



Cabinet Legislation Committee

LEG Min (15) 2/2

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Minute of Decision

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Remodelling the Legislation Advisory Committee

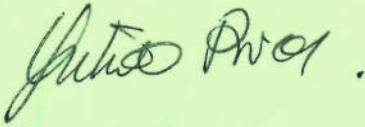
Portfolio: Attorney-General

On 11 March 2015, the Cabinet Legislation Committee:

- 1 **noted** concerns:
 - 1.1 that the Legislation Advisory Committee (the LAC) is often brought in too late in the legislation process;
 - 1.2 about the time, resources and effort required by the Law Commission and the Parliamentary Counsel Office (the PCO) to support the LAC in providing submissions on Bills to select committees;
 - 1.3 about the implications of the LAC's large membership of 21 members, drawn from the public sector, universities, and the private sector, some of whom are based outside Wellington;
- 2 **noted** that the Legislation Design Committee (LDC) was established in 2006 to complement the LAC by providing high-level, pre-introduction advice to departments to ensure quality legislative frameworks and design prior to introduction of a Bill, but it has not met since Sir Geoffrey Palmer stood down as Chair;
- 3 **agreed** to revive and merge the LDC with the LAC into a smaller committee, potentially called the Legislative Design and Advisory Committee (LDAC), that would operate along the lines of the LDC to provide advice on Bills during their policy and legislative development;

- 4 **noted** the proposed membership of 10 to 12 public service members:
- 4.1 to be appointed by the Attorney-General;
 - 4.2 to include the current LAC members (ex officio and others), who meet specified criteria;
- 5 **agreed** that the Attorney-General may appoint external members to ad-hoc sub-committees to assist the LDAC with maintenance of the 2014 LAC Guidelines and the LAC Manual;
- 6 **agreed** that the LDAC, through its sub-committees of external members, be able to make a submission on a Bill to a select committee in appropriate cases and that public service members of the LDAC would be acting independently for this purpose;
- 7 **agreed** that the LDAC be chaired by the current LAC chair, the President of the Law Commission, and, at the end of this appointment, the Attorney-General may appoint a new chair from the committee's members;
- 8 **agreed** that membership criteria will include expert policy and legislative skills and perspectives, deep and broad experience in drafting legislation and designing legislative structures, knowledge of constitutional principle and regulatory systems and backgrounds in economics, law or policy within the public service;
- 9 **agreed** that the PCO will provide secretariat services to the LDAC, based either at PCO or at the Law Commission, from within PCO's current baseline;
- 10 **agreed** that:
- 10.1 annual Legislation bids will specify whether the committee will be consulted on proposals;
 - 10.2 consultation will be determined by Ministers or the Cabinet Legislation Committee when the Legislation Programme is determined, or by Ministers or other Cabinet committees during the year when Bills are being added to the programme;
- 11 **agreed** that, for 2015:
- 11.1 PCO and the Department of the Prime Minister and Cabinet will select Bills for consultation from the 2015 Legislation Programme;
 - 11.2 any disagreement will be reported to the Attorney-General, who will seek the advice of the Cabinet Legislation Committee;
- 12 **agreed** that the PCO, in consultation with interested departments, report back to Cabinet on the operation of the Committee following the completion of the committee's second year of operation;
- 13 **approved** the updating by the Cabinet Office of:
- 13.1 the Cabinet Manual and Cabguide to inform departments about the LDAC and to note Ministers' expectation that departments consult the LDAC on policy proposals that would benefit from consultation, for example, that are significant, or involve complicated legislative design issues;

- 13.2 the Cabinet Office Legislation Bid form to indicate whether proposed Bills will be referred to the LDAC and to remind officials when setting legislative timeframes to factor in appropriate time for the involvement of the LDAC.



Juliet Price
Committee Secretary

Reference: LEG (15) 7

Present:

Hon Amy Adams (Chair)
Hon Christopher Finlayson QC
Hon Simon Bridges
Hon Craig Foss
Tim Macindoe

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