



LAC SEMINAR SEPTEMBER 2010

How Public Servants Should Deal with Legislation in
Parliament

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Before we get to the House

- Teamwork
 - Policy Advisers and Lawyers
- Project Management
 - Planning and Resourcing
- Factor in the LAC Guidelines at all stages

Bills after Introduction

- Chapter 17 of the Guidelines
- Consistent Message
 - Guidelines still relevant
 - Bill must remain consistent with Guidelines

The Competing Roles Of Public Servants

- Project Manager
 - But timing and ultimate content out of our control!
- Advisers to the Select Committee
- Agent of the Minister/Government
 - Champions of the policy objectives
 - Briefing other parties

The Stakes Are High

- Maintain consistency with Guidelines
- Continue to deliver policy objective
- Ensure a workable Bill

through

- Select Committee – structured!
- Committee of the Whole – pressured!

LAC Guidelines Issues

- Still consistent with policy objective?
- Still understandable and accessible?
- Consistent with common law principles?
- Interpretation Act?
- Bill of Rights Act?
- Treaty issues?

LAC Guidelines Issues (CONT)

- International obligations?
- Consistent with existing law?
 - Savings or transitionals?
- New public power?
- New public body?
- Delegated legislation involved?
- Appropriate remedies provided?

LAC Guidelines Issues (Cont)

- Any new criminal offences?
- Appeal and review issues dealt with?
- New or changed powers of entry and search?
- Privacy interests affected?
- Any cross border issues?

Other Issues/Obligations

- Attention to detail
- Drafting consistency
- Staying within “scope”
- Fiscal impact
- Government decides policy change

Select Committee Stage

- Initial briefing – tactically important!
- Establish communication channel with Committee Clerk
- Plan submission summarising and analysis

Select Committee Stage (CONT)

- Departmental Reporting
 - Plan structure and timing
 - Allow time for
 - Discussion with Minister
 - Cabinet decisions
 - Includes both recommendations arising from submissions and Departmental improvements
 - Oral and written!
 - No drafting
- QA Committee commentary

Committee Of The Whole

- Ensure Government SOPs comply with LAC Guidelines
- Help Minister understand the nature of amendments proposed
- Watch out for scope issues!
- Watch out for fiscal implications
- Workability and internal consistency

Other Issues

- Second Reading
 - Does your Minister need you?
- Third Reading
 - Does your Minister need you?
- Interaction with other political parties
 - Ministerial permission!
 - Make sure you stick to the facts