

Introduction to Legislation Advisory Committee Seminar for Private Practitioners on the Guidelines

Rt. Hon Sir Geoffrey Palmer
Chair, Legislation Advisory Committee,
President Law Commission

What is the Legislation Advisory Committee?

- Academic lawyers
- Government lawyers
- Practising lawyers
- 1 serving Judge, 1 retired Judge
- 2 economists

Provide advice to departments on the development of legislative proposals and on drafting instructions to the PCO;

Report to the MOJ and the Legislative Committee of Cabinet on the public law aspects of legislative proposals that the Minister or that committee refers to it;

Advise MOJ on any other topics and matters in the field of public law that the Minister from time to time refers to it;

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;

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 LAC Guidelines, and discouraging the promotion of unnecessary legislation.

What are the Guidelines?

- Legislation Advisory Committee
*Legislation Advisory Committee:
Guidelines on Process and Content of
Legislation* (Legislation Advisory
Committee, Wellington, 2001)
><http://www.justice.govt.nz/lac/index.html>>
(last accessed 30 Marc 2006)

Why a session for the Private Legal Profession?

- Wellington lawyers get involved in advising Government Departments and Agencies and Crown Entities.

MMP poses challenges for maintaining coherence in legislation

- Minority Governments are standard:
Executive less dominant.

MMP

- MMP: the Government no longer controls the legislative process, although it is the most important factor in it- must go hunting for support
- Legislation not supported by a minority Government may be passed.

Select Committees are more important to the passage of legislation and the Government controls none of them

“Bills are made to pass, as razors are made
to sell.”

Lord Thring

“Once we begin the dance of legislation, and you must struggle through its mazes as best you can to its breathless end – is any end there be.”

Professor Woodrow Wilson

Dealing in this seminar with legislative design, policy development and instrument choice – not with what happens after the Bill is introduced.