

David Charles Metcalf | Curriculum Vitae

Business name: David Metcalf Legislative Counsel

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Security Clearance: Australian Government Baseline 13.7.21

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Career overview

Following 19 years in the private sector, I have had 16 years' experience in drafting and settling legislation at ACT Parliamentary Counsel's Office (PCO). I retired in November 2020 having held the position of Deputy Parliamentary Counsel for 11 years with many periods of acting as Parliamentary Counsel as well as four occasions acting as Principal Registrar of the ACT Courts and Tribunal. I have been privately consulting since 2020.

Does my expertise fit with your need?

I hold an unrestricted practising certificate issued by ACT Law Society from 13 November 2020 and have professional indemnity insurance. I am a generalist having drafted legislation for all levels of government. I am a consultant/contractor willing to undertake a range of legislative drafting work in any Australian or overseas jurisdiction. This could involve drafting bills, regulations and instruments, settling work, mentoring junior drafters and presenting seminars on legislative drafting. I also provide legal related consultancies or advisory work, on contract or retainer. Rates can be provided and/or negotiated.

Legislative drafting experience

- As a consulting legislative counsel since 2020, I have drafted bills for petroleum royalties (NT Government) and water management (WA Government). In 2022 I worked for five months as part of a small global expert drafting (settling) group (UK, US, Australia) for the whole suite of regulations for the new, smart city planned by Saudi Arabia <https://www.neom.com>
- Drafting complex bills for ACT Legislative Assembly (and all parties including non-government members) and regulations for the Executive;
- Co-ordinating all drafting work for ACT Government Directorates, ACT courts and private members of Legislative Assembly;
- PCO representative for 10 years on the Court Rules Advisory Committee - drafting or settling all Court rules during that time, and acting as Principal Registrar of the Courts on four occasions;
- National 'harmonisation' legislation (Work Health and Safety) via the work of the Council of Australian Governments i.e., drafting uniform legislation as required for the Parliamentary Counsels' Committee - for example, the national Model Work Health and Safety Regulation (hazardous chemicals and asbestos); and
- Advising policy officers on the implications and consequences of design and structure of legislative schemes such as the Integrity Commission Bill (ACT) and the Motor Accident Injuries Bill (ACT).
- Reviewed and drafted amendments to *Court Procedures Rules 2006* (ACT) for compliance with digital case management (2023); and
- Drafted amendments to *ACT Civil and Administrative Tribunal Procedures Rules 2020* (2024).

Senior executive consulting / legal experience

- Appointed by ACT Government Solicitor to draft a suite of practice guidelines for the purposes of ensuring consistency, induction for new graduates and to establish body of knowledge for ACTGS intranet (2022— current);
- Gave presentations to the Law Society and the Bar Association on legislative process and drafting;
- Reviewed ACT Emergency Services disciplinary action processes with recommendations for consistency and improvement;
- Appointed to review panel for code of conduct matter for Justice and Community Safety Directorate (ACT);

Qualifications and professional development – ongoing CPD

- APS Baseline Government Security Clearance by Clean Energy Regulator 13 July 2021.
- Unrestricted Practising Certificate issued by ACT Law Society 13 November 2020
- Bachelor of Laws (ANU)1982 and Bachelor of Economics (ANU)1978
- Master of Laws in Intellectual Property (ANU) partial completed 2005
- Multiple CALC conferences, CPD and corporate courses including public service ethics; business planning in the public sector; leadership training
- Enrolled as Barrister and Solicitor, High Court of Australia 1985
- Admitted as Barrister and Solicitor, ACT and Solicitor, NSW 1984

Other qualities and experience:

- **Lawyer for over 35 years** - admitted 1984 and in private practice from 1985 to 2004; 16 years' experience in drafting and settling legislation at ACT Parliamentary Counsel's Office (11 years as Deputy Parliamentary Counsel and many periods of acting as ACT Parliamentary Counsel – and as Principal Registrar of the Courts and Tribunal).
- **Depth of understanding of the public sector and the Westminster systems** – I have a depth of public sector knowledge, a strong public service orientation, and sense of accountability and integrity;
- **Excellent organisational and managerial skills** – in managing complex matters, multiple instructors and a large workload; I am calm under pressure;
- **Outstanding ability to influence and manage stakeholder relationships** – I have excellent communication and negotiation skills, and the ability to successfully build stakeholder relationships. Quote by former Judge Richard Refshauge articulates David's excellent communication and representation skills *'David's collegiality is an outstanding feature of his work. He has shown an ability to work with people of differing views and in challenging environments whilst maintaining his equilibrium and indeed, often engendering cooperation in the face of robust disagreement.'*

Memberships and positions held

- Member, Commonwealth Association of Legislative Counsel
- Member, ACT Law Society (and Chair, Functions and Law Week Committee 2017 – 2021)
- Member, ACT Bar Association
- Member, Australian Institute of Administrative Law
- Member, Wine Communicators of Australia
- Member, Australian Society of Viticulture and Oenology (ASVO) 2020 Wine Show Technical Advisory Committee
- Councillor, Royal National Capital Agricultural Society, 1993 - 2017
- Board Director, Royal National Capital Agricultural Society Board, 1997 - 2005
- Vice-President, Royal National Capital Agricultural Society Board, 2005 - 2010
- Chair, National Wine Show of Australia, 2010 - 2015
- Chair, Canberra Regional Wine Show Committee, 1998 – 2005

Referees – contact details can be provided on request

- Mr Geoff Lawn, Parliamentary Counsel, Western Australia Parliamentary Counsel's Office
- Ms Bianca Kimber, current Parliamentary Counsel, ACT Parliamentary Counsel's Office
- Ms Mary Toohey, former Parliamentary Counsel, ACT Parliamentary Counsel's Office

Examples of principal and subordinate laws I have drafted or settled and delivered include:

- water resources management (WA Government);
- petroleum royalties (NT Government);
- financial management, revenue legislation;
- long service leave, veterinary practice, planning, building and construction;
- waste management (Container Deposit Scheme), fisheries;
- establishment of ACT Integrity Commission;
- ensuring all legislation complies with the ACT Human Rights Act and Legislation Act to keep a cohesive, accurate, high quality statute book;
- national 'harmonisation' legislation (Work Health and Safety) via the work of the Council of Australian Governments i.e., drafting uniform legislation as required for the Parliamentary Counsels' Committee - for example, the national Model Work Health and Safety Regulation (hazardous chemicals and asbestos); and
- advising policy officers on the implications and consequences of design and structure of legislative schemes, for example the ACT Integrity Commission and the motor accident injuries scheme.

Career summary

Date	Position	Organisation
Sep 2020 - present	Consultant Legislative Counsel - WA Department of Justice NT Office of Parliamentary Counsel (Dept of Chief Minister and Cabinet) NEOM – expert global drafting panel ACT Justice and Community Services Directorate ACT Courts and Tribunal – review of Court Procedures Rules 2006 ACT Government Solicitor ACT Emergency Services	
2017 - 20	Deputy Parliamentary Counsel	ACT Parliamentary Counsel's Office (PCO) ACT Government
2016 & 2017	Acting Parliamentary Counsel October - November 2016 (5 weeks) May - June 2017 (6 weeks) August - September 2017 (4 weeks)	PCO
2016, 2017 & 2018, 2020	Acting Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal - on four occasions	ACT Courts and Tribunal,
2012 & 2015	Acting Parliamentary Counsel (11 weeks on 2 occasions)	PCO
2012 - 20	Deputy Parliamentary Counsel	PCO
2009 - 12	Acting Deputy Parliamentary Counsel	PCO
2005 - 09	Principal Drafter (L2) (including A/g Sept 2005 - April 2006)	PCO
2004 - 05	Senior Assistant Parliamentary Counsel (L1)	PCO
2000 - 04	Senior Associate - personal injury litigation (plaintiff & defendant)	Abbott Tout, Solicitors
1985 -2000	Solicitor, Associate, Senior Associate, Solicitor/Senior Associate Porter Parkinson & Bradfield, Solicitors; Abbott Tout Harper & Blain, Solicitors; Crossin Barker Gosling, Solicitors; Sly & Weigall, Solicitors	
1983-84	Policy Branch Class 9 (Assistant Director) Patents, Trade Marks & Designs Office, Consumer Affairs Class 8, Home Affairs and Environment; Business and Consumer Affairs	