

# LAC GUIDELINES

## Purpose

- **Guide to making good legislation**
- **Cover both process and content**
- **Designed to ensure legislation is consistent, clear and in accordance with fundamental principle**

## Audience

- **All those involved in preparation of legislation – from earliest formulation to final drafting**

## **Status of Guidelines**

- **Approved by Cabinet**
- **Expectation that legislation will comply with them**
- **Non-compliance at policy formulation/drafting stage may cause problems in passage of legislation and implementation**

# **Content**

- **2001 edition and 2003 supplement**
- **In three parts:**
  - (1) Process of developing legislation**
  - (2) Consistency with basic principles and existing law**
  - (3) Particular issues**

## Process

**Main questions are:**

- **Have policy objectives been clearly defined?**
- **Could the objectives be achieved without legislation?**
- **If not, is proposed legislation the right legislative vehicle?**
- **Has there been adequate consultation (about both problem and proposed solution)?**
- **Is there adequate time to prepare legislation properly?**

# Consistency

**Main questions are:**

- **Is legislation consistent with rest of the statute book? Does it take into account Interpretation Act?**
- **Is it consistent with BORA and Human Rights Act?**
- **Has it addressed principles of Treaty of Waitangi?**

- **Does it comply with fundamental principles – natural justice, non-retrospectivity, protection of vested rights etc?**
- **Does it conflict with common law and how is that addressed?**
- **Is it consistent with international obligations?**

# Particular Issues

## **Covers:**

- **Creation of new public power**
- **Creation of new public body**
- **Delegation of law-making power**
- **Exercise of delegated powers**
- **Remedies**



- **Criminal offences**
- **Appeal or review**
- **Powers of entry and search**
- **Powers to require and use personal information**