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Annual Report 2015‑2016

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First Parliamentary Counsel’s Review



1. The year has been one of both change and consolidation for the Office of Parliamentary Counsel (***OPC***).

Move to new building

1. In August OPC moved into our new premises in Sydney Avenue, Forrest.
2. This was an important occasion as it was the first time in a number of decades that all of OPC’s office space was located on one floor of one building.
3. In particular, it brought together staff who had been split across 2 buildings a few kilometres apart.
4. The fitting-out of the building and the move went very smoothly and is a credit to all involved.
5. The new premises is extremely well suited to OPC.

Change to Legislation Act 2003

1. The *Acts and Instruments (Framework Reform) Act 2015* commenced on 5 March 2016.
2. This Act made a range of changes that are important to OPC.
3. A major change was to alter the name and scope of the *Legislative Instruments Act 2003*. This Act is now the *Legislation Act 2003* (***the Legislation Act***).
4. One result of these changes is that ComLaw has now become the Federal Register of Legislation (***the Legislation Register***).
5. In addition, I (as First Parliamentary Counsel) have been given limited editorial powers to correct legislation.

Bills

1. Over the year 143 Bills, totalling 5,213 pages, were introduced. These figures are less than some previous years due to there being a very short Winter sittings due to the election.
2. Major legislation that was introduced included:

* amendments to the electoral laws;
* laws regulating the cultivation of cannabis plants for medicinal purposes;
* laws dealing with counter-terrorism;
* laws dealing with courts;
* major reform of the *Defence Act 1903*;
* legislation for financial assistance for the construction of infrastructure in Northern Australia; and
* laws on the taxation of managed investment trusts.

1. Taxation and superannuation legislation continues to be an area of substantial demand.

Repeal Day

1. OPC had a substantial involvement in the 2015 Spring Repeal Day.
2. A Statute Law Revision Bill and a Spent and Redundant Repeal Regulation was prepared for the Repeal Day as part of OPC’s ongoing commitment to maintaining the statute book and removing legislation that no longer has any operation.
3. The *Amending Acts 1990 to 1999 Repeal Act 2016* repealed 877 spent Acts. This Act was introduced in the 2015 Spring sittings and assented to on 11 February 2016.
4. The repeals of spent Acts remove a large amount of clutter from electronic databases such as the Legislation Register.
5. A range of other Bills were also introduced on Repeal Day including an Omnibus Bill containing material from most portfolios.
6. A number of instruments to repeal substantial numbers of redundant instruments were also tabled on Repeal Day.

Instruments

1. During the year, some 302 Federal Executive Council (***ExCo***) legislative and notifiable instruments, totalling 3,602 pages, drafted by OPC were made and registered on the Legislation Register.
2. OPC also drafted approximately 124 other legislative instruments, totalling 1,595 pages, for government agency clients. Major projects included instruments made in preparation for the commencement of the *Biosecurity Act 2015*, instruments dealing with cost recovery for matters relating to biosecurity and export control, the Parliamentary Injury Compensation Scheme Instrument and the Customs Australian Trusted Trader Programme Rule.

Sunsetting instruments

1. OPC continued to play a key role in the management of the sunsetting of legislative instruments.
2. OPC worked closely with sunsetting coordinators in all portfolios to encourage early action on instruments due to sunset. Key legislative instruments that were reviewed by portfolios and redrafted by OPC before the instruments were due to sunset included the *Income Tax Assessment (1936 Act) Regulation 2015*, the *Legislation (Exemptions and Other Matters) Regulation 2015* and the *Electoral and Referendum Regulation 2016.*
3. OPC greatly improved the quality and readability of these instruments through this process.
4. OPC will continue to play an important role in repealing spent and redundant legislation and ensuring that the Commonwealth statute book is as coherent, readable and readily accessible as possible.

Encouraging high drafting standards for legislative instruments

1. In 2012 the obligation to encourage high standards in the drafting of legislative instruments under section 16 of the Legislation Act was transferred to me from the Secretary of the Attorney-General’s Department. Since 2012 I have taken a number of measures to fulfil my obligations under section 16 of the Legislation Act and enhance the Commonwealth’s overall statute book.
2. In 2015-2016 OPC continued to engage actively with rule-making agencies to encourage high standards and provided services to assist agencies drafting legislative or notifiable instruments. This work expands on OPC’s activities under the program component standardisation and quality control of legislation.
3. More information on these activities is set out in later sections of this Annual Report.

Drafting resources

1. OPC continued to have a slight reduction in drafting staff, however we have started recruiting new drafters to ensure that we will have sufficient capacity in the future.
2. During the year 2 new drafters started with OPC. We also started a process to hire 2 more drafters.

Publications

1. The Publications group functions include:

* managing the Legislation Register, including registering legislative instruments and lodging them for tabling in the Parliament;
* preparing compilations and reprints of, and information relating to, Commonwealth laws;
* publishing Commonwealth legislation and legislative information;
* preparing and publishing the Government Notices Gazette; and
* developing and operating the Legislation Register website (www.legislation.gov.au).

1. The main focus for the Publications group this year has been implementing the changes as required by amendments to the Legislation Act. This included:

* developing the new Legislation Register to incorporate the content of ComLaw and the Federal Register of Legislative Instruments;
* developing new functionality on the Legislation Register to manage the new instrument type of notifiable instruments as well as requirements for replacement and supplementary explanatory statements;
* developing internal processes to manage and accurately publish information about editorial changes; and
* updating the website reference material and the Instruments Handbook to inform the public and agencies about changes in requirements of the Legislation Act.

Documentation and training

1. This year focus continued to be given to documenting the matters that specifically related to the drafting of instruments.
2. To provide greater training, drafters were rotated through Bill and instrument drafting positions. This will ensure that drafters can take on the full range of work that is now undertaken by OPC.
3. The expansion of our functions has necessitated the rewriting of the legislation process course to cover the additional functions. This was completed and the first of the new courses were run. These have proved very popular with high enrolments and excellent feedback.
4. Substantial work was done during the election period on preparing training materials to assist those in agencies who are responsible for drafting a range of legislative instruments.
5. A number of new courses have been written and these will begin early in the new financial year.
6. Substantial work has been undertaken to prepare documentation of the processes and procedures of the Publications group. This has assisted in training new staff and staff who have been trained in additional duties.

Financial performance

1. Financially, OPC is in a good position. OPC had a small surplus for the year and is budgeting for a break-even position in 2016-2017.

Liaison outside OPC

1. Over the year, OPC has continued to work on building closer relations with a number of key stakeholders. These have been in the Treasury, in the Attorney-General’s Department, in the Department of Agriculture and Water Resources and in the Department of the Prime Minister and Cabinet.
2. OPC continued our close ties with a range of areas within the Attorney-General’s Department on matters of mutual interest. In particular, I continued as a member of the Department’s Legislation Committee.
3. OPC also has regular meetings with the Department of Immigration and Border Protection to assist with the management of their legislative program.
4. Through my membership of the Board of Taxation, I continued to maintain a close involvement in developments in taxation law and the implementation of that law.
5. Staff involved in Publications and Information Technology continued to be involved in the Australasian Parliamentary Counsel’s Committee IT Forum. This year the meeting was hosted by OPC. The feedback that we got was that it was a great success.
6. A special drafting workshop was held with OPC drafters and drafters from Hong Kong and Singapore, who came to the IT Forum.
7. I travelled to Malta to attend the Commonwealth Heads of Government Conference (CHOGM) and the associated People’s Forum. This was done in my capacity as President of the Commonwealth Association of Legislative Counsel.
8. We also met with delegations from South Korea, Thailand and Switzerland.

Corporate Services support

1. OPC’s Corporate Services group has continued to provide outstanding support to the whole of OPC. Due to the small size of our Corporate Services group, many staff have duties covering a wide range of disparate areas. All of the Corporate Services staff have worked well in the small team environment to ensure that the drafters, the Senior Management Team and other staff received all the support that they needed.
2. In addition to the ongoing administrative work of OPC, significant administrative activity during the year was devoted to:

* finalising the fit-out of the new premises;
* relocating all staff to the new premises;
* reviewing and updating policies, procedures and processes, particularly to account for the relocation to the new premises;
* developing and implementing a new electronic IT Helpdesk system; and
* running short IT training courses for staff.

Retirement of Iain McMillan

1. Mr Iain McMillan retired from OPC this year.
2. Until his retirement, Iain held the position of Second Parliamentary Counsel.
3. Iain started work with OPC in 1984.
4. Iain worked on a vast range of legislation during his time with OPC. This included the *Petroleum Resource Rent Tax Assessment Act 1987*, the *Family Law Reform Act 1995*, and the Financial Sector Reform package of legislation which established the Australian Prudential Regulation Authority, and restructured the regulation of banks, insurers and other financial institutions.
5. He had also a substantial role on the *Corporations Act 2001* which re-enacted the Corporations Act on the basis of a referral of power from the States following the Wakim and Hughes decisions of the High Court.
6. He made a substantial contribution to the *Workplace Relations (Work Choices) Act 2005*. Other major projects included:

* the Fair Work Bill 2008 and subsequent Bills to deal with State referrals;
* the Military Justice (Interim Measures) Bills 2009; and
* the *Private Health Insurance (Prudential Supervision) Act 2015*.

1. In addition to his contribution through drafting, Iain made an enormous contribution as a member of OPC’s Senior Management Team for 7 years.
2. Iain also made a wonderful contribution to the life of OPC over many years and in so many different ways.

Appointment of Meredith Leigh

1. Ms Meredith Leigh was appointed as Second Parliamentary Counsel on 1 March 2016.
2. Before her appointment, Meredith was a First Assistant Parliamentary Counsel at OPC. Meredith joined OPC in 1998.
3. She has extensive drafting experience including working on the *Military Rehabilitation and Compensation Act 2004*, the *Tobacco Plain Packaging Act 2011*, the *Australian Education Act 2013* and the recent amendments to the *Foreign Acquisitions and Takeovers Act 1975*.

Placements in House and Senate

1. During the year we continued the arrangements with each of the 2 Houses of Parliament to have drafters working in Parliament House.
2. The arrangement with the Senate is a secondment to the procedure office for one of our assistant drafters. This position is a valuable learning exercise for the drafters who are involved, as well as a practical way of OPC providing some assistance to the Senate.
3. We also provided a senior drafter to assist the House of Representatives to deal with Private Members’ work. This arrangement has been quite successful and is being continued with the drafter predominately working from OPC’s offices.

Election projects

1. During election periods, there is a reduced amount of drafting work to be done. OPC takes advantage of these periods to undertake a range of projects.
2. In addition to preparing an incoming government brief, projects included preparing a number of training courses, reviewing our subscriptions to electronic legal resources, updating a range of notes on drafting issues, and preparing and presenting seminars on drafting issues.

Outlook for coming year

1. I believe that the next year will see a continuation of the very high level of demand for OPC’s drafting resources.
2. At the same time, OPC will continue to concentrate on the need to recruit, train and retain the highest quality staff in order to meet the demands of the future. OPC will also need to recruit new drafters to ensure the long-term viability of OPC.
3. Work will also commence on the redevelopment of the Legislation Register and on continuing to improve the effectiveness of the publications functions of OPC. These are critical in ensuring that the public has ready access to legislation.

Peter Quiggin PSM

First Parliamentary Counsel

Chapter 1—Overview of OPC

Role and functions of OPC

1. OPC is the Commonwealth’s principal provider of professional legislative drafting and publishing services. OPC delivers timely, high quality drafting and advisory services for Bills, legislative instruments and other instruments, prepares compilations of laws as amended and publishes legislation and government notices on behalf of more than 70 agencies. OPC also provides comprehensive, free access to Commonwealth legislation and related material through the Federal Register of Legislation (***the Legislation Register***) website.
2. OPC was established under the *Parliamentary Counsel Act 1970*. Its functions are set out in section 3 of that Act. They are:

 the drafting of proposed laws for introduction into either House of the Parliament;

 the drafting of amendments of proposed laws that are being considered by either House of the Parliament;

 the drafting of subordinate legislation;

 the preparing of compilations and reprints of, and information relating to, laws of the Commonwealth;

 the publishing, and the making of arrangements for the printing and publishing, of:

- laws, and proposed laws, of the Commonwealth;

- compilations and reprints of laws of the Commonwealth; and

- information relating to laws of the Commonwealth;

 the preparing and publishing of Government Notices Gazettes, including Special and Periodic Gazettes;

 functions conferred on OPC (or on First Parliamentary Counsel) under the *Legislation Act 2003*, and any other laws of the Commonwealth;

 with the written approval of the Minister—the provision of assistance to a foreign country in relation to the drafting, printing or publishing of laws of the country or information relating to those laws;

 functions conferred by the regulations; and

 functions incidental to any of the preceding functions.

Organisational structure

1. OPC is headed by the First Parliamentary Counsel and two Second Parliamentary Counsel.
2. OPC has 3 groups: Drafting, Publications and Corporate Services.
3. In the Drafting group, drafting is carried out in teams consisting of drafters (who are all lawyers) supported by administrative staff. Some of the teams involve only 2 drafters (a senior drafter and an assistant drafter) but some involve more drafters working together in a variety of arrangements.
4. The First Parliamentary Counsel, the Second Parliamentary Counsel, and all SES drafters are senior drafters. They each head a drafting team and report to the First Parliamentary Counsel. The other drafters are called assistant drafters and are supervised by the senior drafter who heads their team.
5. OPC’s Publications group, headed by the General Manager Publishing, consists of:

 a team responsible for publishing policy, including preparation of sunsetting and bulk repeal lists, the Legislation Register Helpdesk, performance management and contributions to OPC policies;

 a team responsible for preparing compilations, the operation of the Legislation Register, the publishing and the making of arrangements for the printing of Commonwealth legislation, and the publishing of the Government Notices Gazette;

 a team responsible for proofreading and editorial checking of all draft legislation drafted in OPC; and

 a team responsible for the development and operation of the Legislation Register website.

1. OPC’s Corporate Services group, headed by the General Manager and Chief Finance Officer, consists of:

 an Information Technology (***IT***) section that manages, maintains and supports OPC’s IT environment;

 staff providing human resources and financial services;

 staff providing administrative support, records management, and property and security services; and

 a legislation team responsible for arranging for Bills to be printed, tabled and related tasks.

Outcome and program structure

1. OPC’s outcome for 2015-2016 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”.
2. For 2015-2016, OPC had one program and 5 program components contributing to meeting the outcome. The program was legislative drafting and publication. The program components were:

 Legislation;

 Program and project management;

 Legislative drafting capability;

 Standardisation and quality control of legislation; and

 Publication.

Purpose

1. OPC’s purposes are derived from our enabling legislation and our outcome under the appropriation Acts.
2. OPC’s purposes are to:

 enable government to carry out its legislative program through the drafting of all Bills, all legislative instruments to be made or approved by the Governor-General (Federal Executive Council 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 Legislation Register website.

Chapter 2—Annual Performance Statement

Introductory statement

1. The annual performance statement has been prepared in accordance with section 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (***the PGPA Act***) for the 2015-16 financial year and accurately presents OPC’s performance in accordance with section 39(2) of the PGPA Act.

OPC’s purposes and results

| Purpose 1—Legislative drafting  Enable the government to carry out its legislative program through the drafting of all Bills, all legislative instruments to be made or approved by the Governor-General (Federal Executive Council (***ExCo***) instruments) and a range of other instruments |
| --- |

| Results for Purpose 1 | |
| --- | --- |
| *Performance criteria 1.1* | |
| ***Criteria:*** Proportion of client surveys that indicate Bills and ExCo instruments reflect sponsors’ policy intentions and are legally effective  ***Source:*** Corporate Plan 2015-16; Portfolio Budget Statement (***PBS***) 2015-16, page 489 | |
| *Target*  100% | *Result*  100% |
|  | |
| *Performance criteria 1.2* | |
| ***Criteria:*** Average rating (rating scale 1-5) received on client survey forms for overall satisfaction with the drafting process and draft legislation  ***Source:*** Corporate Plan 2015-16; PBS 2015-16, page 488 | |
| *Target*  ≥ 4 | *Result*  4.8 |
|  | |
| *Performance criteria 1.3* | |
| ***Criteria:*** Proportion of Bills and ExCo instruments where drafting standards and conventions are applied consistently  ***Source:*** Corporate Plan 2015-16; PBS 2015-16, page 489 | |
| *Target*  100% | *Result*  100% |
|  | |

| Purpose 2—Publication  Ensure Commonwealth laws and instruments are freely available and accessible to everyone by publishing those laws and instruments on the Federal Register of Legislation (***the Legislation Register***) website |
| --- |

| Results for Purpose 2 | |
| --- | --- |
| *Performance criteria 2.1* | |
| ***Criteria:*** Proportion of legislative instruments and gazette notices that are registered on a specific date as required by lodging entities  ***Source:*** Corporate plan 2015-16; PBS 2015-16, page 489 | |
| *Target*  100% | *Result*  100% |
|  | |
| *Performance criteria 2.2* | |
| ***Criteria:*** Proportion of other legislative instruments and gazette notices that are registered no later than 2 business days after lodgement  ***Source:*** Corporate plan 2015-16; PBS 2015-16, page 489 | |
| *Target*  98% | *Result*  100% |
|  | |
| *Performance criteria 2.3* | |
| ***Criteria:*** Proportion of Acts that are registered on the Legislation Register no later than 2 working days after receipt of notification of Royal Assent  ***Source:*** Corporate plan 2015-16; PBS 2015-16, page 489 | |
| *Target*  98% | *Result*  100% |
|  | |
| *Performance criteria 2.4* | |
| ***Criteria:*** Proportion of Act and legislative instrument compilations required to be prepared by OPC that are registered on the Legislation Register by the later of 90 days after Royal Assent or making date, or 28 days after commencement of the prospective amendments  ***Source:*** Corporate plan 2015-16; PBS 2015-16, page 489 | |
| *Target*  100% | *Result*  82% |
|  | |

Analysis of performance against Purpose 1: Legislative Drafting

Overview

1. OPC’s outcome for 2015-2016 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”.
2. The first purpose that this gives rise to is to “enable the government to carry out its legislative program through the drafting of all Bills, all legislative instruments to be made or approved by the Governor-General (Federal Executive Council (***ExCo***) instruments) and a range of other instruments”.
3. OPC meets this purpose by working with government agencies to clarify policy proposals and implement the intended policy of the executive government in legally effective legislation. The legislation drafted is comprehensible, workable and in a form available for scrutiny, and approval or rejection, by the Parliament.
4. OPC has met the targets for the performance criteria for this purpose in the 2015-2016 year.
5. All Bills and ExCo instruments were drafted in accordance with government priorities and in a form suitable for consideration and enactment.
6. Client feedback surveys during 2015-2016 indicated that all Bills and instruments reflected their sponsors’ policy intentions.
7. Minor technical flaws have been detected in a small number of Bills. These have been, or will be, corrected through the Statute Law Revision process or through editorial changes made using First Parliamentary Counsel’s powers under the *Legislation Act 2003* (***the Legislation Act***). Minor technical flaws detected in regulations are addressed using First Parliamentary Counsel’s editorial power or through the next relevant drafting project.
8. Clients were also surveyed on their overall satisfaction with the drafting process and the resulting legislation. On a rating scale of 1 to 5, the average response for Bills was 4.9 and the average response for instruments was 4.8. Both of these are well above the target of 4.
9. Drafting standards are issued and formatting conventions are set by the First Parliamentary Counsel to ensure a consistent approach is taken in drafting.
10. The drafting standards and formatting conventions were applied consistently to Bills and ExCo instruments.
11. Quality assurance through editorial checking ensured drafting standards and formatting conventions were applied consistently and legislation was readable.
12. Client feedback surveys during 2015-2016 indicated that all Bills and instruments were easy to understand, having regard to the inherent complexity of the subject matter.

Bills

1. Before each parliamentary sittings, the Government formulates the program of Bills that it requires to be drafted for the sittings. Since it may not be possible for all Bills on the program to be drafted, a drafting priority is given to each Bill.
2. On the basis of this program, departments or other agencies instruct drafters in OPC on the policy to be effected by each Bill.
3. In consultation with instructing officers, the drafters consider the constitutional and legal background against which the Bill is to be framed, analyse the policy and determine the structure of the Bill. Then they draft the Bill in terms intended to give effect to the policy in as precise and clear a manner as possible.
4. When a Bill is completed, OPC arranges for the Bill to be printed in sufficient numbers for consideration by the Parliament.
5. If the Government decides to amend a Bill during its passage through the Parliament, drafters in OPC prepare the necessary amendments and provide copies to the Parliament.

Drafting resources applied according to government priorities

1. Drafting resources were applied, and Bills were drafted, in accordance with government priorities.
2. Most category T Bills were drafted and introduced. Several Bills retained category T status to ensure access to drafting resources throughout the sittings concerned. Many category A Bills, and 7 category B or C Bills, were drafted and introduced.

Statistics for Bills introduced

1. Over the year 143 Bills, totalling 5,213 pages, drafted in OPC were introduced into the Parliament.
2. The table following paragraph 107 gives more detailed figures for those Bills, broken down by parliamentary sittings periods.
3. The figures in the table also indicate the total number of Bills on the original program for each sittings that is set by the Parliamentary Business Committee of the Cabinet (***PBC***) at the end of the preceding sittings. As the original program is subject to variations during the sittings concerned, the number of Bills in a particular category that are introduced may exceed the number on the original program.
4. An understanding of the programming approach used by PBC is necessary to make sense of the tables. This involves dividing the legislation planned for a parliamentary sittings into 4 categories:

 ***Category T (“time critical”)***: These Bills are intended to be introduced and passed in a single sittings.

 ***Category A***: Most important after category T. Generally intended for introduction, but not passage, during the sittings.

 ***Category B***: Next most important. Generally intended for introduction, but not passage, during the sittings.

 ***Category C***: Less important, or less likely to be ready for introduction (e.g. because final policy is dependent on the findings of a review that will not be completed until late in the sittings).

1. Some Bills in categories A, B and C may not be intended for introduction in the sittings concerned. These are Bills that are very large, or are required for consultation purposes before introduction. Drafting of such Bills needs to be started well before the sittings proposed for introduction.
2. It should be noted that, due to the calling of the election, the Winter 2016 sittings was very short. Therefore, the figures for that sittings (and for the year) are not directly comparable with other financial years.

|  |  |  |
| --- | --- | --- |
| Bill statistics | | |
| Category | Bills on original PBC program | Bills introduced |
| Spring 2015 (November—December 2015) | | |
| **T** | 39 | 50 |
| **A** | 38 | 31 |
| **B** | 15 | 1 |
| **C** | 3 | 2 |
| **Total** | **95** | **84** |
| Autumn 2016 (February—March 2016) | | |
| **T** | 13 | 27 |
| **A** | 61 | 13 |
| **B** | 27 | 2 |
| **C** | 2 | 2 |
| **Total** | **103** | **44** |
| Winter 2016 (May 2016) | | |
| **T** | 25 | 15 |
| **A** | 40 | 0 |
| **B** | 39 | 0 |
| **C** | 2 | 0 |
| **Total** | **106** | **15** |

Client feedback

1. OPC surveys its direct clients (agency instructors) about all Bills drafted. Among other things, clients are asked whether the Bills as introduced reflect their policy intentions. Survey responses for 2015-2016 indicated that all Bills reflected their sponsors’ policy intentions. However, since Bills are not introduced without clearance from those sponsors, it would be surprising if sponsors did not believe that Bills reflected the sponsors’ policy intentions when they were introduced.
2. The target in the Portfolio Budget Statements for the average response to “overall satisfaction” was 4.0 out of 5 (where 5 is the highest rating). The result for this year was 4.9 out of 5.
3. Comments included in responses to the client surveys reinforced this very high degree of satisfaction with OPC’s services. Comments in response to the question “*What did you like most about this experience with the Office?*” included:

*“Their responsiveness, patience and professionalism throughout the drafting process, especially under sometimes difficult circumstances; e.g. where instructions were coming from a number of sources, where policy parameters were changing from day-to-day and where drafting was required urgently.”*

*“Everything was done very quickly and easily. The whole process was very smooth.”*

*“OPC drafters are flexible, intelligent and easy to talk to. They suggest great drafting options to meet our policy needs.”*

*“I continue to be amazed at the flexibility and patience of OPC drafters when given ridiculous timeframes to work with. You are consummate professionals.”*

*“The drafting team was always available to answer questions and consider other perspectives. Their calm and patience is outstanding.”*

*“Great customer service, responsiveness, willingness to discuss and resolve issues, great working relationship.”*

*“Our drafting team was very helpful in providing advice to help us resolve issues. They also identified a few issues that we hadn’t considered and helped us resolve them. They also worked to very tight deadlines, which we greatly appreciated.”*

*“I continue to be impressed by the excellent service provided by OPC and the exemplary performance of drafting teams.”*

*“Responsiveness and can do attitude, together with excellent problem solving.”*

Parliamentary amendments

1. OPC keeps records of the numbers of parliamentary amendments drafted and the proportion of those amendments required to correct drafting errors in the Bills concerned. The figures are set out in the following table.
2. The table also shows figures for reporting years since 2008-2009, to enable trends to be identified. The table relates to the numbers of amendments drafted in OPC, not all of which were moved in the Parliament.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Parliamentary amendment statistics  Number of amendments drafted (% of total) | | | | | |
| Year | Government policy change | Government new policy | Government correction of drafting errors | Non-government amendments | Total |
| **2015-2016** | 281 (74.7) | 37 (9.8) | 1 (0.3) | 57 (15.2) | **376** |
| **2014-2015** | 783 (88.0) | 14 (1.6) | 19 (2.1) | 74 (8.3) | **890** |
| **2013-2014** | 191 (81.6) | 19 (8.1) | 1 (0.4) | 23 (9.9) | **234** |
| **2012-2013** | 786 (71.6) | 254 (23.2) | 14 (1.3) | 43 (3.9) | **1,097** |
| **2011-2012** | 734 (86.6) | 52 (6.1) | 23 (2.7) | 39 (4.6) | **848** |
| **2010-2011** | 529 (79.4) | 58 (8.7) | 3 (0.5) | 76 (11.4) | **666** |
| **2009-2010** | 1,110 (81.6) | 97 (7.1) | 61 (4.5) | 92 (6.8) | **1,360** |
| **2008-2009** | 812 (67.4) | 340 (28.2) | 14 (1.2) | 38 (3.2) | **1,204** |

1. The number of amendments was lower than many previous years but similar to the previous years which included a substantial election period.
2. Amendments described as “government policy change” proposed changes to policy positions already dealt with in the Bill concerned. Amendments described as “government new policy” added new material, dealing with new policy, to the Bill. Generally, these represented cases in which a Bill already in the Parliament was seen as a convenient vehicle for additional but urgent legislative provisions.
3. Amendments described as “non-government amendments” are very rarely drafted by OPC on instructions from the non-government members concerned. Usually they are prepared on instructions from departmental or ministerial staff for use in negotiations with non-government members.
4. The number of amendments to correct drafting errors was once again very low.

Instruments

1. OPC provides government agencies with drafting services for subordinate legislation.
2. OPC provides instrument drafting services that are tied to OPC under the *Legal Services Directions 2005* to sponsoring agencies on a budget-funded basis. OPC also provides instrument drafting services that are not tied to OPC to government agency clients on a contestable, user-pays basis.
3. OPC has a bidding and priority system for instruments which is very closely based on the system for Bills.
4. The main difference is that there is no ministerial involvement in determining the final priorities. Where necessary, this will be done by OPC in consultation with the relevant government agencies.
5. In addition, the priorities used are 1, 2, 3 and 4 (rather than T, A, B and C).
6. The priority system has been very useful for OPC in planning instrument drafting work. It also appears to be assisting instructing agencies in achieving greater coordination of their instrument drafting.
7. As OPC drafts both Bills and instruments, drafters have been able to work closely on significant projects that required changes to both Acts and subordinate legislation. This has facilitated a more effective and efficient management of projects across both legislation processes.

Budget-funded instrument drafting services

1. Under the *Legal Services Directions 2005* the drafting of regulations, Ordinances and regulations of non-self-governing Territories, and other legislative instruments made or approved by the Governor-General is tied to OPC and is provided on a budget-funded basis. Drafting services are also provided on a budget-funded basis for rules of court.
2. During the year, 302 ExCo legislative and notifiable instruments, totalling 3,602 pages, drafted by OPC were made and registered on the Legislation Register.

User-pays drafting services

1. Instrument drafting services that are not tied to OPC are provided on a contestable, user-pays basis. Editing, compilation and related IT services for instruments that are not tied to OPC are also provided on a user-pays basis. The fees for these services are consistent with the competitive neutrality guidelines and are relied on by OPC as part of the funding mix that assists to sustain the delivery of all its functions.
2. During the year, approximately 124 legislative and notifiable instruments, totalling 1,595 pages, were drafted by OPC on a user-pays basis for government agency clients and registered on the Legislation Register.

Client feedback

1. OPC surveys its direct clients (agency instructors) about instruments drafted by OPC.
2. The target in the Portfolio Budget Statements for the average response to “overall satisfaction” was 4.0 out of 5 (where 5 is the highest rating). The result for this year was 4.8 out of 5.
3. Comments included in responses to the client surveys reinforced this very high degree of satisfaction with services provided by OPC. Comments in response to the question “*What did you like most about this experience with the Office?*”included:

*“The attention given by the drafter to the project; willingness to discuss and consider different options; timely responses with drafts etc.; overall professional and friendly manner.”*

*“OPC have been incredibly easy to work with, and have provided timely, well considered advice.”*

*“OPC were responsive and patient during changing policy context, and provided good, practical advice on how to reflect this in a legislative sense.”*

*“OPC were particularly helpful during the drafting of this instrument, and were adaptable and provided innovative solutions to policy implementation problems. OPC were very quick to respond to new drafting instructions which was of great assistance close to finalisation deadlines.”*

*“The drafters have excellent work ethics and are very knowledgeable on general legal matters.”*

*“The team were easy to work with, up front about what they thought, quick to find solutions, and great at keeping us abreast of progress. We enjoyed the process.”*

Legislative drafting capability

Building and maintaining drafters’ capability for long-term viability of resources

1. For OPC to achieve its legislative drafting purpose, and meet the related performance criteria, into the future, it is essential that OPC’s drafting capability is maintained.
2. In previous years, OPC’s turnover of drafting staff has been extremely low.
3. This very low turnover (about 3% per annum for a number of years) enabled OPC to build up a strong group of assistant drafters. It also meant that OPC did not need to recruit to the same extent that it had in previous years.
4. Since the transfer of the instrument drafting function, there has been an increase in the number of drafters leaving OPC. During the year, a number of drafters left OPC through retiring or transferring to other positions.
5. OPC recruited 2 new drafters during the year.
6. Assistant drafters working on Bills work closely with senior drafters (SES or Statutory Office holders). The primary purpose of this arrangement is to develop the drafting skills of the assistant drafters, while allowing the assistant drafters to make a significant contribution to OPC’s drafting output.
7. Drafters working on instruments generally work in a team arrangement with about 2 assistant drafters and one SES drafter. On any particular instrument, there will generally be 2 drafters working together with one doing the principal drafting and the other checking or settling the work.
8. Legislative drafters have maintained and improved their drafting skills and knowledge through working in teams in a range of subject areas and through participating in various OPC professional development activities. See Chapter 4 (Management of human resources) for more details about this.
9. The Director of Drafter Training coordinates a program of formal training activities. A key component of this is the program of in-house seminars for drafters. The seminars cover emerging issues that drafters need to be aware of, as well as reminder sessions on topics that continue to be of relevance. The in-house seminars have been running for a number of years now and play an important role in the training and development of drafters.
10. A number of seminars were run during the election period when the drafting workload was lighter than normal.

Building instructor capability to enable efficient use of drafting resources and quality legislation

1. In past years, OPC has generally conducted around 10 legislation process courses each year, with an average of 138 participants per year.
2. The broadening of OPC’s functions as a result of the transfer of functions meant that the materials needed to be rewritten. This was completed this year and courses recommenced.
3. During the year, 13 Legislation Process Courses were run with a total of 371 participants.
4. A total of 237 legislation process courses have been run since they began in 1994.
5. In addition, the election period was used to develop 3 new courses. These are an Advanced Legislation Process Course, a course on drafting basic instruments and a more advanced instrument drafting course. It is envisaged that more courses, possibly in the form of masterclasses on specific topics, will be developed.
6. OPC considers that running these courses is an important way that OPC can contribute to the improvement in the standard of instructing and instrument drafting.

Standardisation and quality control of legislation

Drafting standards and quality assurance

1. An important aspect of ensuring that drafting standards and conventions are applied consistently is the editorial checking and quality assurance processes.
2. Editorial checking ensured that drafting standards and conventions and the normal rules of grammar were applied consistently to all Bills and ExCo instruments. Editorial checking involves a range of automated checks (including spelling and grammar checking built into our word‑processing software, and customised checks to identify such things as departures from OPC’s basic formatting requirements), as well as manual checks by an editorial team. This manual checking detects errors of various kinds, including:

 words missing from sentences;

 inconsistencies of expression;

 punctuation errors;

 grammatical errors (e.g. inconsistencies of tense or lack of agreement between subject and verb);

 incorrect cross-references;

 misdescribed amendments; and

 clashing amendments.

1. It should be noted that apart from such things as basic grammar, formatting requirements and standard amending forms, there are different drafting styles and some will be more or less appropriate than others for particular legislation. This means that while all OPC legislation should (and does) look basically the same, different legislation might make different use of aids such as outlines and notes, and use more or less technical or colloquial language, depending on such things as the subject matter of the legislation and its intended audience.
2. OPC has a Drafting Manual that gives an overview of drafting matters and then refers the reader to particular Drafting Directions for greater detail.
3. The Drafting Directions are organised on a subject-matter basis. This arrangement makes the Drafting Directions easy to use.
4. The Drafting Manual and all current Drafting Directions are available from the OPC Documents menu on OPC’s website: www.opc.gov.au.
5. Over the past few years, discussions have taken place amongst drafters on the desirability of even greater consistency in the drafting of provisions and ways in which such consistency could be achieved. This has led to a noticeable increase in consultation between drafting teams about the best drafting approach to adopt in particular cases.
6. The compilations team within the Publications group has continued with significant work to move the format of compilations of Commonwealth legislation into a standard style. The compilations team also continues to provide an important quality control function for Commonwealth legislation.
7. OPC has regular meetings of drafters, used to discuss drafting issues of general interest. The meetings have been very productive and have been the subject of positive feedback from drafters. OPC will continue to review the meetings to see how they can be improved.

Maintenance of the statute book

1. OPC prepared amendments to correct a number of minor errors in Acts, most of which were identified by the Publications group in the course of preparing compilations of Acts.
2. Two Statute Law Revision Bills were prepared in the financial year. The Statute Law Revision Bill (No. 3) 2015 was introduced in the Spring 2015 sittings and assented to on 11 February 2016 as the *Statute Law Revision Act (No. 1) 2016*. That Act included amendments to:

• make clear on the face of Acts that the Crown in right of the Australian Capital Territory and of the Northern Territory is bound and modernise the form of provisions about whether the Crown is liable to be prosecuted for an offence;

• modernise the expression of provisions by referring to people “committing” offences rather than “being guilty” of offences;

• modernise language by replacing references to “reference base” with references to “index reference period” and by removing gender specific language; and

• repeal spent and obsolete provisions and Acts, which will result in the repeal of approximately 37 pages of spent and obsolete provisions.

1. The Statute Law Revision Bill (No. 2) 2016 was introduced in the Autumn 2016 sittings. That Bill includes amendments to:

• reduce the need for reliance on substituted reference orders under sections 19B and 19BA of the *Acts Interpretation Act 1901*, and the need for such orders to be made in the future by inserting generic references to Ministers and Departments in Commonwealth Acts; and

• repeal spent and obsolete provisions and Acts, which will result in the repeal of approximately 27 pages of spent and obsolete provisions, including one Act.

1. The *Amending Acts 1990 to 1999 Repeal Act 2016* repealed 877 spent Acts. This Act was introduced in the 2015 Spring sittings and assented to on 11 February 2016.
2. The Statute Update Bill 2016 was introduced in the Autumn 2016 sittings. That Bill includes amendments to:

• update references to penalties expressed as a number of dollars with penalties expressed as a number of penalty units;

• replace references to “maximum penalty” with “penalty”;

• amend provisions that deal with the evidentiary status of a certificate or other instrument, or of a register, to provide that it is prima facie evidence of the matters stated in it; and

• update references to aircraft registered in accordance with the *Civil Aviation Regulations 1988*.

1. Over 2015-2016, OPC continued to work with the Attorney-General’s Department to identify redundant legislative instruments and provide for their repeal in bulk. This work has enabled the repeal of approximately 18,000 instruments since legislation to enable bulk repeals was enacted in the Legislation Act in late 2012.
2. Amendments to the Legislation Act commenced on 5 March 2016 to allow minor editorial changes. Under Division 3 (Editorial changes and other changes) of Part 2 of Chapter 2 of the Legislation Act, First Parliamentary Counsel may make minor editorial changes to an Act or instrument, to correct an error, give effect to a misdescribed amendment, or bring the Act or instrument into line with legislative drafting practice. These changes must not alter the effect of the legislation.
3. These changes are intended to reduce the time needed for parliamentary consideration of these matters and ensure that readers of legislation can better access the law as in effect in the Act or instrument.
4. From March 2016 to 30 June 2016, First Parliamentary Counsel exercised this power in 21 compilations. A summary of the kinds of editorial changes made for the 21 compilations is as follows:

| **Item** | **Kind of editorial change** | **Number** |
| --- | --- | --- |
| 1 | Change to typeface | 1 |
| 2 | Removal of second occurrence of text | 1 |
| 3 | Change to punctuation | 7 |
| 4 | Give effect to the misdescribed amendment as intended | 9 |
| 5 | Correct an error in cross-referencing | 1 |
| 6 | Renumbering of provisions | 7 |
| 7 | Removal of redundant text | 3 |
| 8 | Correct a typographical error | 6 |
| 9 | Change to spelling | 3 |

1. A report with details of all editorial changes made in 2015-2016 can be found on the Legislation Register at www.legislation.gov.au/Content/EditorialChanges.

Sunsetting and review of legislative instruments

1. Under the Legislation Act, all legislative instruments sunset automatically after 10 years unless action is taken to preserve them.
2. The purpose of sunsetting is to ensure that legislative instruments are kept up-to-date, and only remain in force as long as they are required. Sunsetting is also an important mechanism to pursue clearer laws and reduce red tape.
3. OPC continued to work closely with agencies to manage the sunsetting of legislative instruments. This included working with sunsetting coordinators in all portfolios to encourage early action on sunsetting through the preparation of sunset lists for tabling in Parliament.
4. In 2015-2016, 2 lists of instruments due to sunset soon were prepared for the Attorney-General to table in Parliament in accordance with the Legislation Act.
5. OPC also assisted in the management of the sunsetting of legislative instruments by drafting instruments for the Attorney-General under the Legislation Act to allow for the deferral of sunsetting and to align the sunsetting of instruments to facilitate the thematic review of instruments.
6. Key legislative instruments that were reviewed by agencies and redrafted by OPC before the instruments were due to sunset included the *Income Tax Assessment (1936 Act) Regulation 2015*, the *Legislation (Exemptions and Other Matters) Regulation 2015,* the *Electoral and Referendum Regulations 2016,* the *Seas and Submerged Lands (Territorial Sea Baseline) Proclamation 2016* and the *Seas and Submerged Lands (Historic Bays) Proclamation 2016,* the *Census and Statistics Regulations 2016* and the *Reserve Bank Regulation 2016*.
7. The rewritten instruments greatly improved the quality and readability of these instruments and generally decreased the number of pages on the statute book.
8. OPC will continue to play an important role in updating and modernising legislative instruments due to sunset, repealing spent and redundant legislation and ensuring that the Commonwealth statute book is as coherent, readable and readily accessible as possible.

Encouraging high standards in the drafting of legislative and notifiable instruments

1. In addition to the above deliverables for the standardisation and quality control of legislation, OPC also undertakes a broad range of measures to encourage high standards in the drafting of Commonwealth legislative and notifiable instruments.
2. First Parliamentary Counsel (***FPC***) causes these measures to be undertaken to fulfil his obligation under section 16 of the Legislation Act to promote the legal effectiveness, clarity, and intelligibility to anticipated users of legislative and notifiable instruments.
3. Since this obligation transferred from the Secretary of the Attorney-General’s Department to FPC in 2012, a number of measures have been taken to encourage high standards and enhance the quality of all legislative and notifiable instruments and the Commonwealth statute book generally. These measures include:

* harmonising drafting standards and the presentation of Commonwealth Bills and OPC drafted instruments to enable a more cohesive Commonwealth statute book and set a precedent for other drafters of untied legislative or notifiable instruments;
* developing a prioritisation system for ExCo legislative instruments to better manage the government’s program and enhance the quality of instruments;
* developing broader instruments drafting expertise within OPC to enable more highly experienced drafters to be available to assist with untied drafting work;
* actively engaging with agencies in relation to untied instruments through OPC Client Advisers from whom agencies can also obtain quick, informal advice about legislative or notifiable instrument drafting;
* developing further guidance to agencies in relation to managing and drafting legislative or notifiable instruments through drafting standards and the reissue of the Instruments Handbook;
* rationalising instrument-making powers to ensure instruments that have the most significant impacts on the community are professionally drafted by OPC;
* limiting the proliferation of the number and types of instruments in enabling legislation to enable greater consistency in legislative and notifiable instruments;
* rationalising the number of legislative instruments that will need to be considered for sunsetting through automatic repeal and bulk repeal instruments and working with agencies to manage sunsetting; and
* developing and implementing further measures to efficiently manage the Commonwealth statute book through changes included in the *Acts and Instrument (Framework Reform) Act 2015.*

1. In addition to continued work on the above measures, in 2015-2016, FPC fulfilled his obligation under section 16 of the Legislation Act by causing steps to be taken for OPC to undertake and supervise the drafting of legislative and notifiable instruments, providing advice and training in drafting and related matters to agencies, and providing drafting precedents to guide agencies in drafting instruments in the future.
2. In 2015-2016, OPC increased the number of untied legislative instruments it drafted for agencies at the same time as increasing the number of instruments drafted for consideration by ExCo.
3. OPC will seek to continue to build capacity to further assist agencies to draft their untied legislative instruments and take further steps to encourage high standards in the drafting of legislative and notifiable instruments.
4. In 2015-2016, OPC provided drafting services to settle or check legislative instruments drafted by a number of agencies, including:

 the Attorney-General’s Department;

 the Department of Agriculture and Water Resources;

 the Department of Health;

 the Department of Infrastructure and Regional Development;

 the Department of Finance;

 the Department of the Prime Minister and Cabinet; and

 the Department of Veterans’ Affairs.

1. OPC also sought to increase our services to agencies in the drafting of precedents to guide agencies in preparing instruments in 2015-2016. This included preparing templates for Department of Agriculture and Water Resources, the Department of Defence, the Department of the Environment and the Department of Health.
2. OPC has also continued to provide advice concerning the drafting of legislative instruments through making OPC Client Advisers available to a number of agencies. In 2015-2016, OPC also provided further assistance to the Department of the Environment in the drafting of the *List of Exempt Native Specimens Instrument 2001* and the Australian Accounting Standards Board in relation to accounting standards.
3. To improve the readability and standard of non-self-governing Territory instruments and promote greater consistency in the drafting of these instruments across Territories, OPC also worked in consultation with the Department of Infrastructure and Regional Development to further develop drafting policy in relation to these instruments.
4. In 2015-2016, after excellent feedback on training programs provided to particular agencies in previous financial years, OPC developed a Drafting Simple Instruments Course. The course covers the essential requirements for drafting simple instruments and will be available to all Commonwealth agency staff who have previously attended a Legislation Process Course. It is envisaged that this training will have a significant impact in encouraging high standards in the drafting of legislative and notifiable instruments across the Commonwealth.
5. Finally, FPC also continued to assist in preventing the inappropriate use of gender-specific language in legislative instruments through guidance provided to agencies in the Instruments Handbook and monitoring of the use of gender-specific language through reporting by agencies at the time of registration.
6. No inappropriate use of gender-specific language was identified in instruments that had already been made and therefore no notification was required under subsection 16(3) of the Legislation Act.

Analysis of performance against Purpose 2: Publication

Overview

1. OPC’s second purpose is “to 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”.
2. The Publications group meets this purpose by:

 managing the Legislation Register, including registering legislative instruments and lodging them for tabling in the Parliament;

 preparing compilations and reprints of, and information relating to, Commonwealth laws;

 publishing Commonwealth legislation and legislative information;

 publishing the Government Notices Gazette;

 proofreading and editorial checking of OPC drafted legislation; and

 developing and operating the whole-of-government Legislation Register website (www.legislation.gov.au).

1. OPC has met all but one performance target for this purpose in the 2015-2016 year.
2. 100% of new legislative instruments and gazette notices were registered promptly, and within timeframes set by client agencies, in accordance with statutory requirements.
3. This met the performance target for legislative instruments and gazette notices that were to be registered on a specific date as required by lodging entities, and exceeded the target of 98% for other legislative instrument and gazette notices that were to be registered no later than 2 business days after lodgement.
4. 100% of Acts were published on the Legislation Register no later than 2 working days after receipt of notification of Royal Assent exceeding the performance target of 98%.
5. Act compilations were accurate and generally published promptly on the Legislation Register in accordance with statutory requirements.
6. 82% of Act and legislative instrument compilations required to be prepared by OPC were registered on the Legislation Register by the later of 90 days after Royal Assent or making date, or 28 days after commencement of the prospective amendments. This was lower than the performance target of 100%.
7. Analysis shows there was a significant increase in the number of Act and legislative instrument compilation pages published this year. In total there were 527,190 pages published in 2015-2016. This was an increase from 2014-2015 when a total of 429,474 pages were published.
8. Publications is working on mitigating strategies to better manage larger than expected volumes and peak times where large numbers of amendments commence on the same day. As a result, a revised performance indicator has been set for 2016-2017.

Staffing

1. Staff have continued to be trained in all the areas of responsibilities within the Publications group to allow resources to be better utilised and directed during peak periods.
2. Editorial staff and functions previously located in Corporate Services have been moved to the Publications group. Editorial and Publications staff have a similar skill and knowledge set. Being part of the same group has provided better opportunities for staff development and more flexibility for staff resourcing across all functions of the group.

The Legislation Act and Legislation Register

1. In July 2014, OPC introduced a new annual fee model for standard Legislation Register services to assist clients. Fees for some agencies have substantially declined over the last 2 years as they change their registration practices. The Legislation Register fees continue to be consistent with the Australian Government Cost Recovery Guidelines and attribute costs that recognise the whole-of-life cost (including IT infrastructure costs) in publishing legislation.
2. The demand for current versions of legislation continues to be met by free online public access provided by the Legislation Register. Commercially printed copies of versions, if required, can be ordered online using the print-on-demand function on the Legislation Register.
3. The Select Legislative Instrument (***SLI***) numbering series was discontinued on 1 January 2016. Historic SLIs are still available on the Legislation Register for reference.
4. The *Acts and Instruments (Framework Reform) Act 2015* made substantial amendments to the *Legislative Instruments Act 2003* (***LIA***) on 5 March 2016 to provide a single framework covering registration, publishing and management of all Commonwealth Acts and instruments. It repealed the *Acts Publication Act 1905* and incorporated the requirement for publishing Commonwealth Acts into the LIA.
5. Key changes were:

 the LIA was renamed to the *Legislation Act 2003*.

 the Federal Register of Legislative Instruments and the Acts database established under the *Acts Publication Act 1905* (accessible via ComLaw) was replaced with the Legislation Register website.

 a new instrument type, the notifiable instrument, was created. This category of instrument will include instruments that are not of a legislative character, but for which public accessibility and centralised management remains desirable.

 exemptions provided by the LIA and the *Legislative Instruments Regulation 2004* were consolidated into the *Legislation (Exemptions and Other Matters) Regulation 2015* and the *Legislation (General) Regulation 2015*.

* sunsetting exemptions data for all instruments was reviewed and in many cases updated as needed to reflect the new location of exemption.

1. System development and enhancements were completed to integrate the ComLaw website into the Legislation Register system to meet new requirements as a result of amendments to the Legislation Act.
2. The new Legislation Register incorporates all the material and essential functionality of the old ComLaw website but was given a more modern look and feel. Key improvements have been made to how material is viewed, as well as the accessibility of key information, help material and menus.
3. OPC received many positive comments about the new Legislation Register as well as suggestions for future development. Some of the positive comments received were:

*“Well done on the new website! More intuitive and seems a lot faster too. Thanks to all involved in the project for your hard work. A job well done.”*

*“Simple and easy to use. Good work on the seamless changeover.”*

*“Love the new-look website. It's great to navigate. Well done.”*

Statistics—Publishing

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Registration/Publication | Number of items | | Number of pages | |
|  | 2014-2015 | 2015-2016 | 2014-2015 | 2015-2016 |
| Legislative instruments | 1,998 | 2,204 | 25,866 | 32,025 |
| Notifiable instruments | N/A | 14 | N/A | 35 |
| Gazette notices | 2,132 | 2,014 | 4,034 | 4,333 |
| Numbered Acts | 167 | 124 | 7,559 | 4,741 |
| Act compilations | 802 | 1,063 | 358,209 | 429,519 |
| OPC prepared instrument compilations—budget-funded | 243 | 375 | 71,265 | 97,671 |
| OPC prepared instrument compilations—user-pays | 244 | 225 | 45,338 | 34,135 |
| Agency prepared instrument compilations | 573 | 465 | 28,022 | 29,622 |

Note: The above statistics relate only to new items. They do not include backcaptured or republished historical documents.

Statistics—Legislative instruments registered and repealed

|  |  |  |
| --- | --- | --- |
| Year | Number registered | Number repealed |
| **2015-2016** | 2,204 | 2,292 |
| **2014-2015** | 1,998 | 2,418 |

Statistics—Federal Register of Legislation website

|  |  |  |  |
| --- | --- | --- | --- |
| Year | Total visits | Total unique visits | Total page views |
| **2015-2016** | 7,636,928 | 4,170,139 | 25,481,132 |
| **2014-2015** | 7,247,055 | 3,764,336 | 24,196,455 |

Note: Total unique visitors is the number of unduplicated (counted only once) visitors. Total page views is the total number of pages viewed. For page views, repeated views of a single page are counted.

Influences on OPC’s performance

The election period

1. The election period started in early May and ran through until the start of July.
2. This meant that there were less sitting weeks than usual and, therefore, less Bills were introduced than would be expected in a non-election year.
3. During election periods, there is a reduced amount of drafting work to be done. OPC takes advantage of these periods to undertake a range of projects.
4. In addition to preparing an incoming government brief, OPC did projects including:

 preparing a number of training courses;

 reviewing our subscriptions to electronic legal resources;

 updating a range of notes on drafting issues; and

 preparing and presenting seminars on drafting issues.

Demand for legislation from particular portfolios

1. There continued to be a substantial demand for the drafting of legislation for the Treasury and for the Attorney-General’s portfolio.
2. Other portfolios that required substantial resources were Immigration and Border Protection, Agriculture and Water Resources, Infrastructure and Regional Development, and Health.
3. Significant instrument projects for the year included, instruments for the *Biosecurity Act 2015*, Ordinances and other instruments for the reform of governance arrangements for Norfolk Island, the simplification of student visas, telecommunication amendments to support the government’s data retention legislation, insolvency law reform and court rules.

2015 Spring Repeal Day

1. On the 2015 Spring Repeal Day, the government introduced legislation and tabled documents to repeal hundreds of pieces of legislation.
2. During the Repeal Day sittings, OPC allocated significant drafting, publications and corporate services resources to prepare for the Repeal Day and respond to the resulting changes to legislation. The allocation of these resources reflected the size of the project and the high priority it was given by the government.
3. The legislation was successfully completed in time for the Repeal Day. Necessary changes to the Legislation Register arising from the enactment of repeals have also been successfully completed.

Exposure drafts

1. OPC’s performance measures in relation to Bills are also affected by an increasing preference of the government, and among many of our clients, for exposing draft legislation for public comment before introduction into Parliament. This influences performance because the timeframes to provide resources are tighter for these Bills and further work is often required after consultation.
2. Since the adoption in 2002 of the Board of Taxation’s recommendations on consultation in the tax area, much of the tax legislation drafted by OPC is exposed for comment, either widely or in targeted consultations, before being finalised for introduction.
3. There is also an increasing trend towards the release of exposure drafts in other areas.
4. Sometimes, these exposure drafts are public exposure drafts. At other times, there are exposure drafts that are shown to a limited group with a particular interest in the area covered by the Bill.
5. Usually, exposure of a draft Bill generates proposals for change, and OPC receives drafting instructions to revise the Bill before introduction.
6. Sometimes, exposure reveals flaws in the draft Bill. Exposing a Bill for comment also provides an opportunity to improve the drafting of the Bill before introduction. However, the exposure process does absorb extra drafting resources and extends the time taken for the drafting project. This means that, increasingly, the Bills introduced in a particular year may reflect substantial work actually done by OPC in previous years, while work done during the reporting year is less visible.
7. For instruments, the time required for consultation processes is generally built into the timeframes for development and making. The development period for projects also does not generally extend beyond the financial year.
8. However, recently there has been more demand for instruments to be drafted and available with a Bill to assist with consideration of the package of changes by Parliament. After the transfer of functions, this work is generally undertaken closely with the Bill drafter and can provide significant efficiencies for the broader project.

OPC’s funding position

1. OPC’s funding was reduced by $0.568 million in the 2015-2016 year primarily for the ongoing budget measure *Attorney-General’s—one-off efficiency savings to specific agencies*.

OPC’s financial performance

1. The surplus attributable to the Australian Government for OPC for the 2015-2016 financial year was $0.225 million (after adding back non-cost recovered depreciation, this resulted in a surplus of $1.009 million). This compares to a surplus of $0.129 million for 2014-2015 (after adding back non-cost recovered depreciation, a surplus of $0.739 million).
2. Revenue from government decreased by $1.294 million to $14.139 million in 2015-2016, compared to $15.433 million in 2014-2015. This was due to the termination of funding for the *National Security—additional counter-terrorism* 2014-15 budget measure and the *Attorney-General’s—one-off efficiency savings to specific agencies* measure announced during the 2015-16 Mid-Year Economic and Fiscal Outlook.
3. Own-source revenue increased by $0.154 million to $6.661 million in 2015-2016, compared to $6.507 million in 2014-2015.
4. Total expenses decreased by $1.236 million to $20.575 million in 2015-2016, compared to $21.811 million in 2014-2015.
5. Employee expenses decreased by $0.077 million to $15.066 million in 2015-2016, compared to $15.143 million in 2014-2015.
6. Supplier expenses decreased by $1.153 million to $4.032 million in 2015-2016, compared to $5.185 million in 2014-2015. This is mainly due to savings in property costs as a result of co-locating staff to a single premise in August 2015.
7. At 30 June 2016, OPC had net assets (assets less liabilities) of $13.656 million compared to $12.943 million for the previous year.
8. At 30 June 2016, OPC had financial assets of $15.040 million. This includes $14.202 million of undrawn appropriations that are held in the Official Public Account under the Government’s just-in-time drawdown arrangements, and cash at bank of $0.325 million.
9. The entity resource statement, and expenses by outcome statement, are set out in Appendix A.

Chapter 3—Management and accountability

Corporate governance

Accountability

1. First Parliamentary Counsel (***FPC***) is accountable to the Parliamentary Business Committee of the Cabinet (***PBC***) for the allocation of drafting resources according to the legislation program determined by that Committee. FPC attends PBC meetings (usually held on the Monday of each parliamentary sitting week) to answer questions and provide advice about how the drafting of Bills is progressing.

Senior Management Team

1. FPC takes responsibility for most of the decision-making within OPC on strategic and high-level management issues. FPC is assisted in this by the other members of the Senior Management Team (***SMT***).
2. The SMT consists of:

 First Parliamentary Counsel (Mr Peter Quiggin);

 the two Second Parliamentary Counsel (Ms Marina Farnan, Mr Iain McMillan until 4 January 2016, and Ms Meredith Leigh from 1 March 2016); and

 the General Manager, who is also the Chief Finance Officer (Ms Susan Roberts); and

 the General Manager Publishing (Ms Aasha Swift).

1. The SMT meets regularly. Issues that the team considered during the year included:

 finalising the fit-out and move to the new premises;

 State of the Service survey results;

 recruitment policies and strategies;

 corporate governance, including the Corporate Plan;

 enterprise bargaining;

 risk management and fraud control;

 financial management;

 workforce planning;

 performance management;

 training and development;

 health and wellbeing planning;

 review of library and online materials; and

 internal policies, practices and processes.

Workplace Consultative Committee

1. OPC places importance on the involvement of staff in the decision-making process. This is achieved through the Workplace Consultative Committee (***WCC***).
2. The membership for the WCC during 2015-2016 consisted of the members of the SMT and 6 employee representatives—one representing each of 2 drafter workgroups, 2 representing the publications workgroup, one representing the corporate services workgroup, and one general employee representative. The health and safety representative also attends meetings.
3. The WCC is the primary method for consultation with staff on matters other than drafting-related matters. The WCC meets every 6 weeks and is chaired by a staff representative. The WCC has proved to be an effective method of ensuring staff can contribute to decision-making within OPC in an efficient manner.

Audit Committee

1. OPC’s Audit Committee consisted of:

 Mr Jeff Lamond, who was the Chair and an independent member;

 Ms Robyn McClellend who was an independent member; and

 Ms Sally Beasley who was the OPC member (an SES drafter).

1. In addition, there is a standing invitation to the Australian National Audit Office to participate in the Audit Committee meetings. The General Manager and the Director Finance also attend meetings.
2. During the year, the activities of the Audit Committee included:

 providing advice to FPC and the General Manager on the preparation and review of OPC’s Financial Statements;

 review of OPC’s Internal Audit Plan and Risk Management Plan; and

 review of internal audit reports.

Other committees

1. Since the establishment of the WCC, the need for other office committees has diminished.

Staff meetings

1. Regular staff meetings are held monthly except in January and July.
2. The staff meeting is primarily an information meeting, and the agenda provides for FPC and other members of OPC to report on specified aspects of OPC operations and developments, such as the progress of the legislation program, staff movements and IT issues.

Risk management and fraud control

1. During the year, the annual review and update of OPC’s risk management framework was completed.
2. OPC has in place a Fraud Control Policy and Plan and appropriate fraud control mechanisms that meet the needs of OPC and comply with the Commonwealth Fraud Control Framework for the 2015-2016 financial year, including reporting requirements. OPC has reviewed the Fraud Control Policy and Plan during the year. The review included an assessment of risks. No additional fraud control initiatives were undertaken as a result of the review.
3. OPC has in place appropriate fraud prevention, detection, investigation, reporting and data collection procedures and processes that meet OPC’s specific needs and comply with the Commonwealth Fraud Control Framework.
4. A number of internal policies and procedures have been developed and updated to support and complement our Accountable Authority Instructions, Risk Management Policy and Plan, and Fraud Control Policy and Plan.
5. An integral element of OPC’s risk management framework is business continuity management. In 2016-2017, OPC is undertaking a review of the business continuity management framework.

Operational risks

1. The major areas of operational risk are:

 matters affecting the availability of drafting resources; and

 matters affecting the availability of OPC’s information technology (***IT***) system.

Drafting resources

1. To ensure the availability of drafting resources, OPC has adopted measures to address both short-term and long-term operational risks.
2. To address short-term risks, steps are taken to ensure that OPC’s operations are not seriously affected by the absence of individual drafters. The allocation of drafting projects to teams of 2 or more drafters provides some insurance against resource problems caused by unexpected absences of drafters. The team arrangements ensure that current projects can continue in the absence of a team member. Management monitors the leave plans of all drafting staff to ensure that there are no unacceptable shortages of drafting resources caused by planned leave.
3. Addressing long-term risks of the availability of drafting resources is a substantially more complex issue. It takes approximately 5 to 6 years to train a legislative drafter to the point at which they can take sole responsibility for the drafting of Bills. Consequently, ensuring the availability of suitable drafting resources requires all of the following:

 a recruitment program to ensure that high quality lawyers are recruited;

 an approach to training that ensures that recruits are given the opportunity to develop high-level drafting skills in the shortest possible time; and

 the retention of trained drafters through the provision of interesting work, good career opportunities, attractive working conditions and appropriate remuneration.

1. In previous years, OPC’s turnover of drafting staff has been extremely low. This very low turnover (about 3% per annum) enabled OPC to build up a strong group of assistant drafters.

Information technology systems

1. OPC is very dependent upon its IT systems. These systems provide substantial efficiencies and are integral to the work of all OPC staff. Therefore, any interruption to the availability of the IT systems would have a major effect upon OPC.
2. Comprehensive risk management and contingency plans have been developed for OPC’s IT systems. This has ensured very few interruptions to the availability of OPC’s IT systems. In addition, OPC is prepared for the possibility of major damage to our IT systems.
3. OPC maintains an off-site server facility. This provides OPC with a high level of protection against loss of IT services and plays a key role in OPC’s Business Continuity Management Plan.
4. OPC has reviewed the risk management and contingency plans as part of the work on business continuity management for the whole of OPC.
5. OPC continued to provide secure remote access to OPC’s IT systems for staff who requested it. This enables staff to perform some work from home and when travelling and also provides a contingency arrangement if OPC’s buildings are unavailable.

Maintenance of ethical standards

1. OPC has taken steps to ensure that staff are aware of their rights and obligations under the *Public Service Act 1999*. These include training courses for all staff run by senior management and the circulation of materials throughout the office.
2. Formal procedures have been established for determining breaches of the Code of Conduct, and for dealing with public interest disclosures.
3. The APS Values, Code of Conduct, Accountable Authority Instructions and other material relevant to ethical conduct are incorporated, as appropriate, into OPC policies and guidelines.
4. All new employees to OPC are given a copy of the relevant material during their induction program including information about the Australian Public Service Commission’s Ethics Advisory Service. In addition, new employees are provided with the APS online induction program.
5. OPC sets very high ethical standards. OPC’s policy on the acceptance of gifts and hospitality appears to be more restrictive than that of most other Commonwealth Government agencies. This policy applies equally to members of the SMT and to other staff.

SES remuneration

1. During the year, remuneration for all SES staff was determined under the OPC SES Enterprise Agreement 2011-2014.
2. Under the Enterprise Agreement, SES staff are entitled to the same increases in their base salary as are payable to non-SES staff. In addition, the allowances previously paid to SES staff have been rolled into their base salary. On top of their base salary and in recognition of the value to OPC of retaining trained and experienced senior drafters, SES drafters are entitled to a loading that depends on the particular staff member’s drafting experience. The experience loading is subject to the staff member concerned being appraised as at least “fully effective” each year.

External scrutiny

1. There have been no judicial decisions or decisions of administrative tribunals that have had, or may have, a significant direct impact on the operations of OPC.
2. There have been no reports on the operations of OPC by the Auditor-General (other than the report on financial statements), a parliamentary committee or the Commonwealth Ombudsman.

Chapter 4—Management of human resources

Survey of OPC staff

1. During May and June 2016 the Australian Public Service Commission (***APSC***) conducted the 2016 State of the Service Employee Census. Eighty one per cent of OPC staff participated in the survey ensuring that the results that we obtained were representative.
2. Overall OPC’s results for 2016 were largely consistent with the 2015 results. There were some areas that we improved on and some areas where results were less positive. However, in nearly all areas the results were higher than the overall APS results for 2016.
3. The reporting below compares OPC’s results (from staff who responded to the survey) for 2016 to OPC’s results for 2015, and to the APS results for 2016. Where percentages/scores are set out below, the result in bold is the OPC percentage/score for 2016, the result in normal font is the OPC percentage/score for 2015 and the result in italics is the APS percentage/score for 2016.

Major change for OPC

1. For the 2016 survey, **78%** of staff agreed that the move to the new premises was the single biggest workplace change experienced. The subsequent response rates for change management of **70%** and **78%** for satisfaction with how well these changes were communicated, and the likely impact on the team’s ability to do their work in the longer-term, were pleasing to see.
2. Further, **88%** of OPC staff agreed with the OPC specific question, that the new premises has had a positive effect on OPC’s cohesiveness as an organisation.

Working environment

1. **73%** of OPC staff agreed that they were proud to work at OPC (compared to 77% for OPC in 2015 and *67%* for the APS in 2016); and **86%** of OPC staff were satisfied with their non-monetary employment conditions, such as leave, flexible work arrangements and other benefits (compared to 82% for OPC in 2015 and *76%* for the APS in 2016).

Employee engagement

1. Employee engagement elements measure the relationship staff have with 4 dimensions of their work: the job they do; the team they work with; their immediate supervisor; and the agency they work for. The levels of staff engagement in OPC for 2016 were similar to those for the previous year and higher than the APS results across most areas. The one exception was supervisor engagement where the results for OPC in 2016 were lower than the results for both OPC in 2015 and the APS in 2016.
2. Across the 4 areas, OPC staff rated engagement elements positively (between **50%** and **87%**, compared to between 59% and 83% for OPC in 2015, and between *41%* and *81%* for the APS in 2016).

Learning and development

1. **78%** of OPC staff were satisfied with access to effective learning and development (compared to 83% for OPC in 2015 and *63%* for the APS in 2016).

Leadership: supervisors and senior leaders (SES)

1. In 2016, OPC staff were more satisfied with their immediate supervisor’s leadership actions across most areas compared with the APS results for 2016, but had lower satisfaction levels in 2016 compared with OPC results for 2015 across most areas (between: **58%** and **85%**; 71% and 84%; and *64%* and *75%*).
2. For the 2016 survey, there was a change in wording for most senior leadership questions from asking about the “senior leadership” to asking about the “SES”. This meant that the results for 2016 are not necessarily comparable to the 2015 results. However, in comparison to the APS results for 2016, OPC staff rated the SES leadership between 10 and 35 percentage points higher.
3. It was pleasing to see **83%** of OPC staff agreed that the most senior leaders are sufficiently visible, compared to 75% in 2015 and *48%* for the APS in 2016. This was an area of focus for the Senior Management Team (***SMT***) in 2015-2016.
4. The move to a single premises and a greater involvement by the SMT with the activities of the Corporate Services and Publications work groups, in particular, has likely contributed to the improvement in this result.

Health, safety and wellbeing

1. Another area where the results were quite pleasing was employee attitudes to health, safety and wellbeing in the workplace. This area is particularly important during a period of major change for OPC.
2. In 2016, OPC staff agreed that: the people in their workgroup were committed to workplace safety (**81%**, 84% and *84%*); OPC genuinely cares about employees being healthy and safe at work (**83%**, 85% and *63%*); and, considering their work and life priorities, that they were satisfied with their work-life balance (**85%**, 78% and *72%*).

APS Values

1. Staff continued to indicate that people in OPC act in accordance with the APS Values. The 2016 results for senior leaders, supervisors and workgroup colleagues were in the range of **89%** to **94%**, compared to 91% to 96% for OPC in 2015 and *68%* to *89%* for the APS in 2016.

Conclusion

1. Staff participation in these surveys is a very useful exercise as the results are directly comparable to those of the APS as a whole. The survey results provide information on areas in which we can improve.

Management and development of human resources

Training and development

1. OPC sees training and development as contributing significantly to the consolidation and improvement of its capability. OPC undertakes its training and development activities in order to:

 make the best use of human resources available to OPC; and

 enhance career and development opportunities for all staff.

Staff development arrangements

1. OPC’s Staff Development Plan establishes the following institutional arrangements for OPC’s staff development activities:

 a senior drafter is designated Director of Drafter Training;

 the Director of Drafter Training and the General Manager have joint responsibility for staff development matters generally (including monitoring expenditure on staff development activities);

 staff development decisions in relation to particular staff are, by and large, made by supervisors jointly with either the Director of Drafter Training for staff who are drafters or the General Manager for other staff;

 staff development decisions are made by reference to the development needs of staff as identified in the individual development plans for staff that are settled as part of the performance management programs;

 the Director of Drafter Training and the General Manager have the function of reviewing the Staff Development Plan to make sure it is up-to-date and properly focused on OPC’s needs;

 the Director of Drafter Training has the function of ensuring that a rolling program of internally provided training for drafters occurs.

1. These arrangements have the advantages of:

 involving supervisors in all aspects of staff development decision-making (including resource implications);

 linking staff development closely to the performance management programs;

 ensuring a high level of consistency in staff development decisions;

 ensuring there is proper equity and balance in the resources devoted to training staff who are drafters and those devoted to training other staff; and

 ensuring that the program of internally provided training for drafters is properly focused, well-planned and regular.

Program of internally provided training for drafters

1. In consultation with drafters in OPC, a program of internally provided training for drafters has been developed. The program involves a mix of presentations by drafters within OPC and external presenters (with an emphasis on the areas of law that hold special interest and importance for drafters).
2. This year responsibility for drafter training was shared by 2 drafters. The Director of Drafter Training coordinated attendances at external conferences and seminars. Another senior drafter coordinated presentations by drafters within OPC and arranged for technical drafting issues to be discussed at drafter meetings.
3. During the year, the program included presentations on:

• section 55 of the Constitution;

• Commonwealth receipts and expenditure;

• the *Acts and Instruments (Framework Reform) Act 2015*;

• delegated legislation;

• avoiding drafting mistakes;

• various other technical drafting and IT issues.

1. OPC drafters attended OPC’s International Drafting Workshop and presented a number of papers at the workshop.
2. OPC drafters also participated in a range of other external conferences and seminars organised by the Australian Government Solicitor (such as the AGS Constitutional Law Forum), leading academic institutions and law firms.

Staff undertaking higher studies under Studies Assistance arrangements

1. During the year, 2 OPC staff members have accessed OPC’s Studies Assistance arrangements to pursue higher studies relevant to their current work and career development.

Information technology training

1. OPC’s legislative drafting capability relies heavily on our staff’s proficiency with IT to undertake research and to prepare Bills and legislative instruments for the Australian Government.
2. During the year, OPC provided substantial training in IT. Most of that training was provided in-house, enabling it to be both cost-effective and responsive to the particular needs of staff.
3. The feedback provided by staff attending the various training sessions was resoundingly positive in terms of the content and presentation of the training and its relevance to current work.
4. OPC’s professional IT staff also undertook external training during the year to ensure that their skills were maintained.

Productivity gains

1. Productivity gains have been achieved through:

 the review and continued updating of finance and other Corporate Services processes;

 improved liaison with key stakeholders;

 continued improvements through the application of IT; and

 cooperative agency procurement of property and services.

Staffing statistics

1. The staffing statistics for OPC at 30 June 2016 are in Appendix B.
2. All staff employed by OPC are located in the ACT.

Coverage of workplace agreements

1. All non-SES employees are covered by an Enterprise Agreement which commenced on 12 May 2016 for a period of 3 years. SES employees are covered by an Enterprise Agreement which commenced on 15 July 2011.

Salary ranges

1. The full range of salaries available under OPC’s Enterprise Agreements as at 30 June 2016 is set out in Appendix B.

Non-salary benefits for APS employees

1. SES staff have the option of a fully-maintained, privately-plated vehicle, or an allowance in lieu, and are provided with free on-site parking.
2. Staff occupying designated positions closely involved with the legislation process receive a telephone allowance to cover the cost of any work-related calls. SES staff have had an amount included in their salary to replace this entitlement, on condition that they maintain a home phone and allow the number to be circulated to any person who may need it in the course of business.
3. To support the legislative drafting and associated work of OPC, staff can obtain remote access to OPC’s IT system. Recognising that staff need to have internet access to use remote access, OPC pays an allowance to remote access users.
4. Other non-salary benefits available to staff were:

 employer-sponsored superannuation;

 the cost of prescription spectacles or other eyewear up to the value of $530 every 2 years or each time a new prescription is issued if that happens sooner;

 an allowance of $300 to eligible staff to spend on health and wellbeing activities or equipment; and

 dependant care costs arising from working arrangements that are required in specific circumstances.

Performance pay

1. There is no provision for performance pay for APS employees in OPC’s Performance Management Programs.
2. However, OPC has comprehensive Performance Management Programs covering all staff under which salary advancement is dependent on staff being rated as at least “fully effective”. An experience loading for SES staff is also dependent on those SES staff being rated as at least “fully effective”.

Staff changes and recruitment

1. During the year:

 Ms Meredith Leigh was appointed as Second Parliamentary Counsel;

 Ms Sally Beasley, Mr Andrew Freeman and Ms Olivia Gossip were promoted to Senior Assistant Parliamentary Counsel (SES Band 1); and

 the following staff were recruited/promoted:

- five Assistant Parliamentary Counsel, Grade 3;

- one Assistant Parliamentary Counsel, Grade 2;

- one Assistant Parliamentary Counsel, Grade 1;

- two Legislation Register Developers;

- one Senior Finance Officer;

- one Senior Editorial Officer;

- seven Publishing Officers; and

- five Assistant Editorial, Publications and Executive Support Officers.

Workforce planning

1. OPC’s workforce planning document is an integral part of our broader planning processes and ensures that we have a workforce capable of delivering on the objectives of OPC now and into the future.
2. OPC’s strategies for ensuring that it has sufficient human resources to maintain its legislative drafting capability include:

 providing support for the Director of Drafter Training to coordinate the training and development of drafters;

 giving assistant drafters intensive on-the-job training in legislative drafting as well as formal training in other relevant areas (such as IT);

 supporting each assistant drafter appointed to act as a senior drafter by providing access to another senior drafter as a mentor;

 recognising that the contribution individual drafters make to achieving OPC’s outcome increases as their level of drafting experience increases; and

 giving staff who do not have access to flex-time access to flexible working hours.

Effect of workplace agreements on staff retention

1. Retention of drafting staff has been aided by:

 providing more flexible leave arrangements, including annual leave and personal/carer’s leave;

 recognising the value of experienced senior drafters by providing for payment of an experience loading;

 allowing some time off in recognition of the excess hours often worked by drafters (without providing a full flex-time scheme for drafters);

 providing flexible working hours arrangements that allow drafters to better manage their work and personal commitments; and

 permitting part-time arrangements for drafters (and other staff) to allow them to balance their work and personal commitments (these arrangements are available not only to staff with caring responsibilities, but also to any staff member whose wish to work part-time can be accommodated by operational requirements).

Workplace diversity

OPC’s Workplace Diversity Program

1. The objectives of OPC’s Workplace Diversity Program are:

 to raise awareness of workplace diversity and of the value of a diverse workforce to OPC;

 to ensure that workplace structures, conditions, systems and procedures foster diversity and allow employees to manage work and personal life;

 to ensure equity in employment is promoted and upheld;

 to continue to provide opportunities for employees to participate and contribute to the work of OPC; and

 to prevent and eliminate bullying, harassment and unlawful discrimination in the workplace.

1. At the end of 2015-2016, the APSC conducted the 2016 State of the Service Employee Census. Eighty one per cent of OPC’s employees participated in the survey.
2. The following table shows OPC’s results against the performance indicators for each objective:

|  | **Objectives and Performance Indicators (PI)** | | **% Agreed** | |
| --- | --- | --- | --- | --- |
| **OPC** | **PI** |
| 1 | | The people in my workgroup behave in an accepting manner towards people from diverse backgrounds.  SES behave in an accepting manner towards people from diverse backgrounds.  OPC is committed to creating a diverse workforce. | **81**  **76**  **54\*** | *75*  *75*  *75* |
| 2 | | Employees are satisfied with their work-life balance in OPC.  Employees are satisfied with their ability to access and use flexible working arrangements.  OPC’s workplace culture supports employees to achieve a good work-life balance. | **85**  **82**  **83** | *75*  *75*  *75* |
| 3 | | OPC routinely applies merit in decisions regarding engagement and promotion. | **59\*** | *75* |
| 4 | | Communication between senior leaders and staff is effective.  Employees are satisfied with the workplace attributes that impact on job satisfaction. | **75**  **76** | *75*  *75* |
| 5 | | I would recommend OPC as a good place to work.  Employees indicate that they have not been subjected to bullying or harassment. | **76**  **88** | *75*  *90* |

1. OPC’s results from the survey indicate that in most areas OPC is meeting the objectives of the Workplace Diversity Program.
2. However, there are some areas where the results are still below the performance indicator, although these areas have improved compared to the 2015 results (these are indicated by an \* against the performance indicator in the table above). There continued to be a substantial number of neutral responses of “neither agree nor disagree” for these survey questions which may mean that staff are unsure about these attributes of OPC.
3. These are areas that OPC is continuing to address and will look to improve on in the coming year.

OPC’s Reconciliation Action Plan

1. OPC is committed to the process of reconciliation between Indigenous and other Australians and recognises the importance of reconciliation to Australia’s future.
2. OPC’s Reconciliation Action Plan (***RAP***) was developed in consultation with staff to promote reconciliation both within OPC and across the broader Australian community. OPC’s RAP includes strategies for the recruitment and employment of Indigenous Australians and the promotion of an understanding of Indigenous culture and issues among all our staff.
3. During the year, the activities undertaken as part of the RAP included:

 refreshing the collection of Indigenous Australian art to display in public areas of OPC’s new premises; and

 provision of information on OPC’s RAP to all new employees as part of their induction program.

Breastfeeding Friendly Workplace accreditation

1. OPC has undertaken an ongoing commitment to provide a supportive environment for breastfeeding women.
2. In May 2016, OPC’s new premises was accredited as a “Breastfeeding Friendly Workplace” by the Australian Breastfeeding Association.
3. OPC maintains accreditation as a “Breastfeeding Friendly Workplace” by providing:

 guidance to staff about our workplace facilities and practices that support women to meet both their work and family commitments;

 appropriate facilities that double as parenting rooms; and

 information to staff about our breastfeeding policies in our induction program and a “comeback pack” for staff commencing maternity leave.

Changes to disability reporting in annual reports

1. Since 1994, Commonwealth non-corporate entities have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007-2008, reporting on the employer role was transferred to the APSC’s *State of the Service Report* and the *APS Statistical Bulletin*. These reports are available at www.apsc.gov.au. From 2010-2011, entities have no longer been required to report on these functions.
2. The Commonwealth Disability Strategy has been overtaken by the National Disability Strategy 2010-2020, which sets out a 10-year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high-level 2-yearly report will track progress against each of the 6 outcome areas of the Strategy and present a picture of how people with disability are faring. The first of these reports can be found at www.dss.gov.au.

Work health and safety

Policy

1. OPC commits itself to taking, at all times, reasonably practicable steps to ensure the health and safety of its workers (staff and contractors) and visitors to the workplace. In ensuring their health and safety, OPC:

 provides and maintains a healthy and safe work environment;

 consults and cooperates with its workers, their health and safety representatives, and other duty holders, to achieve a healthy and safe workplace;

 complies with the *Work Health and Safety Act 2011* (***WHS Act***) as a minimum standard, and implements in full the requirements of the WHS Act and its regulations;

 ensures that appropriate organisational arrangements are in place to facilitate the implementation of the WHS Act;

 provides appropriate resources to ensure that necessary health and safety programs and activities are established and maintained; and

 informs all workers about relevant health and safety matters and provides that information in languages other than English where this might be necessary.

Health and safety committee

1. The WHS Act requires the establishment of a health and safety committee at the request of a health and safety representative or 5 or more workers at the workplace. If a health and safety committee is not required to be established, other consultation procedures can be established for a workplace.
2. In OPC, the WCC fulfils the requirements of the WHS Act with respect to consultation with workgroups on health and safety matters. In addition, the WCC has incorporated the functions of a health and safety committee as a standing agenda item. The health and safety representative attends each WCC meeting.

Initiatives taken during the year

1. On relocation to the new premises in August 2015, all staff received a workstation assessment to ensure their furniture and equipment set-up was ergonomically appropriate and to discuss any adjustments with staff.
2. A physiotherapist or occupational therapist visited OPC throughout the year to conduct further workstation assessments, particularly for new members of staff and staff returning from extended leave.
3. During the year, OPC paid for influenza vaccinations for interested staff.
4. OPC maintained a policy of requiring staff to take an eye test, paid for by OPC, once every 2 years. OPC also provided reimbursement to staff for prescription eyewear up to the value of $530 required as a result of the eye tests.
5. During the year, an allowance of $300 was paid to eligible staff to spend on health and wellbeing activities or equipment.
6. The induction program for new members of staff includes a session specifically aimed at enhancing their awareness of the importance of health and safety issues in the workplace and emphasising the responsibilities of both staff and management in that regard.
7. OPC maintains an appropriate collection of publications relating to health and safety in our library.

Health and wellbeing program

1. During the year, OPC committed to a new health and wellbeing program.
2. In consultation with staff, and with the assistance of the ACT Government service *Healthier Work*, OPC developed a 12-month Healthier Work Plan, with recognition to be received from *Healthier Work* on 1 July 2016.
3. The new Plan will be implemented in 2016-2017 and will promote and support the health areas of physical activity, healthy eating and social and emotional wellbeing.

Health and safety outcomes

1. The following outcomes were achieved as a result of initiatives taken during the year or in past years:

 the provision of electronic sit-stand workstations in the new premises for all staff has given staff an accessible option for reducing sedentary behaviour at their desk;

 improvements were made to workplace safety;

 comprehensive workstation assessments by qualified health professionals ensured good outcomes for staff returning to work from injuries; and

 staff awareness of the importance of health and safety in the workplace was raised.

1. Although hard to measure, OPC considers that modest outlays on health promotion activities provide good value for money, given the potential lost work time annually due to the effects of health issues.

Notifiable incidents

1. There were no notifiable incidents during the year requiring notification under section 38 of the WHS Act.

Investigations

1. OPC has not been the subject of any investigation and no notices have been issued to OPC during the year under Part 10 of the WHS Act.

Chapter 5—Purchasing and consultants

Purchasing

1. During the year, OPC finalised the construction services for the fit-out of OPC’s new premises. Two open tenders were published for cleaning and printing services.
2. The majority of other purchasing continued to be confined to simple procurement processes. Given the nature and extent of OPC’s procurement activity, there is no current need to establish an accredited procurement unit within OPC.
3. OPC continues to consider cooperative agency procurement as an option when procuring property and services. A number of contracts are in place where a cooperative arrangement has been used, with OPC benefiting from support and savings, and reduced procurement costs, by accessing contracts from larger portfolio agencies.
4. OPC has complied with the core policies and practices as identified in the Commonwealth Procurement Rules and OPC’s Accountable Authority Instructions and Office Procedural Circulars.
5. OPC’s Annual Procurement Plan for the 2016-2017 financial year was published on the AusTender website at www.tenders.gov.au in June 2016.

Procurement initiatives to support small business

1. OPC supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (***SME***) and Small Enterprise participation statistics are available on the Department of Finance’s website at www.finance.gov.au/procurement/statistics-on-commonwealth-purchasing-contracts/.
2. OPC’s procurement practices support SMEs by using the Commonwealth Contracting Suite for low-risk procurements valued under $200,000 and the use of electronic systems and processes used to facilitate on-time payment performance, including the use of payment cards.

Consultants

1. OPC engages consultants where it lacks specialist expertise or when independent research, review or assessment is required. Consultants are typically engaged to:

 investigate or diagnose a defined issue or problem;

 carry out defined reviews or evaluations; or

 provide independent advice, information or creative solutions to assist OPC’s decision-making.

1. Prior to engaging consultants, OPC takes into account the skills and resources required for the task, the skills available internally, and the cost-effectiveness of engaging external expertise. The decision to engage a consultant is made in accordance with the *Public Governance, Performance and Accountability Act 2013*, related regulations, the Commonwealth Procurement Rules and relevant internal policies.
2. During 2015-2016, one new consultancy contract for internal audit services was entered into with estimated expenditure of $150,000 (including GST) over 3 years. There was nil actual expenditure for this consultancy contract during 2015-2016.
3. The procurement method for the consultancy contract was by prequalified tender from a shortlist of potential suppliers that responded to an initial open approach to market on AusTender.
4. In addition, one ongoing consultancy contract for internal audit services was active during the 2015-2016 year, involving nil total actual expenditure.
5. Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website at www.tenders.gov.au or from the OPC Documents menu on OPC’s website at www.opc.gov.au.

Chapter 6—Miscellaneous

Freedom of information

1. Agencies subject to the *Freedom of Information Act 1982* (***FOI Act***) are required to publish information to the public as part of the Information Publication Scheme (***IPS***). This requirement is in Part II of the FOI Act and has replaced the former requirement to publish a section 8 statement in an annual report. Each agency must display on its website a plan showing what information it publishes in accordance with the IPS requirements.

Advertising and market research etc.

1. The following information is required to be given by section 311A of the *Commonwealth Electoral Act 1918*.
2. During 2015-2016, no money was paid by, or on behalf of, OPC to any advertising agency, market research organisation, polling organisation, direct mail organisation or media advertising organisation.

Ecologically sustainable development and environmental performance

1. Reporting required by section 516A of the *Environment Protection and Biodiversity Conservation Act 1999* is set out in Appendix C.

Additional information

1. The contact officer for additional information about OPC is the General Manager, Ms Susan Roberts, who can be contacted by telephone on (02) 6120 1486, by fax on (02) 6120 1403 and by email at admin@opc.gov.au.
2. OPC’s website address is www.opc.gov.au. This report is available on that site at www.opc.gov.au/about/documents.htm.

Appendix A—Entity resource statement and Expenses by outcome

Entity resource statement

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Actual available approp-riation for 2015-16 $’000** | **Payments made 2015-16 $’000** | **Balance remaining 2015-162 $’000** |
| **ORDINARY ANNUAL SERVICES** |  |  |  |
| **Departmental appropriation** |  |  |  |
| Prior year appropriations | 16,230 | 16,230 | - |
| Departmental appropriation 1 | 14,627 | 100 | 14,527 |
| s 74 retained revenue receipts | 7,625 | 7,625 | - |
| **Total ordinary annual services** | **38,482** | **23,955** | **14,527** |
| **Total net resourcing and payments for entity** | **38,482** | **23,955** | **14,527** |

1 Includes an amount of $0.488 million for the Departmental Capital Budget. For accounting purposes, this amount has been designated as “contributions by owners”.

2 The remaining balance is made up of the operating surplus attributable to OPC and outstanding liabilities.

Expenses for Outcome 1

|  |  |  |  |
| --- | --- | --- | --- |
| **Outcome 1—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** | **Budget 2015‑16**1 **$’000** | **Actual expenses 2015‑16 $’000** | **Variance 2015‑16 $’000** |
|  | (a) | (b) | (a) - (b) |
| **Program 1.1: Legislative drafting and publication** |  |  |  |
| Departmental expenses |  |  |  |
| Ordinary annual services (Appropriation Bill |  |  |  |
| No. 1) | 14,707 | 13,130 | 1,577 |
| Retained revenue receipts (section |  |  |  |
| 74) | 6,290 | 6,603 | (313) |
| Expenses not requiring appropriation in the |  |  |  |
| budget year | 624 | 842 | (218) |
| **Total for Program 1.1** | 21,621 | 20,575 | 1,046 |
| **Total expenses for Outcome 1** | 21,621 | 20,575 | 1,046 |

|  |  |  |
| --- | --- | --- |
|  | **Actual**  **2014-15** | **Actual**  **2015-16** |
| **Average staffing level (number)** | 91.9 | 91.3 |

1 Estimated expenses as disclosed in the 2015-16 Portfolio Budget Statement.

Appendix B—Staffing statistics and salary ranges

Ongoing and non-ongoing employees as at 30 June 2016

As at 30 June 2016, OPC had 4 non-ongoing employees and no employees who identified as Indigenous.  
As at 30 June 2015, OPC had 3 non-ongoing employees and no employees who identified as Indigenous.

Full-time and part-time employees as at 30 June 2016

| **Category** | **Total staff** | | **Full-time** | | **Part-time** | |
| --- | --- | --- | --- | --- | --- | --- |
| **15** | **16** | **15** | **16** | **15** | **16** |
| Statutory office holders | 3 | 3 | 3 | 3 | 0 | 0 |
| SES Band 2 | 5 | 4 | 5 | 4 | 0 | 0 |
| SES Band 1 | 18 | 184 | 12 | 10 | 6 | 8 |
| Assistant Parliamentary Counsel Grade 3 | 151 | 155 | 10 | 10 | 5 | 5 |
| Assistant Parliamentary Counsel Grade 2 | 42 | 2 | 3 | 2 | 1 | 0 |
| Assistant Parliamentary Counsel Grade 1 | 0 | 2 | 0 | 2 | 0 | 0 |
| Executive Level 2 | 6 | 8 | 6 | 8 | 0 | 0 |
| Executive Level 1 | 6 | 7 | 6 | 7 | 0 | 0 |
| OPC Broadband B (APS 4 - 6) | 423 | 436 | 35 | 32 | 7 | 11 |
| OPC Broadband A (APS 1 - 3) | 0 | 0 | 0 | 0 | 0 | 0 |
| **Totals** | **99** | **102** | **80** | **78** | **19** | **24** |

1 Includes 1 employee on maternity leave.

2 Includes 1 employee on leave without pay.

3 Includes 3 employees on temporary transfer, 2 employees on leave without pay and 1 employee on maternity leave.

4 Includes 1 employee on leave without pay.

5 Includes 1 employee on maternity leave.

6 Includes 3 employees on leave without pay and 2 employees on maternity leave.

Male and female employees as at 30 June 2016

| **Category** | **Total staff** | | **Male** | | **Female** | |
| --- | --- | --- | --- | --- | --- | --- |
| **15** | **16** | **15** | **16** | **15** | **16** |
| Statutory office holders | 3 | 3 | 2 | 1 | 1 | 2 |
| SES Band 2 | 5 | 4 | 3 | 3 | 2 | 1 |
| SES Band 1 | 18 | 184 | 4 | 4 | 14 | 14 |
| Assistant Parliamentary Counsel Grade 3 | 151 | 155 | 8 | 9 | 7 | 6 |
| Assistant Parliamentary Counsel Grade 2 | 42 | 2 | 2 | 0 | 2 | 2 |
| Assistant Parliamentary Counsel Grade 1 | 0 | 2 | 0 | 1 | 0 | 1 |
| Executive Level 2 | 6 | 8 | 4 | 6 | 2 | 2 |
| Executive Level 1 | 6 | 7 | 4 | 5 | 2 | 2 |
| OPC Broadband B  (APS 4 - 6) | 423 | 436 | 11 | 9 | 31 | 34 |
| OPC Broadband A  (APS 1 - 3) | 0 | 0 | 0 | 0 | 0 | 0 |
| **Totals** | **99** | **102** | **38** | **38** | **61** | **64** |

1 Includes 1 employee on maternity leave.

2 Includes 1 employee on leave without pay.

3 Includes 3 employees on temporary transfer, 2 employees on leave without pay and 1 employee on maternity leave.

4 Includes 1 employee on leave without pay.

5 Includes 1 employee on maternity leave.

6 Includes 3 employees on leave without pay and 2 employees on maternity leave.

Salary ranges as at 30 June 2016

| **Category** | **Minimum ($)** | **Maximum ($)** |
| --- | --- | --- |
| **Salary ranges—SES positions** | | |
| First Assistant Parliamentary Counsel (SES Band 2), Senior Assistant Parliamentary Counsel (SES Band 1) and General Manager (SES Band 1) | 147,234 | 243,318 |
| **Salary ranges—Non-SES drafting positions** | | |
| Assistant Parliamentary Counsel Grade 3 | 113,609 | 136,774 |
| Assistant Parliamentary Counsel Grade 2 | 98,765 | 119,926 |
| Assistant Parliamentary Counsel Grade 1 | 60,898 | 113,609 |
| **Salary ranges—Non-SES non-drafting positions** | | |
| Executive Level 2 | 113,609 | 136,774 |
| Executive Level 1 | 98,765 | 119,926 |
| **OPC Broadband B:** |  |  |
| APS 6 | 77,720 | 89,278 |
| APS 5 | 71,956 | 76,304 |
| APS 4 | 64,514 | 70,049 |
| **OPC Broadband A:** |  |  |
| APS 3 | 57,885 | 62,477 |
| APS 2 | 50,820 | 56,358 |
| APS 1 | 44,907 | 49,631 |

Appendix C—Reporting required by section 516A of the *Environment Protection and Biodiversity Conservation Act 1999*

*How OPC’s activities accorded with principles of ecologically sustainable development*

1. OPC’s activities are fully described in Chapter 1 of this report.
2. Given that OPC did not administer any legislation during the year and OPC’s activities were undertaken largely on the instructions of clients, there was little scope for OPC’s activities to give effect to the principles of ecologically-sustainable development listed in section 3A of the *Environment Protection and Biodiversity Conservation Act 1999*.
3. However, OPC staff took opportunities in their drafting work to draw the attention of instructors to the long-term and short-term ecological implications of legislation embodying their instructions. This accords with the first of the principles listed in that section (“decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations”).

*Appropriations Act outcome contributing to ecologically sustainable development*

1. OPC has only one Appropriations Act outcome: “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”. It is difficult to conclude that this outcome makes any identifiable contribution to ecologically sustainable development.

*Effect of OPC’s activities on the environment*

1. OPC’s operations have direct and indirect effects on the environment, particularly through the use of energy, transport, office equipment and materials in office equipment. The following table, which relates to some of those commodities in the year, gives an indication of those effects and a comparison with the 2014-2015 year.

| Commodity | Amount bought in 2015‑2016 | Amount bought in 2014‑2015 | Comments |
| --- | --- | --- | --- |
| Electricity used on OPC’s Forrest premises  Electricity used on OPC’s Barton premises  Electricity used on OPC’s Deakin premises | 111,671 kWh  15,258 kWh  71,644 kWh | 1,391 kWh  108,858 kWh  278,365 kWh | In 2015‑2016, 9,121 kWh of the electricity was “green power”.  OPC was granted access to our new premises in Forrest on 1 May 2015 to commence the fit-out construction works. OPC relocated from the Barton and Deakin premises to the Forrest premises on 10 August 2015. This accounts for the substantial increase in electricity usage at the Forrest premises and substantial decreases at the Barton and Deakin premises. Electricity at Forrest and Barton does not include electricity used in air-conditioning and lift services supplied by the lessor of the premises.  In 2015-2016, 1,335 kWh of the electricity was “green power”.  The Deakin lease is for an entire building with OPC responsible for the costs of central services such as air-conditioning and lifts. In 2015-2016, 7,164 kWh of the electricity was “green power”. |
| Copy paper | 6.2 t | 1.1 t | The copy paper is used in office printers and copiers. The substantial increase in paper bought is mostly attributed to the replenishment of back-up stocks after relocating to the new premises in the 2015-2016 year. |

1. These figures do not include energy and paper used by the contractor engaged by OPC to print Bills for introduction into the Parliament.
2. No figures on OPC’s use of water are available for the Forrest or Barton premises, as there is no separate metering of water used by OPC. Figures for OPC’s use of water on the Deakin premises were not available for this financial year.

*Measures to minimise the effect of OPC’s activities on the environment*

1. In 2015-2016, OPC moved to new premises at Level 4, 28 Sydney Avenue, Forrest. The building is new A Grade office accommodation. The design of the building provides a balance between commercial and sustainable development with a targeted 5 star NABERS energy rating.
2. OPC’s workplace design maximises environmental sustainability, with a strong focus on access to natural light. The elongated floor plate has core services, meeting, utility and storage rooms inbound, allowing all employee work spaces to be located within 12 metres of the perimeter windows. The fit-out has been designed to complement the building’s environmental objectives including applying best practice in the selection of materials. Practical inclusions in the design include recycling provisions, use of natural and recycled materials, and plants for air quality and visual amenity.
3. The following measures were in place throughout the year to minimise the effect of OPC’s activities on the environment:

 energy efficiency is routinely taken into account in decisions about acquiring equipment;

 double-sided printing and photocopying facilities are available, and staff are encouraged to use them;

 where possible, OPC is moving to online publication of documents to reduce the number of copies being printed;

 work procedures are modified to avoid paper use where practicable by, for example, editing documents on screen, using electronic forms of communication and filing documents in the electronic records management system;

 OPC has arrangements to collect toner cartridges, paper, glass, plastic and aluminium used in the office for recycling;

 staff are encouraged to turn off lights and office equipment when not in use.

Appendix D—Financial Statements 2015-2016

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Auditor-General’s Report on Financial Statements

Certification of Financial Statements

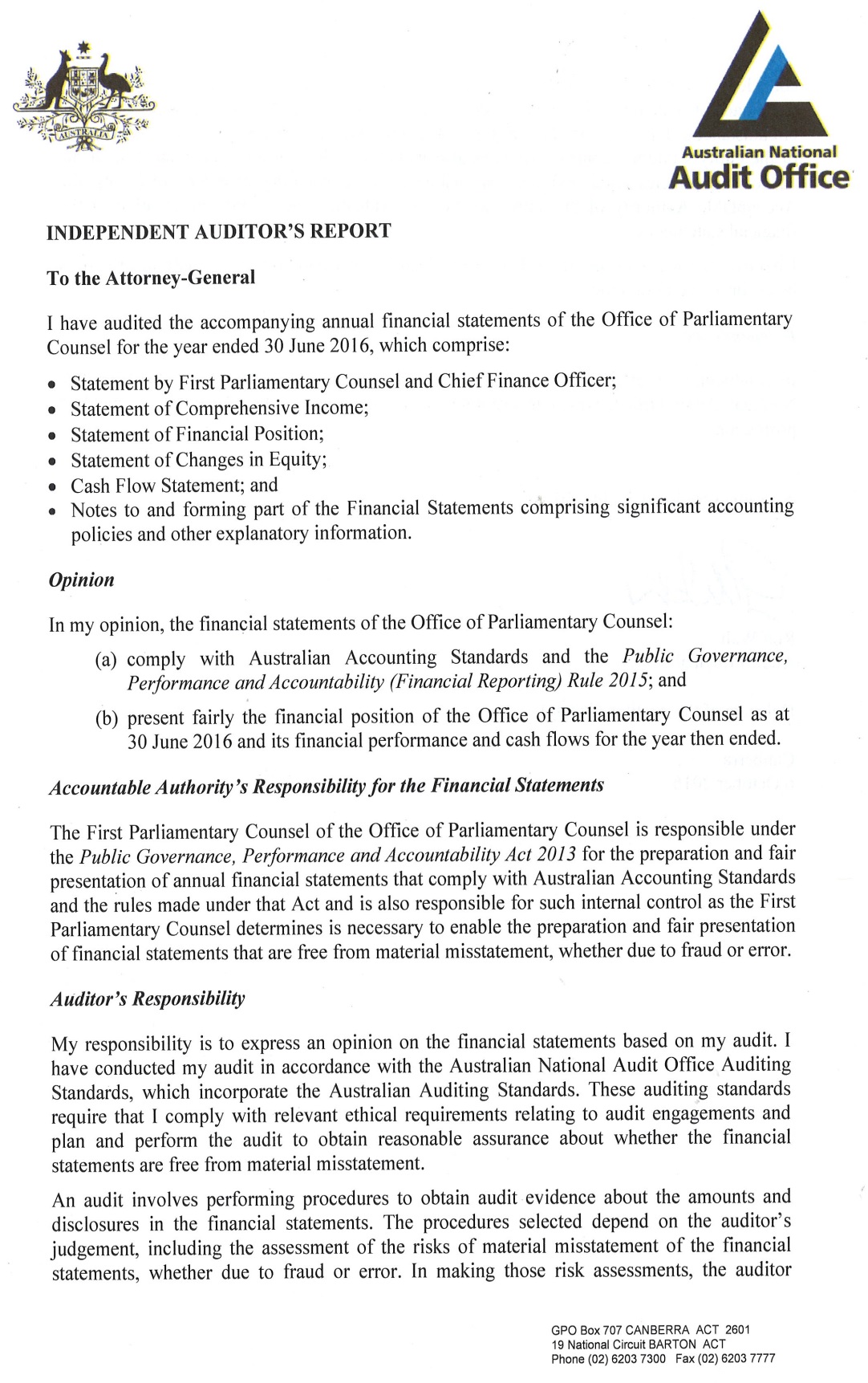
Statement of Comprehensive Income

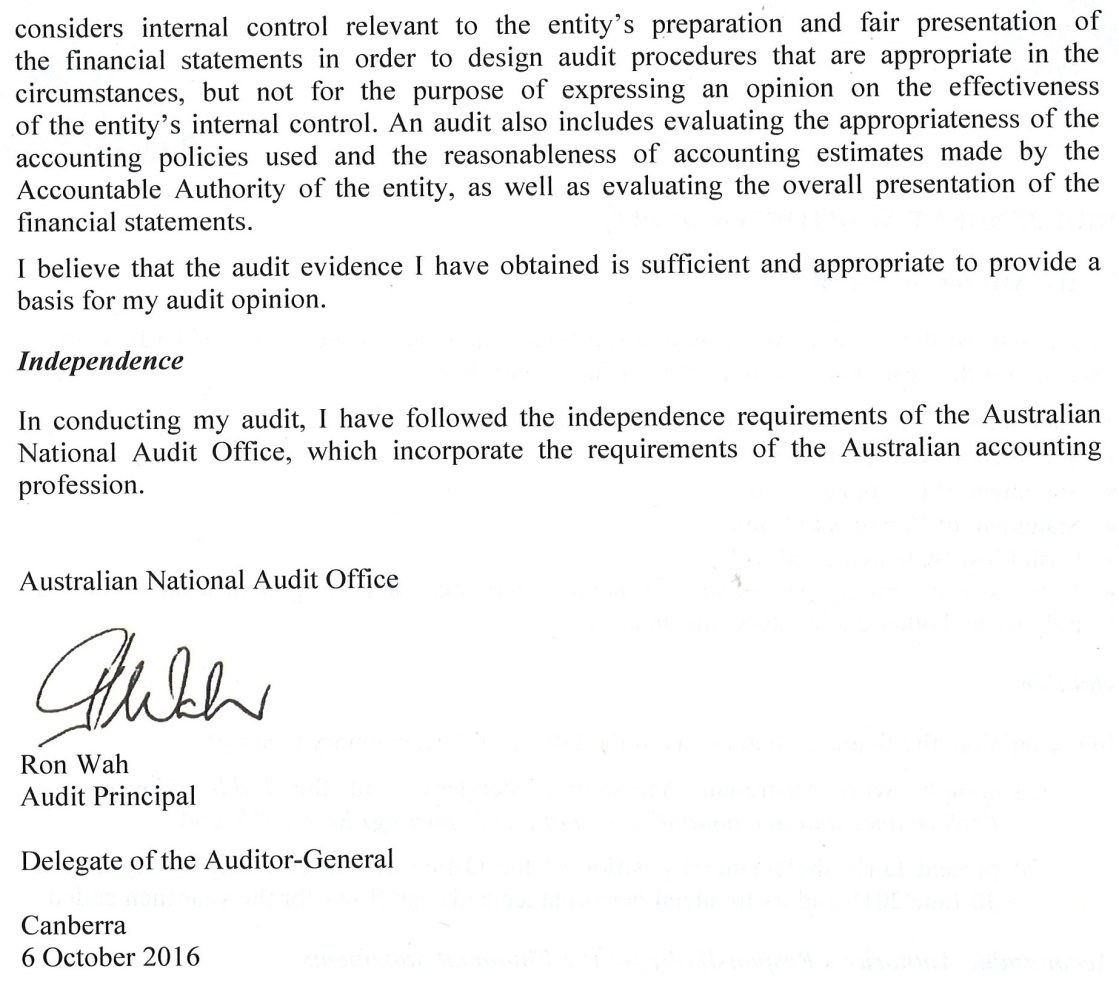
Statement of Financial Position

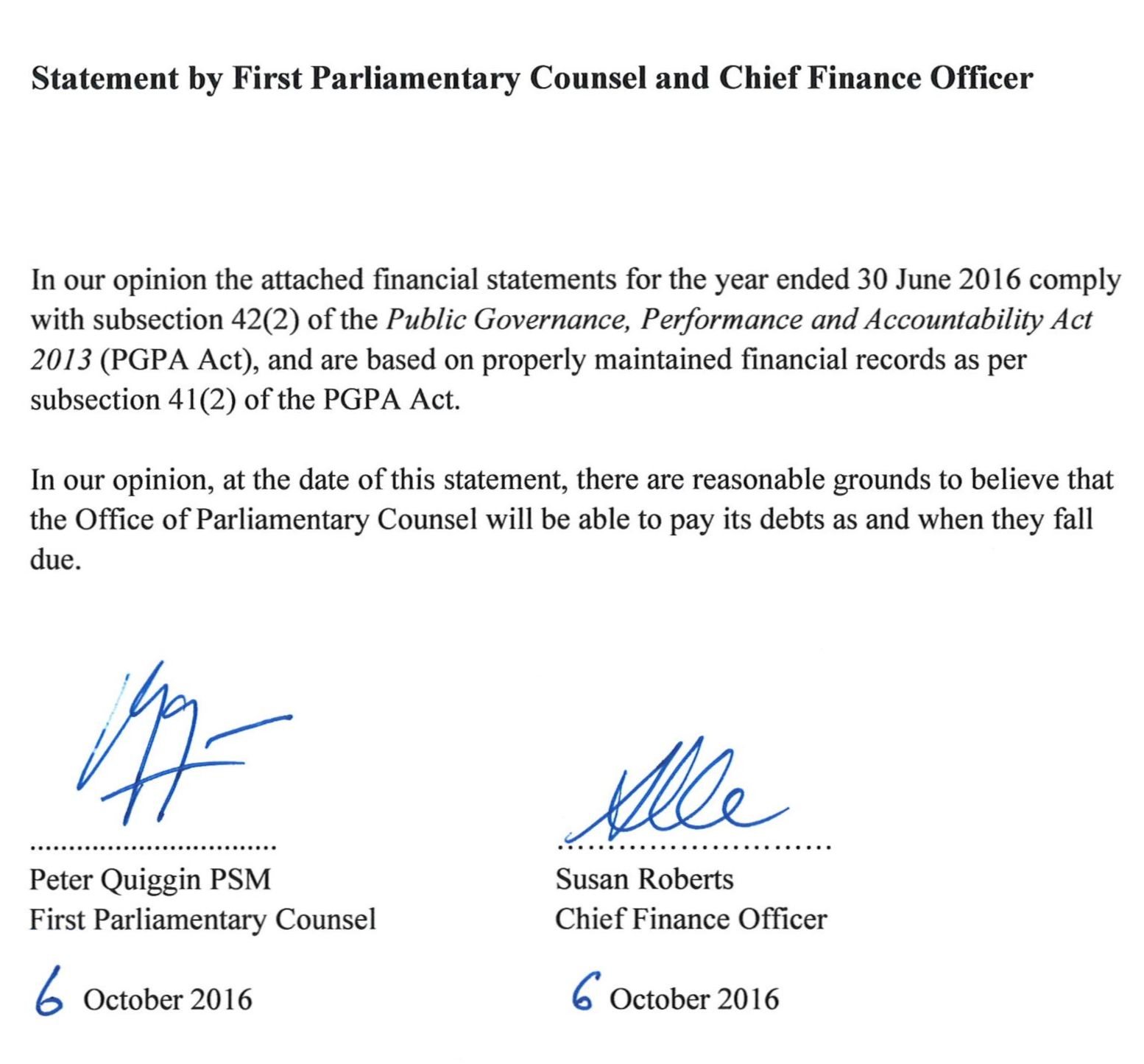
Statement of Changes in Equity

Cash Flow Statement

Notes to and forming part of the Financial Statements





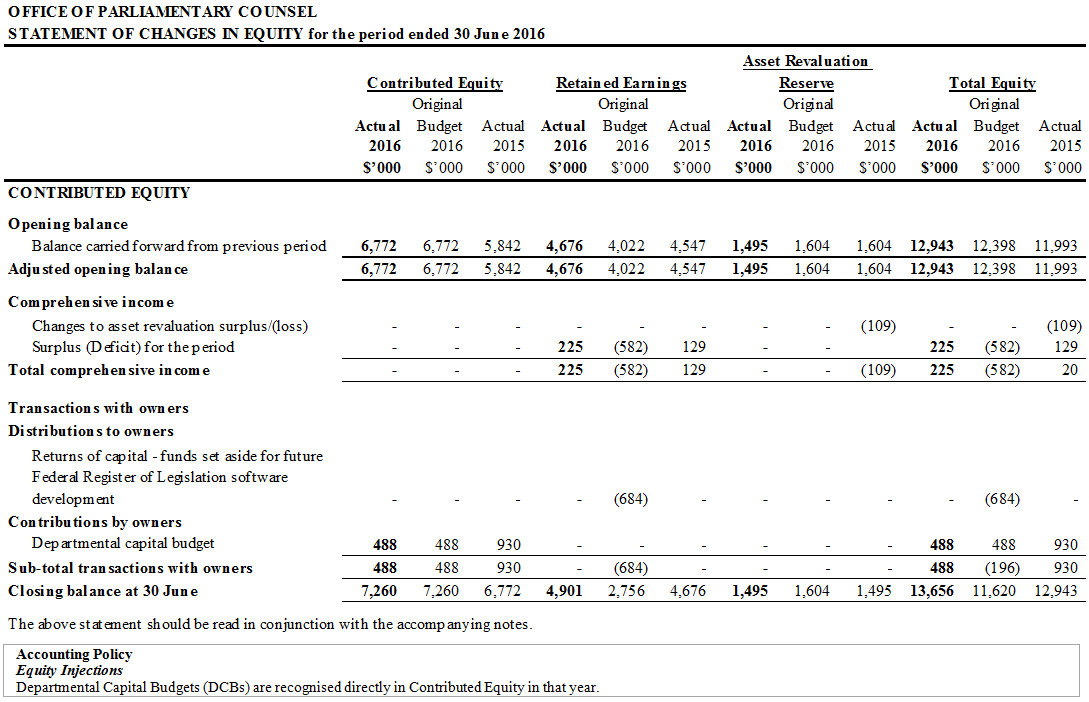




The above statement should be read in conjunction with the accompanying notes.



The above statement should be read in conjunction with the accompanying notes.





The above statement should be read in conjunction with the accompanying notes.

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| **OVERVIEW** |

**1 Objectives of Office of Parliamentary Counsel (OPC)**

OPC is an Australian Government controlled entity. It is a not-for-profit entity. The objectives of OPC are:

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

OPC is structured to meet one outcome:

Outcome 1: 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.

OPC's activities contributing toward this outcome are classified as departmental.

OPC has one program, legislative drafting and publishing, and five program components contributing to meeting Outcome 1. The program components are as follows:

* + - Legislation
    - Program and project management
    - Legislative drafting capability
    - Standardisation and quality control of legislation
    - Publication

The continued existence of OPC in its present form is dependent on Government policy and on continuing appropriations by Parliament for OPC’s administration and programs.

**2 Basis of Preparation of the Financial Statements**

The Financial Statements and notes are general purpose financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013.*

The Financial Statements have been prepared in accordance with:

* + - *Public Governance, Performance and Accountability Act 2013 (Financial Reporting) Rule 2015* for reporting periods on or after 1 July 2015; and
    - Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The Financial Statements have been prepared on an accrual basis and are in accordance with the historical cost convention, except for certain assets at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

The Financial Statements are presented in Australian dollars and values are rounded to the nearest thousand unless otherwise specified.

**3 New Australian Accounting Standards**

***Adoption of new Australian Accounting Standard requirements***

In 2014-15, OPC elected to apply AASB 2015-7 *Amendments to Australian Accounting Standards - Fair Value Disclosures of Not-for-Profit Public Sector Entitie*s. This election continues for the current reporting period.

The new standards, any amendments to standards and interpretations which have been issued will have no impact for the current reporting period.

***Future Australian Accounting Standard requirements***

The new standards, any amendments to standards and interpretations which have been issued have been reviewed.

The following new standard has been issued and is applicable to future reporting periods and may have a material effect on OPC’s Financial Statements.

|  |  |  |
| --- | --- | --- |
| **Standard** | **Applicable from** | **Nature of impending change/s in accounting policy and likely impact on initial application** |
| AASB 16 Leases | 1 July 2019 | Lessees will be required to bring all leases on the Statement of Financial Position as the distinction between operating and finance leases has been eliminated. |

**4 Contingent Liabilities and Contingent Assets**

OPC has no quantifiable or unquantifiable contingent assets or liabilities as at 30 June 2016 (2015:nil).

**5 Taxation**

OPC is exempt from all forms of taxation except fringe benefits tax (FBT) and the goods and services tax (GST).

Revenues, expenses and assets are recognised net of GST:

* + - except where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
    - except for receivables and payables.

**6 Events after the Reporting Date**

There is no subsequent event that had the potential to significantly affect the ongoing structure and financial activities of the entity.

|  |
| --- |
| **BUDGET VARIANCE EXPLANATIONS** |

OPC delivers drafting and advisory services for Bills and subordinate legislation, prepares compilations of laws as amended and registers laws and instruments on behalf of more than 70 Commonwealth entities.

OPC’s drafting work is regulated by the Legal Services Directions. All Bill and regulation drafting is tied to OPC and budget funded. OPC delivers legislative publishing services to and on behalf of the whole of the Australian Government through the Federal Register of Legislation.

OPC recovers the cost of core services from Government entities that publish legislation on the Federal Register of Legislation through annual fees.

OPC provides drafting services for legislative instruments and other publishing services on a fee for service basis. The demand for these services is client driven and therefore difficult to budget accurately.

OPC co-located staff to a single new premises in Forrest in August 2015. At the time of preparing the 2015-16 budget, the schedule for construction of fit-out, final fit-out costs and allocation of these costs between the 2014-15 and 2015-16 financial years had not been finalised. The actual schedule for fit-out was slightly delayed and resulted in some costs and payments that had originally been budgeted for in 2014-15 being recognised and paid early in 2015-16. This accounts for many of the major variance explanations below.

The following is an explanation of the major variances between the original budget presented in the 2015-16 Portfolio Budget Statements and the 2015-16 final outcome as presented in accordance with Australian Accounting Standards for OPC.

Variances are considered to be major if the variance is greater than 10% between budget and actual.

Statement of Comprehensive Income

Supplier expenses

Actual supplier expenses are lower than budget in line with the impact of the Attorney-General’s one-off efficiency savings to specific agencies budget measure of $0.563 million.

Depreciation and amortisation

Actual depreciation is higher than budget due to the timing, categorisation and cost of the new office fit-out.

Own-source income

Other gains and some other revenue was incorrectly categorised as sale of goods and rendering of services in the budget.

Statement of Financial Position

Trade and other receivables

Actual trade and other receivables are higher than budget mainly due to higher appropriations, offset by lower trade receivables. Appropriations receivable was higher than budget due to higher than expected surplus (after adding back non-cost recovered depreciation) for the 2015-16 year ($1.009 million); an increase in payables mainly due to early recognition of property rent ($0.966 million); and funds set aside for future Federal Register of Legislation development ($0.688 million) being incorrectly categorised as distributions to owners in the budget. Trade receivables was incorrectly overstated in the budget as the change to annual billing arrangements for legislation registration results in these receivables being nil at the end of the financial year.

Plant and equipment

Actual plant and equipment is lower than budget due to a valuation and impairment review at   
30 June 2015. The result was an impairment of surplus assets that would not be relocated to the new premises ($0.175 million).

Other payables

Actual other payables are higher than budget due to the quantum for recognition of rent payable for the new premises ($0.966 million) in accordance with AASB accounting standards was unknown at the time of preparing the budget.

Cash, other non-financial assets and suppliers

The immaterial variances for cash, other non-financial assets and suppliers were due to timing differences for receipts and payments.

Statement of Changes in Equity

Returns of capital - funds set aside for future Federal Register of Legislation software development

The adjustment to retained earnings was incorrectly categorised in the budget. The correct categorisation for funds set aside for future Federal Register of Legislation software development is an increase in appropriations receivable.

**Cash Flow Statement**

Operating Activities - Appropriations

Appropriations received was higher than budget due to the appropriation drawdown for final construction costs for the fit-out paid in the 2015-16 year ($3.214 million); the funds set aside for future Federal Register of Legislation software development ($0.688 million) being incorrectly categorised in the budget; and offset by higher than expected surplus for the 2015-16 year ($1.009 million).

Operating Activities - Net GST received

The actual net GST received is higher than budget due to the payment of construction costs for the fit-out delayed to 2015-16.

Operating Activities - Section 74 receipts transferred to the Official Public Account

The actual is higher than budget due to an additional GST refund and higher sales of goods and services revenue.

Operating Activities - Purchase of leasehold improvements, plant and equipment

The actual is higher than budget as recognition and payment of construction of fit-out costs occurred in 2015-16 ($3.214 million) and not in 2014-15 as budgeted.

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| **1. FINANCIAL PERFORMANCE** |
|  |
| **1.1: Expenses** |



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| --- |
| **Accounting Policy**  Accounting policies for employee related expenses are contained in the People and relationships section. |



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| --- |
| **1.1: Expenses** |

Leasing commitments

Lease for office accommodation and car parking

OPC in its capacity as lessee entered into a new lease which commenced on 1 October 2015 for a term of 10 years with annual increases of 3.6%. The next increase is on 1 October 2016. There is an option to extend the lease by three years.

Licence agreement for offsite parking

A licence agreement was entered into for car parking from 1 August 2015 for a term of 1 year. There is no option to extend.

Leases for motor vehicles

OPC leases 4 vehicles under the Government Executive Vehicle Scheme, each for a term of the lesser of 2 years or 40,000kms.



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| **Accounting Policy**  ***Leases***  Operating lease payments are expensed on a straight line basis which is representative of the pattern of benefits derived from the leased assets. |

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| **Accounting Policy**  ***Borrowing Costs***  All borrowing costs are expensed as incurred. |

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| **Change in Accounting Policy**  OPC changed the asset recognition threshold for purchases of leasehold improvements, plant and equipment, and intangibles to $2,000 (2015: $1,000). The write down due to the change in policy was $4,985 (2015:nil). |

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| **1.2: Income** |



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| **Accounting Policy**  ***Sale of goods***  Revenue from the sale of goods is recognised when the risks and rewards of ownership have passed to the buyer and the costs incurred can be reliably measured. Risk and rewards of ownership are considered passed to the buyer at the time of delivery of the goods to the customer.  ***Rendering of services***  Revenue is recognised when OPC has the right to be compensated for services performed and the stage of completion can be reliably measured. It is recorded at the amount likely to be received for the provision of that service. |



|  |
| --- |
| **Accounting Policy**  ***Other Revenue***  Resources received free of charge are recognised as revenue when and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. |



|  |
| --- |
| **Accounting Policy**  ***Revenue from Government***  Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as revenue when OPC gains control of the appropriation. |

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| **2. FINANCIAL POSITION** |
|  |
| **2.1: Financial Assets** |



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| --- |
| **Accounting Policy**  ***Goods and services receivable***  Receivables for goods and services are recognised at the nominal amounts due less any impairment allowance account. Credit terms are 30 days. Collectability of debts is reviewed at balance date and an allowance is made when collectability of the debt is no longer probable.  ***Appropriations receivable***  Appropriations receivable are appropriations controlled by OPC but held in the Official Public Account under the Government's just-in-time draw down arrangements. Appropriations receivable are recognised at their nominal amounts. |

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| **2.2: Non-Financial Assets** |





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| --- |
| **2.2: Non-Financial Assets** |

**Accounting Policy**

**Acquisition of Assets**

Leasehold improvements, plant and equipment, and intangibles are recorded at cost on acquisition except as stated below.

**Asset Recognition Threshold**

Purchases of leasehold improvements, plant and equipment, and intangibles are recognised initially at cost in the Statement of Financial Position, except for purchases costing less than $2,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

**Derecognition**

All items of leasehold improvements, plant and equipment, and intangibles are derecognised upon disposal or when no further future economic benefits are expected from their use. No leasehold improvements, plant and equipment or intangibles are expected to be sold or disposed of within the next 12 months.

**Impairment**

All leasehold improvements, plant and equipment, and intangibles were assessed for impairment at 30 June 2016. Where indications of impairment exist, the asset’s recoverable amount is estimated and an impairment adjustment made if the asset’s recoverable amount is less than its carrying amount.

No indicators of impairment were identified for leasehold improvements, plant and equipment, and intangibles.

***Leasehold improvements, plant and equipment***

**Depreciation**

Depreciable leasehold improvements, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to OPC using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the following useful lives:

**2016** 2015

Leasehold improvements  **Lease term**  Lease term

Plant and equipment  **3 to 25 years** 3 to 25 years

***Intangibles***

Intangibles are carried at cost less accumulated amortisation and accumulated impairment losses.

**Amortisation**

Intangibles are amortised on a straight-line basis over their anticipated useful life.

The useful life of OPC’s intangibles are as follows:

**2016**  2015

Purchased software **4 to 5 years** 4 to 5 years

Internally generated software  **7 years** 7 years

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| **2.2: Non-Financial Assets** |



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| **2.3: Payables** |



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| **2.4: Other Provisions** |



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| **3. FUNDING** |
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| **3.1: Appropriations** |

1 Includes $567,808 for 2015-16 departmental appropriation that has been withheld and quarantined for administrative purposes. A determination was made on 17 June 2016.

² The variance is mainly due to the surplus for the year after adding back non-cost recovered depreciation, offset by prior year departmental appropriation used for new office fitout.

1This amount of $23,000 is departmental appropriation which has been quarantined. No formal determination has been made.

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| **3.2: Net Cash Appropriation Arrangements** |



1From 2010-11, the Government introduced net cash appropriation arrangements, where revenue appropriations for depreciation/amortisation expenses ceased. OPC now receives a separate capital budget provided through equity appropriations. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

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| **3.3: Cash Flow Reconciliation** |



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| **Accounting Policy**  ***Cash***  Cash is recognised at its nominal amounts and includes deposits on demand in bank accounts. |

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| **4. PEOPLE AND RELATIONSHIPS** |
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| **4.1: Employee Provisions** |



**Accounting Policy**

***Employee provisions***

Liabilities for ‘short-term employee benefits’ (as defined in AASB 119 *Employee Benefits*) and termination benefits expected within twelve months of the end of the reporting period are measured at their nominal amounts.

The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

Long-term employee benefits are measured at total net present value of the defined benefit obligation at the end of the reporting period.

***Leave***

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of OPC is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees’ remuneration at the estimated salary rates that will be applied at the time the leave is taken, including OPC's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to paragraph 24(a) of the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015 u*sing the shorthand method. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

***Separation and Redundancy***

Provision is made for separation and redundancy benefit payments. OPC recognises a provision for termination when it has developed a detailed formal plan for terminations and has informed those employees affected that it will carry out the terminations.

***Superannuation***

Staff of OPC are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), the PSS accumulation plan (PSSap) or a complying fund chosen by the employee.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap and other funds are defined contribution schemes.

The liability for defined benefits is recognised in the Financial Statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported by the Department of Finance as an administered item.

OPC makes employer contributions to the employee superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. OPC accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions for the final fortnight of the year.

**Accounting Judgements and Estimates**

The long service leave provision at balance date required management judgement including:

- future salary and wage increases, and

- past patterns of promotions and departures.

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| **4.2: Senior Management Personnel Remuneration** |

The total number of senior management personnel that are included in the above table are 17 full-time employees and 8 part-time employees (2015: 18 full-time employees and 5 part-time employees).

¹Allowances includes motor vehicle, SES experience loading and retention allowances.

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| **5. MANAGING UNCERTAINTIES** |
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| **5.1: Financial Instruments** |



**Accounting Policy**

***Financial assets***

Trade receivables and other receivables are classified as ‘loans and receivables’ and are recorded at face value less any impairment. Trade receivables are recognised when OPC becomes party to a contract and has a legal right to receive cash. Trade receivables are derecognised on payment.

Loans and receivables are assessed for impairment at the end of each reporting period. Allowances are made when collectability of the debt is no longer probable.

***Financial Liabilities***

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced). Supplier and other payables are derecognised on payment.

The net fair values of the financial assets and liabilities are at their carrying amounts. OPC derived no interest income from financial assets in either the current or prior year.

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| **5.1: Financial Instruments** |

**5.1B: Credit risk**

OPC is exposed to minimal credit risk as loans and receivables are cash and trade receivables. The maximum exposure to credit risk is the risk that arises from potential default of a debtor. This amount is equal to the total trade receivables in 2016: $510,262 (2015: $380,708). OPC has assessed the risk of the default on payment and has not recognised any impairment allowance for doubtful debts in 2016 (2015: $nil).

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**5.1C: Liquidity risk**

OPC has sufficient financial assets to meet all financial liabilities at 30 June 2016.

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| **5.2: Fair Value** |

1OPC's assets are held for operational purposes and not held for the purposes of deriving a profit. The highest and best use of all non-financial assets is the same as their current use.

2Level 2 measurements use inputs to estimate fair value where there are observable markets other than quoted prices in active markets for identical assets and level 3 measurements use inputs to estimate fair value where there are no observable market prices for the assets being valued.

3The future economic benefits of OPC's plant and equipment and leasehold improvements are not primarily dependent on their ability to generate cash flows. OPC has not disclosed quantitative information about the significant unobservable inputs for the level 3 measurements in these classes.

**Accounting Policy**

***Fair Value Measurement***

OPC deems transfers between levels of the fair value hierarchy to have occurred at the end of each reporting period.

***Revaluations***

All leasehold improvements, plant and equipment are measured at fair value in the Statement of Financial Position.

Each year, a review of the carrying amounts of assets is conducted and presented to OPC's Senior Management Team as an "officer's valuation". Where it is considered that the carrying amount of an asset at the date of reporting would materially differ from the fair value, an independent valuation is recommended. All leasehold improvements, plant and equipment is subject to a formal valuation at least once every three years.

An officer's valuation' was undertaken in 2015-16. An independent valuation was undertaken in 2014-15 by Australian Valuation Solutions.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognised through operating result. Revaluation decrements for a class of assets are recognised directly through operating result except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

A reconciliation of movements and impact of the valuation on leasehold improvements and plant and equipment has been included in Note 2.2.

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| **5.2: Fair Value** |



1These losses are presented in the Statement of Comprehensive Income under depreciation, write-down and impairment of assets.

2These gains/(losses) are presented in the Statement of Comprehensive Income under changes in asset revaluation surplus.

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| **6. OTHER INFORMATION** |
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| **6.1: Reporting of Outcomes** |



Outcome 1 is described in the Overview. Net costs shown include intra-government costs that are eliminated in calculating the actual Budget Outcome.

Appendix E—List of requirements

| PGPA Rule Reference | Part of Report | Description | Requirement | Location |
| --- | --- | --- | --- | --- |
| 17AD(g) | Letter of transmittal | | | |
| 17AI |  | A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the PGPA Act and any enabling legislation that specifies additional requirements in relation to the annual report. | Mandatory |  |
| 17AD(h) | Aids to access | | | |
| 17AJ(a) |  | Table of contents | Mandatory | Pages i-ii |
| 17AJ(b) |  | Alphabetical index | Mandatory | Index |
| 17AJ(c) |  | Glossary of abbreviations and acronyms | Mandatory | Glossary |
| 17AJ(d) |  | List of requirements | Mandatory | Appendix E |
| 17AJ(e) |  | Details of contact officer | Mandatory | Chapter 6 |
| 17AJ(f) |  | Entity’s website address | Mandatory | Chapter 6 |
| 17AJ(g) |  | Electronic address of report | Mandatory | Chapter 6 |
| 17AD(a) | Review by accountable authority | | | |
| 17AD(a) |  | A review by the accountable authority of the entity. | Mandatory | First Parliamentary Counsel’s Review |
| 17AD(b) | Overview of the entity | | | |
| 17AE(1)(a) (i) |  | A description of the role and functions of the entity. | Mandatory | Chapter 1 |
| 17AE(1)(a) (ii) |  | A description of the organisational structure of the entity. | Mandatory | Chapter 1 |
| 17AE(1)(a) (iii) |  | A description of the outcomes and programs administered by the entity. | Mandatory | Chapter 1 |
| 17AE(1)(a) (iv) |  | A description of the purposes of the entity as included in corporate plan. | Mandatory | Chapter 1 |
| 17AE(1)(b) |  | An outline of the structure of the portfolio of the entity. | Portfolio departments – Mandatory | N/A |
| 17AE(1)(a) (iv) |  | Where outcome and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change. | If applicable, Mandatory | N/A |
| 17AD(c) | Report on the Performance of the entity | | | |
|  | *Annual Performance Statements* | | | |
| 17AD(c)(i); 16F |  | Annual performance statement in accordance with paragraph 39(1)(b) of the PGPA Act and section 16F of the PGPA Rule. | Mandatory | Chapter 2 |
| *17AD(c)(ii)* | *Report on Financial Performance* | | | |
| 17AF(1)(a) |  | A discussion and analysis of the entity’s financial performance. | Mandatory | Chapter 2 |
| 17AF(1)(b) |  | A table summarising the total resources and total payments of the entity. | Mandatory | Appendix A |
| 17AF(2) |  | If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity’s future operation or financial results. | If applicable, Mandatory | Chapter 2 |
| 17AD(d) | Management and Accountability | | | |
|  | ***Corporate Governance*** | | | |
| 17AG(2)(a) |  | Information on compliance with section 10 (fraud systems). | Mandatory | Chapter 3 |
| 17AG(2)(b)(i) |  | A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared. | Mandatory | Chapter 3 |
| 17AG(2)(b)(ii) |  | A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place. | Mandatory | Chapter 3 |
| 17AG(2)(b)(iii) |  | A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity. | Mandatory | Chapter 3 |
| 17AG(2)(c) |  | An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance. | Mandatory | Chapter 3 |
| 17AG(2)(d) - (e) |  | A statement of significant issues reported to Minister under paragraph 19(1)(e) of the PGPA Act that relates to non-compliance with Finance law and action taken to remedy non-compliance | If applicable, Mandatory | N/A |
|  | *External Scrutiny* | | | |
| 17AG(3) |  | Information on the most significant developments in external scrutiny and the entity’s response to the scrutiny. | Mandatory | Chapter 3 |
| 17AG(3)(a) |  | Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity. | If applicable, Mandatory | N/A |
| 17AG(3)(b) |  | Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the PGPA Act), a Parliamentary Committee, or the Commonwealth Ombudsman. | If applicable, Mandatory | N/A |
| 17AG(3)(c) |  | Information on any capability reviews on the entity that were released during the period. | If applicable, Mandatory | N/A |
|  | *Management of Human Resources* | | | |
| 17AG(4)(a) |  | An assessment of the entity’s effectiveness in managing and developing employees to achieve entity objectives. | Mandatory | Chapter 4 |
| 17AG(4)(b) |  | Statistics on the entity’s APS employees on an ongoing and non-ongoing basis; including the following:   * statistics on staffing classification level; * statistics on full-time employees; * statistics on part-time employees; * statistics on gender; * statistics on staff location; * statistics on employees who identify as Indigenous. | Mandatory | Chapter 4 Appendix B |
| 17AG(4)(c) |  | Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the *Public Service Act 1999*. | Mandatory | Chapter 4 Appendix B |
| 17AG(4)(c)(i) |  | Information on the number of SES and non-SES employees covered by agreements etc. identified in paragraph 17AG(4)(c). | Mandatory | Chapter 4 Appendix B |
| 17AG(4)(c)(ii) |  | The salary ranges available for APS employees by classification level. | Mandatory | Appendix B |
| 17AG(4)(c)(iii) |  | A description of non-salary benefits provided to employees. | Mandatory | Chapter 4 |
| 17AG(4)(d)(i) |  | Information on the number of employees at each classification level who received performance pay. | If applicable, Mandatory | N/A |
| 17AG(4)(d)(ii) |  | Information on aggregate amounts of performance pay at each classification level. | If applicable, Mandatory | N/A |
| 17AG(4)(d)(iii) |  | Information on the average amount of performance payment, and range of such payments, at each classification level. | If applicable, Mandatory | N/A |
| 17AG(4)(d)(iv) |  | Information on aggregate amount of performance payments. | If applicable, Mandatory | N/A |
|  | *Assets Management* | | | |
| 17AG(5) |  | An assessment of effectiveness of assets management where asset management is a significant part of the entity’s activities. | If applicable, Mandatory | N/A |
|  | *Purchasing* | | | |
| 17AG(6) |  | An assessment of entity performance against the *Commonwealth Procurement Rules*. | Mandatory | Chapter 5 |
|  | *Consultants* | | | |
| 17AG(7)(a) |  | A summary statement detailing the number of new contracts engaging consultants entered into during the period; the total actual expenditure on all new consultancy contracts entered into during the period (inclusive of GST); the number of ongoing consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST). | Mandatory | Chapter 5 |
| 17AG(7)(b) |  | A statement that *“During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of $[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of $[specified million].”* | Mandatory | Chapter 5 |
| 17AG(7)(c) |  | A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged. | Mandatory | Chapter 5 |
| 17AG(7)(d) |  | A statement that *“Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website.”* | Mandatory | Chapter 5 |
|  | *Australian National Audit Office Access Clauses* | | | |
| 17AG(8) |  | If an entity entered into a contract with a value of more than $100,000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor’s premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract. | If applicable, Mandatory | N/A |
|  | *Exempt contracts* | | | |
| 17AG(9) |  | If an entity entered into a contract or there is a standing offer with a value greater than $10,000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters. | If applicable, Mandatory | N/A |
|  |  | | | |
|  | *Small Business* | | | |
| 17AG(10)  (a) |  | A statement that *“[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”* | Mandatory | Chapter 5 |
| 17AG(10)  (b) |  | An outline of the ways in which the procurement practices of the entity support small and medium enterprises. | Mandatory | Chapter 5 |
| 17AG(10)  (c) |  | If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that *“[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.”* | If applicable, Mandatory | N/A |
|  | *Financial Statements* | | | |
| 17AD(e) |  | Inclusion of the annual financial statements in accordance with subsection 43(4) of the PGPA Act. | Mandatory | Appendix D |
| 17AD(f) | Other Mandatory Information | | | |
| 17AH(1)(a)(i) |  | If the entity conducted advertising campaigns, a statement that *“During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”* | If applicable, Mandatory | N/A |
| 17AH(1)(a)(ii) |  | If the entity did not conduct advertising campaigns, a statement to that effect. | If applicable, Mandatory | Chapter 6 |
| 17AH(1)(b) |  | A statement that *“Information on grants awarded to [name of entity] during [reporting period] is available at [address of entity’s website].”* | If applicable, Mandatory | N/A |
| 17AH(1)(c) |  | Outline of mechanisms of disability reporting, including reference to website for further information. | Mandatory | Chapter 4 |
| 17AH(1)(d) |  | Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found. | Mandatory | Chapter 6 |
| 17AH(1)(d) |  | Correction of material errors in previous annual report | If applicable, mandatory | N/A |
| *17AH(2)* | *Information required by other legislation* | | | |
|  |  | Work health and safety (Schedule 2, Part 4 of the *Work Health and Safety Act 2011*) | Mandatory | Chapter 4 |
|  |  | Ecologically sustainable development and environmental performance (section 516A of the *Environment Protection and Biodiversity Conservation Act 1999*) | Mandatory | Chapter 6 and Appendix C |

Glossary

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| --- | --- |
| ***AASB*** | Australian Accounting Standards Board |
| ***ACT*** | Australian Capital Territory |
| ***AGD*** | Attorney-General’s Department |
| ***ANAO*** | Australian National Audit Office |
| ***APS*** | Australian Public Service (OPC staff below Executive Level are classified as APS 1 to 6) |
| ***APSC*** | Australian Public Service Commission |
| ***assistant drafter*** | a drafter other than a senior drafter |
| ***ExCo*** | Federal Executive Council |
| ***FOI Act*** | *Freedom of Information Act 1982* |
| ***FPC*** | First Parliamentary Counsel |
| ***IPS*** | Information Publication Scheme |
| ***IT*** | information technology |
| ***Legislation Act*** | *Legislation Act 2003* |
| ***Legislation Register*** | Federal Register of Legislation |
| ***LIA*** | *Legislative Instruments Act 2003* |
| ***OPC*** | Office of Parliamentary Counsel |
| ***PBC*** | Parliamentary Business Committee (a committee of the Cabinet) |
| ***PBS*** | Portfolio Budget Statement |
| ***PGPA Act*** | *Public Governance, Performance and Accountability Act 2013* |
| ***PGPA Rule*** | *Public Governance, Performance and Accountability Rule 2014* |
| ***RAP*** | Reconciliation Action Plan |
| ***senior drafter*** | First Parliamentary Counsel, a Second Parliamentary Counsel, or a drafter in the SES |
| ***SES*** | Senior Executive Service |
| ***SLIs*** | Select Legislative Instruments |
| ***SME*** | Small and Medium Enterprises |
| ***SMT*** | Senior Management Team |
| ***WCC*** | Workplace Consultative Committee |
| ***WHS Act*** | *Work Health and Safety Act 2011* |

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