

In Confidence

Office of the Attorney-General

Chair, Cabinet Legislation Committee

Report on Operation of the Legislation Design and Advisory Committee

Proposal

- 1 This paper reports on the operation of the Legislation Design and Advisory Committee and notes areas for enhancement.

Executive Summary

- 2 The role of the Legislation Design and Advisory Committee (LDAC) is to improve the quality and effectiveness of legislation by advising on design, framework, constitutional, and public law issues arising out of legislative proposals and Bills.
- 3 Cabinet established LDAC in 2015 and agreed that the Parliamentary Counsel Office (PCO), in consultation with interested departments, would report back to Cabinet on the operation of LDAC after two years of operation [LEG Min (15) 2/2].
- 4 PCO has reviewed LDAC's operation. It considers LDAC is working well. Feedback from departments is positive, and LDAC is adding value to the legislative development process. However, there are three areas where further improvement can be made:
 - 4.1 Because, as intended, LDAC engages with departments early in the development of legislation, often before drafting has commenced, the full content of completed Bills is not routinely scrutinised for compliance with the LAC Guidelines (2014 edition) (the Guidelines)
 - 4.2 The necessary separation between LDAC's public service membership and its subcommittee of further members external to government (the External Subcommittee) can lead to inconsistencies (in advice and submissions) and does not take full advantage of the expertise of the external members
 - 4.3 There is opportunity for LDAC to have greater impact on legislative quality, extending beyond its direct engagement on legislative proposals and Bills.
- 5 PCO suggests LDAC can improve these areas and enhance its value by:
 - 5.1 working with departments to improve their ability to self-vet against the Guidelines

- 5.2 reviewing and, if necessary, refining how LDAC manages its work programme to ensure it is taking a deliberate, risk-based approach to its involvement with Bills
 - 5.3 enhancing consistency and integration between the internal members of LDAC and its members external to government
 - 5.4 working with departments to improve use of the Guidelines and develop mechanisms to extend LDAC's influence beyond specific legislative proposals
 - 5.5 reviewing procedural levers to achieve more consistent and transparent treatment of, and compliance with, the Guidelines and reporting on engagement with LDAC.
- 6 After considering PCO's review, I recommend Cabinet note LDAC is working well and the areas PCO has identified for enhancement. I consider that these enhancements can be addressed under LDAC's current mandate and terms of reference and do not require further Cabinet decisions.

Background

Cabinet's objectives in establishing LDAC

- 7 LDAC merged the former Legislation Advisory Committee and Legislation Design Committee. The former Legislation Design Committee operated between 2006 and 2008. It comprised senior public service members and gave high-level design advice to departments preparing legislative proposals before introduction.
- 8 The Legislation Advisory Committee operated from 1986 to 2015. Its membership comprised a mix of public service officials and private sector lawyers and academics. It reviewed introduced Bills against the Guidelines and made submissions to select committees. Cabinet considered the Legislation Advisory Committee was not working well because it reviewed Bills too late in the process to influence major design and policy issues and could not engage earlier because its membership included people outside the public service. Ministers and departments did not always consider the Guidelines when preparing Bills, and quality checks on legislation appeared to be reducing, fragmented, of varying effectiveness and, in some cases, under strain. The Law Commission and PCO gave significant resources, time, and effort to support its submissions on Bills to select committees.
- 9 Cabinet sought the following key objectives when it established LDAC:
- 9.1 LDAC should become involved early in the policy process, and have a remodelled membership of public servants with broad experience in drafting legislation and designing legislative structures, with backgrounds in economics, law, and policy. The aim was to have greater impact on design and structural issues in legislation.
 - 9.2 LDAC would provide advice, for example, on innovative structural approaches, the allocation of provisions between primary and delegated legislation,

consistency with constitutional principles set out in the Guidelines, coherence of the statute book, and the use of exposure draft Bills.

- 9.3 Departments would be expected to consult LDAC on legislative proposals likely to benefit from advice, its process would be voluntary, and its advice not binding. It was estimated LDAC would be involved with 20-25 bills per year. Ministers would be responsible for certifying compliance with the Guidelines in LEG papers.
- 9.4 A residual vetting function should be retained and (through ad hoc subcommittees of external advisers) submissions made to select committees in appropriate cases (with the intention that LDAC not make submissions on Bills it has reviewed before introduction).
- 9.5 LDAC would be able to report to me on Bills in exceptional cases.

LDAC's role and membership

- 10 LDAC's mandate is to improve the quality and effectiveness of legislation. It advises on design and framework, and constitutional and public law issues arising out of legislative proposals. It is responsible for the Guidelines, which Cabinet has adopted. See Annex 1 for LDAC's Terms of Reference. LDAC improves the quality and effectiveness of legislation by:
 - 10.1 advising departments in the initial stages of developing legislation when legislative proposals are being developed
 - 10.2 scrutinising and making representations to select committees, through its External Subcommittee, on Bills that raise issues under the Guidelines or of public law concern
 - 10.3 providing training and education about LDAC's role and the Guidelines
 - 10.4 maintaining and updating legislative guidelines and supplementary material for officials who design, develop, and draft legislation.
- 11 PCO supports LDAC out of its baseline with 1 full-time legal and policy adviser and 0.5 administrative assistant. It also currently provides 1 fixed-term legal and policy adviser (12 months) to develop supplementary material.
- 12 LDAC is comprised of senior officials drawn from across the public service with expert policy and legislative skills and backgrounds in economics, law, and policy. Members are either ex officio or appointed by me as Attorney-General from within the public service. Paul Rishworth QC, Senior Crown Counsel at Crown Law, currently chairs LDAC.
- 13 LDAC's External Subcommittee makes submissions to select committees on Bills that have not been reviewed by LDAC before introduction. The External Subcommittee is comprised of independent advisers from outside the public service, appointed by me as Attorney-General. External members are experienced private sector lawyers and

academics. Professor Geoff McLay of Victoria University of Wellington currently chairs the External Subcommittee. See Annex 2 for LDAC's current membership.

Summary of LDAC's operations in the first two years

- 14 LDAC meets as a full committee every three weeks, alternating between meetings with officials to consider legislative proposals and meeting to discuss cross-cutting developments and design issues it sees across the statute book.
- 15 Subcommittees of two to three members are delegated to work closely with officials and parliamentary counsel on legislative proposals. Subcommittees work flexibly within departments' timeframes. Subcommittees generally meet two to three times with officials and parliamentary counsel at key stages during legislative development.
- 16 LDAC has reviewed 50 legislative proposals before introduction between July 2015 and July 2017. This is consistent with Cabinet's expectation (20-25 Bills per year). Of those 50 legislative proposals, subcommittees of members worked closely with officials and parliamentary counsel in 36 cases. See Annex 3 for the legislative proposals LDAC has advised on.
- 17 LDAC is currently updating the Guidelines and preparing supplementary material to assist officials working through issues in the Guidelines. I expect the updated Guidelines will be ready for Cabinet approval early in the new parliamentary term.
- 18 LDAC also provides education seminars on aspects of the Guidelines and its role. Seminars in 2016/17 have related to Bill of Rights vetting, legislation that authorises delegated legislation to amend, suspend, or override primary legislation, LDAC's role and processes, and designing statutory obligations to consult.
- 19 The External Subcommittee has made submissions on 14 Bills to select committees since February 2016. The submissions are available on LDAC's website. The External Subcommittee has also assisted with updating the Guidelines, developing supplementary material, and has been involved in seminars.
- 20 LDAC has reported to me on legislative design issues in three legislative proposals (Hurunui/Kaikōura Earthquakes Recovery Bill, Care and Support Workers (Pay Equity) Settlement Bill, and the Employment (Equal Pay and Pay Equity) Bill) and informed me of its concerns to be included as a comment in the Cabinet paper of one other legislative proposal [REDACTED].

Aspects of LDAC that are working well

Earlier engagement on legislative proposals assists with design issues

- 21 The integration between policy development and legislative design is closer than under the former Legislation Advisory Committee. Engaging at an earlier stage enables LDAC to have more impact and opportunity to influence decisions.
- 22 The issues LDAC has seen to date demonstrate departments' focus on design and the need for early design advice. Feedback from departments supports early

engagement. LDAC has mostly engaged with departments prior to final policy decisions or after policy decisions but before drafting is completed. Feedback from departments consistently expressed a wish they had engaged with LDAC before seeking policy decisions.

LDAC's public service membership and advisory nature is valuable

- 23 LDAC's advisory, collegial, and helpful style is seen as a strength and its rapport with departments is vital to the successful implementation of its pre-introduction advice. LDAC's public servant membership allows for free and frank discussions about policy choices and design. Departments value the views of experienced practitioners who have dealt with analogous issues and appreciate the complex environments within which they are working.

Significant issues commonly advised on indicate the importance of LDAC's role

- 24 The most common issues on which LDAC has advised, before and after introduction, relate to delegated law-making; relationships with existing law; creating new statutory powers; individual rights; designing systems of appeal, review, and complaint; and accessibility and clarity of legislation. This highlights the importance of LDAC's role in advising on legally and constitutionally significant issues, and is consistent with what Cabinet envisaged.
- 25 LDAC also considers developing trends and cross-cutting issues in legislation. This has included the use of statutory provisions intended to have no legal effect, the use of enabling "framework" legislation, and designing provisions that empower delegated legislation to override, amend, or suspend primary legislation (sometimes called "Henry VIII provisions").

Officials, Ministers, and select committees often implement LDAC's advice

- 26 LDAC's pre-introduction advice is implemented in a range of ways, including amending policy proposals and draft legislation, incorporating LDAC's comments or position in briefings and papers to Cabinet, officials consulting further with relevant agencies (e.g. Crown Law or the Ministry of Justice), and officials making departmental recommendations at the select committee stage.
- 27 Most of the departments who have worked with LDAC before introduction have implemented its advice. Even where LDAC's advice is not implemented, officials consider working with LDAC helps to clarify policy thinking, highlights areas where policy is ambiguous or needs to be clearly communicated, and helps them to prepare for issues likely to come up at select committee.
- 28 Many of the External Subcommittee's submissions have been accepted by select committees and resulted in amendments to Bills. Officials and parliamentary counsel consider that, even where submissions do not result in amendments, it is valuable for constitutional and design issues to be raised and considered by select committees.

Feedback from departments

- 29 LDAC regularly seeks feedback from departments it has worked with. The majority of departments surveyed consider the quality of their Bill was improved by working with LDAC and are very likely to proactively engage with LDAC in the future when developing policy/legislation.
- 30 Officials and parliamentary counsel provided feedback that the External Subcommittee's submissions are valued and play a vital role in the making of good legislation, particularly in relation to controversial and complex measures that are being progressed speedily as a high political priority. The neutrality and independence of the External Subcommittee is particularly valued.

Opportunities to improve and enhance LDAC

- 31 LDAC is working well, although there are opportunities for enhancement. I consider these enhancements can be addressed within LDAC's current mandate and terms of reference and do not require further Cabinet decisions.

Bridging the gap between early design advice and scrutinising legislative detail

- 32 There is a risk that non-compliance with the Guidelines emerges after LDAC's early involvement, and may only be picked up if LDAC closely scrutinised Bills against the Guidelines just before introduction. However, LDAC is unable to do this because consultation is voluntary, its advice non-binding, and its resources limited.
- 33 LDAC's work with departments before introduction often focuses on high-level design matters identified by departments. Early engagement adds value in terms of design and framework, and in addressing the big-ticket constitutional issues that are apparent early. The trade-off is that technical or middle- to lower-level Guidelines issues, of the sort that only become apparent once a Bill has been drafted, are not scrutinised to the same extent. These issues may have consequences for the overall quality of the statute book.
- 34 Legislative proposals reviewed by LDAC before introduction are not usually reviewed by the External Subcommittee (because the intention when LDAC was established was that submissions would not be made on Bills already reviewed by LDAC). This creates an anomaly that significant or complex legislative proposals coming to LDAC before introduction do not usually receive a close vet (as to their completed text) against the Guidelines, whereas less complex Bills that have not gone to LDAC before introduction may be closely vetted by members of the External Subcommittee.
- 35 LDAC has tried to bridge this gap by requiring departments to prepare a checklist of their compliance with the Guidelines, and to update this as a proposal develops. Departments are asked to provide the checklist to LDAC, along with a final copy of the draft Bill and LEG paper when it is circulated to departments for consultation. The checklist is completed by departments with varying degrees of diligence and quality. It also does not alleviate the limited resourcing LDAC can contribute to this kind of review.

Proposed enhancements

- 36 **I suggest LDAC work with departments to improve departments' ability to self-vet against the Guidelines.** This could be done by improving the checklist departments use to make self-vetting easier. LDAC will also investigate how it can work with departments to build capability to self-vet against the Guidelines, for example by providing department-specific workshops in addition to its regular education programme and working with officials to build the Guidelines in to departmental policy development processes.
- 37 **I also suggest LDAC review and, if necessary, refine how it manages its work programme to ensure it is taking a deliberate, risk-based approach to its involvement with Bills.**
- 38 For example, LDAC could focus on six to seven key Bills each year to take a more in-depth approach. These could be identified based on their significance, complexity, and likelihood of raising design and Guidelines issues. Those key Bills would receive early design advice as well as more comprehensive scrutiny against the Guidelines closer to introduction. All other Bills referred to LDAC would receive assistance as requested by officials. However, LDAC would still not be responsible for “vetting” as such and Ministers/departments would remain responsible for compliance with the Guidelines. “Vetting” would involve require a formal process approving that legislation is consistent with, or is justified in departing from, the Guidelines. This kind of “vetting” is not consistent with the best-practice nature of the Guidelines or LDAC’s advisory role.
- 39 These enhancements will help prevent Guidelines issues falling through the cracks in significant legislation and encourage departments to take responsibility for Guidelines issues, while recognising that it is not LDAC’s role to comprehensively vet Bills against the Guidelines.
- 40 Inevitably there will be some Bills where issues emerge later or under time constraints and so are not able to be identified early under a risk-based approach. Even so, I consider this is the best approach within the current resourcing model. This approach will need to be accompanied by clear signalling to select committees, Ministers, and the public of the focussed nature of LDAC’s scrutiny role. It is inevitable that there will be issues that are not picked up under this approach, and expectations need to be managed so LDAC’s credibility is not undermined.
- 41 Another example of how management of LDAC’s work programme could address this gap is for the LDAC Chairperson to determine it is appropriate for the External Subcommittee to make a submission on a Bill already considered by LDAC before introduction. This is likely to be appropriate if the LDAC Chairperson believes there is a significant public interest involved and/or there are significant matters not considered by LDAC before introduction. Such cases are likely to be rare.

Reducing inconsistency and harnessing the benefits of the External Subcommittee

- 42 The role and operation of the External Subcommittee inevitably differs from the pre-introduction role of LDAC. The External Subcommittee reviews Bills post-introduction

(so once they are fully developed when trade-offs against the Guidelines have been made) for the purpose of submissions (which become public) to select committees. It does not have access to officials to discuss concerns and does not currently work closely with public service members of LDAC. As a result, it inevitably performs a more independent “scrutinising” role than LDAC carries out before introduction.

- 43 The External Subcommittee’s membership from outside government means it applies a different lens to legislation. This is a valuable check on what is otherwise often an entirely within government process. The External Subcommittee process is more visible to both the public and wider Parliament than that of the internal LDAC. The value it adds in scrutinising legislation post-introduction (which is recognised by those consulted in carrying out this review) highlights the ongoing relevance of this work.
- 44 However, there is a risk of inconsistent advice and approaches to legislation between internal LDAC and the External Subcommittee because of these different functions, different memberships, and the invisibility of LDAC’s pre-introduction work (because it is within government and cannot be disclosed to the External Subcommittee).
- 45 The External Subcommittee brings the benefit of an external perspective, but this is not fully captured by LDAC’s structure or operations at present. There are limited feedback loops and sharing of information between the two memberships because of confidentiality reasons.
- 46 Cabinet originally intended LDAC’s public service members, along with external advisers, on ad hoc subcommittees to review Bills and make submissions to select committees. To date, LDAC members’ involvement in the substance of submissions by the External Subcommittee has been limited to the LDAC Chairperson. I think there are more flexible ways of implementing Cabinet’s original intentions that would improve the connection between LDAC and its external members.

Proposed enhancement

- 47 **I suggest LDAC enhance consistency and integration between the internal LDAC and its external members.** In particular, providing one to two public service members of LDAC to work with external advisers on ad hoc subcommittees when reviewing and making submissions on Bills will help create more consistent approaches and advice across pre-introduction and post-introduction work while retaining the value of an external perspective. This approach is more consistent with Cabinet’s original intention.
- 48 LDAC should also explore other ways of increasing consistency and integration by involving external members in developing LDAC’s views on principles for good legislation, updating the Guidelines, developing supplementary material, and its education programme. Further involvement in these aspects of LDAC will better harness the expertise of external members and close feedback loops between the memberships.

Opportunity for LDAC to have greater impact beyond direct engagement on legislative proposals and Bills

- 49 Not all Bills can come to LDAC (as is consistent with Cabinet's original objectives). As a result, it is critical that LDAC's influence extend beyond the sphere of its direct engagement with officials on particular Bills. There are a number of ways LDAC can have impact through:
- 49.1 Education efforts, promotion of the Guidelines, and raising the profile of LDAC and the Guidelines
 - 49.2 Using procedural levers to ensure that incentives to consider, and be consistent with, the Guidelines are sufficient, early, and strong
 - 49.3 Ensuring that Cabinet is required to be advised about issues of inconsistency so it can take this into account in making decisions on proposals.
- 50 The first point is aimed at increasing the influence of LDAC on the willing but unknowing officials, the last two are aimed at ensuring sufficient incentives or consequences to ensure well-informed decisions can be made by the Government on quality trade-offs.
- 51 There could be better integration of the Guidelines during policy development. LDAC often consults with departments before policy decisions are made, but this depends on the willingness of the department. Although the Cabinet Manual recommends early engagement with LDAC, policy paper templates do not refer to the Guidelines so there is no procedural lever to encourage consideration of the Guidelines during policy development. This creates a practical hurdle to LDAC fulfilling its mandate of engaging early on legislative proposals when most value can be added.
- 52 Further, there is a risk that departmental analysis against the Guidelines does not occur until right before a Bill's introduction – because most departments do not have a culture of using the Guidelines during policy development. Feedback from departments suggests the Guidelines are considered a legal tool and not routinely used by policy advisors in the early stages despite the Guidelines being rewritten in 2014 to be more accessible for policy advisors.
- 53 This is less of an issue where departments are already working with LDAC before policy decisions are made. For those departments that do not consult with LDAC before introduction, but are still required to certify compliance on introduction, this is a significant issue.
- 54 There is insufficient and inconsistent certification of compliance with the Guidelines in LEG papers because officials preparing papers take a variety of approaches to LDAC and the Guidelines. Some refer to consulting LDAC (in varying degrees of detail), others do not make any reference, and there have been mistakes/inaccurate representations about consultation with LDAC.

- 55 The LEG paper template does not expressly require Ministers to report back on whether LDAC was consulted so there is no link or accountability between the intention expressed in legislation bids and the final paper Cabinet sees. There is also no indication of whether LDAC has outstanding concerns about a proposal, or whether LDAC will continue to work with a department after introduction.
- 56 Under current requirements and practice, Guidelines matters in Bills are not always publicly transparent on introduction. There is no publicly accessible statement that the Guidelines as a whole have been considered and applied or if a justification is given for a departure. Guidelines matters are not always obvious on the face of the legislation, nor are justifications and departures obvious from current disclosure requirements.

Proposed enhancements

- 57 **I suggest LDAC work with departments to improve use of the Guidelines and develop mechanisms to extend LDAC's influence beyond specific legislative proposals.** This could be done by working with departments and other agencies to increase education efforts, promote the Guidelines, raise LDAC's profile, improve the checklist used by departments, and imbed the Guidelines as an early policy tool.
- 58 **I also suggest LDAC review procedural levers to achieve more consistent and transparent treatment of, and compliance with, the Guidelines and reporting on engagement with LDAC.** For example, LDAC and PCO could work with Cabinet Office and Treasury to ensure the Guidelines and LDAC are knitted in with the policy paper template, LEG paper template, PCO's quality assurance processes, and disclosure statements (as proposed to be amended by the Legislation Bill).
- 59 I consider these responses will create a combination of levers on departments and Ministers to improve consideration of Guidelines matters during policy development, help ensure certification of compliance is meaningful, useful, and transparent, and will integrate the Guidelines and LDAC's role better with existing Cabinet and legislative processes.

Consultation

- 60 The Ministry of Justice, Ministry of Business, Innovation and Employment, Ministry for Primary Industries, The Treasury, State Services Commission, Crown Law Office, Inland Revenue, Department of Corrections, Te Puni Kokiri, Ministry for the Environment, Ministry of Transport, Ministry of Social Development, Ministry of Education, Ministry of Foreign Affairs and Trade, Department of Conservation, Department of Internal Affairs, Cabinet Office, Land Information New Zealand, Ministry for Culture and Heritage, Ministry of Health, and New Zealand Customs Service were consulted on this paper. The Department of Prime Minister and Cabinet was informed.
- 61 LDAC (comprising members from the Department of Prime Minister and Cabinet, Ministry of Justice, Crown Law Office, Ministry of Social Development, Ministry for Primary Industries, Parliamentary Counsel Office, Ministry of Business, Innovation and Employment, The Treasury, Ministry for Culture and Heritage, and Department of

Internal Affairs) was consulted on this paper. Professor Geoff McLay (External Subcommittee Chairperson) and Brigid McArthur (external member) were consulted on PCO's review and report on LDAC, and matters raised in the review and report have previously been discussed with other external members.

- 62 PCO sought feedback on these proposals from departmental chief legal advisors, and it routinely seeks feedback from departmental officials and parliamentary counsel. Their feedback is reflected in this paper.

Financial Implications

- 63 PCO supports LDAC from within its baseline which was not increased to reflect this work.
- 64 This paper suggests proposals to enhance LDAC within the current resourcing model. However, there is a risk that LDAC is not able to fully realise its potential on the current resourcing. There is a continued risk of a growing gap between government and public expectations of LDAC and the reality of what it is resourced to do. PCO is undertaking a strategic review of its resourcing of LDAC and will report to me this year.

Human Rights

- 65 Not applicable.

Legislative Implications

- 66 This paper has no legislative implications.

Regulatory Impact Analysis

- 67 Not applicable.

Publicity

- 68 At this stage no publicity is planned.

Recommendations

- 69 The Attorney-General recommends that the Committee:
- 1 **note** that LDAC was established in 2015 and Cabinet requested PCO, in consultation with interested departments, to report back to Cabinet on the operation of LDAC following the completion of its second year of operation;
 - 2 **note** that PCO's review of LDAC's operations reflects that LDAC is working well, feedback from departments is positive, and LDAC is adding value to the legislative development process;
 - 3 **note** that LDAC will enhance its value and improve its operation by:

- 3.1 working with departments to improve departments' ability to self-vet against the Guidelines;
 - 3.2 reviewing and, if necessary, refining how LDAC manages its work programme to ensure it is taking a deliberate, risk-based approach to its involvement with Bills;
 - 3.3 enhancing consistency and integration between the internal members of LDAC and its members external to government;
 - 3.4 working with departments to improve use of the Guidelines and develop mechanisms to extend LDAC's influence beyond specific legislative proposals;
 - 3.5 reviewing procedural levers to achieve more consistent and transparent treatment of, and compliance with, the Guidelines and reporting on engagement with LDAC;
- 4 **note** that a deliberate and risk-based approach to LDAC's involvement with Bills needs to be accompanied by clear signalling to select committees, Ministers, and the public of the focussed nature of LDAC's role before introduction;
 - 5 **note** that this paper identifies areas to enhance LDAC within the current resourcing model (from within PCO's baseline). PCO is undertaking a strategic review of its resourcing of LDAC and will report to me this year.

Authorised for lodgement

Hon Christopher Finlayson

Attorney-General

Annex 1 – Legislation Design and Advisory Committee Terms of Reference

The terms of reference of the Legislation Design and Advisory Committee are to:

- (a) provide advice to departments in the initial stages of developing legislation when legislative proposals and drafting instructions are being prepared, including to:
 - focus on significant or complicated legislative proposals, basic framework/design issues, instrument choice, consistency with fundamental legal and constitutional principles and impact on the coherence of the statute book;
 - assist departments with the allocation of provisions between primary, secondary and tertiary legislation;
 - provide advice on delegated legislative powers;
 - provide advice on the appropriateness of exposure draft Bills;
- (b) report to the Attorney-General on departures from the LAC Guidelines in legislative proposals;
- (c) advise the Attorney-General on any other topics and matters in the field of public law that the Attorney-General from time to time refers to it;
- (d) help improve the quality of law-making by helping 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;
- (e) scrutinise and make representations to the appropriate body or person on aspects of Bills which raise matters of particular public law concern;
- (f) undertake training and education work, relating to the LDAC's role and the 2014 revised Guidelines.

Annex 2 – Legislation Design and Advisory Committee membership

Public service members

Paul Rishworth QC (Chair), Senior Crown Counsel, Crown Law Office

Andrea King (ex officio), Chief Advisor, Courts and Justice Services Policy, Ministry of Justice

Andrea Speir, Manager Legislation, Ministry for Primary Industries

Anthea Williams, Principal Legal Adviser, Ministry for Primary Industries

Becky MacNeill, Group Manager, Organisational Performance, Ministry for Culture and Heritage

Cassie Nicholson (ex officio), Deputy Chief Parliamentary Counsel, Parliamentary Counsel Office

Fiona Leonard (ex officio), Chief Parliamentary Counsel, Parliamentary Counsel Office

Geoff Daniels, Principal Advisor, Ministry for Primary Industries

Jacqueline Derby (ex officio), Principal Counsel, Parliamentary Counsel Office

Jason Gough, Senior Crown Counsel, Crown Law Office

John Sutton, Principal Policy Analyst, Department of Internal Affairs

Jonathan Ayto, Principal Advisor, The Treasury

Karl Simpson, Policy Director, Ministry of Business, Innovation and Employment

Sarah Kerkin, Chief Advisor to the Deputy Secretary, Ministry of Justice

Stewart Bartlett, Principal Policy Analyst, Ministry of Social Development

Tania Warburton (ex officio), Policy Advisor (Legal), Department of Prime Minister & Cabinet

Wendy Illingworth (Reserve Member), Policy Manager, Ministry of Social Development

External members

Professor Geoff McLay (Chair), Victoria University Faculty of Law

Professor Andrew Geddis, University of Otago Faculty of Law

Brigid McArthur, Partner, Greenwood Roche

James Wilding, Barrister, Clarendon Chambers

Jeremy Johnson, Partner, Wynn Williams

Jonathan Orpin, Barrister, Stout Street Chambers

Kate Salmond, Senior Legal and Policy Advisor, Law Commission

Māmari Stephens, Senior Lecturer, Victoria University Faculty of Law

Martha Coleman, Barrister

Matthew Smith, Barrister, Thorndon Chambers

Megan Richards, Partner, Minter Ellison Rudd Watts

Rebecca Rose, Senior Associate, Bell Gully

Sean Kinsler, Associate, Meredith Connell

Simon Mount QC, Barrister, Bankside Chambers

Tiana Epati, Partner, Rishworth Wall & Mathieson

Annex 3 – Matters LDAC has advised on July 2015 – July 2017

LDAC provided initial advice on the following legislative proposals before introduction (but did not delegate subcommittees to work with officials):

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. Courts and Tribunals Enhanced Services Legislation (Tribunals Powers and Procedures Legislation Bill and Criminal Matters Bill)
5. Fire and Emergency New Zealand Bill
6. Land Transport Amendment Bill
7. Local Government Amendment Bill (No 2)
8. [REDACTED]
9. Residential Tenancies Amendment Bill
10. [REDACTED]
11. [REDACTED]

LDAC provided ongoing advice through subcommittees on the following legislative proposals before introduction:

1. [REDACTED]
2. Brokering (Weapons and Related Items) Control Bill
3. [REDACTED]
4. Care and Support Workers (Equal Pay) Settlement Bill
5. Children, Young Persons, and Their Families (Advocacy, Workforce, and Age Settings) Amendment Bill
6. Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Bill
7. [REDACTED]
8. Civil Defence Emergency Management Act 2002 Amendment Bill
9. [REDACTED]

10. Conservation (Infringement System) Bill
11. Criminal Records (Expungement of Convictions for Historical Homosexual Offences) Bill
12. Customs and Excise Legislation Bill
13. [REDACTED] [REDACTED]
14. [REDACTED]
15. Education (Strategic Direction, Planning and Accountability) Amendment Bill
16. Employment (Equal Pay and Pay Equity) Amendment Bill
17. Family and Whānau Violence Legislation Bill
18. [REDACTED]
19. Financial Services Legislation Amendment Bill
20. Food Safety Law Reform Bill
21. Home and Community Support (Travel Between Clients) Settlement Bill
22. Hurunui/Kaikōura Earthquakes Recovery Bill
23. [REDACTED]
24. Legislation Bill (2017)
25. [REDACTED]
26. Maritime Transport Bill
27. [REDACTED]
28. Outer Space and High Altitude Activities Bill
29. [REDACTED]
30. Racing Amendment Bill
31. Riccarton Racecourse Redevelopment Enabling Bill
32. Social Security Legislation Rewrite Bill
33. Substance Addiction (Compulsory Assessment and Treatment) Bill
34. Tax Bill (Transitional Regulations for business transformation)

35. Telecommunications (New Regulatory Framework) Amendment Bill
36. Te Ture Whenua Māori Bill
37. [REDACTED] [REDACTED]
38. Trusts Bill
39. [REDACTED]

LDAC has made submissions (through its External Subcommittee) to select committees on the following Bills:

1. Anti-Money Laundering and Countering Financing of Terrorism Amendment Bill
2. Arbitration Amendment Bill
3. Domestic Violence - Victims' Protection Bill (and Supplementary Order Paper 310)
4. Education (Tertiary Education and Other Matters) Amendment Bill
5. Electoral Amendment Bill
6. Fire and Emergency New Zealand Bill
7. Health (Fluoridation of Drinking Water) Amendment Bill
8. Hurunui/Kaikōura Earthquakes Emergency Relief Bill
9. Kermadec Ocean Sanctuary Bill
10. Marriage (Court Consent to Marriage of Minors) Amendment Bill
11. New Zealand Intelligence and Security Bill
12. Resource Legislation Amendment Bill
13. Trans-Pacific Partnership Agreement Amendment Bill
14. Wildlife (Powers) Amendment Bill