

EXPLANATORY STATEMENT

ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

PARLIAMENTARY COUNSEL AND OTHER LEGISLATION
AMENDMENT ACT 2012

Proclamation

Subsection 2 (1) of the *Parliamentary Counsel and Other Legislation Amendment Act 2012* (the Act) provides that Schedules 1 and 2 to the Act commence on a day to be fixed by proclamation, but no later than six months after the date the Act receives Royal Assent.

The purpose of the Proclamation is to fix 1 October 2012 as the day on which Schedules 1 and 2 to the Act commence.

The Act amends the *Parliamentary Counsel Act 1970*, the *Acts Publication Act 1905* and the *Legislative Instruments Act 2003* to enable the transfer of the functions of the Office of Legislative Drafting and Publishing (OLDP) to the Office of Parliamentary Counsel (OPC).

The Act confers all the current functions of OLDP to OPC and transfers associated functions of the Secretary of the Department to the First Parliamentary Counsel. This includes the drafting of subordinate legislation, publication and compilation of Commonwealth laws and maintenance of the Federal Register of Legislative Instruments. Staff and resources are being relocated from the Department to OPC to support the transfer. Overall, the transfer will improve the efficient and effective management of Commonwealth drafting resources.

Schedule 1 to the Act provides the framework for the main technical amendments to the *Parliamentary Counsel Act 1970*, whilst Schedule 2 provides for the *Acts Publication Act 1905*, the *Legislative Instruments Act 2003* and four other Acts to be amended to reflect the transfer of functions.

The Act specifies no conditions that need to be satisfied before the Proclamation was made.

The Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The Act and Proclamation have been developed in consultation with the OPC and OLDP.

Human Rights Statement of Compatibility

The Act will advance the protection of human rights and the rule of law by ensuring that all new laws are drafted to a consistent and high standard. It is fully compatible with human rights as defined in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Authority: Subsection 2(1) of the
*Parliamentary Counsel
and Other Legislation
Amendment Act 2012*