

ACTIVITIES OF THE LEGISLATION ADVISORY COMMITTEE DURING 2006

[What is the Legislation Advisory Committee](#) [Current Membership](#) [Contact Information](#) [LAC Guidelines](#) [Other Information & Publications](#) [Disclaimer & Other Information](#)

Links to other sites:

[Cabinet Office Manual](#) [CabGuide](#) [Law Commission](#) [Parliamentary Counsel Office New Zealand](#) [Legislation Ministry of Justice](#) [newzealand.govt.nz](#)

Report of the Legislation Advisory Committee to the Attorney-General

Sir Geoffrey Palmer, Chairperson
December 2006

CONTENTS

[Letter of transmittal](#)

[Introduction](#)

[Membership and meetings](#)

[Work structure](#)

[Work load](#)

[Advice to agencies on the development of legislative proposals](#)

[Scrutiny and submissions on aspects of Bills introduced into parliament](#)

[Submissions not arising out of a particular Bill](#)

[Review of the Legislation Advisory Committee Guidelines](#)

[Promotion and educational activities relating to the Guidelines](#)

[Trends and Developments](#)

[Other](#)

LEGISLATION ADVISORY COMMITTEE

Sir Geoffrey Palmer, Chairperson	
Mr John Beaglehole, Legal Advisor, Department of the Prime Minister and Cabinet	Mr Ivan Kwok, Treasury Solicitor
Mr Guy Beatson, Counsellor (Economic) New Zealand High Commission	Mr Grant Liddell, Crown Counsel
Mr Andrew Bridgman, Deputy Secretary, Ministry of Justice	Sir Ivor Richardson, Former President of the Court of Appeal

Mr Graeme Buchanan, Deputy Secretary, Legal, Department of Labour	Hon Justice Robertson, Judge of the Court of Appeal
Professor John Burrows QC, University of Canterbury	Ms Mary Scholtens QC, Wellington Barrister
Professor John Farrar, Dean of Law, University of Waikato	Mr George Tanner QC, Chief Parliamentary Counsel
Mr Andrew Geddis, Associate Professor, University of Otago	Dr John Yeabsley, Senior Fellow, NZ Institute of Economic Research
Mr Jack Hodder, Partner, Chapman Tripp	

Secretary: Eva Hartshorn-Sanders, Ministry of Justice, P O Box 180, Wellington
Email: Eva.Hartshorn-Sanders@justice.govt.nz

27 November 2006

The Hon Michael Cullen
Attorney-General
Parliament Buildings
Wellington

Dear Attorney-General

I am pleased to provide you with the annual report of the Legislation Advisory Committee for the period 1 January 2006 to 31 December 2006.

Yours sincerely

Sir Geoffrey Palmer
Chair
Legislation Advisory Committee

INTRODUCTION

Purpose of this report

1. This is a report to the Attorney-General (the Minister responsible for the Legislation Advisory Committee (LAC)) on the work completed by the LAC in the period from 1st January 2006 to 31 December 2006. This report:
 - a. Outlines the membership and work structure of the LAC; and
 - b. Summarises the work done by the LAC this year.
 - c. Offers some observations on legislative trends.

Functions of the committee

2. The terms of reference of the LAC are as follows:

- a. To provide advice to departments on the development of legislative proposals and on drafting instructions to the Parliamentary Counsel Office;
- b. To report to the Minister of Justice and the Legislation Committee of Cabinet on the public law aspects of legislative proposals that the Minister or that committee refers to it;
- c. To advise the Minister of Justice on any other topics and matters in the field of public law that the Minister from time to time refers to it;
- d. To scrutinise and make submissions to the appropriate body or person on aspects of Bills introduced into Parliament that affect public law or raise public law issues;
- e. To help improve the quality of law-making by attempting to ensure that legislation gives clear effect to government policy, ensuring that legislative proposals conform with the LAC Guidelines, and discouraging the promotion of unnecessary legislation.

Focus of the Legislation Advisory Committee

3. In 2006, the LAC focussed on:

- a. Advising agencies on the development of legislative proposals;
- b. Scrutinising and making submissions on aspects of Bills introduced into parliament;
- c. Scrutinising the legislative process and balance between primary and delegated legislation;
- d. Reviewing the LAC Guidelines on process and content of legislation; and
- e. Promoting and educating departments on the LAC Guidelines.

MEMBERSHIP AND MEETINGS

4. The membership of the LAC as at 1 December 2006 was as follows:

Sir Geoffrey Palmer (Chair)
Mr John Beaglehole
Mr Guy Beatson
Mr Graeme Buchanan
Professor John Burrows QC
Professor John Farrar
Mr Andrew Geddis
Mr Jack Hodder
Mr Ivan Kwok Mr Grant Liddell
Mr Andrew Bridgman
Sir Ivor Richardson
Hon Justice Robertson
Ms Mary Scholtens QC
Mr George Tanner QC
Dr John Yeabsley
Dr Warren Young

5. Mr Jeff Orr and Ms Lauren Perry have been acting for Mr Andrew Bridgman as the Ministry of Justice representative on the LAC.

6. In 2006, the LAC met eight times. The meetings were held on the following days:

3 February
17 March
28 April
9 June 21 July
1 September
13 October
24 November

WORK STRUCTURE

7. The LAC's work is divided among its subcommittees. The subcommittees put up proposals to the LAC before advancing significant pieces of work.

8. The five subcommittees are as follows:

a. **Guidelines Subcommittee** - chaired by Professor John Burrows QC. This subcommittee deals with the LAC Guidelines.

b. **Education and Monitoring Subcommittee** - chaired by Dr Warren Young. This subcommittee devises and implements programmes of education for the private and public sector. These centre on the LAC Guidelines and practical issues regarding the legislative process, such as how to deal with select committees and the Committee of the Whole House.

c. **Subcommittee on the Legislative Process** - chaired by Sir Geoffrey Palmer. This subcommittee investigates ways in which the legislative process can be changed to allow non-controversial law reform measures to receive greater attention from the House of Representatives than they do at present.

d. **Subcommittee on Delegated Legislation** - chaired by Grant Liddell. This subcommittee interests itself in the subject of delegated legislation, in particular, in the questions of when delegated legislation is appropriate and what safeguards should be in place to ensure the correct balance between primary and delegated legislation.

e. **Subcommittee on General Assistance** - chaired by George Tanner. This subcommittee:

i. deals with departments or agencies which request help with particular legislative proposals and provides some input and feedback to them.

ii. deals with any requests from the Legislation Committee of Cabinet or Ministers.

iii. superintends the writing of any submissions to Select Committees.

WORK LOAD

9. This year the LAC carried out the following work:

a. Provided advice to agencies on the development of legislative proposals;

b. Scrutinised and prepared submissions on aspects of Bills introduced into Parliament;

c. Prepared submissions not arising out of particular Bills;

d. Reviewed and updated the LAC Guidelines on Process and Content of Legislation; and

e. Promotional and educational activities relating to the guidelines.

ADVICE TO AGENCIES ON THE DEVELOPMENT OF LEGISLATIVE PROPOSALS

10. The LAC has provided advice on the following matters:

- a. The development of new Fire Service legislation;
- b. Rewriting the Social Security Act 1964;
- c. The Telecommunications Amendment Bill;
- d. The Evidence Bill and post-enactment review clauses;
- e. The Ministry of Economic Development's Review of Regulatory Frameworks; and
- f. The rule-making process for transport legislation.

Development of new Fire Service legislation

11. The Department of Internal Affairs came to the LAC with their first public discussion paper, examining options to change the fire service structure, and for guidance on planning a transition process. The Department is considering establishing a transitional body or advisory board before converting the 86 managing authorities into a single Crown entity.

12. The LAC raised concerns about how the service would be funded. It also discussed the implications of widening the scope of the Fire Service's functions by formalising and legitimising functions that it currently performs, such as the "Jaws of Life" and work around mobile "p-labs".

13. The LAC noted that, due to the community-based nature of the Fire Service's activities, community support and consultation was vital to the success of this process and any effective implementation of the policy initiatives.

14. The Department of Internal Affairs is to return to the Committee with their second public discussion paper.

Rewriting the Social Security Act 1964

15. The Ministry of Social Development gave a presentation to the LAC about the key messages in their plans to reform the Social Security Act 1964. The Ministry was interested in the LAC's views as to whether the proposal reflected an appropriate balance between primary and secondary legislation.

16. The LAC noted that social security provision is an area affecting many citizens and involving large amounts of spending. While many provisions in this area may be detailed or complex, they are also important at a policy and practical level. While flexibility may be appropriate for emergency relief or other situations where it is difficult to foresee all possibilities, ease of change is not always in citizens' best interests. Changes to social security entitlements should be the subject of Parliamentary scrutiny and control. On this basis, the LAC advised that as much as possible of the new policy should be expressed in primary legislation.

17. The LAC noted the difficulties the Ministry faces in maintaining well-drafted and principled primary legislation in this area, due to the frequency with which any social assistance system changes. It considered that the use of delegated legislation was not the only way of providing for flexibility in the social security area. The LAC recommended that there should be an annual Social Security Bill to confirm the rates of benefits where these have been altered by Order in Council, and to make or confirm other

substantive changes.

Telecommunications Amendment Bill

18. The Ministry of Economic Development (MED) spoke to the LAC about the draft Telecommunications Amendment Bill. In particular, they were interested in the Committee's views about enforcement, information disclosure and accountability.

19. LAC members raised a number of issues with the Ministry at the meeting, including:

- the underlying policy of the Bill;
- the apparent disparity in timeframes as between the Commerce Commission and access providers;
- the limitation of objection to civil infringement notices to objections that satisfy one or both of the two prescribed grounds for objection;
- the cost of compliance with the information disclosure requirements;
- providing for a complaints resolution system, penalties, reviews, and associated matters via delegated legislation rather than by primary legislation;
- the potential difficulties with enforcement of matters filed at the High Court to be enforceable as a judgment of the High Court in its civil jurisdiction.

20. The LAC wrote to the Attorney-General and the Minister responsible for the Bill, enclosing correspondence that they had received from the Business Round Table. The LAC also raised the issue, but did not reach a conclusion, of whether the Bill amounted to a taking or expropriation without full compensation, contrary to paragraph 3.2.2 of the LAC Guidelines.

21. Following the meeting with MED officials, the LAC made a submission to the Finance and Expenditure Select Committee about the:

- Civil Penalty Regime (Clause 54 inserting new Part 4A);
- Regulation making powers in relation to the Complaints Conciliator (Clause 55 amending Section 157);
- Information Disclosure Requirements (Clause 13 inserting new Part 2A).

The LAC comments on these topics were restricted to matters of legislative good practice, rather than policy issues, as consistent with the LAC's mandate.

The Evidence Bill

22. The LAC was asked by the Justice and Electoral Committee to provide comments on the Evidence Bill; in particular, whether it was too prescriptive. A delegation from the LAC attended the Select Committee and made a submission about the Bill.

23. The LAC told the Select Committee that judges should not be left to make the law in this area and expressed support for the Bill's codification of this area. In its report back to the House the Select Committee agreed with the LAC that the Bill is not too prescriptive and that it is appropriate for the content of the Bill to be contained in statute as a comprehensive evidence code is too important to be relegated to regulations. The Select Committee recommended additions and amendments to the regulation making powers in clause 194 of the Bill to better reflect the provisions of the Bill.

24. The LAC also proposed a clause in the Bill to provide for 5-yearly review by the Law Commission of the Bill once enacted. This post-enactment periodic review suggestion was accepted by the Select Committee and included as an amendment in their report back to the House (clause 194A).

The Ministry of Economic Development's Review of Regulatory Frameworks

25. The Ministry of Economic Development (MED) gave a presentation to the LAC about their Review of Regulatory Frameworks. MED stated that the focus of this review was to reduce “regulatory costs”, in a broadly defined sense, and to improve the effectiveness of the enforcement aspects of law. The review would not revisit the underlying policy. The regulation under review includes primary, secondary and tertiary legislation. No omnibus legislation was planned.

26. The LAC noted that it would be happy to assist MED with this project on a case-by-case basis as difficulties arose. The Chair suggested that legislative instrument choice was a matter upon which the LAC could usefully contribute. MED will return to the LAC in the future with any discrete questions it may wish ask.

The Rule-making Process for Transport Legislation

27. The Chair and Mr George Tanner QC attended a meeting with the Minister of Transport to discuss the rule-making process for transport rules. This was in response to a report from Mr Richard Clarke QC to investigate ways of accelerating the rule-making process.

28. At the meeting, it was agreed that this work would be referred to the Legislative Design Committee, who would report back to the Minister with options for amending the process for making transport rules.

SCRUTINY AND SUBMISSIONS ON ASPECTS OF BILLS INTRODUCED INTO PARLIAMENT

29. The Law Commission provided the Legislation Advisory Committee with the equivalent of a half time researcher. The Law Commission researchers, under the supervision of a Commissioner, vet Bills introduced into Parliament with reference to the LAC Guidelines. They provide the LAC with a report on each vetted Bill and alert the Committee of any likely inconsistencies between the Bills and the Guidelines.

30. The LAC then reviews the Law Commission reports on the Bills, scrutinises the Bills themselves, and decides whether or not to make submissions on the Bills. The Legislation Advisory Committee is not concerned with matters of policy or issues relating to the Treaty of Waitangi or privacy, but rather with questions of good legislative practice.

31. The Legislation Advisory Committee scrutinised and made submissions to the relevant department, Minister or select committee on the following Bills:

a. *Unsolicited Electronic Messages Bill*. The LAC met with officials from MED and raised issues discussed in the Law Commission report.

b. *Electoral (Integrity) Amendment Bill*. The LAC sent an article by Mr Andrew Geddis, a member of the committee, and a copy of the Law Commission report on this Bill to the Select Committee considering the Bill.

c. *Standards and Conformance Bill*. The LAC sent a copy of the Law Commission report on the Bill to officials from the sponsoring department (MED).

d. *Law Reform (Epidemic Preparedness) Bill*. The LAC wrote to the Department of Prime Minister and Cabinet expressing its concerns about this Bill, and enclosed a copy of the Law Commission report to be

forwarded to the relevant departments with their letter.

e. *Local Government Law Reform Bill*. The LAC wrote to the Minister for Local Government with a copy of the Law Commission report, focussing on:

i. an onus of proof change;

ii. the restrictions in s 356A regarding vehicles without proper inspection and licensing as compared with abandoned vehicles;

iii. the extent of the powers of local authorities to restrict water supply; and

iv. the power of local authorities to cancel a ratepayer's election to make a lump sum contribution to a capital project if they miss a payment.

f. *Justice of the Peace Amendment Bill*. The Committee raised a drafting error with a Ministry of Justice official present at the meeting.

g. *Reserve Bank of New Zealand Amendment Bill*. The Committee wrote to the Minister of Finance commenting on the breadth of the definition of "financial institutions" and questioning why it had been extended.

h. *Weathertight Homes Resolution Services Amendment Bill*. The Committee spoke to the Department of Building and Housing about the fact that the Amendment Bill proposed to make fundamental changes to the original Act. In the LAC's view it would be more appropriate to completely re-enact the provision.

The LAC wrote to the Select Committee that was considering the Bill making the same point.

32. The Legislation Advisory Committee scrutinised but did not consider it necessary to make a submission on the following Bills:

a. Sports Anti-Doping Bill;

b. Employment Relations Amendment Bill;

c. Tariff (Trans-Pacific Strategic Economic Partnership) Amendment Bill;

d. New Zealand Superannuation and Veteran's' Pensions (Entitlements of Spouses and Partners of People in Long-term Residential Care and Remedial Matters) Bill;

e. Land Transport Amendment Bill;

f. Insolvency Bill;

g. Kiwi Saver Bill;

h. Communications Legislation Bill;

i. Crimes of Torture Amendment Bill;

j. Meat Board Amendment Bill;

k. Health (Drinking Water) Amendment Bill;

l. Social Security (Long-term Residential Care) Bill;

- m. Maori Purposes Bill;
- n. Customs and Excise Amendment Bill;
- o. Arbitration Amendment Bill; and
- p. Business Law Reform Bill.

On many of these Bills, the Committee raised a number of points with the drafters.

SUBMISSIONS NOT ARISING OUT OF A PARTICULAR BILL

Submission to the Regulations Review Committee

33. The LAC has a developed interest in delegated legislation, and one of its sub-Committees, chaired by Grant Liddell, Crown Counsel, superintends that interest. The Regulations Review Committee (RRC) performs the constitutionally important function of providing a key set of checks and balances on executive law-making. The Legislation Advisory Committee is interested in forging continuous links with the Regulations Review Committee and assisting where that is appropriate.

34. In March 2006 the LAC made a written submission to the RRC noting that it would be useful to explore ways in which the two Committees can co-operate on a continuing basis. The submission raised the following matters:

- Deemed regulations, and the related topic of the definition of “regulation”;
- Failure to use the disallowance procedure contained in the Regulations (Disallowance) Act 1989;
- Affirmative resolution procedures for fast-tracking legislation;
- The boundary between primary and delegated legislation;
- Some comment on recent legislative developments in the United Kingdom, particularly the Legislative and Regulatory Reform Bill.

35. The submission noted the pressures on the RRC to allow greater use of regulations. The LAC considers these pressures have their origins in the difficulty of passing primary legislation. The LAC said consideration should be given to whether it is possible for Parliament to find ways to control and influence matters that are dealt with by delegated legislation in its many variants.

36. The submission proposed that the key may lie in alterations to the legislative process. Among possible solutions to the problem may be to widen the Standing Orders regarding omnibus Bills.

Submission to the Standing Orders Committee

37. In October 2006 the LAC made a written submission to the Standing Orders Committee (SOC). A delegation of the LAC attended the SOC in December 2006.

38. At the time of this report that submission remains the subject of Parliamentary privilege. In the lengthy discussion that preceded the filing of the submission the LAC reached a number of views. The first was the point that uncontroversial Bills to make important administrative or technical amendments to the statute book are currently not getting into or through the legislative process.

39. This means that the statute book is becoming increasingly outdated at an administrative, organisational and technical level and becoming harder to understand and to physically access. This is

inconsistent with the Government's constitutional duty to make legislation available and understandable.

40. The LAC thought that a solution to this problem was urgently needed.

41. The LAC felt it was important to improve the Parliamentary process so that important but uncontroversial Bills can be progressed, and the statute book as a whole can be kept up to date and accessible and understandable to the public.

REVIEW OF THE LEGISLATION ADVISORY COMMITTEE GUIDELINES ON PROCESS AND CONTENT OF LEGISLATION

Redraft and Publication of Chapters

42. The LAC has updated the Index and chapters in the LAC Guidelines on the following topics:

- Chapter 7, Part 4: "Are Savings or Transitional Provisions Required?";
- Chapter 9: "Creation of a New Public Agency";
- Chapter 13, Part 6: "Does the Legislation Give Sufficient Guidance as to the Applicable Requirements, if any, of Natural Justice?";
- Chapter 15: "Privacy and the Fair Handling of Personal Information"; and
- Chapter 17: "Bills after Introduction".

43. Following extensive consultation with the Parliamentary Counsel Office, the Law Commission, the Privacy Commissioner and relevant government departments, these amendments to the Guidelines were approved in October 2006.

44. The LAC subcommittee is currently developing a chapter on alternative dispute resolution processes in legislation, and the Wellington District Law Society held a workshop on 2 November to discuss this issue with practitioners. The Committee is extraordinarily grateful to the convenor of the workshops, Ross Crotty (barrister), and to Dr Briar Gordon (Parliamentary Counsel) for their work on this chapter.

Accessibility of Guidelines

45. The full text of the LAC Guidelines, that is, the 2001 edition with the 2003 supplement and 2006 amendments combined, is available in electronic format on the Legislation Advisory Committee website ([download pdf](#)).

PROMOTION AND EDUCATIONAL ACTIVITIES RELATING TO THE GUIDELINES

46. The LAC held a seminar on the LAC Guidelines for private practitioners from the Wellington District Law Society on 3 April. This seminar was hosted by Madam Speaker, Hon Margaret Wilson. The seminar was based on seminars provided for public officials in 2005, but tailored for people working in the private sector.

47. Sir Geoffrey Palmer chaired the seminar, which included the following presentations:

- a. Hon Justice William Young (President of the Court of Appeal) "Why Good Legislation Matters - the View from the Bench";
- b. Mr Graeme Buchanan (LAC member and Deputy Secretary (Legal), Department of Labour) "Developing Policy/Preparing Legislation - An Overview";

c. Dr Warren Young (LAC member and Deputy President of the Law Commission) “How to Use the Legislation Advisory Committee Guidelines”

d. Mr George Tanner QC (LAC Member and Chief Parliamentary Counsel) “The Role of the Parliamentary Counsel Office”

48. The seminar concluded with a panel discussion, where guests were able to direct questions to:

- Sir Geoffrey Palmer;
- Mr Jeff Orr (LAC member and Chief Legal Advisor, Ministry of Justice);
- Dr Warren Young; and
- Mr George Tanner QC.

49. The LAC also held a seminar on 5 July and repeated on 6 July for public officials. This seminar was also hosted by Madam Speaker, Hon Margaret Wilson. This seminar was about the Legislative Process in the House of Representatives and was a continuation of the 2005 seminars on the LAC Guidelines.

50. The seminar was chaired by Sir Geoffrey Palmer and included the following presentations:

a. Mr David McGee QC (Clerk of the House of Representatives) “The Legislative Process in Parliament - An Overview”;

b. Ms Catherine Parkin (Senior Parliamentary Officer) “The Role of Select Committees in legislation”;

c. Mr Graeme Buchanan “How Public Servants should deal with Legislation in Parliament”;

d. Mr George Tanner QC “The Role of the Parliamentary Counsel in relation to Bills in front of Parliament”;

e. Professor John Burrows QC (LAC member, Chair of the LAC Guidelines sub-committee and Professor at the University of Canterbury) “The Parliamentary Process: A View from the Outside”;

f. Donna Tunnicliffe (Second Clerk Assistant and Reader, Office of the Clerk) and Ivan Kwok (Treasury Solicitor and LAC member) “What Happens at the Committee of the Whole Stage and Afterwards”.

51. The seminar concluded with a panel discussion with the audience directing questions to:

- Sir Geoffrey Palmer;
- Mr David McGee QC;
- Mr George Tanner QC;
- Mr Graeme Buchanan;
- Mr Ivan Kwok; and
- Professor John Burrows QC.

52. There were around 450 people in total who attended the seminars. The majority of attendees that filled out the evaluation form indicated that they found the seminars useful.

TRENDS AND DEVELOPMENTS

Legislation Design Committee

53. The new Legislation Design Committee (LDC) agreed to by Cabinet this year has commenced work. It is chaired by Sir Geoffrey Palmer, who also chairs the LAC and there is obviously a close relationship between both committees. In the future, consideration will need to be given to the relationship between the two committees once the LDC settles down. The advantage of the LDC is that it can look at legislative

proposals much earlier than is possible for the LAC.

54. The LAC receives regular briefings from the LDC so there is coordination between the two. The LDC has a legislative architecture focus but many of the same points concerning the LAC's Guidelines come into consideration in the LDC's activities.

Early Consultation

55. There has been a trend with the LAC, indicated in this Annual Report, for an increasing number of departments to come before the committee while discussions and policy work are going on but, before legislative proposals are developed. A good example of that was the discussion with the MED on regulatory frameworks. This is a trend to be encouraged.

Post Legislative Scrutiny

56. Another point that has exercised the LAC this year has been the need to monitor legislation after it is enacted to ensure that it has achieved the purposes for which it was designed. There is a gap in the existing system.

57. The Law Commission for England and Wales issued a consultation paper on this subject and has now released its final report (Law Commission Post Legislative Scrutiny (Consultation Paper 178, London, December 2005), and Post Legislative Scrutiny (Report 302, London, October 2006). The LAC relied upon the consultation paper in its oral submissions to the Select Committee considering the Evidence Bill. It is thought that considerable advantages will accrue from systematic post legislative evaluation of new laws. The difficulty is how to conduct this in a way that is both efficient and economical.

The LAC after 20 years

58. The LAC is now 20 years old. It was envisaged at its inception that the committee would have to carry out initial work to establish the Guidelines and the framework for those Guidelines. The Guidelines have developed and evolved considerably over the years.

59. It was also envisaged when the committee began its task that once the Guidelines were established that the committee would act as a watch dog on the propriety and correctness of legislative developments in terms of the Guidelines. It may be that this latter function has not been achieved to the degree that it should have been. While the committee does make suggestions to Ministers, Select Committees and Officials, the impact of its work is marginal. Partly this is because the chances to correct legislation once the Bill is introduced are limited. That is the reason why the LDC is of such importance.

60. It is interesting that the LAC and the LAC Guidelines have received scholarly recognition in the Public Law academic journal (Dawn Oliver "Improving the Scrutiny of Bills: The Case for Standards and Checklists" [2006] Public Law 219, 235):

[New Zealand has] an independent Legislation Advisory Committee ("LAC") which has produced a detailed scrutiny standards document [that is, the LAC Guidelines] and checklist. These documents are partly concerned with legal and constitutional matters. The form and much of the content of the LAC [Guidelines] provide a model from which the United Kingdom could learn in the development of scrutiny standards and checklist for use by parliamentary scrutiny committees....

The LAC and the LAC Guidelines are also well regarded in Canada and Australia.

61. Nevertheless, it is hard to resist the conclusion that in a country with no formal checks and balances over the legislation we should be able to do better towards producing a coherent statute book that exhibits some principle. The committee will give further consideration to this issue in the coming year.

OTHER

Bill Sewell Prize

62. The 2006 Bill Sewell prize in Legislation was awarded jointly to Rebecca Prebble from Victoria University for her paper entitled *The Trouble with Convenience: Problems Arising from the Use of the Affirmative Resolution Procedure to Amend Legislation*, and James Carruthers from Otago University for his paper entitled *Deleting Statutory References to the Principles of the Treaty of Waitangi*.

63. The Committee decided to continue contacting Deans of Law Schools about the prize. The Committee will consider options to encourage more entrants, such as communicating directly with course co-ordinators and extending the scope of the communication to any course that is addressing legislation as the primary focus.

Support and Appreciation

64. The LAC has throughout the year continued to receive the support of the Ministry of Justice, especially in the role of secretary to the Committee. The efficient and consistent way this has been provided by a variety of individuals is appreciated by all members of the Committee.

65. Equally valuable and at the heart of much of the work of the LAC has been the outstanding service provided by the Law Commission. Their researchers have regularly reviewed the legislation coming up to the Committee and provided thoughtful and considered reports that have been the basis of the LAC deliberation. The contribution this has made is fully recognised and appreciated