



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**Federation Chamber**

**BILLS**

**Parliamentary Counsel and Other  
Legislation Amendment Bill 2012**

**Second Reading**

**SPEECH**

**Wednesday, 23 May 2012**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Wednesday, 23 May 2012  
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**Questioner**  
**Speaker** Neumann, Shayne, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr NEUMANN** (Blair) (16:07): I speak in support of the Parliamentary Counsel and Other Legislation Amendment Bill 2012. We are dealing with legislation that affects people's lives. For example, the explanatory memorandum makes the point that the Office of Parliamentary Counsel consists of 55 staff employed in both drafting and non-drafting roles, and the Office of Legislative Drafting and Publishing consists of 23 legislative drafters and 50 staff responsible for the registration, editing, compilation and publication of legislation.

When we say it is an office I want no-one to be under any illusions that we are drafting with quite significant statutory authorities or offices that are within the purview and remit of the Attorney-General's portfolio. The Office of Parliamentary Counsel is an independent agency—we know that—which is responsible for drafting all government bills. The Office of Legislative Drafting and Publishing is a division within the department and has the responsibility of drafting legislative instruments. There is a recommendation that this takes place. I do not know why in the history of the Commonwealth there were two complete departments that merged and ended up involved in this legislative drafting process. Certainly, in other jurisdictions it is not the case—I am aware of that.

There is a recommendation from the Skehill review of small and medium agencies in the Attorney-General's portfolio that there be more efficient management and prioritisation of drafting functions. I imagine that style would be something that is likely to be more coherent and consistent if the same people are drafting both. This is important, as the member for Makin said, because laws affect people. We are a nation of laws. We do not rule by the gun; we do not rule by the bullet; we do not rule by the fist. We actually rule by laws. The preparation of subordinate legislation, of laws, is particularly important. It is a key element of any legal education that drafting is taught. I can recall vividly when I was at law school—back at the University of Queensland—that there were people who aspired to do this type of work, and did it. They left the University of Queensland and came down here to Canberra to work.

This is an important reform because laws affect people's lives and every community across the country. This is a reforming government in the area of law. The bill is a small part but an important part. We have seen, today, legislation introduced in relation to privacy law reforms. We are building our National Disability Insurance Scheme, which will have an impact on the laws of this country. We are passing legislation in relation to people trafficking and other areas such as consolidation of antidiscrimination laws, including a commitment to a truly national legal profession, which is important as we have to get rid of the dingo fences that have, in the past, meant that people had to register across different jurisdictions.

This is a small piece of legislation. It affects dozens and dozens of public servants who toil away and make us look better and make the laws look good. It is important because it will improve efficiency in the legislative drafting process for better management of Commonwealth government resources and in the circumstances I commend the legislation to the House.