



**THE HON NICOLA ROXON MP  
ATTORNEY-GENERAL  
MINISTER FOR EMERGENCY MANAGEMENT**

12/10405-04

Mr Peter Quiggin PSM  
First Parliamentary Counsel  
Office of Parliamentary Counsel  
Locked Bag 30  
KINGSTON ACT 2604

Dear Mr Quiggin

I am pleased to provide you with a Statement of my Expectations for the Office of Parliamentary Counsel (OPC) for 2012-13. As you are aware, a Statement of Expectation is intended to provide clarity about the Government's policies and objectives relevant to OPC, and particularly the Government's strategic priorities 2012-13.

OPC can assist the Government to achieve its key strategic priorities in 2012-13 through:

- facilitating the seamless transfer of the functions of the Office of Legislative Drafting and Publishing (OLDP) from the Attorney-General's Department to OPC
- continuing to progress work on practical measures to improve the clarity and accessibility of Commonwealth primary and subordinate legislation, and
- continuing to provide a drafting service that is of the highest quality and responsive to Government priorities (including ongoing workforce planning).

In support of these priorities, I continue to have high expectations that OPC will continue to operate in a way which promotes collaboration and demonstrates accountability and transparency. In particular, I encourage OPC to:

- continue to work cooperatively with the Attorney-General's Department and across Government
- be responsive to any requests for information from my Office and the Department and alert me to any significant events related to OPC's activities through clear, concise and timely advice
- keep me informed in a timely and comprehensive way about OPC's performance and about issues affecting its capacity to achieve its priorities and functions, and
- demonstrate best practice in corporate governance, financial management, privacy, and security and information management and comply with relevant legislative requirements.

### ***Incorporation of OLDP's functions into OPC***

On 1 October 2012, the role of OPC will be expanded to include the functions and staff of the Office of Legislative Drafting and Publishing. I understand that yourself and Mr John Leahy have worked positively and cooperatively to ensure a smooth transition of both staff and resources.

Prior to the transfer, OLDP and OPC were working together to harmonise processes around information sharing, the training of drafters, IT, legislative publishing, plain English drafting and encouraging simpler policy in legislation. I expect that this harmonisation process will continue, with a particular emphasis on consistency in the drafting of primary and subordinate legislation.

I expect OPC to continue to ensure that free on-line public access to up-to-date Commonwealth laws, and information relating to Commonwealth laws, is provided through ComLaw.

I also expect OPC to effectively and efficiently manage the Federal Register of Legislative Instruments, including by:

- working with my Department and agencies to prepare for and manage the sunseting of legislative instruments under the *Legislative Instruments Act 2003*
- facilitating the bulk repeal of spent and redundant instruments once the Legislative Instruments (Sunsetting and Other Measures) Bill 2012 passes through the Parliament, and
- updating the Legislative Instrument Handbook to ensure it is current and reflects the forthcoming changes to the sunseting regime.

### ***Review of OLDP fees***

As you are aware, Mr Stephen Skehill has reviewed the current OLDP fees and charges so that an appropriate transfer of funding may be made to ensure that OPC is properly resourced to undertake its new functions. In the interests of promoting the future transparency of OLDP fee-setting for clients, I expect your Annual Report to report on consistency with, or departure from, Government decisions consequent upon Mr Skehill's review.

### ***Clearer, up-to-date and accessible laws***

Laws that are clear and easy to understand are an essential part of an accessible justice system. Achieving greater clarity in legislation will require a strong and continuing commitment from Government, departments and drafters. I expect OPC to continue to promote the Clearer Laws initiatives in its day to day work, including:

- through the operation, evaluation and, if necessary, revision of the Complexity Flag Scheme

- continuing to expand the areas covered by Acts of general application and continuing to develop, implement and promote new and innovative approaches to legislative drafting and providing training to instructing officers accordingly, and
- through involvement, where appropriate, in the early stages of the policy process to assist agencies to consider the practical complexity of various policy options, advise on timeframes and resource implications and to advise on agency-wide or whole of Government approaches to drafting practice.

I believe that the Clearer Laws agenda is an important step towards addressing the volume and complexity of Commonwealth legislation and will lead to better policy development resulting in more well-developed drafting instructions in the future.

***High quality responsive drafting services and ongoing workforce planning to achieve this***

I appreciate the ongoing efforts of OPC to ensure that it produces high quality, timely legislative drafting that meets the Government's needs for clear and accessible legislation, including subordinate legislation, and is responsive to Government priorities. A particular emphasis should be placed on consistency in the drafting of primary and subordinate legislation.

The Government needs to ensure OPC has the experienced drafters needed for it to be able to implement the Government's legislative agenda. Since the specialist skills are the result of years of training and there is only a small pool of trained drafters, staff management, succession planning and managing resources are all important. I expect OPC to continue to carefully manage its workforce planning to ensure that it is able to meet the Government's legislative drafting needs into the future.

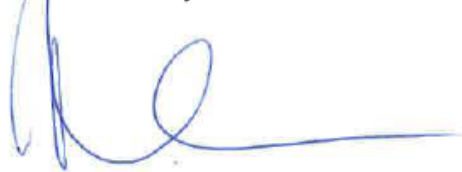
***Close liaison with the Attorney-General's Department***

As set out in last year's Letter of Expectation, I would expect my Department to set the standard for quality of instructions. I expect that OPC would continue its close liaison with my Department on the quality of its drafting instructions and the better coordination of its legislative program. I expect this work to be consolidated in 2012-13 and that the lessons learned could be imparted to other instructing agencies.

I look forward to receiving your Statement of Intent outlining how you intend to implement the Statement of Expectations. I ask that you provide me with a Statement of Intent by 26 October 2012.

The action officer for this matter in my Department is Karl Alderson who can be contacted on (02) 6141 4180.

Yours sincerely



NICOLA ROXON