

Statement of Duties

Department of Premier and Cabinet

As at 3 October 2024

Position title:	Parliamentary Counsel
Position number:	472503
Award/Agreement:	Tasmanian State Service Award
Classification level:	Legal Practitioner Level 3
Group:	Office of Parliamentary Counsel
Full Time Equivalent (FTE):	1.0
Location:	South
Position status:	Permanent
Ordinary hours per week:	36.75
Supervisor:	Chief Parliamentary Counsel

Agency/Department values:

Department of Premier and Cabinet (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.

Respect

We treat everyone with respect and kindness.

For more information about DPAC visit www.dpac.tas.gov.au

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.
5. Participate at a responsible level in the professional and general work of the Office.
6. The incumbent can expect to be allocated duties, not specifically mentioned in this document, that are within the capacity, qualifications and experience normally expected from persons occupying positions at this classification level.

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, you will be:

- Responsible for advising and liaising with Ministers, Parliamentarians and Government Agencies on proposed legislation of a routine or moderately complex,

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sensitive or novel nature and for preparing that legislation in accordance with their requirements and

- 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 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.

Champion a child safe culture that upholds the National Principles for *Child Safe Organisations*. The Department is committed to the safety, wellbeing, and empowerment of all children and young people, and expect all employees to actively participate in and contribute to our rights-based approach to care, including meeting all mandatory reporting obligations.

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 –

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- a. afford a well-developed understanding of the strategic context in which legislative drafting is carried out;
 - b. enable the identification and explanation of key legal issues concerning proposed and existing legislation and the production of statutes of high legal integrity;
 - c. 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 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:
 - a. the clarification and constructive resolution of legislative drafting and policy issues;
 - b. the avoidance of legal and administrative problems; and
 - c. the recognition and acceptance by others of critical legislative drafting imperatives;
 - d. 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 at least 5 years.

State Service Principles and Code of Conduct

Employees should familiarise themselves with the State Service Principles (view at 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.

The State Service Code of Conduct (view at thelaw.tas.gov.au website) complements the State Service Principles. It outlines the behaviours and performance expected of State Service employees, including acting appropriately in the course of their duties and maintaining the confidence of the community in the activities of the State Service.

Working environment

DPAC 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. We recognise the unique skills and knowledge that Aboriginal employees bring to the workplace. We value and encourage the diversity of thought that our employees bring.

The Department of Premier and Cabinet is committed to improving the way we work with vulnerable people, in particular implementing strategies and actions to promote child safety and wellbeing, empower, and prevent harm to children and young people. The Department is committed to the safeguarding and protection of welfare and rights of all people, particularly those that may be at risk of abuse, neglect, or exploitation.

We will employ the right people. We will embed a culture of self-reflection and continuous improvement. We will have the courage to change what needs to be changed. We will regularly review our policies and structures through a child and youth safety lens. Our people will be equipped with the skills to recognise and respond to signs of harm. We are growing a culture where everyone takes responsibility, shares information, and speaks up if something doesn't seem right. Together, we're creating a place where all children and young people are safe from harm.

DPAC does not tolerate discrimination, harassment or bullying in the workplace. We have a culture of zero tolerance towards violence, including any form of family violence. We will take an active role to support employees and their families by providing a workplace environment that promotes their safety and provides the flexibility to support employees to live free from violence.

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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.

Workplace 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*.

Within the remit of the role, actively participate in and contribute to the Work Health and Safety processes, including in the development and implementation of safety systems, improvement initiatives, safeguarding practices for vulnerable people, and related training.

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

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.

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.