



Australian Government
Office of Parliamentary Counsel

Annual Report

2020–21

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Australian Government
Office of Parliamentary Counsel

First Parliamentary Counsel

Senator the Hon Michaelia Cash
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

I have pleasure in submitting the Annual Report and Financial Statements of the Office of Parliamentary Counsel for the year 1 July 2020 to 30 June 2021.

The report has been prepared in accordance with section 46 of the *Public Governance, Performance and Accountability Act 2013*. Subsection 46(1) of the *Public Governance, Performance and Accountability Act 2013* requires the report to be given to you to present to the Parliament.

This year, OPC has continued to meet high levels of demand for drafting services. OPC is well positioned to meet the challenges of future years.

I would like to record my appreciation of the work and support of all OPC staff during the year.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M Leigh'.

Meredith Leigh
Acting First Parliamentary Counsel
21 September 2021

Acting First Parliamentary Counsel's Review



Retirement of Peter Quiggin PSM QC

In April 2021, First Parliamentary Counsel Peter Quiggin PSM QC retired after 17 years in the role.

Peter began his career as a drafter drafting in the areas of tax, immigration and native title. Peter has always been an innovator, being heavily involved in bringing computers into OPC during the 1980s. As the First Parliamentary Counsel, he championed new drafting techniques, such as commencement tables, and advocated the use of other tables in legislation.

One of Peter's many great strengths was to bring drafters and others together. Whether through his encouragement of drafters within OPC to collaborate and share their knowledge, through his tenure as the longest standing member of the Parliamentary Counsel's Committee, or through his long involvement in the Commonwealth Association of Legislative Counsel, Peter has always been an advocate of building a drafting community. His involvement in the Commonwealth Association of Legislative Counsel included 3 terms as President. In addition, he has been a member of the Board of Tax since his appointment in 2004.

Peter was also always a strong advocate of documenting knowledge. Not only did he release a number of important Drafting Directions during his leadership, he also made them publicly available, a practice which is not universally shared among drafting offices. I know from a discussion I had with the head of an overseas drafting office how important access to those drafting directions can be for others in the international drafting community.

Peter oversaw the most significant change to Commonwealth legislative drafting and the Office of Parliamentary Counsel since the establishment of the office in 1970. In 2012, the functions of the Office of Legislative Drafting and Publishing, formerly within the Attorney-General's Department, were transferred to OPC. Peter was a champion of the change, becoming an enthusiastic supporter of the online publication of legislation and the Federal Register of Legislation (the **Legislation Register**). Under his leadership, OPC began the exciting redevelopment of the Legislation Register to modernise its underlying platforms. While the new Register was not able to be released while he was First Parliamentary Counsel, it will nonetheless remain a key legacy of his leadership.

Peter was awarded a Public Service Medal in 2008, and was made a Queen's Counsel in 2020 for his services to legislative drafting and publishing.

Peter will be greatly missed, but his legacy will continue.

Bronwyn Livermore is currently acting Second Parliamentary Counsel. Bronwyn has been coordinating our Treasury program for a number of years. Our Treasury program is OPC's largest legislation program, and through this role Bronwyn has developed a deep knowledge of Treasury's laws, including tax and corporations law.

The continuing impact of COVID-19

COVID-19 continues to be the main focal point of our lives, and this focus continues to have a significant impact on drafting and publishing legislation. All of our staff, throughout the office, have risen to the challenges provided by COVID-19. Our drafters have consistently supported the Government, and in particular the Departments of Health and Ageing and the Treasury; our publications staff have responded with urgent registration of numerous instruments and a high workload of compilations; and our corporate services staff have continued to assist in strengthening our underlying infrastructure and governance across the office.

As I write this, we in the Australian Capital Territory are in a lockdown as a result of the Delta strain of COVID-19, and are further exploring how to digitise and modernise our processes to deal with these extraordinary circumstances.

The ACE program, OPC's mission, values and core capabilities, and Connect training

Despite the continuing impact of COVID-19 both on workload and working arrangements, a co-design group of staff, led by our Director of Human Resources Sue Pedder, made significant progress in developing a new performance program. While the program was not ready for launching for the 2020-2021 financial year, it will be launched during the 2021-2022 financial year.

The new performance program aims to modernise how we develop our staff, retaining our strong focus on technical skills while also ensuring that we invest in our people skills. The collaboration and innovation required during the COVID-19 pandemic has heightened the need for these strong people skills.

To support this new performance program, OPC developed a new mission statement, values and core capabilities. We hope over the upcoming year to begin to embed our mission, values and capabilities.

Finally, we recognised the need to continue to invest in our supervisors. We partnered with the NeuroLeadership Institute to provide Connect training to our supervisors on the neuroscience of quality conversations. We are looking forward in 2021-2022 to deepening our feedback culture through the related Improve training.

Recruitment of staff

OPC continues to recruit actively in all areas of the office, ensuring that our main functions and support functions are sufficiently resourced. All of the groups, the Drafting, Publications and Corporate Services, have higher proportions of new staff than previously, bringing enthusiasm, innovation and fresh ideas to complement the deep experience of our more longstanding staff members.

Departure of staff

The year saw the departure of some longstanding staff. Stephen Mattingley, Liza Quinn and Toni Walsh left OPC after significant careers as drafters, each leaving a legacy of important legislation on the statute book. Our Chief Financial Officer, Jennifer Dal Pozzo also left us after many years of ensuring strength and accountability in OPC's finances. Finally, Kevin Bates, Jeremy Farrell and Julie Channels left from our Publications group, having made significant contributions to the Federal Register of Legislation and other publications functions. Other staff of less than 5 years' service also left OPC during the year.

We thank all of our staff who departed during the year for all of their work for OPC and wish them all the best for their futures.

Bills

Over the year, 160 Bills, totalling 6,345 pages, were introduced. These figures are a reduction compared to the previous year. This was primarily due to the reduction in sitting weeks due to the COVID-19 virus, but coincided with a similar increase in the number of instruments being drafted. The volume of parliamentary amendments was substantially higher than in the previous year.

The COVID-19 crisis required the very urgent drafting of a range of Bills. These included:

- the *Coronavirus Economic Response Package (Jobkeeper Payments) Amendment Act 2020*;
- the *Economic Recovery Package (JobMaker Hiring Credit) Amendment Act 2020*;
- the *Social Services and Other Legislation Amendment (Coronavirus and Other Measures) Act 2020*;
- the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Act 2021*;
- the *Social Services and Other Legislation Amendment (Extension of Coronavirus Support) Act 2020*;
- the *COVID-19 Disaster Payment (Funding Arrangements) Act 2021*; and
- the *Family Assistance Legislation Amendment (Early Childhood Education and Care Coronavirus Response and Other Measures) Act 2021*.

In addition, the COVID-19 pandemic has highlighted the need for legislation to allow for greater flexibility in certain contexts to allow for digital solutions (such as to allow for automated decision making, remote execution of documents and virtual meetings). OPC continues to work with agencies to modernise our legislation to provide for this.

Other major legislation that was introduced included:

- the *Recycling and Waste Reduction Act 2020*;
- the *National Emergency Declaration Act 2020*;
- the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*;
- the National Commissioner for Defence and Veteran Suicide Prevention Bill 2020;
- the Mitochondrial Donation Law Reform (Maeve's Law) Bill 2021;
- the *Migration Amendment (Clarifying International Obligations for Removal) Act 2021*;
- the *Online Safety Act 2021*;
- the Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021; and
- the *Mutual Recognition Amendment Act 2021*.

Legislation administered by the Treasury continues to be an area of substantial demand. Other legislation that was worked on with Treasury included:

- the *Foreign Investment Reform (Protecting Australia's National Security) Act 2020*;
- the Financial Sector Reform (Hayne Royal Commission Response—Better Advice) Bill 2021;
- the *Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021*; and
- the *Treasury Laws Amendment (Your Future, Your Super) Act 2021*.

Instruments

During the year, 280 Federal Executive Council (**ExCo**) legislative and notifiable instruments drafted by OPC, totalling 3,492 pages, were made and registered on the Federal Register of Legislation (***the Legislation Register***).

OPC also drafted 203 other legislative and notifiable instruments, totalling 3,894 pages, for Government agency clients.

The COVID-19 crisis required the very urgent drafting of a range of instruments including:

- over 20 determinations under the *Biosecurity Act 2015*, including the *Biosecurity (Entry Requirements—Human Coronavirus with Pandemic Potential) Determination 2020*;
- 11 other legislative instruments under other legislation made for the Department of Health;
- the *Coronavirus Economic Response Package (Payments and Benefits) Amendment Rules (No. 9) 2020*;
- 12 instruments under the *Financial Framework (Supplementary Powers) Act 1997*, and 8 instruments under the *Industry Research and Development Act 1986*, containing COVID-related programs;
- 4 COVID-related amendments to the *Migration Regulations 1994*;
- several *Social Security (Coronavirus Economic Response—2020 Measures) Determinations*; and
- the *Coronavirus Economic Response Package (Modifications—National Health (Pharmaceutical Benefits Scheme)) Determination 2020*.

Other major instruments that did not relate to the COVID-19 pandemic that were made included:

- the *Civil Aviation Legislation Amendment (Flight Operations—Consequential Amendments and Transitional Provisions) Regulations 2021*;
- the *Income Tax Assessment (1997 Act) Regulations 2021*;
- the *Bankruptcy Regulations 2021*; and
- 14 sets of Rules and 3 sets of Regulations totalling 1,575 pages completed in time for the commencement of the new *Export Control Act 2020* on 28 March 2021.

Sunsetting instruments

OPC continued to play a key role in the management of the sunset of legislative instruments, working closely with sunset coordinators in all portfolios to encourage early action on instruments due to sunset. The fact that, on June 30 2021, the number of Acts and instruments that are not in force on the Legislation Register is almost double the number of Acts and instruments that are in force indicates the importance of continuing to repeal spent and redundant legislation.

Encouraging high drafting standards for legislative instruments

OPC continues to engage actively with rule-making agencies to encourage high standards of drafting and provide services to assist agencies drafting legislative or notifiable instruments. This work expands on OPC's activities under the program component relating to standardisation and quality control of legislation.

This year we continued the courses run by OPC for people involved in drafting Bills and legislative instruments, providing them mostly in a remote format. We hope to continue to provide courses in person as soon as possible.

Drafting support to the House of Representatives and the Senate

During the year we continued the arrangements to provide drafting support to each of the two Houses of Parliament.

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 for OPC to provide some assistance to the Senate.

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 predominantly working from OPC's offices.

Publications

The Publications group has continued to focus on data acquisition and cleansing to ensure quality is maintained and legislation is accessible on the Legislation Register, and that there is a high quality of data for inclusion in the new Legislation Register. This included:

- continuing significant work to move the format of compilations of Commonwealth legislation into a standard style;
- preparing versions of as made legislation from 1901 in multiple formats;
- back-capturing historical metadata on the Legislation Register to make it consistent with current standards and therefore easier to search and retrieve information about older legislation.

Significant progress was made during the year on the redevelopment of the Federal Register of Legislation. We anticipate that the new Register will be formally launched during 2021-2022.

The 2020-2021 financial year saw OPC complete a challenging project, first begun in 2015, to ensure that every Act as made since 1901 is on the Legislation Register in accessible format. We will continue working to complete some of the historical gaps on our Register, particularly in relation to our statutory rules, to ensure that our data is accurate and comprehensive.

With an increased focus on accessibility, our drafting and publications staff collaborated to begin to develop and release a policy to ensure OPC complies with Web Content Accessibility Guidelines in relation to alternative text for images in Commonwealth legislation. The policy applies to all new legislation registered on the Legislation Register, and is outlined in Drafting Direction 1.9, which is now available on OPC's website.

The Publications group will continue to focus on:

- preparing versions of as-made legislation from 1901 in multiple formats; and
- back-capturing historical metadata on the Legislation Register to make it consistent with current standards.

Corporate services support

In addition to the ongoing administrative work of OPC, significant activity during the year was devoted to:

- developing the Achieving Capability and Excellence performance program (the ACE program);
- significant ICT infrastructure and software modernisation;
- ensuring compliance with the Protective Security Framework; and
- reviewing and updating policies, procedures and processes.

Financial performance

Financially, OPC continues to be in a good position.

OPC's funding was increased by \$1.623 million in 2020-2021 for additional legislative drafting resources as part of two Department of the Treasury measures, the *Managing the Treasury Legislative Program* in Budget 2019-20 and *Implementing the Government's Response to the Financial Services Royal Commission - additional funding* in Additional Estimates 2019-20.

The surplus attributable to the Australian Government for OPC for 2020-2021 was \$1.361 million (which, after adding back non-cost recovered depreciation and the impact of AASB 16 Leases, resulted in a surplus of \$2.309 million). This compares to a surplus of \$1.157 million for 2019-2020 (and, after adding back non-cost recovered depreciation, a surplus of \$2.083 million).

Revenue from Government increased by \$0.490 million to \$17.788 million in 2020-2021, compared to \$17.298 million in 2019-2020. Own-source revenue increased by \$0.115 million to \$6.776 million in 2020-2021, compared to \$6.661 million in 2019-2020.

Total expenses increased by \$0.401 million to \$23.203 million in 2020-2021, compared to \$22.802 million in 2019-2020. Employee expenses increased by \$1.148 million to \$17.907 million in 2020-2021, compared to \$16.759 million in 2019-2020. Supplier expenses decreased by \$0.797 million to \$3.069 million in 2020-2021, compared to \$3.866 million in 2019-2020. Depreciation and amortisation expenses increased by \$0.051 million to \$2.153 million in 2020-2021, compared to \$2.102 million in 2019-2020.

At 30 June 2021, OPC had net assets (assets less liabilities) of \$19.821 million, compared to \$18.374 million at 30 June 2020.

At 30 June 2021, OPC had financial assets of \$22.647 million. This includes \$18.055 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 \$1.893 million.

The Entity Resource Statement and Expenses by Outcome are set out in Appendix A.

OPC is budgeting for a break-even position in 2021-2022.

AGLS Board and Board of Taxation

During the year, I was appointed as an inaugural member of the Board of the Australian Government Legal Service, which was launched in December 2020. The Board aims to support a whole-of-government, high quality, consistent and coordinated approach to the delivery of legal services and the management of legal risk across the Commonwealth.

Peter Quiggin also retained his involvement with the Board of Taxation until his departure in April 2021. Before his departure, the Government released the Board's report on the taxation of granny flat arrangements with which Peter had had a close involvement. I continue OPC's involvement as an ex officio member of the Board of Taxation.

Outlook for coming year

As the 2021-2022 year commences, there is still substantial uncertainty arising from COVID-19. This is likely to continue to impact our Drafting and Publications groups, with an increase in the already very high level of demand for OPC's drafting resources.

However, despite the challenges raised by the global pandemic, OPC is looking to the future with an aim to continue to improve on how we deliver our functions.

The formal release of the Achieving Capability and Excellence Program (the ACE program) will begin a renewed focus on performance in OPC.

The financial year, or soon after the end of the financial year, should see the release of the redeveloped Federal Register of Legislation, resulting in a significantly improved user experience.

It is also anticipated that there will be a review of the *Legislation Act 2003*.

Meredith Leigh

Acting First Parliamentary Counsel

Chapter 1: Overview of OPC

Role and functions of OPC

OPC is the Commonwealth's principal provider of professional legislative drafting and publication 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 website for the Legislation Register.

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

OPC is headed by the First Parliamentary Counsel (**FPC**) and two Second Parliamentary Counsel.

For 2020-2021, Peter Quiggin PSM QC, First Parliamentary Counsel, was the accountable authority, until April 2021 when he retired. Acting First Parliamentary Counsel, Meredith Leigh, has been the accountable authority since April 2021. Keith Byles is Second Parliamentary Counsel, and Bronwyn Livermore is acting Second Parliamentary Counsel.

OPC has 3 groups: Drafting, Publications and Corporate Services.

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.

FPC, the Second Parliamentary Counsel, and all SES drafters are senior drafters. They each head a drafting team and report to FPC. The other drafters are called assistant drafters and are supervised by the senior drafter who heads their team.

OPC's Publications group, headed by the General Manager Publishing, is responsible for:

- publishing policy, including preparation of sunseting and bulk repeal lists and managing the Legislation Register Helpdesk;
- preparing compilations, operating the Legislation Register, and publishing and making arrangements for the printing of Commonwealth legislation Gazettes;
- proofreading and editorial checking of all draft legislation drafted in OPC;
- registering legislative and notifiable instruments; and
- the operation of the current Legislation Register website, and the development of the new Legislation Register website.

OPC's Corporate Services group, headed by the General Manager Corporate Services, consists of:

- an Information Technology (*IT*) section that manages, maintains and supports OPC's IT environment;
- a human resources section that provides human resources support;
- a finance section responsible for looking after OPC's finances; and
- a business operations team responsible for providing administrative support, records management, and property and security services.

Outcome and program structure

OPC's outcome for 2020-2021 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."

For 2020-2021, OPC had one program and five program components contributing to meeting that 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.

Purposes

OPC's purposes are derived from our enabling legislation and our outcome under the appropriation Acts.

OPC's purposes 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
- 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

The Annual Performance Statement has been prepared in accordance with paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (**the PGPA Act**) for the 2020-21 financial year and accurately presents OPC's performance in accordance with subsection 39(2) of that Act.

OPC's purposes and results

Purpose 1—Legislative drafting

Enable the Government to carry out its legislative program by drafting Bills, legislative instruments to be made or approved by the Governor-General (Federal Executive Council (**ExCo**) instruments) and a range of other instruments

Results for Purpose 1

Performance criterion 1.1

Criterion: Proportion of client surveys that indicate Bills and ExCo instruments reflect sponsors' policy intentions and are legally effective

Source: Corporate Plan 2020-21; Portfolio Budget Statement (**PBS**) 2020-21, page 354

Target	Result
100%	100%

Performance criterion 1.2

Criterion: Average rating (rating scale 1-5) received on client survey forms for overall satisfaction with the drafting process and draft legislation

Source: Corporate Plan 2020-21; PBS 2020-21, page 354

Target	Result
≥ 4	4.9

Performance criterion 1.3

Criterion: Proportion of Bills and ExCo instruments that have drafting standards and conventions applied consistently

Source: Corporate Plan 2020-21; PBS 2020-21, page 354

Target	Result
100%	100%

Purpose 2—Publication

Ensure Commonwealth laws and instruments are freely available and accessible to everyone by publishing those laws and instruments on the Legislation Register website

Results for Purpose 2**Performance criterion 2.1**

Criterion: Proportion of legislative and notifiable instruments and gazette notices that are registered as required by lodging entities

Source: Corporate Plan 2020-21; PBS 2020-21, page 354

Target	Result
100%	100%

Performance criterion 2.2

Criterion: Proportion of other legislative and notifiable instruments and gazette notices that are registered no later than two business days after lodgement

Source: Corporate Plan 2020-21; PBS 2020-21, page 354

Target	Result
98%	100%

Performance criterion 2.3

Criterion: Proportion of Acts that are registered on the Legislation Register no later than two working days after receipt of notification of Royal Assent

Source: Corporate Plan 2020-21; PBS 2020-21, page 354

Target	Result
98%	100%

Performance criterion 2.4

Criterion: Proportion of Act and legislative and notifiable instrument compilations required to be prepared by OPC that are registered on the Legislation Register 28 days after commencement of the prospective amendments

Source: Corporate Plan 2020-21; PBS 2020-21, page 354

Target	Result
90%	68%

OPC's outcome

OPC's outcome for 2020-2021 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."

Analysis of performance against Purpose 1: Legislative Drafting

Bills—Relationship between performance measures and Purpose 1

The first purpose that OPC's outcome gives rise to is "enable the Government to carry out its legislative program by drafting Bills, ExCo instruments and a range of other instruments".

The following background provides information in order to better understand how the performance measures for performance criteria 1.1, 1.2 and 1.3 directly relate to this purpose.

How OPC achieves its first purpose for Bills

Performance criteria 1.1, 1.2 and 1.3 all relate to Bills and ExCo instruments. It is important to understand how OPC works with agencies in relation to Bills and ExCo instruments to understand the performance criteria.

OPC achieves the first purpose for Bills 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. The legislation is drafted in accordance with Government priorities and in a form suitable for consideration and enactment.

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. This involves dividing the legislation planned for a parliamentary sittings into four main 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).

New categories (for example, Category A-drafting only) have more recently been developed which provide for categories of Bills that are not intended to be introduced in a sittings. Statistics on these categories are not provided in relation to the 2020-21 financial year due to their recent introduction.

On the basis of the legislation program, drafters in OPC are instructed by departments or other agencies on the policy to be effected by each Bill.

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. They then draft the Bill in terms intended to give effect to the policy in as precise and clear a manner as possible.

When a Bill is completed, OPC arranges for the Bill to be printed in sufficient numbers for consideration by the Parliament.

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.

How OPC achieves its first purpose for ExCo instruments

The situation in relation to ExCo instruments is relatively similar.

OPC provides Government agencies with drafting services for instruments that are tied to OPC under the *Legal Services Directions 2017* on a budget-funded basis. OPC also provides instrument drafting services to Government agencies on a contestable, user-pays basis for legislation that is not tied to OPC.

OPC has a bidding and priority system for instruments which is very closely based on the system for Bills.

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.

In addition, the priorities used are 1, 2, 3 and 4 (rather than T, A, B and C).

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.

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 areas.

Drafting standards and quality assurance

At the heart of all three performance criteria for Bills and ExCo instruments is a focus on quality. Some of this quality relies on internal checking by drafters and editors.

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.

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.

OPC has a Drafting Manual that gives an overview of drafting matters and then refers the reader to particular Drafting Directions for greater detail.

The Drafting Directions are organised on a subject-matter basis. This arrangement makes the Drafting Directions easy to use.

The Drafting Manual and all current Drafting Directions are available from the OPC Drafting resources menu on OPC's website at www.opc.gov.au.

OPC drafters continue to work on achieving even greater consistency in the drafting of provisions and considering 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.

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.

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.

There are other ways in which OPC contributes to the quality of the statute book and the Bills and instruments on the Legislation Register.

Maintaining the statute book

OPC prepares 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. However, no Statute Update Bills were introduced in 2020-2021.

Editorial changes

Under Division 3 (Editorial changes and other changes) of Part 2 of Chapter 2 of the *Legislation Act 2003* (the **Legislation Act**), FPC 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.

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.

During 2020-2021, FPC exercised this power in 130 compilations. In some compilations more than one editorial change was made. A summary of the kinds of editorial changes made is as follows.

Item	Kind of editorial change	Number
1	Changes to capitalisation	1
2	Changes to grammar, syntax or the use of conjunctives or disjunctives	15
3	Changes to punctuation	40
4	Changes to spelling	1
5	Changes to typeface	6
6	Correct typographical errors	18
7	Give effect to the misdescribed amendments as intended	59
8	Removal of redundant text	15
9	Renumbering of provisions	18
10	Reordering of definitions	22
11	Reordering of provisions	1
12	Show the effect of an amendment of the instrument	4
13	Updates to cross-references	8
14	Updates to references of a law or a provision	2

A report with details of all editorial changes made in 2020-2021 can be found on the Legislation Register at www.legislation.gov.au/Content/EditorialChanges.

Instruments given unique names

Section 10 of the *Legislation Rule 2016* permits FPC to add a name to an unnamed instrument or document, or amend the name of an instrument or document that is not unique when it is lodged for registration.

This ensures that all registered instruments and documents on the Legislation Register are uniquely named and therefore easier to identify and find.

During 2020-2021, FPC exercised this power for 13 instruments.

A report with details of all instruments given a unique name can be found on the Legislation Register at www.legislation.gov.au/Content/UniqueNames.

Sunsetting and review of legislative instruments

Under the Legislation Act, legislative instruments sunset automatically after 10 years unless action is taken to preserve them.

The purpose of sunseting is to ensure that legislative instruments are kept up to date and only remain in force as long as they are required. Sunseting is also an important mechanism to pursue clearer laws and reduce red tape.

OPC continues to work closely with agencies to manage the sunset of legislative instruments. This included working with sunset coordinators in all portfolios to encourage early action on sunset through the preparation of sunset lists for tabling in Parliament.

Lists of instruments due to sunset in 6 and 12 months were also provided to agencies to assist with the management of sunset instruments.

In 2020-2021, 2 lists of instruments due to sunset in 18 months were prepared for the Attorney-General to table in Parliament in accordance with the Legislation Act.

OPC also assisted in the management of the sunset of legislative instruments by drafting instruments for the Attorney-General under the Legislation Act to allow for the deferral of sunset and to align the sunset of instruments to facilitate the thematic review of instruments.

Numerous legislative instruments were reviewed by agencies and redrafted by OPC before the instruments were due to sunset.

The rewritten instruments greatly improved the quality and readability of these instruments and generally decreased the number of pages on the statute book.

Encouraging high standards in the drafting of legislative and notifiable instruments

In addition to 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.

FPC causes these measures to be undertaken to fulfil FPC's obligation under section 16 of the Legislation Act to promote the legal effectiveness, clarity and intelligibility to anticipated users of legislative and notifiable instruments.

Since this obligation was 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 instrument 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;
- providing 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 achieve greater consistency in legislative and notifiable instruments;
- rationalising the number of legislative instruments that will need to be considered for sunseting through automatic repeal and bulk repeal instruments and working with agencies to manage sunseting; and
- developing and implementing further measures to efficiently manage the Commonwealth statute book through changes included in the *Acts and Instruments (Framework Reform) Act 2015* and the *Legislation Amendment (Sunsetting Review and Other Measures) Act 2018*.

In addition to continued work on the above measures in 2020-2021, FPC fulfilled FPC's 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, provide advice and training in drafting and related matters to agencies, and provide drafting precedents to guide agencies in drafting instruments in the future.

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.

In 2020-2021, OPC provided drafting services to settle or check legislative instruments drafted by a number of agencies, including:

- the Department of Health and Ageing; and
- the Department of Foreign Affairs.

OPC also sought to increase our services to agencies in the drafting of precedents to guide agencies in preparing instruments. This included making templates for legislative instruments available on the OPC website.

OPC has also continued to provide advice concerning the drafting of legislative instruments through making OPC Client Advisers available to a number of agencies.

OPC continued to present Drafting Simple Instruments Courses. The course covers the essential requirements for drafting simple instruments and is 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.

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.

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.

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

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.

In most years, OPC's turnover of drafting staff has been low. This very low turnover (about 3% per annum for a number of years) has enabled OPC to build up a strong group of experienced drafters.

OPC recruited 5 new drafters during 2020-2021, and 4 drafters left OPC. OPC was also lucky enough to secure the services of Mr Tom Reid, a former Second Parliamentary Counsel of OPC.

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.

Drafters working on instruments generally work in a team arrangement with two assistant drafters and one SES drafter. On any particular instrument, there will generally be two drafters working together, with one doing the principal drafting and the other checking or settling the work.

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.

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.

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

Finally, in order to achieve its first purpose, it is important for OPC's instructors to have the capability to instruct on legislation. OPC plays a role in supporting agencies in the instructing function by providing drafting courses to new instructors.

During the year, eleven Legislation Process Courses were run with a total of 192 participants.

A total of 284 Legislation Process Courses have been run, since they began in 1994.

This year, there were five Legislation Design Courses and four Simple Instruments training courses run, with a total of 93 participants.

OPC considers that running these courses is an important way for OPC to contribute to the improvement of instructing and instrument drafting standards.

Bills—Performance criteria 1.1 and 1.2

OPC has met the targets for the performance criteria for the first purpose in 2020-2021.

Bills—Methodology for performance criteria 1.1 and 1.2

For performance criteria 1.1 and 1.2 for Bills, instructing agencies are surveyed after Bills have been introduced into the Parliament. Surveys are sent in relation to each Bill package instead of each Bill. This is because where a Bill package includes more than one Bill, the instructors and the feedback on the Bills will be the same.

Bills—Results for performance criteria 1.1 and 1.2

In 2020-21, 154 surveys on Bills were sent and 46 responses were received (29.87%).

For performance criterion 1.1, clients are asked whether the Bills as introduced reflect their policy intentions. Survey responses for 2020-2021 indicated that 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.

For performance criterion 1.2, the target in the Corporate Plan and PBS for the average response to "overall satisfaction" was 4.0 out of 5 (where 5 is the highest rating). The result for 2020-2021 was 4.8 out of 5 (a slight decrease from the previous year's rating of 4.9).

Seventy-two people responded in the client survey to the question "*What did you like most about this experience with the Office?*". Comments reinforced the very high degree of satisfaction mentioned above with OPC's services, with 68 of 72 comments being overwhelmingly positive. Comments included:

- It was a very urgent legislative project and our working relationship with OPC drafters was excellent. They responded promptly every time we sent back instructions/comments on the Bills.

OPC were always responsive in every stage of the drafting process.

- [T]he drafting team were always timely and willing to discuss drafting approaches on some of the difficult policy matters dealt with in the Bills.
- The legislation updates an Act from the 1990s, and the amendments will go a long way to making it much easier to understand the Act as a whole.
- We greatly appreciate the professionalism, care and attention shown by your office during this project. [The drafters] produced and settled complex Bills in a short space of time and provided helpful and probing questions to improve the final product. We enjoyed working with your office and look forward to working with you again.
- The drafters provided exemplary assistance in addressing a range of complex matters during the course of the Bill's development.
- The team at OPC had to put up with a lot from us, at a very busy time. We are very appreciative of their resilience, professionalism, determination and understanding.
- I know I speak for the whole of [the Agency] when I say that each and every OPC drafting team demonstrated a deep understanding of the legal and policy issues involved.
- I truly believe that [the Agency] would not have been able to deliver the high quality product that we did without the strength of the relationships we formed with our drafters.
- We greatly appreciated the spirit of collaboration in which our drafting team engaged with us on the many obstacles that arose.

Four of 72 comments in answer to this question contained constructive feedback that will be taken into account in improving the quality of the drafting services OPC provides.

In response to a question about whether there is anything that the Office should do differently in dealing with drafting projects, 20 responses were received. While the vast majority of these were positive, a small number again provided useful information for OPC to consider in improving our performance.

Instruments—performance criteria 1.1 and 1.2

Methodology for performance criteria 1.1 and 1.2

For performance criteria 1.1 and 1.2 for ExCo instruments, instructing agencies are similarly surveyed after instruments drafted by OPC have been made. Surveys were sent to 318 agencies in relation to instruments, and 97 responses were received (30.50%).

Results for performance criteria 1.1 and 1.2

For performance criterion 1.1, survey results for 2020-2021 indicated that instruments reflected their instructors' policy intentions.

For performance criterion 1.2, the target in the Corporate Plan and PBS for the average response to "overall satisfaction" was 4.0 out of 5 (where 5 is the highest rating). The result for 2020-2021 was 4.9 out of 5. This was the same result as the previous year.

Ninety-two people responded to the question "*What did you like most about this experience with the Office?*". Comments reinforced this very high degree of satisfaction with services provided by OPC, with all 92 comments being positive. Responses to the question included:

- The assistance provided with this time critical amendment was excellent!
- OPC assisted with finding understandable and effective solutions to drafting issues.
- I think we made the work quite difficult for the drafter through not providing clear instructions and making changes to the regulations once they had been finalised - twice. Which I regret. But the drafter was fantastic throughout.
- This is a complex area and the drafter did a great job in improving the readability of the provisions.
- [The drafter] had analysed the issues very quickly (without any formal DIs) and came up with a drafting solution that we had not thought about but which met the Department's needs completely.
- [The drafter] was fantastic to deal with and was very professional and approachable. She was able to assist with our requirements and was able to produce the work within a very tight timeframe.
- [The drafters] were a pleasure to work with. Their professionalism was fantastic, and although we had moving goalposts, they managed changes with grace and patience, and we were beyond grateful for their expertise.
- The team contributed to in-depth discussions about complex issues in a fast-moving environment, identified and proposed solutions to solve policy problems.

In response to a question about whether there is anything that the Office should do differently in dealing with drafting projects, 42 responses were received. As was the case with Bills, a significant majority suggested that there was nothing that should be changed. However, a small number did provide valuable feedback that will be considered more broadly to improve OPC's drafting services.

Bills and instruments—Performance criterion 1.3

Methodology for performance criterion 1.3

For performance criterion 1.3, Drafting Directions made by First Parliamentary Counsel require drafting standards and conventions to be applied consistently unless FPC approval is obtained. Editors assess compliance with Drafting Directions for all Bills and legislative instruments drafted by OPC.

Results for performance criterion 1.3

The drafting standards and formatting conventions were applied consistently to Bills and ExCo instruments.

Editorial checking ensured that drafting standards and conventions and the normal rules of spelling and grammar were applied consistently to all Bills and ExCo instruments. No FPC approval was given in relation to not following drafting standards and conventions.

Factors influencing performance in relation to performance criteria 1.1, 1.2 and 1.3

The following discussion sets out the factors that contributed to OPC's performance in relation to performance criteria 1.1, 1.2 and 1.3.

Statistics for Bills introduced

The COVID-19 pandemic had a substantial impact on the number of Bills introduced and instruments made.

Over the year, 160 Bills drafted in OPC, totalling 6,345 pages, were introduced into the Parliament. This was significantly lower than the previous financial year (216 Bills totalling 7,931 pages). However, the decrease in page numbers was more than offset by a corresponding increase in the number of instruments made and registered.

The Bill statistics table below gives more detailed figures for those Bills, broken down by parliamentary sittings periods.

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.

Bill statistics				
Category	Bills on original PBC program		Bills introduced	
	Spring 2020	Spring 2019	Spring 2020	Spring 2019
T	40	87	60	101
A	75	82	22	40
B	41	41	3	4
C	1	1	0	0
Total	157	211	85	145
	Autumn 2021	Autumn 2020	Autumn 2021	Autumn 2020
T	24	30	15	29
A	76	72	17	4
B	46	38	1	0
C	1	5	0	1
Total	177	145	33	34
	Winter 2021	Winter 2020	Winter 2021	Winter 2020
T	33	41	25	29
A	58	74	14	6
B	32	39	3	2
C	1	6	0	0
Total	124	160	42	27

Parliamentary amendments

A further impact on OPC's performance in relation to performance criteria 1.1 to 1.3 is the impact of parliamentary amendments. Responses to client surveys for the performance measures in relation to Bills that were amended in Parliament include feedback on these parliamentary amendments as the amendments form part of the Bill drafting process.

For this reason, statistics are collected in relation to parliamentary amendments drafted during the financial year. 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.

The figures on parliamentary amendments are set out in the table below. The table also shows figures for reporting years since 2013-2014, 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 amendments statistics

Number of amendments drafted (% of total)

Year	Government policy change	Government new policy	Government correction of drafting errors	Non-government amendments	Total
2020-2021	856 (69.7)	25 (2)	11 (1)	336 (27.3)	1,228
2019-2020	282 (74.4)	19 (5.0)	2 (0.5)	76 (20.1)	379
2018-2019	1,147 (92.0)	83 (6.7)	12 (1.0)	4 (0.3)	1,246
2017-2018	1,457 (93.9)	17 (1.1)	27 (1.7)	51 (3.3)	1,552
2016-2017	480 (89.7)	8 (1.5)	18 (3.4)	29 (5.4)	535
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

The number of parliamentary amendments drafted by OPC in 2020-2021 was 1,228.

This is much higher than for the previous year (which was only 379). Significantly, the number of non-government amendments (that is, amendments drafted by OPC for parliamentarians who are not part of the Government) increased substantially in 2020-2021 to 336, up from 76.

Exposure drafts

OPC's performance measures in relation to Bills are also affected by an increasing its Government preference, and preference among many of our clients, for exposing draft legislation for public comment before its 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.

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.

There is also a continuing trend towards the release of exposure drafts in other areas.

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.

Usually, exposure of a draft Bill generates proposals for change, and OPC receives drafting instructions to revise the Bill before introduction.

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.

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.

There has continued to be more demand for instruments to be drafted and available alongside their enabling Bill. This assists Parliament to consider the package of changes as a whole. Instrument drafters work closely with Bill drafters, which can provide significant efficiencies for the broader project. In appropriate cases, the same drafting team will draft the Bill and the associated instruments.

Budget-funded instrument drafting services

During 2020-2021, 280 ExCo legislative and notifiable instruments drafted by OPC, totalling 3,492 pages, were made and registered on the Legislation Register. While the number of instruments made has increased (from 255 in 2019-20), the page numbers decreased (from 3,669 in 2019-20).

User-pays drafting services

During 2020-2021, approximately 203 other legislative and notifiable instruments, totalling 3,894 pages, were drafted by OPC on a user-pays basis for Government agency clients and registered on the Legislation Register. This was a drop in instrument numbers (down from 211 in 2019-20) but a significant increase in page numbers (up from 2,277 in 2019-20), likely reflecting the impact of the COVID-19 pandemic and the significant number of instruments required to respond to the pandemic.

Analysis of performance against Purpose 2: Publication

Relationship between performance measures and Purpose 2

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".

The following background provides information in order to better understand how the performance measures for performance criteria 2.1, 2.2, 2.3 and 2.4 directly relate to this purpose.

How OPC achieves its second purpose

The Publications group achieves the second purpose by:

- managing the Legislation Register;
- registering legislative instruments and lodging them for tabling in the Parliament;
- preparing compilations 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.

Staff have continued to be trained in all the areas of responsibility within the Publications group to allow resources to be better utilised and directed during peak periods. The new role of the

Publications Training Officer, introduced in the 2019-2020 financial year, continues to review our training processes for publications officers to ensure that they are streamlined and fit for purpose.

The Legislation Act and Legislation Register

OPC charges an annual fee for standard Legislation Register services based on each agency's proportion of usage of the Legislation Register. Fees for some agencies have declined over the last 5 years as they continue to 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.

OPC meets the demand for current versions of legislation by providing free online public access to the Legislation Register. Commercially printed copies of versions, if required, can be ordered online using the print-on-demand function on the Legislation Register.

Performance criteria 2.1, 2.2, 2.3 and 2.4

OPC has met all but one of the performance targets for this purpose in 2020-2021.

Methodology for performance criteria 2.1 to 2.4

Performance criteria 2.1 to 2.4 all require a particular publications task to be completed within a specified time period. Most data to calculate the relevant periods of time is automatically recorded by systems such as the date of lodgement for requests to register an instrument or compilation, initial requested date for registration and the registration date. The date of commencement for legislation is manually calculated and checked. Requests by clients to change the date of registration after lodgement but before registration is also recorded manually. All data is exported from systems to a central report for final calculation and manual checking.

Results for performance criteria 2.1 to 2.4

New legislative and notifiable instruments and gazette notices lodged for registration were registered promptly on the Legislation Register.

This year 100% of legislative and notifiable instruments and gazette notices were registered on a specific date as required by lodging entities, meeting the performance target of 100%.

One hundred percent of other legislative and notifiable instruments and gazette notices were registered no later than two business days after lodgement, exceeding the performance target of 98%.

New Acts were registered promptly on the Legislation Register.

One hundred percent of Acts were registered on the Legislation Register no later than two working days after receipt of notification of Royal Assent, exceeding the performance target of 98%.

Sixty eight percent of Act and legislative and notifiable instrument compilations required to be prepared by OPC were registered on the Legislation Register 28 days after commencement of the prospective amendments. This is significantly lower than the performance target of 90%.

Factors influencing performance in relation to performance criteria 2.1 to 2.4

OPC's performance in relation to performance criteria 2.1 to 2.4 is significantly affected by workloads.

Publishing statistics

The volume of work in 2020-2021, as reflected in the publishing statistics, increased slightly in most areas compared with the volume of work in 2019-2020.

Statistics—Publishing

Registration/Publication	Number of items		Number of pages	
	2020-2021	2019-2020	2020-2021	2019-2020
Legislative instruments	1,789	1,640	30,876	30,885
Notifiable instruments	240	138	1,004	720
Gazette notices	1,010	1,146	2,437	2,907
Numbered Acts	135	137	4,944	5,214
Act compilations	458	338	338,212	260,914
OPC prepared instrument compilations—budget-funded	333	284	91,329	52,981
OPC prepared instrument compilations—user-pays	446	403	61,987	61,543
Agency prepared instrument compilations	416	338	42,085	35,438

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

Statistics—Legislative (LIs) and Notifiable (NIs) instruments registered and repealed

Year	LIs registered	LIs repealed	NIs registered	NIs repealed
2020-2021	1,789	1,596	240	72
2019-2020	1,640	1,735	138	52

Statistics—Legislation Register website

Year	Total visits	Total unique visits	Total page views
2020-2021	16,451,849	8,022,806	39,435,641
2019-2020	16,555,495	8,337,626	39,799,853

Note: Total unique visits 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.

Data acquisition

While not specifically measured by the performance criteria, maintaining high quality data on the Legislation Register is essential to meeting OPC's second purpose. In addition, it is another factor that influences workloads.

The Publications group has continued to undertake data acquisition projects to make difficult-to-find historical legislative material more accessible.

These projects are complex and time-consuming and are worked on by staff alongside other core business functions.

Of note, the Publications group completed the capture of all commencement entries for historical Acts from 1901 to 2010. There were over 50,000 entries created and researched.

Performance criterion 2.4

The one performance criterion that was not met was performance criterion 2.4. There were several factors that contributed to the lower percentage achieved in the timeliness measure.

Firstly, there was an overall increase in the volume of compilations required to be prepared by OPC. During the financial year there was a 27.2% increase in the number of compilations prepared (791 compilations up from 622 compilations the previous financial year). There was also a 10.7% increase in the number of compilations prepared by OPC on a user-pays basis. Although these user-pays compilations are not included in the measure, an increase in demand for these services draws on the resources available for general compilation services.

In addition to this, there was a large influx of Acts at the end of the Spring 2020 sittings period creating a large peak of work. The number of Acts passed in the Spring sitting period was more than double compared to the same period in the previous year (46 compared with 22). Large influxes of work at one time are difficult to manage, particularly in December and January when there is an increase in staff leave as well as the OPC Christmas shutdown.

One strategy that has been used to manage the flow of work through publications has been cross-training staff. Staff are trained in more than one of Publication's main areas of work (editorial, registration, compilations and parliamentary co-ordination) so that staff resources can be moved to the area of demand. Generally, this works well when peaks in work shift from one area to another. However, an increase in demand for services in one area has a significant impact on the output for other services. The end of the Spring 2020 sittings coincided with the peak period for registration of instruments on the Legislation Register. Editorial and registration work always take priority over compilations work due to the fixed deadlines in these areas so if there is a shortage of resources, compilations work is assigned a lower priority.

All of these factors had an impact on compilation output and affected this measure.

In response, a number of actions have been taken to improve this output:

- a review of the compilation process and the implementation of a streamlined checking process. Compilations processes will continue to be reviewed to find further opportunities;
- an additional recruitment process to increase staff resources; and
- a change to the performance measure from 28 days to 20 working days to give a more useful and accurate measure of performance, particularly over the Christmas shutdown period.

Chapter 3: Management and accountability

Corporate governance

Accountability

FPC is accountable to PBC for the allocation of drafting resources according to the legislation program determined by PBC. 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

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**).

The SMT consists of:

- Acting FPC (Ms Meredith Leigh);
- Second Parliamentary Counsel (Mr Keith Byles);
- Acting Second Parliamentary Counsel (Ms Bronwyn Livermore);
- General Manager Publishing (Ms Aasha Swift);
- General Manager Corporate and Chief Information Office (Mr Steve Campbell); and
- two Band 2 SES officers who rotate through SMT.

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

- responding to the COVID-19 pandemic, including a working from home policy;
- the Legislation Register redevelopment project;
- accommodation and security;
- our ICT infrastructure and the intranet;
- corporate governance, including the Corporate Plan and Annual Report;
- risk management, fraud control and business continuity management;
- review and response to internal audit findings, recommendations and actions;
- strategic and business-level organisational planning;
- financial management;
- development of a mission, values and core capabilities through the Shaping OPC's Future project;
- APS Census results;

- recruitment policies and strategies;
- workforce planning;
- staffing matters, including performance management, and training and development;
- consultation and engagement;
- health and wellbeing initiatives; and
- review of workplace, health and safety matters.

This year OPC continued its trial of having two Band 2 SES officers at a time as members of SMT. Each SES officer is on SMT for approximately 5 months. The purpose of this is to get a broader range of views on SMT and to provide the SES with exposure to the full range of issues dealt with by SMT.

Workplace Consultative Committee

OPC places importance on the involvement of staff in the decision-making process. This is mostly achieved through the Workplace Consultative Committee (**WCC**).

The membership of the WCC consists of the members of the SMT and 5 employee representatives—one representing each of the two Drafter groups, one representing the Publications group, one representing the Corporate Services group, and one general employee representative. The Health and Safety representative also attends WCC meetings.

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

There are three members on OPC's Audit Committee. Details of the Committee members can be found in the table below.

Member's name	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	No. of meetings attended / total no. of meetings	Total annual remuneration
Jeff Lamond PSM (Chair - current)	Formal economics and accounting qualifications, graduate qualification in legal studies. CEO of small company (7 years). 34 years public service employment (13 years at SES and 6 1/2 as a Statutory Office Holder – APS Merit Protection Commissioner). Mr Lamond has managed his own consultancy since 2008 covering employment, values and ethics and personnel policy. He served for 10 years as Internal Ombudsman in two agencies addressing personnel, entitlements and management issues. Mr Lamond has substantial experience with audit-chaired committees and sat as an independent member on seven Audit and Risk Committees for a range of Australian Government Agencies.	5/5	\$8,500

Maria Storti (independent member - February 2021 to current)	Chartered Accountant, Fellow of the Australian Institute of Company Directors, Master of Business Administration and holds degrees in economics. Former Ernst & Young advisory partner, Ms Storti has worked with professional services firm PwC in the areas of audit, consultancy and risk. She has also held senior executive roles in various sectors, including government and education.	2/2	\$2,199.47
Nick Stanton (independent member - February 2021 to current)	Certified Practising Accountant, holds Commerce and Business Administration Degree. With 20 years' experience in Government accounting, Mr Stanton is currently the Chief Financial Officer of the Australian Bureau of Statistics and was the Deputy Chief Financial Officer at the previous Department of Jobs and Small Business.	2/2	\$nil
Scott Brown (previous independent member - July 2020 - December 2020)	Chartered Accountant with over 30 years' financial experience including at a number of private sector entities.	3/3	\$nil
Bronwyn Livermore (Previous internal member - July 2020 - December 2020)	Legal qualifications. 23 years' experience in the public service including 15 years as a drafter at OPC.	3/3	\$nil

OPC's Audit and Risk Committee Charter can be found under "Corporate information" located under the "About us" tab on OPC's website.

Other committees

During 2020-21, OPC continued embedding the Consultation and Engagement Framework and, with it, the committees established under the Framework:

- the Champions Network;
- the People Committee;
- the Business Operations Committee; and
- the Joint Publications and Drafting Working Group.

The Business Operations Committee has been essential in launching OPC's new intranet. The People Committee has overseen the development of an action plan coming out of OPC's results in the APS Census. The Joint Publications and Drafting Working Group has developed and released a policy for including alternative text in Bills and instruments.

Staff meetings

COVID-19 provided OPC with a great opportunity to review how we conduct our staff meetings. Previously, they were held in person every 6 weeks. However, during COVID-19, staff meetings were moved to a weekly online format. This has proved to be an improvement on the previous approach to staff meetings and will be retained.

Risk management and fraud control

During the year, the annual review and update of OPC's risk management framework was completed.

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 2020-2021 financial year, including reporting requirements. OPC has reviewed the Fraud Control Policy and Plan, including an assessment of risks. No additional fraud control initiatives were undertaken as a result of the review.

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.

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.

An integral element of OPC's risk management framework is business continuity management (**BCM**).

Over the last few years, OPC undertook a comprehensive review of the BCM framework and implemented a variety of actions to further strengthen this framework, including:

- updating the Business Continuity Action Plans; and
- undertaking exercises and testing of the new business continuity arrangements.

We continued our focus on the BCM framework, working on simplifying the material to support us better during an emergency.

Operational risks

The major areas of operational risk are:

- matters affecting the availability of drafting resources; and
- matters affecting the availability of OPC's IT system.

Drafting resources

To ensure the availability of drafting resources, OPC has adopted measures to address both short-term and long-term operational risks.

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. SMT monitors the leave plans of all drafting staff to ensure that there are no unacceptable shortages of drafting resources caused by planned leave.

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 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.

In previous years, OPC's turnover of drafting staff has been approximately 3% per annum. This very low turnover enabled OPC to build up a strong group of drafters. This financial year saw a larger number of drafters than usual leave, with 5 drafters leaving OPC, primarily due to retirement. However, this was offset by the recruitment of 4 additional drafters. In addition, we secured the services of Mr Tom Reid, a former Second Parliamentary Counsel in OPC.

Information technology systems

OPC is very dependent on 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.

Comprehensive risk management and contingency plans have been developed for OPC's IT systems. This has ensured very few interruptions to the availability of these systems. In addition, OPC is prepared for the possibility of major damage to our IT systems.

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.

OPC has reviewed the risk management and contingency plans as part of the work on BCM for the whole of OPC.

OPC continues to provide secure remote access to OPC's IT systems for all staff. 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

OPC has taken steps to ensure that staff are aware of their rights and obligations under the *Public Service Act 1999*.

Formal procedures have been established for determining breaches of the APS Code of Conduct, and for dealing with public interest disclosures.

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.

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.

OPC sets very high ethical standards. OPC's policy on the acceptance of gifts and hospitality applies equally to members of the SMT and to other staff.

Executive remuneration

During the year, remuneration for all SES staff was determined under the OPC SES Enterprise Agreement 2016-2019 as modified by determinations made under subsection 24(1) of the *Public Service Act 1999*. A determination was made in the previous financial year fixing SES remuneration at the amount that was payable to each SES employee on 25 March 2020. This continued throughout this financial year.

Disclosure of executive remuneration financial information for 2020-2021 in accordance with the *Public Governance, Performance and Accountability Rule 2014 (PGPA Rule)* is set out in Appendix E.

External scrutiny

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.

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

Workplace Health and Safety

Workplace Health and Safety (**WHS**) has been a major area of focus this year. We developed and implemented a safety improvement plan. We have also maintained an active wellbeing program, achieving platinum plus status with the Healthier Work Plan.

Risk Management

Our COVIDSafe plan, and our risk assessment have been regularly reviewed and updated with changing circumstances.

We completed a workplace hazard inspection, and have ensured implementation of remediation actions, all of which were minor.

Training and awareness

We have ensured that staff have undertaken training in their responsibilities as workers, supervisors and officers. We have maintained an ongoing education and awareness program, including highlighting incident management and reporting.

Consultation

We have supported an active Health and Safety representative, and ensured that all staff are consulted on WHS matters through our Workplace Consultative Committee, which includes the role of the Health and Safety Committee.

Flexible Working

Building on our success during 2019-20 in moving rapidly to a large proportion of staff working from home, we have embedded remote working as an option in our Flexible Working policy. Analysis undertaken in May 2021 showed that of the total available working hours, about 10% of hours are worked from home, and about one-third of OPC staff regularly work from home. This analysis demonstrated that working remotely is being taken up by a significant proportion of staff, who are using it to benefit both OPC and their own circumstances.

People Committee

The OPC People Committee is an active part of our consultation and engagement framework, and supports OPC leadership with input on a range of staffing matters. Highlights of the People Committee's work during 2020-21 include:

- providing input to OPC leadership on ways in which OPC can demonstrate the value it places on staff, and identifying an area of emerging concern regarding workloads for some staff;
- providing input to the November 2020 workplace hazard inspection;
- providing input to the 2021 Health and Well-being plan;
- developing a proposed Action Plan to respond to the results of the 2020 Employee Census; and
- developing an approach to recognition of staff for long service.

2020 Employee Census results

The 2020 Employee Census occurred in October 2020, with results made available in February 2021. Analysis of OPCs results shows that 88% of results were improved (49%) or maintained (39%).

Overall, these results are very pleasing. The positive change in the results about internal communication and consultation from 2019 to 2020 demonstrate that where OPC puts intention and effort, change can and will occur.

An Action Plan to respond to the results, based on the proposal put by the People Committee, described actions linked to the four focus areas developed following the 2019 Employee Census. These actions included areas to celebrate, maintain, monitor and take action.

The focus areas are outlined below.

Item	Focus area	Action plan
1	Valuing our people	We promote a culture of respect and understanding, where we value our staff and their contributions to achieving our objectives.
2	Building our capability	We attract and retain a great workforce that builds our capability through effective performance feedback.
3	Inspiring innovation and creativity	We promote and inspire opportunities for innovation and creativity.
4	Diversity and inclusion	We acknowledge and encourage diversity in and outside our workforce.

Performance management

We are co-designing a new performance management system with a reference group drawn from across the agency. As part of that work, during 2020-21 OPC developed a core capability framework in consultation with all staff. This framework outlines core capabilities in the areas of personal behaviours, relationships, results, and people management. A fifth area, technical expertise, will be further developed during 2021-22.

To support the new performance management, all supervisors participated in the highly regarded NeuroLeadership Institute “CONNECT” training in April 2021, designed to address the barriers to effective performance conversations from a brain-friendly perspective, and develop positive habits that enhance OPC’s feedback culture. This training is being supported by an ongoing sustainment plan to ensure that these conversation habits are embedded.

Management and development of human resources

Training and development

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

OPC's Staff Development Plan establishes the following institutional arrangements for OPC's staff development activities:

- a senior drafter is designated as the Director of Drafter Training;
- the Director of Drafter Training and the General Managers 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 Managers for other staff;
- staff development decisions are made by reference to the development needs of staff, as identified in the Individual Development Plans that are settled as part of the Performance Management Programs;
- the Director of Drafter Training and the General Managers have the function of reviewing the Staff Development Plan to ensure it is up to date and properly focused on OPC's needs; and
- the Director of Drafter Training also ensures that drafters receive a program of internally provided training on a regular basis.

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 to 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

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).

During the year, the program of presentations by drafters within OPC dealt with:

- implied freedom of political communication;
- constitutional aspects of taxation;
- application of legislation to corporations, trusts and partnerships;
- automated decision-making; and
- drafting values.

In addition, an external presenter, academic Bruce Whittaker, gave a presentation to drafters on personal properties securities law. Bruce is one of Australia's leading experts on this area of law. The presentation also drew on contributions from the Attorney-General's Department, including the Australian Financial Security Authority.

The discussion group focusing on the development needs of newer drafters continued to be run approximately each month.

Senior drafters also had the benefit of the training offered to all managers and supervisors within OPC by the NeuroLeadership Institute, in skills and techniques for transforming feedback conversations.

Conferences and seminars

OPC drafters participated in a range of external conferences and seminars organised by the Australian Government Solicitor, leading academic institutions and law firms.

The Australian Government Legal Service (**AGLS**) was formally established this year. Meredith Leigh is an inaugural Board member for the AGLS, and one of the two Board members sponsoring the AGLS Professional Development Committee. OPC has assisted in the work of the AGLS Professional Development Committee by presenting at the Foundational Government Lawyer Training Program.

Staff undertaking higher studies under Studies Assistance Scheme

During the year, five OPC staff members accessed OPC's Studies Assistance Scheme to pursue higher studies relevant to their current work and career development.

IT training

OPC's legislative drafting capability relies heavily on our staff's IT proficiency to undertake research and to prepare Bills and legislative instruments.

During the year, OPC provided training in IT, either in person or online. Most of that training was provided in-house, enabling it to be both cost-effective and responsive to the particular needs of staff.

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.

OPC's professional IT staff also undertook external training during the year to ensure that their skills were maintained.

Productivity gains

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 goods and services.

Staffing statistics

The staffing statistics for OPC at 30 June 2020 are in Appendix B.

All staff employed by OPC (except one) are located in the ACT. One staff member works remotely from New South Wales.

Coverage of workplace agreements

All non-SES employees are covered by an Enterprise Agreement which commenced on 12 May 2016, and a Determination made under subsection 24(1) of the *Public Service Act 1999* which commenced on 12 May 2019 for a period of three years. This was affected by a determination by the Prime Minister under that Act which delayed any pay rises by 6 months.

SES employees are covered by an Enterprise Agreement which commenced on 18 October 2016 for a period of three years and a Determination made under subsection 24(1) of the *Public Service Act 1999* which commenced on 18 October 2019. However, in accordance with Government policy, another determination was made fixing SES remuneration at the amount that was payable to each SES employee on 25 March 2020.

Salary ranges

The full range of salaries available under OPC's Enterprise Agreements and Determinations as at 30 June 2020 is set out in Appendix B.

Non-salary benefits for APS employees

SES staff are provided with a fully maintained, private-plated vehicle, or a cash benefit in lieu of a vehicle, and are provided with free on-site parking.

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.

To support the work of OPC, staff 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.

Other non-salary benefits available to staff were:

- employer-sponsored superannuation;
- the cost of prescription spectacles or other eyewear up to the value of \$568 every 2 years or each time a new prescription is issued if that happens sooner; and
- dependent care costs arising from working arrangements that are required in specific circumstances.

Performance pay

There is no provision for performance pay for APS employees in OPC's Performance Management Programs.

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".

Individual Flexibility Arrangements

OPC has used Individual Flexibility Arrangements since at least 2014 to provide benefits to both the Office and individual employees. None of the Individual Flexibility Arrangements provided by OPC are dependent on performance. During 2020-21, 6 SES and 10 non-SES received supplementary experience loadings under Individual Flexibility Arrangements.

Staff changes and recruitment

During 2020-2021 the following staff were recruited/promoted:

- three Senior Assistant Parliamentary Counsel SES Band 1;
- five Assistant Parliamentary Counsel Grade 1;
- two Assistant Parliamentary Counsel Grade 3;
- two Assistant Parliamentary Counsel Grade 2;
- five Assistant Publishing Officers;
- one Publishing Officer;
- one Director, Technology;
- one Assistant Director, Technology;
- one Chief Financial Officer;
- two Senior Human Resource Advisors;
- one Finance/Human Resource Officer; and
- one Executive Officer.

Workforce planning

OPC's workforce planning document is an integral part of our broader planning processes and ensures that OPC has a workforce capable of delivering on the objectives of OPC now and into the future.

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 access to flexible working hours if they do not have access to flex-time.

Effect of workplace agreements on staff retention

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 within operational requirements).

Workplace diversity

OPC's Workplace Diversity Program

The objectives of OPC's Workplace Diversity Program are to:

- raise awareness of workplace diversity and of the value of a diverse workforce;
- ensure that workplace structures, conditions, systems and procedures foster diversity and allow employees to manage work and personal life;
- ensure equity in employment is promoted and upheld;
- continue to provide opportunities for employees to participate and contribute to the work of OPC; and
- prevent and eliminate bullying, harassment and unlawful discrimination in the workplace.

These are areas that OPC is continuing to address and will look to improve upon in the coming year.

OPC's Reconciliation Action Plan

OPC is committed to the process of reconciliation between Indigenous and other Australians and recognises the importance of reconciliation to Australia's future.

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.

During the year, the activities undertaken as part of the RAP included:

- secondments to the Jawun program were offered to all staff;
- celebration of Reconciliation Week;
- promotion of the online National Acknowledgement of Country;
- purchase of OPC 50th anniversary reconciliation artwork;
- promotion of harmony day; and
- promotion of NAIDOC Week.

Breastfeeding Friendly Workplace accreditation

OPC has made an ongoing commitment to provide a supportive environment for breastfeeding women.

OPC maintains accreditation as a "Breastfeeding Friendly Workplace" from the Australian Breastfeeding Association 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.

During the year, OPC's accreditation as a "Breastfeeding Friendly Workplace" from the Australian Breastfeeding Association was renewed.

Disability reporting

Disability reporting is included the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available on their website at www.apsc.gov.au.

Work health and safety

Policy

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. To achieve this, 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 ensure 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.

During the year, Comcare reviewed OPC's policies and procedures for incident management and provided advice and recommendations for improvements. Many of the recommendations have been implemented, with work continuing on the updating of some documents.

Health and Safety committee

The WHS Act requires the establishment of a Health and Safety Committee at the request of either a Health and Safety Representative or five 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.

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 WCC meetings.

Initiatives taken during the year

A physiotherapist or occupational therapist visited OPC throughout the year to conduct workstation assessments, particularly for new members of staff and staff returning from extended leave.

During the year, OPC paid for influenza vaccinations for interested staff.

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 \$568 required as a result of the eye tests.

During the year, OPC also provided reimbursement to staff of up to \$200 to have an annual health and fitness assessment.

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.

OPC maintains an appropriate collection of publications in our library that relate to health and safety.

Health and wellbeing program

This year OPC received "Platinum Plus Status" recognition from the ACT Government service *Healthier Work* for our continuing commitment to creating a healthier workplace by developing our fifth 12-month Healthier Work Plan, following on from the success of our earlier Healthier Work Plans.

During the year, OPC implemented the activities from the 2020-2021 Plan which promoted and supported the areas of physical activity, healthy eating and social and emotional wellbeing.

Health and safety outcomes

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

- comprehensive workstation assessments by qualified health professionals ensured good outcomes for staff returning to work from injuries;
- staff awareness of the importance of health, wellbeing and safety in the workplace was raised, particularly through the Healthier Work Plan initiatives; and
- staff survey results showed a high level of satisfaction with health and wellbeing in the workplace.

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

Notifiable incidents

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

Investigations

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

Chapter 5: Purchasing and consultants

Purchasing

Generally, during 2020-2021, OPC's purchasing was 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.

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.

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.

OPC's Annual Procurement Plan is reviewed annually and published on the AusTender website at www.tenders.gov.au.

Procurement initiatives to support small business

OPC supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (**SMEs**) and Small Enterprise participation statistics are available on the Department of Finance's website at www.finance.gov.au/government/procurement/statistics-australian-government-procurement-contacts.

OPC's procurement practices support SMEs by using the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000. OPC also supports SMEs through the use of electronic systems and processes (including payment cards) to facilitate on-time payment performance.

Reportable consultancy contracts

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 processes.

Prior to engaging reportable 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.

Expenditure on Reportable Consultancy Contracts Current Report Period (2020-21)	Number	Expenditure \$ (GST inc)
New contracts entered into during the reporting period	7	\$82,597
Ongoing contracts entered into during a previous reporting period	-	-
Total	7	\$82,597

Organisations Receiving a Share of Reportable Consultancy Contract Expenditure Current Report Period (2020-21)	Expenditure \$ (GST inc)
Callida Consulting (ABN 40 154 007 664)	\$38,500
CPM Reviews (ABN 93 151 808 374)	\$14,565
Australian Government Solicitor (ABN 92 661 124 436)	\$13,237
Jeff Lamond & Associates (ABN 47 603 191 306)	\$8,925
Equifax Australia (ABN 26 000 602 862)	\$3,025

During 2020-21, seven new reportable consultancy contracts were entered into involving total actual expenditure of \$82,597.

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.

Decisions to engage consultants during 2020-21 were made in accordance with the PGPA Act and related regulations including the Commonwealth Procurement Rules and relevant internal policies.

OPC selects consultants through the use of panel arrangements or by making an open approach to market.

OPC engages consultants when it requires specialist expertise on policy design, financial viability, and information technology strategic planning. Independent evaluations on OPC's outcomes are also required.

Reportable non-consultancy contracts

Expenditure on Reportable Non-Consultancy Contracts Current Report Period (2020-21)	Number	Expenditure \$ (GST inc)
New contracts entered into during the reporting period	6	\$537,933
Ongoing contracts entered into during a previous reporting period	3	\$734,295
Total	9	\$1,272,228

Organisations Receiving a Share of Reportable Non-Consultancy Contract Expenditure Current Report Period (2020-21)	Expenditure \$ (GST inc)
Arq Group Enterprises Pty Ltd (ABN 78 626 006 111)	\$658,816
Peoplebank Australia Ltd (ABN 42 003 995 748)	\$266,112
Hi-Tech Group Australia Ltd (ABN 41 062 067 878)	\$194,772
NeuroLeadership Institute Australia Pty Ltd (ABN 48 133 479 508)	\$44,775
Kirribilli Partners Pty Ltd (ABN 53 619 833 091)	\$42,295

Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.

Chapter 6: Miscellaneous

Freedom of information

Entities 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.

The information set out below is required to be given by section 311A of the *Commonwealth Electoral Act 1918*.

During 2020-2021, vacant positions in OPC were advertised on recruitment sites through the Government's master advertising agency, Universal McCann. Other than using LinkedIn Australia for recruitment, no money was paid by, or on behalf of, OPC to any other advertising agency, market research organisation, polling organisation, direct mail organisation or media advertising organisation.

Ecologically sustainable development and environmental performance

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

Additional information

The contact officer for additional information about OPC is the General Manager, Mr Stephen Campbell, who can be contacted by telephone on (02) 6120 1409 and by email at admin@opc.gov.au.

OPC's website address is www.opc.gov.au. The Annual Reports can be found under "Corporate information" located under the "About us" tab on OPC's website.

Appendix A: Entity resource statement and Expenses by outcome

Entity resource statement

	Actual available appropriation for 2020-21 \$'000	Payments made 2020-21 \$'000	Balance remaining 2020-21 \$'000
ORDINARY ANNUAL SERVICES			
Departmental appropriation			
Prior year appropriations	19,407	19,407	-
Departmental appropriation ¹	18,187	-	18,187
s 74 retained revenue receipts	8,032	5,695	2,337
Total ordinary annual services	45,626	25,102	20,524
Total net resourcing and payments for entity	45,626	25,102	20,524

¹ Includes an amount of \$0.399 million for the Departmental Capital Budget. For accounting purposes, this amount has been designated as "contributions by owners".

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 2020-21 \$'000	Actual expenses 2020-21 \$'000	Variance 2020-21 \$'000
	(a)	(b)	(a) - (b)
Program 1.1: Legislative drafting and publication			
DEPARTMENTAL EXPENSES			
Ordinary annual services (Appropriation Bill No. 1, Appropriation Bill No. 3, and Supply Act No. 1)	17,788	15,562	2,226
Retained revenue receipts (section 74)	6,198	6,707	(509)
Expenses not requiring appropriation in the budget year	962	1,013	(51)
Total for Program 1.1	24,948	23,282	1,666
Total expenses for Outcome 1	24,948	23,282	1,666
		Actual 2019-20	Actual 2020-21
Average staffing level (number)		98	103

Appendix B: Staffing statistics and salary ranges

Non-ongoing employees and Indigenous employees as at 30 June 2021

As at 30 June 2021, OPC had two non-ongoing employees and no employees who identified as Indigenous.

As at 30 June 2020, OPC had two non-ongoing employees and no employees who identified as Indigenous.

Full-time and part-time employees as at 30 June 2021

Category	Total staff		Full-time		Part-time	
	2020	2021	2020	2021	2020	2021
Statutory Office Holders	3	3	3	3	0	0
SES Band 2	6	4	4	4	2	0
SES Band 1	20	20	15	13	5	7
Assistant Parliamentary Counsel Grade 3	14	12	5	6	9	6
Assistant Parliamentary Counsel Grade 2	11 ¹	9	9	7	2	2
Assistant Parliamentary Counsel Grade 1	1	5	1	5	0	0
Executive Level 2	8	11	8	11	0	0
Executive Level 1	8	6	8	6	0	0
OPC Broadband B (APS 4 - 6)	37	41	28	31	9	10
OPC Broadband A (APS 1 - 3)	0	0	0	0	0	0
Totals	108	111	81	86	27	25

Full-time and part-time employees as at 30 June 2021

Category	Total staff		Full-time		Part-time	
	2020	2021	2020	2021	2020	2021
Statutory Office Holders	3	3	3	3	0	0
SES Band 2	6	4	4	4	2	0
SES Band 1	20	20	15	13	5	7
Assistant Parliamentary Counsel Grade 3	14	12	5	6	9	6
Assistant Parliamentary Counsel Grade 2	11 ¹	9	9	7	2	2
Assistant Parliamentary Counsel Grade 1	1	5	1	5	0	0
Executive Level 2	8	11	8	11	0	0
Executive Level 1	8	6	8	6	0	0
OPC Broadband B (APS 4 - 6)	37	41	28	31	9	10
OPC Broadband A (APS 1 - 3)	0	0	0	0	0	0
Totals	108	111	81	86	27	25

Notes

1. Includes one employee on maternity leave and one employee on leave without pay.

Male and female employees as at 30 June 2021

Category	Total staff		Male		Female	
	2020	2021	2020	2021	2020	2021
Statutory Office Holders	3	3	2	1	1	2
SES Band 2	6	4	2	1	4	3
SES Band 1	20	20	7	8	13	12
Assistant Parliamentary Counsel Grade 3	14	12	9	8	5	4
Assistant Parliamentary Counsel Grade 2	11 ¹	9	3	2	8	7
Assistant Parliamentary Counsel Grade 1	1	5	1	1	0	4
Executive Level 2	8	11	6	7	2	4
Executive Level 1	8	6	5	4	3	2
OPC Broadband B (APS 4 - 6)	37	41	7	9	30	32
OPC Broadband A (APS 1 - 3)	0	0	0	0	0	0
Totals	108	111	42	41	66	70

Notes

1. Includes one employee on maternity leave and one employee on leave without pay.

Salary ranges as at 30 June 2021

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)	159,367	263,366
Salary ranges—Non-SES drafting positions		
Assistant Parliamentary Counsel Grade 3	124,818	150,269
Assistant Parliamentary Counsel Grade 2	108,510	131,759
Assistant Parliamentary Counsel Grade 1	66,907	124,818
Salary ranges—Non-SES non-drafting positions		
Executive Level 2	124,818	150,269
Executive Level 1	108,510	131,759
OPC Broadband B:		
APS 6	85,388	98,086
APS 5	79,056	83,833
APS 4	70,879	76,960
OPC Broadband A:		
APS 3	63,596	68,641
APS 2	55,833	61,918
APS 1	49,339	54,527

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

OPC's activities are fully described in Chapter 1 of this report.

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*.

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 Acts outcome contributing to ecologically sustainable development

OPC has only one outcome under the Appropriation Acts: "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

OPC's operations have direct and indirect effects on the environment, particularly through the use of energy, transport, office equipment and materials used 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 2019-20.

	2020-2021	2019-2020	Comments
Building Performance			
NABERS Rating	5.0	5.0	
OPC Tenancy Performance			
			OPC occupies a single floor of 2,770 m ² with a lease term until September 2025. The lease includes a Green Lease Schedule as required by government policy.
Tenant Light and Power			
Total kWh	171,230	147,588	Although OPC's tenancy is not certified, it is currently performing at a standard in excess of the requirements for a 4.5 NABERS rating.
Green Power kWh	17,123	14,759	
Total mJ	611,534	532,278	
kWh per m ²	61.82	53.3	Consumption per m ² in 2020-2021 is higher than 2019-2020 due to installation of new IT equipment and ongoing lighting issues.
mJ per m ²	220.7	192.2	
kW per ASL	1,662	1,512	Consumption per ASL in 2020-2021 is higher than 2019-2020, however OPC continues to outperform the Government's current energy target of 7,500 mJ per ASL.
mJ per ASL	5,936	5,454	
Nominal Lighting Power Density (NLPD)			
Watts per m ²	5.0	5.6	The NLPD also outperformed the Government's recommended target of 8_watts per m ² .
Environmental Impacts			
CO ² produced (tonnes)	144.9	118.0	OPC has measures in place to minimise the effect of OPC's activities on the environment.
Purchase of copy paper (tonnes)	3.3	4.2	Lower than 2019-2020 due to impact of COVID-19 on number of staff on-site.

These figures do not include energy and paper used by the contractor engaged by OPC to print Bills for introduction into the Parliament.

Water usage for OPC's tenancy is not separately metered.

Measures to minimise the effect of OPC's activities on the environment

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.

The following measures were in place throughout the year to minimise the effect of OPC's activities on the environment:

- considering energy efficiency when acquiring equipment;
- encouraging staff to use double-sided printing and photocopying facilities that are available;
- publishing documents online to reduce the number of copies being printed;
- modifying work procedures 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;
- collecting toner cartridges, paper, glass, plastic and aluminium from the office for recycling;
- encouraging staff to turn off lights and office equipment when not in use; and
- using lighting controls throughout the office that have sensors and timers to automatically turn lights off if no activity is detected for a pre-programmed period of time.

Appendix D: Financial Statements 2020-2021

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INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Office of Parliamentary Counsel ('the Entity') for the year ended 30 June 2021:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2021 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following statements as at 30 June 2021 and for the year then ended:

- Statement by First Parliamentary Counsel and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to the financial statements, comprising a Summary of Significant Accounting Policies and other explanatory information.

Basis for Opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's Responsibility for the Financial Statements

As the Accountable Authority of the Entity, the First Parliamentary Counsel is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under the Act. The First Parliamentary Counsel is also responsible for such internal control as the First Parliamentary Counsel determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the First Parliamentary Counsel is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the entity's operations will cease as a result of an administrative restructure or for any other reason. The First Parliamentary Counsel is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

Auditor's Responsibilities for the Audit of the Financial Statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Jodi George
Senior Executive Director

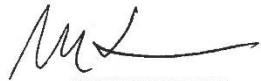
Delegate of the Auditor-General

Canberra
16 September 2021

Statement by First Parliamentary Counsel and Chief Financial Officer

In our opinion, the attached financial statements for the year ended 30 June 2021 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Office of Parliamentary Counsel will be able to pay its debts as and when they fall due.



.....
Meredith Leigh
A/g First Parliamentary Counsel

16 September 2021



.....
Sarah Martin
Chief Financial Officer

16 September 2021

Financial Statements 2020-2021

OFFICE OF PARLIAMENTARY COUNSEL

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Statement of Comprehensive Income

OFFICE OF PARLIAMENTARY COUNSEL

STATEMENT OF COMPREHENSIVE INCOME for the period ended 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
NET COST OF SERVICES				
EXPENSES				
Employee benefits	1.1A	17,907	16,759	18,461
Supplier expenses	1.1B	3,069	3,866	4,210
Write-down and impairment of assets	1.1C	11	-	-
Finance Costs	1.1D	64	75	64
Depreciation and amortisation	2.2A	2,153	2,102	2,277
Total expenses		23,203	22,802	25,012
LESS:				
Own-source income				
Own-source revenue				
Revenue from contracts with customers	1.2A	6,704	6,593	6,198
Other revenue	1.2B	68	68	64
Other gains	1.2C	4	-	-
Total own-source revenue		6,776	6,661	6,262
Total own-source income		6,776	6,661	6,262
Net cost of services		(16,427)	(16,141)	(18,750)
Revenue from Government	1.2D	17,788	17,298	17,788
Surplus / (Deficit)		1,361	1,157	(962)
OTHER COMPREHENSIVE INCOME				
Changes in asset revaluation surplus	2.2A	(313)	-	-
Total comprehensive income / (loss)		1,048	1,157	(962)

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

Statement of Financial Position

OFFICE OF PARLIAMENTARY COUNSEL STATEMENT OF FINANCIAL POSITION as at 30 June 2021

Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
ASSETS			
Financial Assets			
Cash and cash equivalents	1,893	772	(10)
Trade and other receivables	2.1A 20,753	21,284	21,492
Total financial assets	22,647	22,056	21,482
Non-Financial Assets			
Buildings	2.2A 7,688	9,345	7,740
Plant and equipment	2.2A 865	982	850
Computer software	2.2A 111	120	4,260
Work in progress	2.2A 5,973	3,988	337
Prepayments	2.2B 310	223	318
Total non-financial assets	14,947	14,658	13,505
Total assets	37,593	36,714	34,987
LIABILITIES			
Payables			
Suppliers	2.3A 146	190	191
Employee benefits	2.3B 366	337	336
Unearned income	2.3C 4,238	3,870	3,870
Total payables	4,750	4,397	4,397
Interest bearing liabilities			
Leases	2.4A 5,631	6,802	5,637
Total interest bearing liabilities	5,631	6,802	5,637
Provisions			
Employee provisions	4.1A 7,391	7,141	7,141
Total provisions	7,391	7,141	7,141
Total Liabilities	17,772	18,340	17,175
Net Assets	19,821	18,374	17,812
EQUITY			
Parent Entity Interest			
Contributed equity	8,601	8,202	8,601
Reserves	144	457	457
Retained surplus	11,076	9,715	8,753
Total Equity	19,821	18,374	17,812

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

1. Right-of-use assets are included in the following line items: Buildings

Statement of Changes in Equity

OFFICE OF PARLIAMENTARY COUNSEL

STATEMENT OF CHANGES IN EQUITY for the period ended 30 June 2021

	2021	2020	Original Budget
Notes	\$'000	\$'000	\$'000
CONTRIBUTED EQUITY			
Opening balance			
Balance carried forward from previous period	8,202	7,902	8,202
Transactions with owners			
Contributions by owners			
Departmental capital budget	399	300	399
Total transactions with owners	399	300	399
Closing balance as at 30 June	8,601	8,202	8,601
RETAINED EARNINGS			
Opening balance			
Balance carried forward from previous period	9,715	8,558	9,715
Comprehensive income			
Surplus/(Deficit) for the period	1,361	1,157	(962)
Closing balance as at 30 June	11,076	9,715	8,753
ASSET REVALUATION RESERVE			
Opening balance			
Balance carried forward from previous period	457	457	457
Other comprehensive income	(313)	-	-
Closing balance as at 30 June	144	457	457
TOTAL EQUITY			
Opening balance			
Balance carried forward from previous period	18,374	16,917	18,374
Comprehensive income			
Surplus/(Deficit) for the period	1,361	1,157	(962)
Other comprehensive income	(313)	-	-
Total comprehensive income	1,048	1,157	(962)
Transactions with owners			
Contributions by owners			
Departmental capital budget	399	300	399
Total transactions with owners	399	300	399
Closing balance as at 30 June	19,821	18,374	17,812

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

Accounting Policy

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Cash Flow Statement

OFFICE OF PARLIAMENTARY COUNSEL

CASH FLOW STATEMENT for the period ended 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		26,400	23,850	24,061
Sale of goods and rendering of services		7,250	5,945	6,364
GST received		614	607	166
Other		3	3	-
Total cash received		34,267	30,405	30,591
Cash used				
Employees		17,627	16,380	18,461
Suppliers		3,763	4,625	4,630
Section 74 receipts transferred to the Official Public Account		8,032	7,902	6,480
Interest payments on lease liabilities		64	75	64
GST Paid		214	151	389
Total cash used		29,700	29,133	30,024
Net cash from operating activities		4,568	1,272	567
INVESTING ACTIVITIES				
Cash received				
Net proceeds from sale of assets		4	-	-
Total cash received		4	-	-
Cash used				
Purchase of leasehold improvements, plant and equipment		630	503	-
Purchase of computer software		2,049	1,538	1,030
Total cash used		2,679	2,041	1,030
Net cash/ (used by) investing activities		(2,675)	(2,041)	(1,030)
FINANCING ACTIVITIES				
Cash received				
Contributed equity		399	300	399
Total cash received		399	300	399
Cash used				
Principal payments of lease liabilities		1,171	1,107	1,165
Total cash used		1,171	1,107	1,165
Net cash/ (used by) financing activities		(772)	(807)	(766)
Net increase / (decrease) in cash held		1,121	(1,576)	-
Cash and cash equivalents at the beginning of the reporting period		772	2,348	772
Cash and cash equivalents at the end of the reporting period		1,893	772	(10)

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

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

OVERVIEW

Background

Office of Parliamentary Counsel (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.

Under the Legal Services Directions, certain drafting work is tied to OPC. Agencies must use OPC's drafting services for all Government Bills and regulations, Ordinances and regulations of external Territories and Jervis Bay Territory, and other legislative instruments made or approved by the Governor-General. OPC is budget funded for this tied work.

OPC delivers legislative publishing services to, and on behalf of, the whole of the Australian Government, through the Federal Register of Legislation (the Register).

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

OPC provides drafting services for legislative instruments that are not tied, and other publishing services, on a fee for service basis. The demand for these services is client driven and therefore difficult to budget accurately.

Basis of Preparation of the Financial Statements

The Financial Statements 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 (Financial Reporting) Rule 2015*; and
- Australian Accounting Standards and Interpretations - Reduced Disclosure Requirements, 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.

Leases

Lease for office accommodation and car parking

On adoption of AASB 16, OPC recognised a right-of-use asset and a lease liability in relation to the lease of office space, which had previously been classified as an operating lease.

The lease liability was measured at the present value of the remaining lease payments, discounted using OPC's incremental borrowing rate as at 1 July 2019. OPC's incremental borrowing rate is the rate at which a similar borrowing could be obtained from an independent creditor under comparable terms and conditions. The weighted-average rate applied was 1.02%.

The right-of-use asset for the office space was measured at an amount equal to the lease liability, adjusted by the amount of any prepaid lease payments.

Licence agreement for offsite parking

On adoption of AASB 16, this arrangement did not meet the definition of a lease under AASB 16, which had previously been classified as operating lease.

OPC has no low value assets or short-term leases with a lease term of 12 months or less.

New Australian Accounting Standards

All new standards, any amendments to standards, and interpretations that have been issued and are applicable to the current reporting period, have been reviewed and have no material effect on OPC's Financial Statements.

Contingent Liabilities and Contingent Assets

OPC has no quantifiable or unquantifiable contingent assets or liabilities as at 30 June 2021. OPC had no quantifiable or unquantifiable contingent assets or liabilities as at 30 June 2020.

Taxation

OPC is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and Goods and Services Tax (GST).

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.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

BUDGET VARIANCE EXPLANATIONS

The following is an explanation of the major variances between the original budget presented in the 2020-21 Portfolio Budget Statements and the 2020-21 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

Suppliers

Actual suppliers expense is lower than budget, mainly due to a decrease in consultants, training and travel. Some anticipated projects were delayed, reducing anticipated expenditure in consultants. Training and travel expense is lower than budget due to online delivery of courses as a result of COVID-19.

Statement of Financial Position

Cash and cash equivalents

Actual cash is higher than budget, due to higher than expected early receipt of 2021-22 annual fees.

Computer software

Actual computer software in use is lower than budget, due to delays in the finalisation of the redevelopment of the new Register. This is consistent with actual work in progress, which is higher than budget.

Work in progress

Actual work in progress is higher than budget, due to the redevelopment of the new Register.

Other payables- Unearned income

Actual unearned income is higher than budget. The 2021-22 annual fees, invoiced during 2020-21, are included in unearned income and were higher than expected. During 2019-20, due to COVID-19, OPC decided to absorb some of the costs of the Federal Register and did not increase fees for the 2020-21 year. A management decision was made in 2020-21 to no longer absorb costs, and to pass on the full cost of the register for 2021-22.

Cash Flow Statement

Operating Activities - Appropriations

Actual appropriation is higher than budget, due to higher than expected Section 74 cash received for early payment of the Register 2021-22 annual fees.

Operating Activities - Sale of goods and rendering of services

Actual sale of goods and rendering of services is higher than budget, mainly due to an increase in, and early receipt of payment, of 2021-22 annual fees.

Operating Activities - GST received

Actual GST received is higher than budget, due to higher than expected capitalised contractor costs in work in progress for the redevelopment of the Register.

Operating Activities - Suppliers

Actual suppliers is lower than budget, due to lower than expected contractor, travel and training costs. Some anticipated projects were delayed, reducing anticipated expenditure in consultants. Training and travel expense is lower than budget due to online delivery of courses as a result of COVID-19.

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

Actual Section 74 receipts is higher than budget, due to higher than expected cash received for the Register 2021-22 annual fees.

Investing Activities - Purchase of leasehold improvements, and plant and equipment

Actual purchase of leasehold improvements, and plant and equipment, is higher than budget, due to minor fit-out works to OPC's office.

Investing Activities - Computer software

Actual computer software work in progress is higher than budget, due to the development of the Register.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

1. FINANCIAL PERFORMANCE

1.1: Expenses

	2021	2020
	\$'000	\$'000
1.1A: Employee benefits		
Wages and salaries	13,038	12,695
Superannuation:		
Defined contribution plans	945	855
Defined benefit plans	1,584	1,632
Leave and other entitlements	2,229	1,577
Separation and redundancies	111	-
Total employee benefits	17,907	16,759

Accounting Policy

Accounting policies for employee related expenses are contained in the People and Relationships section.

	2021	2020
	\$'000	\$'000
1.1B: Supplier benefits		
Goods and services supplied or rendered		
IT & telecommunications	1,277	1,406
Printing & digitisation	612	666
Consultancies / Non-consultancies	341	711
Human resources	213	154
Other	189	313
Property	183	180
Library	116	123
Staff training & development	92	265
Total goods and services supplied or rendered¹	3,023	3,818
Goods supplied	74	87
Services rendered	2,950	3,731
Total goods and services supplied or rendered	3,023	3,818
Other supplier expenses		
Workers compensation expenses	46	48
Total other supplier expenses	46	48
Total supplier expenses	3,069	3,866

¹2020 comparative figures for *Total goods and services supplied or rendered* has been adjusted for the following: Consultancies/ non-consultancies has increased by \$711k, Human resources has reduced by \$407k, and Accounting/ audit services has reduced by \$304k. These figures were restated to reflect that these services were related to consultancies and/or non-consultancies.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

1. FINANCIAL PERFORMANCE

1.1 Expenses

	2021	2020
	\$'000	\$'000
<u>1.1C: Write-Down and Impairment of Assets</u>		
Write-down of assets ¹	11	-
Total Write-down and impairment of other assets	11	-
¹ Write-down and impairment of PP&E assets.		
<u>1.1D: Finance costs</u>		
Interest on lease liabilities	64	75
Total finance costs	64	75

The above lease disclosures should be read in conjunction with Note 2.4A.

Accounting Policy

All borrowing costs are expensed as incurred.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

1. FINANCIAL PERFORMANCE

1.2: Income

	2021	2020
<u>Own-Source Revenue</u>	<u>\$'000</u>	<u>\$'000</u>

1.2A: Revenue from Contracts with Customers

Sale of goods	1	31
Rendering of services	6,703	6,562
Total sale of goods and rendering of services	6,704	6,593

Disaggregation of revenue from contracts with customers

Registration Annual Fees	3,859	3,846
Billable instrument drafting	1,508	1,401
Peak & Express Registrations	708	691
Secondment	230	246
Compilation preparation	198	216
Courses	199	163
Print on Demand	-	30
Other publications	1	-
	6,704	6,593

Type of customer:

Australian Government entities (related parties)	6,704	6,593
	6,704	6,593

Timing of transfer of goods and services:

Over time	5,795	5,709
Point in time	909	884
	6,704	6,593

Accounting Policy

Revenue from the sale of goods is recognised when control has been transferred to the buyer.

All contracts are in scope of AASB15, and the performance obligations are sufficiently specific to enable OPC to determine when they have been satisfied.

The following is a description of principal activities from which OPC generates its revenue.

Registration annual fees

The annual fee is for the management and registration of legislative documents on the Federal Register of Legislation. Clients are invoiced in advance. OPC recognises a liability, and allocates the revenue amount evenly over a 12 month period.

Instrument drafting, editorial services and compilation preparation

Revenue is recognised for the actual hours a drafter, editor, or compiler has worked. Time spent is tracked on a per job basis. Revenue is recognised on a monthly basis, or when invoices are issued for work completed to date.

Express and peak fees

Revenue is recognised once the registration has been completed.

Secondment

Secondment revenue is invoiced in arrears and recognised over the period of the secondment.

Drafting training courses

Participants are invoiced in advance. OPC recognises revenue once the course has been delivered.

The transaction price is the total amount of consideration to which OPC expects to be entitled, in exchange for transferring promised goods or services to a customer. The consideration promised in a contract with a customer may include fixed amounts, variable amounts, or both.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

1. FINANCIAL PERFORMANCE

1.2: Income

	2021	2020
	\$'000	\$'000
1.2B: Other revenue		
Reimbursement of expenses	3	3
Resources received free of charge		
Remuneration of auditors (ANAO)	65	65
Total other revenue	68	68
1.2C: Other gains		
Gain on disposal	4	-
Total other gains	4	-

Accounting Policy

Resources received free of charge

Resources received free of charge are recorded as either revenue or gains depending on their nature. 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.

	2021	2020
	\$'000	\$'000
1.2D: Revenue from Government		
Appropriations:		
Departmental appropriation	17,788	17,298
Total revenue from Government	17,788	17,298

Accounting Policy

Revenue from Government

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

1.2E: Unsatisfied obligations

OPC expects to recognise as income any liability for unsatisfied obligations associated with revenue from contracts with customers within the following periods: 1 July 2021 to 30 June 2022.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

2. FINANCIAL POSITION

2.1: Financial Assets

	2021	2020
	\$'000	\$'000
2.1A: Trade and other receivables		
Goods and services receivable		
Goods and services ¹	2,410	2,452
Contract assets ²	130	85
GST receivable from the Australian Taxation Office	158	112
Total goods and services receivable	2,698	2,649
Appropriations receivable		
Appropriations receivable	18,055	18,635
Total appropriations receivable	18,055	18,635
Total trade and other receivables	20,753	21,284

¹ Credit terms are 30 days.

² Associated with instrument drafting and compilation preparation.

Accounting Policy

Goods and services receivable

Goods and services, and contract assets, are held for the purpose of collecting contractual cash flows. Receivables for goods and services are recognised at the nominal amounts due, less any impairment allowance. Collectability of debts is reviewed at the end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

2. FINANCIAL POSITION

2.2: Non-Financial Assets

2.2A: Reconciliation of opening and closing balances of property, plant and equipment, and computer software 2021

	Buildings ¹	Plant & Equipment	Internally developed software	Computer software purchased	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
As at 1 July 2020					
Gross book value	11,140	1,391	4,477	238	17,246
Accumulated depreciation and impairment	(1,795)	(409)	(4,418)	(177)	(6,799)
Total as at 1 July 2020	9,345	982	59	61	10,447
Additions:					
By purchase	363	275	-	59	697
Revaluations and impairments recognised in other comprehensive income	(218)	(95)	-	-	(313)
Depreciation and amortisation	(523)	(282)	(34)	(34)	(873)
Depreciation on right-of-use assets	(1,279)	-	-	-	(1,279)
Disposals:	-	-	-	-	-
Other disposals	-	(15)	-	-	(15)
Total as at 30 June 2021	7,688	865	25	86	8,664
Total as at 30 June 2021 represented by:					
Gross book value	10,247	866	4,477	294	15,884
Accumulated depreciation and impairment	(2,559)	(1)	(4,452)	(208)	(7,221)
Total as at 30 June 2021	7,688	865	25	86	8,664
Carrying amount of right-of-use assets as at 30 June 2021	5,438	-	-	-	5,438
Work in Progress					
As at 1 July 2020					
Gross book value	5	-	3,983	-	3,988
Additions:					
By purchase	-	-	1,990	-	1,990
Total as at 30 June 2021	-	-	5,973	-	5,973

¹ Includes leasehold improvements and a leased right of use asset.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

2. FINANCIAL POSITION

2.2: Non-Financial Assets

Accounting Policy

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate.

Asset Recognition Threshold

Purchases of leasehold improvements, plant and equipment, and computer software, 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).

Leased Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease, and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease, less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

Leased ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, General Government Sector and Whole of Government financial statements.

Derecognition

All items of leasehold improvements, plant and equipment, and computer software, are derecognised upon disposal, or when no further future economic benefits are expected from their use.

Revaluations

See Accounting Policy in Note 5.2A.

Impairment

All leasehold improvements, plant and equipment, and computer software were assessed for impairment at 30 June 2021. 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 or computer software.

No indicators of impairment were found for prepayments.

Leasehold improvements, and plant and equipment

Depreciation

Depreciable leasehold improvements, and 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:

	2021	2020
Leasehold improvements	Lease term	Lease term
Plant and equipment	3 to 25 years	3 to 25 years

Leased ROU assets

The depreciation rates for leased ROU assets are based on the commencement date to the end of the lease term.

Computer software

Computer software are carried at cost less accumulated amortisation and accumulated impairment losses.

Amortisation

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

The useful life of OPC's computer software are as follows:

	2021	2020
Purchased software	4 to 5 years	4 to 5 years
Internally generated software	10 years	10 years

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

2. FINANCIAL POSITION

2.2: Non-Financial Assets

	2021	2020
	\$'000	\$'000
<u>2.2B: Prepayments</u>		
Prepayments	310	223
Total prepayments	310	223

2.3: Payables

	2021	2020
	\$'000	\$'000
<u>2.3A: Suppliers</u>		
Trade creditors and accruals ¹	146	190
Total suppliers	146	190

¹ Settlement is usually made in 20 days.

	2021	2020
	\$'000	\$'000
<u>2.3B Employee benefits</u>		
Salaries and wages	318	293
Salary packaging	30	29
FBT payable	18	15
Total employee benefits	366	337

Accounting Policy

Accounting policies for employee payables are contained in the People and Relationships section.

	2021	2020
	\$'000	\$'000
<u>2.3C: Unearned Income</u>		
Unearned income ¹	4,238	3,870
Total unearned income	4,238	3,870

¹ The *Parliamentary Counsel Act 1970* provides OPC with statutory authority to charge fees.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

2. FINANCIAL POSITION

2.4 Interest Bearing Liabilities

	2021	2020
	\$'000	\$'000
<u>2.4A: Leases</u>		
Lease Liabilities - Buildings	5,631	6,802
<i>Total leases</i>	<u>5,631</u>	<u>6,802</u>

Total cash outflow for leases for the year ended 30 June 2021 was \$1.234 million.

Accounting Policy

Refer to Overview section for accounting policy on leases.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

3. FUNDING

3.1: Appropriations

	2021 \$'000	2020 \$'000
3.1A: Annual Departmental Appropriations ('Recoverable GST exclusive')		
Ordinary annual services	17,788	17,298
Receipts retained under PGPA Act - Section 74 ¹	8,032	7,902
Departmental capital budget ³	399	300
Total appropriation	26,219	25,500
Appropriation applied	(25,102)	(23,845)
Variance ²	1,117	1,655

¹ PGPA Act - Section 74 receipts of amounts by non-corporate Commonwealth entities. This amount includes fees charges on a cost recovery basis for the Federal Register.

² The variance is mainly due to the surplus for the year after adding back non-cost recovered depreciation, offset by the use of prior year departmental appropriation for the Federal Register redevelopment.

³ Departmental capital budgets are appropriated through Appropriation Acts (No. 1, 3). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCB) are recognised directly in contributed equity in that year.

	2021 \$'000	2020 \$'000
3.1B: Unspent Annual Departmental Appropriations ('Recoverable GST exclusive')		
<i>Appropriation Act (No. 1) 2019-20</i>	-	11,303
<i>Appropriation Act (No. 3) 2019-20</i>	-	300
<i>Supply Act (No. 1) 2019-20</i>	-	7,032
<i>Supply Act (No. 1) 2020-21</i>	6,129	-
<i>Appropriation Act (No. 1) 2020-21</i>	11,926	-
Cash at bank	1,893	772
Total	19,948	19,407

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

3. FUNDING

3.2: Net Cash Appropriation Arrangements

	2021	2020
	\$'000	\$'000
Total comprehensive income/(loss) - as per the Statement of Comprehensive Income	1,361	1,157
<i>Plus:</i> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections)	873	823
<i>Less:</i> cost recovered amortisation ¹	(33)	(76)
<i>Plus:</i> depreciation of right-of-use assets	1,279	1,279
<i>Less:</i> lease principal repayments	(1,171)	(1,100)
Net Cash Operating Surplus/ (Deficit)	2,309	2,083

In 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses ceased. OPC receives a separate Departmental Capital Budget (**DCB**) provided through Departmental appropriation. DCBs are appropriated in the period when cash payment for capital expenditure is required.

The inclusion of amortisation expenses related to ROU leased assets, and the lease liability principal repayment amount, reflects the cash impact on implementation of AASB 16 Leases. It does not directly reflect a change in appropriation arrangements.

¹Amortisation of the Federal Register is cost recovered through the Annual Fees.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

4. PEOPLE AND RELATIONSHIPS

4.1: Employee Provisions

	2021	2020
	\$'000	\$'000
4.1A: Employee provisions		
Leave	7,391	7,141
Total employee provisions	7,391	7,141

Accounting Policy

Employee provisions

Liabilities for 'short-term 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* using 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 in the Department of Finance's administered schedules and notes. OPC makes employer contributions to the employees' defined benefit 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.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

4. PEOPLE AND RELATIONSHIPS

4.2: Key Management Personnel Remuneration

Key Management Personnel are those persons having authority and responsibility for planning, directing, and controlling, the activities of the entity, directly or indirectly. OPC has determined the Key Management Personnel to be the First Parliamentary Counsel, the two Second Parliamentary Counsel, the General Manager Corporate Services and Chief Information Officer, the General Manager Publications, and three SES Band 2 Drafters. These SES drafters were part of the Key Management Personnel for a period of more than three months. Key Management Personnel remuneration is reported in the table below.

	2021	2020
	\$'000	\$'000
Short-term employee benefits ¹	2,138	2,012
Post-employment benefits ²	291	336
Other long-term employee benefits ³	7	75
Total key management personnel remuneration expenses	2,436	2,423

The total number of Key Management Personnel that are included in the above table are 8 full-time employees (2020: 9 full time employees).

¹Includes salary, performance bonuses, motor vehicle allowances, annual leave and SES experience loading.

²Includes superannuation.

³Includes long service leave.

4.3 Related Party Disclosures

Related party relationships:

OPC is an Australian Government controlled entity. Related parties to this entity are Key Management Personnel, including the Portfolio Minister, and other Australian Government entities.

Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher education loans. These transactions have not been separately disclosed in this note.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

5. MANAGING UNCERTAINTIES

5.1: Financial Instruments

	Notes	2021 \$'000	2020 \$'000
5.1A: Categories of financial instruments			
Financial Assets			
Financial Assets at amortised cost			
Cash and cash equivalents		1,893	772
Goods and services receivables	2.1A	2,410	2,453
Contract assets	2.1A	130	85
Total financial asset at amortised cost		4,433	3,310
Total financial assets		4,433	3,310
Financial Liabilities			
Financial Liabilities measured at amortised cost			
Payables - suppliers	2.3A	146	190
Total financial liabilities measured at amortised cost		146	190
Total financial liabilities		146	190

Accounting Policy

Financial assets

Goods and services receivables, and contract assets, are held in order to collect the contractual cash flows. Goods and services receivables are recorded at face value less any impairment. They are recognised when OPC becomes party to a contract, and has a legal right to receive cash, and are derecognised on payment.

Financial assets at amortised cost are assessed for impairment at the end of each reporting period. Allowances are made when collectability of the debt is no longer probable. Comparatives have not been restated on initial application.

Financial liabilities

Suppliers are recognised at amortised cost to the extent that the goods or services have been received, irrespective of having been invoiced. Suppliers are derecognised on payment.

The lease is recognised at fair value, net of transaction costs. This liability is subsequently measured at amortised cost using the effective interest rate method, with interest expense recognised on an effective interest basis.

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.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

5. MANAGING UNCERTAINTIES

5.2: Fair Value Measurement

5.2A: Fair Value Measurement

	2021 \$'000	2020 \$'000
Non-financial assets¹		
Plant and equipment		
Recurring	866	982
Leasehold improvements		
Recurring	2,250	2,628
Total fair value measurement of non-financial assets	<u>3,116</u>	<u>3,610</u>

¹OPC's assets are held for operational purposes and not held for the purposes of deriving a profit.

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

Following initial recognition at cost, leasehold improvements, and plant and equipment (excluding leased ROU assets), are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Each year, a review of the carrying amounts of assets is conducted. 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, and plant and equipment, are subject to a formal valuation at least once every three years.

An independent onsite valuation was undertaken in June 2021 by JLL Public Sector Valuations Pty Ltd.

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 2.2A.

OFFICE OF PARLIAMENTARY COUNSEL

Notes to and Forming Part of the Financial Statements for the year ended 30 June 2021

6. OTHER INFORMATION

6.1: Aggregate Assets and Liabilities

	2021 \$'000	2020 \$'000
6.1: Aggregate Assets and Liabilities		
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	1,893	772
Trade and other receivables	20,753	21,285
Prepayments	261	223
Total no more than 12 months	22,908	22,280
More than 12 months		
Land and buildings	7,688	9,347
Plant and equipment	865	982
Computer software	111	61
Other intangibles	5,973	4,041
Prepayments	49	-
Total more than 12 months	14,686	14,432
Total assets	37,593	36,714
Liabilities expected to be recovered in:		
No more than 12 months		
Suppliers	146	190
Other payables	4,604	4,207
Leases	1,171	1,165
Employee provisions	841	961
Total no more than 12 months	6,762	6,524
No more than 12 months		
Leases	4,460	5,636
Employee provisions	6,550	6,180
Total no more than 12 months	11,010	11,816
Total liabilities	17,772	18,340

Appendix E: Executive Remuneration

Key management personnel (KMP)

.During the reporting period ended 30 June 2021, OPC had 8 executives who meet the definition of key management personnel (KMP). Their names and the length of term as KMP are summarised below.

Name	Position	Term as KMP
Peter Quiggin	First Parliamentary Counsel	Part year - 7 months
Meredith Leigh	A/g First Parliamentary Counsel ¹	Full year
Keith Byles	Second Parliamentary Counsel	Full year
Bronwyn Livermore	A/g Second Parliamentary Counsel ²	Part year - 8 months
Aasha Swift	General Manager Publishing	Full year
Stephen Campbell	General Manager Corporate, Chief Information Officer	Full year
Naomi Carde	Senior Executive Drafter ³	Part year - 8 months
Daniel Lovric	Senior Executive Drafter ³	Part year - 6 months

Notes

- 1: Second Parliamentary Counsel 1/7/20 - 5/2/21, A/g First Parliamentary Counsel 6/2/21 - 30/6/21
- 2: Temporary rotating Senior Management Team member 3 months, A/g Second Parliamentary Counsel 6/2/21 - 30/6/21
- 3: Temporary rotating Senior Management Team member KMP remuneration

Note 4.2 to OPC's Financial Statements in Appendix D discloses the key management personnel remuneration in aggregate for the reporting period ending 30 June 2021. In accordance with the PGPA Rule, this remuneration information is disaggregated as follows.

KMP remuneration

Name	Position Title	Short Term benefits			Post-Employment benefits	Other Long-term benefits	Total Remuneration
		Base Salary ¹	Allowances ²	Total	Superannuation contributions	Long Service Leave	
Peter Quiggin	First Parliamentary Counsel	352,508	1,491	353,999	31,450	-223,921	161,529
Meredith Leigh	A/g First Parliamentary Counsel	438,282	1,820	440,102	36,112	55,538	531,752
Bronwyn Livermore	A/g Second Parliamentary Counsel	192,717	29,722	222,439	31,673	64,695	318,807
Keith Byles	Second Parliamentary Counsel	393,680	1,820	395,500	56,706	48,340	500,547
Aasha Swift	General Manager Publishing	175,202	54,485	229,687	42,476	12,599	284,762
Stephen Campbell	General Manager Corporate, Chief Information Officer	165,940	33,777	199,717	38,481	40,995	279,193
Naomi Carde	Senior Executive Drafter	127,896	29,408	157,304	28,215	2,498	188,017
Daniel Lovric	Senior Executive Drafter	106,954	32,274	139,228	25,916	6,535	171,679
Total		1,953,177	184,797	2,137,974	291,031	7,279	2,436,284

Notes

1. Includes salary paid, higher duties allowance, annual leave paid, and the movement between opening and closing annual leave liability.
2. Includes motor vehicle allowance.

Senior executive remuneration

Remuneration bands	Number of senior executives	Short-term benefits ³		Post-employment benefits ⁴	Other long-term benefits ⁵	Total remuneration
		Average base salary	Average other benefits and allowances	Average superannuation contributions	Average long service leave	Average total remuneration
\$0- \$220,000	8	96,862	21,895	24,519	10,456	153,731
\$220,001- \$245,000	2	116,757	24,318	25,200	13,984	180,258
\$245,001- \$270,000	5	157,908	50,090	36,399	15,227	259,624
\$270,001- \$295,000	2	164,442	60,146	43,030	12,152	279,770
\$295,001- \$320,000	5	186,960	57,448	45,799	23,712	313,918

Notes

1. This table is prepared on an accrual basis. In 2020-21, there was 26 fortnightly pays.
 2. This table reports the average total remuneration of senior executives who received remuneration during the reporting period. Officers acting as a senior executive for a period of less than three months during the reporting period have not been included in this table. Senior executives that have been classified as KMP have not been included in this table.
 3. The short-term benefits are comprised of:
 - a) the average base salary (including paid and accrued annual leave); and
 - b) average other benefits and allowances (such as the motor vehicle allowance).
 4. The post-employment benefits are the average of OPC's superannuation contributions, including the productivity component for the reporting period.
 5. The other long-term benefits are the average amount of long service leave accrued for the reporting period and the average salary paid while on leave.
- There were no other highly paid staff with total remuneration greater than \$230,000 during the reporting period.

Glossary

AASB	Australian Accounting Standards Board
AGLN	Australian Government Legal Network
ACT	Australian Capital Territory
APS	Australian Public Service (OPC staff below Executive Level are classified as APS 1 to APS 6)
APSC	Australian Public Service Commission
ASL	average staffing levels
assistant drafter	a drafter other than a senior drafter
BCM	business continuity management
CALC	Commonwealth Association of Legislative Counsel
ExCo	Federal Executive Council
FOI Act	<i>Freedom of Information Act 1982</i>
FPC	First Parliamentary Counsel
IPS	Information Publication Scheme
IT	information technology
Legislation Act	<i>Legislation Act 2003</i>
Legislation Register	Federal Register of Legislation
NABERS	National Australian Built Environment Rating System
NLPD	Nominal Lighting Power Density
OPC	Office of Parliamentary Counsel
PBC	Parliamentary Business Committee (a committee of the Cabinet)
PBS	Portfolio Budget Statement
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PGPA Rule	<i>Public Governance, Performance and Accountability Rule 2014</i>
RAP	Reconciliation Action Plan
senior drafter	First Parliamentary Counsel, a Second Parliamentary Counsel or a drafter in the SES
SES	Senior Executive Service
SME	Small and Medium Enterprises
SMT	Senior Management Team
WCC	Workplace Consultative Committee
WHS Act	<i>Work Health and Safety Act 2011</i>

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Appendix F: 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	Page 1
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 F
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	Acting 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 the corporate plan.	Mandatory	Chapter 1
17AE(1)(aa)(i)		Name of the accountable authority or each member of the accountable authority.	Mandatory	Chapter 1
17AE(1)(aa)(ii)		Position title of the accountable authority or each member of the accountable authority.	Mandatory	Chapter 1
17AE(1)(aa)(iii)		Period as the accountable authority or member of the accountable authority within the reporting period.	Mandatory	Chapter 1

17AE(1)(b)	An outline of the structure of the portfolio of the entity.	Portfolio departments–Mandatory	N/A
17AE(2)	Where the outcomes 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		
16F; 17AD(c)(i)	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	Acting First Parliamentary Counsel's Review and Appendix D
17AF(1)(b)	A table summarising the total resources of, and total payments made by the entity.	Mandatory	Appendix A
17AF(2)	If there have been or 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; 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	N/A
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 for the entity.	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) and (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
Audit Committee			
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory	Chapter 3
17AG(2A)(b)	The name of each member of the entity's audit committee.	Mandatory	Chapter 3
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory	Chapter 3
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory	Chapter 3
17AG(2A)(e)	The remuneration of each member of the entity's audit committee.	Mandatory	Chapter 3
External Scrutiny			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to that 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)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender; (d) statistics on staff location.	Mandatory	Chapter 4 and Appendix B

17AG(4)(b)	<p>Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following:</p> <ul style="list-style-type: none"> • 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 and 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 <i>Public Service Act 1999</i> .	Mandatory	Chapters 3 and 4, and 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.	Mandatory	Chapter 4
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level.	Mandatory	Chapter 4
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level.	Mandatory	Chapter 4
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
Reportable Consultancy Contracts			
17AG(7)(a)	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing	Mandatory	Chapter 5

	reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).		
17AG(7)(b)	A statement that “ <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].</i> ”	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 engaged.	Mandatory	Chapter 5
17AG(7)(d)	A statement that “ <i>Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website.</i> ”	Mandatory	Chapter 5
Reportable Non-consultancy Contracts			
17AG(7A)(a)	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory	Chapter 5
17AG(7A)(b)	A statement that “ <i>Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website.</i> ”	Mandatory	Chapter 5
17AD(daa)	<i>Additional information about amounts received under reportable consultancy/non-consultancy contracts (17AD(daa))</i>		
17AGA	Additional information, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory	Chapter 5
Australian National Audit Office Access Clauses			
17AG(8)	If an entity entered into a contract with a value of \$100,000 or more (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	If applicable, Mandatory	N/A

reason why a clause allowing access was not included in the contract.

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
Annual Financial Statements			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the PGPA Act.	Mandatory	Appendix D
Executive Remuneration			
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the PGPA Rule.	Mandatory	Chapter 3 and Appendix E
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 “ <i>Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].</i> ”	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)(e)	Correction of material errors in previous annual report.	If applicable, mandatory	N/A
17AH(2)	Information required by other legislation	Mandatory	Part 4 of Sch 2 to WHS Act: Chapter 4 Section 311A of the Electoral Act: N/A Section 516A of the EPBC Act: Chapter 6 and Appendix C
<i>Information required by other legislation (17AH(2))</i>			
	Work health and safety (Part 4 of Schedule 2 to the <i>Work Health and Safety Act 2011</i>).	Mandatory	Chapter 4
	Advertising and market research etc. (section 311A of the <i>Commonwealth Electoral Act 1918</i>).	Mandatory	N/A
	Ecologically sustainable development and environmental performance (section 516A of the <i>Environment Protection and Biodiversity Conservation Act 1999</i>).	Mandatory	Chapter 6 and Appendix C