



Australian Government

Office of Parliamentary Counsel

**Office of Parliamentary Counsel's
Corporate Plan 2018-19**

Introduction

1 The Office of Parliamentary Counsel's Corporate Plan 2018-19 (*Plan*), which covers the periods 2018-19 through 2021-22, has been prepared under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013 (PGPA Act)*.

2 This Plan sets out the Office of Parliamentary Counsel's (*OPC's*) purpose, the strategic activities we will undertake to achieve our purpose and measurable targets for the achievement of these activities over the period of the Plan.

3 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.

Purpose

4 OPC's purpose 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 and instruments are freely available and accessible to everyone by publishing those laws and instruments on the Federal Register of Legislation website.

5 OPC's purpose is derived from our enabling legislation and our outcome under the appropriation Acts.

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

7 OPC delivers drafting and advisory services for Bills and subordinate legislation, prepares compilations of laws as amended and publishes laws and instruments on behalf of more than 70 Commonwealth entities. OPC also provides comprehensive, free access to Commonwealth legislation and related material through the Federal Register of Legislation (*the Legislation Register*) website.

8 OPC's outcome is: "A body of Commonwealth laws and instruments that give effect to intended policy, and that are coherent, readable and readily accessible, through the drafting and publication of those laws and instruments".

Environment

9 OPC's drafting work is regulated by the Legal Services Directions. 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.

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

11 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.

12 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.

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 to anticipated users of legislative instruments. 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 Legislation Register to meet OPC's obligations under the *Legislation Act 2003*.

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

17 More than 70 government entities administer or contribute to current Legislation Register content, and use the Legislation Register 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 Legislation Register has commenced and is expected to be completed in 2020. The redevelopment is an opportunity to increase the efficiency, useability, functionality and responsiveness of all levels of the Legislation Register. It is also an opportunity to review current technologies to ensure the Legislation Register remains technically viable into the future.

Capability

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

- Continuing to maintain a high standard of legislative drafting capability, in particular by providing substantial drafting training to its employees and by engaging in continuous improvement of drafting techniques
- Continuing to progress work on practical measures to improve the clarity and accessibility of Commonwealth Acts and subordinate legislation
- Continuing to encourage 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 Legislation Register
- Continuing to work with other entities to reduce the regulatory burden, particularly by reducing legislative complexity, ensuring the repeal of spent instruments and assisting entities to manage the sunseting of their legislative instruments.

Performance

20 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	2018-19	2019-20	2020-21	2021-22
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 where 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 Legislation Register	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 Legislation Register	Proportion of Acts that are registered on the Legislation Register no later than two	98%	98%	98%	98%

Summary of planned performance					
Performance criteria	Performance measure	2018-19	2019-20	2020-21	2021-22
	working days after receipt of notification of Royal Assent				
Act and legislative and notifiable instrument compilations are registered promptly on the Legislation Register	Proportion of Act and legislative and notifiable instrument compilations required to be prepared by OPC that are registered on the Legislation Register 28 days after commencement of the prospective amendments	90%	90%	90%	90%

Risk oversight and management

21 OPC's Risk Management framework, processes and plan is a formalised, integrated and visible framework to identify risk exposures across all of OPC's activities and a plan for the treatment of risks. The Risk Management framework, processes and plan is a key part of improving OPC's operations and services and ensuring that we achieve our organisational objectives.

22 OPC's framework complies with the *Commonwealth Risk Management Policy*, which supports the requirements of the PGPA Act.

23 Overall accountability for risk management is with FPC. OPC's Senior Management Team is responsible for developing, implementing and managing OPC's risk management framework, processes and plan and for effective identification and management of OPC's organisational risks, including fraud.

24 OPC's key operational risks are matters affecting the availability of drafting resources and the availability of OPC's information technology systems. The Senior Management Team regularly reviews and assesses the current and planned approach to managing key risk areas to determine future actions.