



Expressions of interest

External legal adviser to the Senate Standing Committee for the Scrutiny of Delegated Legislation

The Senate Standing Committee for the Scrutiny of Delegated Legislation (the committee) invites expressions of interest from suitably qualified persons for the position of external legal adviser to the committee.

Role of the committee

The committee assesses delegated legislation against a set of scrutiny principles that focus on compliance with statutory requirements, the protection of individual rights and liberties and principles of parliamentary oversight.

The committee examines each disallowable instrument of delegated legislation that is tabled in the Parliament to ensure:

- a. it is in accordance with its enabling Act and otherwise complies with all legislative requirements;
- b. it appears to be supported by a constitutional head of legislative power and is otherwise constitutionally valid;
- c. it makes rights, liberties, obligations or interests unduly dependent on insufficiently defined administrative powers;
- d. those likely to be affected by the instrument were adequately consulted in relation to it;
- e. its drafting is defective or unclear;
- f. it, and any document it incorporates, may be freely accessed and used;
- g. the accompanying explanatory material provides sufficient information to gain a clear understanding of the instrument;
- h. it trespasses unduly on personal rights and liberties;
- i. it unduly excludes, limits or fails to provide for independent review of decisions affecting rights, liberties, obligations or interests;
- j. it contains matters more appropriate for parliamentary enactment;
- k. in the case of an instrument exempt from sunset, it is appropriate for the instrument to be exempt from sunset;
- l. in the case of an instrument that amends or modifies the operation of primary legislation, or exempts persons or entities from the operation of primary legislation, the instrument is in force only for as long as is strictly necessary; and

m. it complies with any other ground relating to the technical scrutiny of delegated legislation that the committee considers appropriate.

[see Senate Standing Order 23]

The committee provides [guidelines](#) to assist in understanding the committee's roles and expectations.

Each sitting week, the committee tables its report - the [Delegated Legislation Monitor](#). The committee meets to adopt its report on the Wednesday of each sitting week (or otherwise as required).

For more information on the work of the committee, please visit:

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Scrutiny_of_Delegated_Legislation

Secretariat

The committee is supported by a secretariat, usually comprising a Secretary, two Principal Research Officers, two Senior Research Officer and a Legislative Research Officer. The secretariat is largely comprised of staff with law degrees and/or relevant experience.

The secretariat provides the committee with procedural and other advice as needed, drafts the *Delegated Legislation Monitor* for the committee, and prepares other briefing material as required.

Role of the legal adviser

The legal adviser examines all legislative instruments that come before the committee and provides the committee with an independent legal assessment of their compliance with the committee's scrutiny principles. The legal adviser is engaged as an independent contractor, not as an employee.

Specific duties include:

- a) with the support of the secretariat, provide reports in a timely fashion on the compliance of instruments with the committee's scrutiny principles;
- b) as required, with the support of the secretariat, provide timely additional advice to the committee secretary and to the committee on any matters that arise within the committee's terms of reference; and
- c) attend in person the committee's regular meetings in Canberra (currently held at 1.00 pm on the Wednesday of each Senate sitting week) to support the committee's consideration of particular legislative instruments.

Selection criteria

The successful applicant must demonstrate appropriate qualifications, skills, experience and availability as assessed against the following criteria:

1. significant legal academic or practical legal experience, demonstrating knowledge of a relevant legal discipline or disciplines including administrative, constitutional or public law;
2. ability to apply high level legal expertise to the examination of legislative instruments and assess their compliance with the committee's scrutiny principles;
3. ability to provide high-quality written and oral advice to the committee on instruments within short timeframes; and
4. excellent verbal and written communication skills, including the ability to engage effectively in the context of parliamentary committee processes;
5. familiarity with the principles of statutory interpretation, including the principles governing the making and interpretation of delegated legislation; and
6. availability to attend in person the committee's regular private meetings in Canberra.

Remuneration

The legal adviser will be engaged under a contract commencing 1 July 2023 for a period of 12 months, with the possibility of renewal. The legal adviser will be paid \$57 143 per annum (plus any applicable GST), paid in monthly instalments.

An amount up to \$5,000 per annum is also available for the reimbursement of reasonable travel expenses incurred to attend committee meetings (typically 15-16 meetings per year).

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Expressions of interest, including a curriculum vitae and brief outline of relevant skills, experience and particular areas of expertise as assessed against the selection criteria, may be submitted electronically to sdlc.sen@aph.gov.au or in hard copy to:

Ms Fattimah Imtoul
Secretary
Senate Standing Committee on Regulations and Ordinances
PO Box 6100
Parliament House
CANBERRA ACT 2600

The closing date for expressions of interest is close of business on 28 April 2023.