

LAC Seminar September 2009

How Public Servants Should Deal with Legislation in Parliament

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TE TARI MAHI



Before we get to the House

- Teamwork
 - Policy Advisers and Lawyers
- Project Management
 - Planning and Resourcing
- Factor in the LAC Guidelines at all stages



Bills after Introduction

- Chapter 17 of the Guidelines
- Consistent message
 - Guidelines still relevant
 - Bill must remain consistent with Guidelines



The Competing Roles of Public Servants

- Project Manager
 - But timing and ultimate content out of our control!
- Advisers to the Select Committee
- Agent of the Minister/Government
 - Champions of the policy objectives
 - Briefing other parties



The Stakes are High

- Maintain consistency with Guidelines
 - Continue to deliver policy objective
 - Ensure a workable Bill
- through***
- Select Committee – structured!
 - Committee of the Whole – pressured!



LAC Guidelines Issues

- Still consistent with policy objective?
- Still understandable and accessible?
- Consistent with common law principles?
- Interpretation Act?
- Bill of Rights Act?
- Treaty issues?



LAC Guidelines Issues (cont)

- International obligations?
- Consistent with existing law?
 - Savings or transitionals?
- New public power?
- New public body?
- Delegated legislation involved?
- Appropriate remedies provided?



LAC Guidelines Issues (cont)

- Any new criminal offences?
- Appeal and review issues dealt with?
- New or changed powers of entry and search?
- Privacy interests affected?
- Any cross border issues?



Other Issues/Obligations

- Attention to detail
- Drafting consistency
- Staying within “scope” (SO 288 and 297)
- Fiscal impact (SO 318-322)
- Government decides policy change



Select Committee Stage

- Initial briefing – tactically important!
- Establish communication channel with Committee Clerk
- Plan submission summarising and analysis



Select Committee Stage (cont)

- Departmental Reporting
 - Plan structure and timing
 - Allow time for
 - Discussion with Minister
 - Cabinet decisions
 - Includes both recommendations arising from submissions and Departmental improvements
 - Oral and written!
 - No drafting
- QA Committee commentary



Committee of the Whole

- Ensure Government SOPs comply with LAC Guidelines
- Help Minister understand the nature of amendments proposed
- Watch out for scope issues!
- Watch out for fiscal implications
- Workability and internal consistency



Other Issues

- Second Reading
 - Does your Minister need you?
- Third Reading
 - Does your Minister need you?
- Interaction with other political parties
 - Ministerial permission!
 - Make sure you stick to the facts



