

Wellington District Law Society Seminar

Legislation Advisory Committee

Drafting the Law – A Boring Job?

The Role of the Parliamentary Counsel Office

George Tanner, QC

In ***FAI General Insurance Co Ltd v Spannagle & Ancor*** (2000) QSC 002
Chesterman J said: (at para 21) “The Act and the regulations are in the modern style. No attempt has been made to articulate with any precision what the legislation intends.

cont'd

Different words are used to give expression to the one concept and any continuity in terminology is avoided as is any consistency in the treatment of the concept.

Instead one finds disjointed platitudes set forth with almost banal generality.

cont'd

In this wilderness of words two factors appear to indicate that it is within the power of Transport Administration to renew registration retrospectively after the effluxion of a period of registration.”

cont'd

“It would have been relatively straight forward to express the notion simply and clearly but any requirement of intellectual discipline is avoided by the modern parliamentary draftsmen for whom freedom of expression is to be prized above comprehension.”



Drafting the Law – A Boring Job?

The Role of the Parliamentary Counsel Office

George Tanner, QC