with some Departments to assist them with management of their legislative program.

33 OPC has a responsibility to the Government as a whole and, where instructions for legislation from a particular agency appear to be at odds with broader government policy, OPC will ensure that the conflict is brought to notice and resolved.

34 OPC will also routinely refer draft legislation to Government agencies where the legislation impacts on matters for which the agency has policy responsibility.

Capability

35 OPC will continue to be responsive to government priorities through:

- maintaining a high standard of legislative drafting capability, in particular by providing substantial drafting training to its employees and continuously improving drafting techniques;
- working on practical measures to improve the clarity and accessibility of Commonwealth Acts and subordinate legislation;
- encouraging a high standard of legislative drafting proposals by providing advice to other entities on legislative projects, and by training staff of policy entities who might be responsible for giving drafting instructions to OPC;
- maintaining free online access to up-to-date Commonwealth laws and instruments through the Federal Register of Legislation.

36 OPC will continue to improve its capability by:

- 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 its 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

37 OPC's current performance measures will be published in the 2020-21 Portfolio Budget Statements.

38 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	2020-21	2021-22	2022-23	2023-24
Legislative drafting					
Bills and ExCo instruments reflect sponsors' policy intentions and are legally effective	Proportion of client surveys that indicate Bills and 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
Drafting standards and conventions are applied consistently to all Bills and ExCo instruments	Proportion of Bills and ExCo instruments that have drafting standards and conventions are applied consistently	100%	100%	100%	100%
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 business days after lodgement	98%	98%	98%	98%
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 receipt of notification of Royal Assent	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	90%	90%	90%	90%

Summary of planned performance					
Performance criteria	Performance measure	2020-21	2021-22	2022-23	2023-24
	Legislation 28 days after commencement of the prospective amendments				

Risk oversight and management

39 OPC’s Risk Management Framework identifies and treats risks across all of OPC’s activities. The framework complies with the *Commonwealth Risk Management Policy*, which supports the requirements of section 16 of the PGPA Act. OPC is continuing to refine its approach to managing risk, including ensuring that staff at all levels are aware of the need to engage with risk.

40 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 organisational risks, including fraud.

41 OPC’s 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 Senior Management Team regularly reviews and assesses our approach to managing key risks.

42 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.

43 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. The redevelopment of the Federal Register of Legislation will ensure that it remains technologically viable, and is more robust and responsive into the future.

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

