

LAC SEMINAR JULY 2012

The Passage of Legislation Through Parliament – Role of Departmental Advisers

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Preparation for the House

- Teamwork
 - Policy Advisers and Lawyers
- Project Management
 - Planning and Resourcing
- Chapter 17 of the Guidelines
- LAC Guidelines relevant at all stages

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” (SO 257 - 260)
- Fiscal implications
- Government decides policy change

Select Committee Stage

- Purpose of Select Committee process
- Role of departmental advisers
- Initial briefing – tactically important!
- Establish communication channel with Committee Clerk
- Public Hearings of submissions

Select Committee Stage (cont)

- Departmental Report
 - Plan submission summarising and analysis
 - Plan structure and timing
 - Allow time for
 - Discussion with Minister
 - Cabinet decisions
 - Comprehensive public record of rationale

Select Committee Stage (cont)

- Departmental Report includes both recommendations arising from submissions and departmental improvements
 - Oral and written!
- Consideration of changes
- Working with PCO on drafting amendments
- Maintaining consistency with Guidelines

Committee of the Whole

- Final opportunity to make amendments
- Role of advisers and PCO drafter
- Help Minister understand the nature of amendments proposed

Committee of the Whole (cont)

- Ensure Government SOPs comply with LAC Guidelines
- Watch out for scope issues!
- Watch out for fiscal implications
- Workability and internal consistency

Final Matters

- Second and Third Readings
 - Does your Minister need you?
- Interaction with other political parties
 - Ministerial permission!
 - Make sure you stick to the facts
- LAC Guidelines and Quality legislation