



Developing Policy / Preparing Legislation

An Overview

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POLICY → LEGISLATION

How we approach a Policy/Legislative Exercise

- It's a Project
- We must Project Manage it!
- The product will be like a contract with a large part of NZ's population!

POLICY → LEGISLATION

Working together

- Both lawyers and policy advisers
- Joint project team
- We allocate leadership responsibility
- We have single point liaison
- We get team together early
- We set clear expectations

POLICY → LEGISLATION

Project Management

- We plan/map out structure of exercise
- We plan/map out components/issues
- We allocate responsibilities
- We set timeframes around milestones (next slide for details)
- We have procedures re LAC Guidelines

MUST BE REALISTIC!

POLICY → LEGISLATION

Milestones (backwards!)

- Introduction to House
- Cabinet Approval
- Cab LEG
- Caucus Approval
- Political consultation
- PCO drafting time
- Preparation of drafting instructions
- Cabinet policy decisions
- Policy development processes
 - Minister
 - Central Agencies
 - Other Departments
 - Public consultation?

POLICY → LEGISLATION

Developing the Policy

- Is legislation necessary
(Ch.1, Guidelines)
- Applying the Guidelines
(next presentation)
- Writing the Cabinet Papers
 - Workable packages of options
 - Can't constrain drafting options
 - Recognise that further issues will emerge
 - Have an agreed process for resolving those

POLICY → LEGISLATION

Preparing Instructions for PCO

- We put ourselves in PCO's shoes
- We assemble relevant background material
- Drafting not necessary, but sometimes helps
- We always provide a narrative description

POLICY → LEGISLATION

Managing the Draft Bill

- Work as a team still
- Agree on a feedback process with PCO
- Keep good records
- Map scenarios / reality test
- Policy Statement important too
- Commencement dates – achievable?

POLICY → LEGISLATION

Cabinet Legislation Committee

- Not just a formality
- LEG paper asserts compliance with LAC Guidelines
- All that's gone before therefore provides assurance for that statement

POLICY → LEGISLATION

Managing a Bill through the House

- LAC Guidelines are still relevant
- Select Committee
 - Departmental Report
 - Cabinet Decisions to support Recs
- Committee of the Whole
 - Amendments on the run
 - Alert to implications
- Standing Orders
 - Financial veto