

## Statement of Duties

# Department of Premier and Cabinet

As at May 2018

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<b>Position title:</b>	Parliamentary Counsel
<b>Position number:</b>	001896
<b>Award/Agreement:</b>	Legal Practitioners Agreement 2016
<b>Classification level:</b>	LP3
<b>Division/branch/section:</b>	Office of the Parliamentary Counsel
<b>Full Time Equivalent (FTE):</b>	1.0
<b>Location:</b>	South
<b>Position status:</b>	Permanent
<b>Ordinary hours per week:</b>	36.75
<b>Supervisor:</b>	Chief Parliamentary

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### Agency/Department values:

DPAC values underpin our culture and guide our decision making and behaviour. Our values are:

#### **Excellence**

We strive for excellence at all times.

#### **Customer-focused**

Our customers are at the centre of what we do and how we do it.

#### **Working together**

We support and respect one another and work with others to achieve results.

#### **Being professional**

We act with integrity and are accountable and transparent

For more information about DPAC visit [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)

## Statement of Duties: Parliamentary Counsel

### **Division profile:**

The key objectives of the Office of Parliamentary Counsel are:

- to provide a service to the Government for drafting new legislation and amendments to existing legislation and advice in relation to legislative matters.
- maintenance of an up-to-date electronic database of Tasmanian legislation.
- management of contracts for printing legislation and the Tasmanian Government Gazette.

### **Position objective:**

To draft legislation of a routine or moderately complex, sensitive or novel nature for Ministers, Parliamentarians and Government Agencies as directed by the Chief Parliamentary Counsel.

To advise and assist Ministers, Parliamentarians and Government Agencies regarding routine or moderately complex, sensitive or novel legislative drafting matters.

To participate at a responsible level in the professional and general work of the Office.

### **Duties:**

1. Prepare Bills and subordinate legislation of a routine or moderately complex, sensitive or novel nature.
2. Assist more senior legislative drafters with the preparation of more complex, sensitive, novel or critical legislation.
3. Attend Parliament as required to assist with the passage of routine or moderately complex, sensitive or novel Bills or to draft amendments to such Bills.
4. Advise and assist Ministers, Parliamentarians and Government Agencies regarding the preparation of routine or moderately complex, sensitive or novel legislation. Participate at a responsible level in the professional and general work of the Office.

### **Level of responsibility:**

Under the general direction, or direct or general supervision, of more senior legislative drafters and applying a substantial degree of independent professional judgment.

Responsible for advising and liaising with Ministers, Parliamentarians and Government Agencies on proposed legislation of a routine or moderately complex, sensitive or novel nature and for preparing that legislation in accordance with their requirements.

Responsible for ensuring that legislation so prepared is legally sound, conforms to Tasmanian legislative drafting standards and is completed on time.

Works under general direction, or direct or general supervision, but decisions taken and advice given will often have a significant impact on the form, quality and effectiveness of Tasmanian legislation. Advice given will be very influential and usually accepted as

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authoritative by persons outside the Office; it is therefore likely to have a significant impact on administrative and legal outcomes.

Expected to have a highly developed understanding of the political, legal and administrative consequences of legislative drafting errors and to be proficient in recognising and avoiding such errors.

Expected to exercise a substantial degree of independent professional judgment in the determination of strategies, priorities and work standards for own work and that of any subordinate drafter under his or her supervision.

Responsible for ensuring that any subordinate legal practitioners uphold the highest professional standards.

Responsible for maintaining currency of own legal knowledge.

### **Reporting structure:**

Reports to more senior legislative drafters as directed by the Chief Parliamentary Counsel.

Draft legislation or correspondence, particularly that relating to moderately complex or sensitive matters, may be subject to review or clearance by more senior legislative drafters.

### **Selection criteria:**

1. Moderate experience and expertise in legislative drafting together with a well-developed general understanding of the discipline of legislative drafting and of the strategic factors affecting such work.
2. Well-developed knowledge of Tasmania's systems of law and government and related matters such as the State's relationship with the Commonwealth, together with a well-developed knowledge of the fundamentals of the Westminster legislative process with particular reference to Tasmania.
3. Legal skills of a high standard that –
  - afford a well-developed understanding of the strategic context in which legislative drafting is carried out;
  - enable the identification and explanation of key legal issues concerning proposed and existing legislation and the production of statutes of high legal integrity;
  - include a well-developed appreciation of the issues and developments in statutory interpretation, with particular reference to Australia.
4. Writing skills of a high standard that enable the production of legislation and other documents that are clear, accurate, concise and capable of being understood not only by lawyers but also by people with no legal training.
5. Oral communication skills of a high standard that enable clear, accurate and effective professional dialogue with Ministers, Parliamentarians, Government Agency officers

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and colleagues regarding the planning and execution of legislation drafting and related tasks.

6. Liaison, consultation and negotiation skills of a high and robust standard that enable
  - the clarification and constructive resolution of legislative drafting and policy issues;
  - the avoidance of legal and administrative problems; and
  - the recognition and acceptance by others of critical legislative drafting imperatives;
  - the gaining of information and co-operation from professional colleagues, administrative support staff and people outside the Office.
7. Ability to lead, direct, supervise and co-ordinate specific work projects or work units and, if necessary, to train and supervise less senior drafters.
8. Organisational skills of a high standard that enable the co-ordination and management of a large variety of simultaneous legislative drafting tasks and the planning and completion of work according to externally determined schedules (including Executive Council, Parliamentary and printing schedules) with deadlines that can often be inflexible or legally or politically sensitive.
9. Proficiency in the use of Tasmania's automated legislative drafting system (EnAct) or a similar system, together with proficiency in navigating Tasmania's consolidated legislation database and other on-line legal resources, or the ability to attain such proficiency quickly.

### **Desirable requirements:**

N/A

### **Essential requirements:**

Admitted or eligible to be admitted to the legal profession.

Legislative drafting experience equivalent to 5 years.

### **State Service Principles:**

Employees should familiarise themselves with the State Service Principles (view at [thelaw.tas.gov.au](http://thelaw.tas.gov.au) website) and must work to ensure the Principles are embedded into the culture of the Agency and that the Principles are applied to all Agency decision making and activities.

### **Code of Conduct:**

The State Service Code of Conduct (view at [thelaw.tas.gov.au](http://thelaw.tas.gov.au) website) complements the State Service Principles and requires employees and officers to act appropriately in the course of their duties and to maintain the confidence of the community in the activities of the State Service.

**Workplace diversity:**

The Department is committed to having a diverse and inclusive workforce where all employees feel welcomed, safe and supported. Our employees are diverse in gender, languages, ethnicity, cultural background, age, sexual orientation, and religious beliefs. They also are diverse in their skills and qualifications, where they live and work, their life and work experiences, personality, abilities, family and caring responsibilities, and their experience of disability. The Department values the unique experiences, knowledge, and skills that our employees bring to their work

There are a range of flexible work options available to support employees to achieve work/life balance, and workplace adjustments are available to accommodate individuals' needs in the workplace.

**Work Health and Safety:**

The Department is committed to sustaining an environment and culture that provides for the health, safety and wellbeing of all its workers, by complying with the requirements of the Work Health and Safety Act 2012 and the Work Health and Safety Regulations 2012.

Our goal is to be recognised as an exemplar with regard to work health, safety and wellbeing throughout the state Service.

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Every employee at DPAC has an obligation to:

- Comply with safe work practices;
- Take reasonable care of the health and safety of themselves and others;
- Comply with any direction given by management for health and safety;
- Report all accidents and incidents in a timely manner; and
- Report all known or observed hazards.

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If this position has supervisory responsibilities, additional responsibilities are to provide and maintain as far as possible:

- A safe working environment;
- Safe systems of work;
- Information, instruction, training and supervision that is reasonably necessary to ensure employees are safe from injury and risks to health; and
- A commitment to continually improve our performance through effective safety management

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This position is defined as an “Officer” within the context of the Work Health and Safety Act 2012 “the Act”.

Section 27 Duty of Officers

The Officer is required to exercise due diligence to ensure the Department complies with its health and safety obligations. This requires an Officer to take reasonable steps:

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1. To acquire and keep up to date knowledge of work health and safety matters;
2. To gain an understanding of the nature of the operations of the Department and the hazards and risks associated with those operations;
3. To ensure that the Department has for use, and uses, appropriate resources and processes to eliminate or minimise risks to health and safety;
4. To ensure the Department has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely way to that information; and
5. To ensure that the Department has, and implements processes for complying with any duty or obligation of the Department under the Act.

### **White Ribbon:**

The Department is committed to providing a healthy and safe working environment for all employees and has a zero tolerance for violence, including violence against women.