

Why We Are Here

The Purpose and Scope of this Seminar

Today's Speakers: Presentation 2

David McGee QC

Clerk of the House

The Legislative Process in
Parliament – An Overview

Today's Speakers: Presentation 3

Catherine Parkin

Senior Parliamentary Officer

The Role of Select
Committees in Legislation

Today's Speakers: Presentation 4

Graeme Buchanan

Deputy Secretary, Legal, Department of
Labour

How Public Servants should deal
with Legislation in Parliament

Today's Speakers: Presentation 5

George Tanner QC

Chief Parliamentary Counsel

The Role of the Parliamentary
Counsel in relation to Bills
in front of Parliament

Presentation 5 Continued

Professor John Burrows QC

University of Canterbury

Comments

Today's Speakers: Presentation 6

Donna Tunncliffe

Second Clerk-Assistant and Reader

Ivan Kwok

Treasury and LAC member

Presentation 6 Continued

What Happens at Committee
of the Whole House Stage
and Afterwards

Panel Discussion

David McGee QC

George Tanner QC

Sir Geoffrey Palmer

Graeme Buchanan

Ivan Kwok

Professor John Burrows

Why We Are Here

Constitution Act 1986, s 15:
Parliament has “full power to
make laws”.

Why We Are Here

Legislation is important:

Foundation of most of our
law and principal source of
new law

Importance of Legislation

Must get legislation right

Hard to get it right

Today's seminar:
Legislation in Parliament

Not looking at the
Executive Branch

Today's Focus:

The Legislative
Process in Parliament

BILL INTRODUCED

- 1 copy available

1st Reading
Initial debate

Sent to Select Committee
for study and public submission
Report on the Bill presented
to Clerk of the House

- 2 copy available

2nd Reading
Main debate

Committee of the Whole House
Clause by clause consideration

- 3 copy available

3rd Reading
Concluding debate

Assent given
Bill becomes an Act

Statute copy available
within 10 to 12 days

The Legislative Process

“Bills are made to pass
as razors are made to sell”.

Lord Thring, 1869

The Legislative Process

“Once begin the dance of legislation,
and you must struggle through its
mazes as best you can to its
breathless end – if any end there be”.

Woodrow Wilson, 1885

MMP and the Legislative Process

How the dance has changed

MMP and the Legislative Process

Process more complex
since MMP

MMP and the Legislative Process

Reduced Executive control
of legislation

MMP and Government Bills

Profound effects for
Government bills – decline
in number passed

Controversial legislation
harder to pass –
needs cross-party support

MMP and Select Committees

Select committees increasingly
important:

Government no longer controls
select committees – no majority

MMP and Quality of Legislation: Improvements

Slowed down law-making
process –
fewer bills passed

MMP and Quality of Legislation: Fresh Perils

Accommodating a wide
variety of political views
within legislation

MMP and Quality of Legislation: Fresh Perils

Risks to coherence and clarity

Too Much Law?

Single-chambered Parliament

Too Much Law?

Nearly 1100 general acts
in force in New Zealand

Too Much Law?

Misplaced belief
that legislation cures all

The Basic Question

The basic question in respect
of every proposed bill
should be:

Why is this law necessary?