

The Making of Quality Legislation

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Participation by External Parties in Select Committee Process

- Participation in the policy – shaping and formulation process
- The Select Committee process itself:
 - Before
 - On the Day
 - After
- Improvements to the overall legislative process

It's making good
law that matters.

Yeah right.

Participation in policy and law-making process

- Keep in touch with key officials and relevant MPs constantly, ensure key business issues are known
- Consistent and simple messaging
- Seek law change rather than simply react
- Not all corporates approach the public/Government sector interaction in the same way

What private sector generally wants

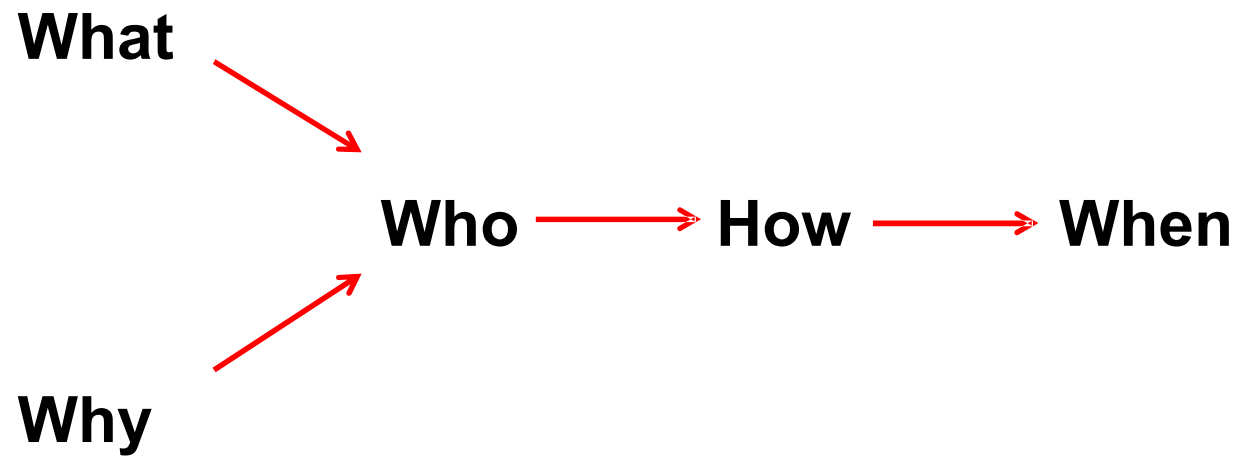
- Certainty and predictability
- Low cost
- Easy compliance
- No interference with proven property rights
- Relevant laws easy to identify

Consultation and submission processes

- Homework and preparedness: are officials properly resourced?
- Focus is often only on getting the high level right
- Is the consultation appropriate?
- Questionnaires that skew the framework
- Acknowledging the issues and solutions raised: explain dismissal
- The role of industry advocacy groups

What you want drives what you do

- The client may want to:
 - move Government policy: keep Government policy
 - influence officials to make technical changes
 - give ammunition to the Opposition
 - get a headline for itself or impress its members
 - just improve the law (eg NZLS, LAC)



- Select Committees less relevant under MMP
- Influence policy if possible
- Talk to members & Ministers; build relationships with officials

Before Select Committee Hearing (1)

The Submission

- Craft submission carefully
- Discuss with other likely submitters
- Anticipate concerns
- See the other side
- Propose Solutions
- Use the RIS, BORA, LAC Guidelines, BIMs and Cab Papers

Before Select Committee Hearing (2)

Use the Tools

- Guide to Submissions
- Guide to Members
- Guide to Officials (SSC)
- Official Bios of members
- Saunders Unsworth Guide
- Informal networks

Before Select Committee Hearing (3)

- Usually ask to be heard
- Who are you and why you matter
- Summarise key points
- Keep it simple: Give examples
- Keep it relevant: the submission is about the BILL, NOTHING ELSE
- Be positive: make suggestions

“Any fool can criticise, condemn, and complain; and most fools do” Benjamin Franklin

Before Select Committee Hearing (4)

- Select the presenters
- Anticipate questions
- Supply questions to MPs
- Manage the media and your audience/client

On the Day at Select Committee (1)

- Know your team and what they want to achieve
- Don't expect natural justice
- Expect to be recorded (and interviewed)
- Go early: pick up the vibes
- Be respectful: its their show. Don't get personal
- Ask if you can comment on what went before
- Engage: but don't bluster. Offer later response
- Stay on after (?)

On the Day at Select Committee (2)

- Leave the Committee with something
- Have media spokesperson ready
- Media releases: audience/client reports
- Debrief: Next steps

After Select Committee

- Send further info offered or requested
- Send further questions and debating points
- Follow progress: monitor other submissions
- Provide SOP, if appropriate
- Give good and bad feedback to contacts as appropriate

Suggestions for Improvement (1)

- Some industry sectors buried in submissions
- Six weeks for submissions not always appropriate. Think about the Bill, and those affected; organise extension delegations
- Publish schedule of submitters in advance
- Committee should publish briefings, questions, issues of concern; in advance
- Officials should get authority to engage
- Departmental reports should address issues raised

Suggestions for Improvement (2)

- Just getting the high level right is not good enough
- Timing of regulations/other secondary legislation
- Amendment bills should be tracked into principal Acts
- Bills should be available in Word so submitters can present tracked amendments
- Apply some integrity to RIS and policy docs
- Understand the submitter's position
- Consultation needs to be genuine

Suggestions for Improvement (3)

Crown Minerals Review Process

- Discussion paper August 2010
- Then Schedule 4 fiasco and outcomes
- Second paper March 2012 (115 pages)
- Ignores the promised Schedule 4 outcomes
- Submissions closed 20 April 2012 (160 subs)
- Transitional Paper May 2012
- Submissions closed 8 June
- No feedback on anything yet
- Bill expected “sometime” 2012
 - will it be the usual end October: submissions by Christmas: Select Committee not sitting till mid Feb?