



Newsletter

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CALC President's Report—June 2019



President
Commonwealth Association of Legislative Counsel

Greetings to all CALC members

Greetings to all CALC members. It is a great honour and privilege to have been elected as your President at the wonderfully successful CALC conference held in Zambia in April this year.

Tribute to Brenda King, CALC's first Immediate Past President

First, I want to pay tribute to my immediate predecessor as President, Brenda King. She worked tirelessly during the term of her presidency, while at the same time dealing with the enormous pressures imposed on her as the head of the Northern Ireland drafting office by the vagaries of Brexit. She has taken CALC forward in so many ways, and CALC is so much the stronger for her efforts. She will be a very hard act to follow.

I am particularly pleased that the CALC Annual General Meeting in Zambia approved an amendment to the CALC Constitution to recognise the Immediate Past President as a non-voting member of the CALC Council. Brenda, as her predecessors have done informally, will provide me and the other members of the CALC Council with the benefit of her experience, wisdom and advice. I am very grateful for that.

2019 CALC Conference – Livingstone, Zambia, 1 to 3 April 2018

I am sure all CALC members who attended the 2019 CALC conference in Livingstone, Zambia, 1-3 April 2019 were as impressed as I was by how well the conference was organised, and by the warm and friendly atmosphere at the conference. Brenda King and the previous CALC Council delivered a magnificent conference, with a great range of speakers and topics and diverse social activities. The final conference dinner, in a Boma at the Avani Hotel and with exceptional entertainment from local groups, was truly memorable. Many thanks to Brenda and her team for organising the conference, and to all who attended the conference and made it so successful. This edition of the *CALC Newsletter* contains many items on, and photos from, the Conference.

CALC Council 2019–21, and thanks to former Council members

A new CALC Council was elected at the Zambia conference. I welcome the new or returning Council members (Dr Johnson Okoth Okello (Kenya), Andrew Nkunika (Zambia), Wendy Gordon (Canada), Michelle Daley (Cayman Islands), Therese Perera (Sri Lanka), Jakerul Abedin (Bangladesh), Angelyne Dovo (Vanuatu), Lyanne Vaurasi (Fiji), Lucy Marsh-Smith (Jersey) and Adrian Hogarth (United Kingdom)). And of course our indefatigable Executive members (Katy Le Roy, our Vice President, Ross Carter our Secretary and John Mark Keyes, our Treasurer and editor of *The Loophole*) most generously agreed to continue in office and were elected unopposed. Profiles of the current Council members are set out later in this edition of the *CALC Newsletter*.

I also want to recognise those members of the previous CALC Council who did not seek re-election or were not re-elected. They are Richard Denis, Nola Faasau, Dingaang Mangena, and Lawrence Peng. Many thanks for your efforts.

Neil Martin of Wales is assisting CALC's Council 2019–21

Although he missed out on election as a Europe representative on the CALC Council, Neil Martin from the Welsh drafting office has very generously accepted an invitation to join the Council as a non-voting member. This is made possible by the other amendment to the CALC Constitution agreed at the CALC AGM. I welcome Neil to the Council, and look forward to working with him.

Council's meeting 3 April 2019 and activities for next 2 years

Your new Council held its first meeting on 3 April 2019, immediately before the start of the final day of the Zambia conference. I was greatly impressed by the level of commitment and enthusiasm with which all those present embraced the work of your Council, and in particular the need to spread the load usually borne by the Secretary and Treasurer across a wider group of Council members. A number of regional CALC conferences are already in the planning stages, and I can assure you that your Council will be working very hard over the next 2 years on a number of other initiatives.

The most important task of the new Council is of course the organisation and delivery of the next CALC conference in 2021. So that we can learn from the experience of the latest conference in Zambia, we have circulated to all CALC members an online survey about that conference. I encourage all those who attended the conference to respond to the survey and give us the benefit of your feedback on what worked well and what we might do to make the next conference even more successful.

Council welcomes your contact and feedback

I very much look forward to serving as your President for the next 2 years. Please feel free to contact me or any of your Council members with any suggestions as to how we can enhance the invaluable service that CALC provides to the drafting community of the Commonwealth.

Very best wishes to you all,



Geoff Lawn

CALC President, June 2019

Profile of new CALC Council 2019–21

New CALC Council 2019–21

President	Geoff Lawn, Western Australia
Vice President	Katy Le Roy, Queensland
Secretary	Ross Carter, New Zealand
Treasurer	John Mark Keyes, Canada
Immediate Past President	Brenda King, Northern Ireland
Africa	Johnson Okello, Kenya
	Andrew Nkunika, Zambia
Americas	Wendy Gordon, Canada
	Michelle Daley, Cayman Islands
Asia	Therese Perera, Sri Lanka
	Jakerul Abedin, Bangladesh
Australasia and the Pacific	Angelyne Dovo, Vanuatu
	Lyanne Vaurasi, Fiji
Europe	Adrian Hogarth, United Kingdom
	Lucy Marsh-Smith, Jersey
CALC Member assisting Council	Neil Martin, Wales

President: Geoff Lawn, Western Australia



Having been elected as a non-executive member of the CALC Council in 2017, representing Australasia and the Pacific region, I am delighted to be able to serve CALC as President for the next 2 years.

I have been a legislative drafter for over 30 years, working first in New Zealand and now in Australia. During my career I have sought to raise the profile of legislative drafting among the legal profession and the wider community and highlight the key role we drafters play in ensuring that legislation is legally effective, clear, coherent and accessible. CALC plays a vital role in pursuing that objective, and is something on which I will place a particular focus during my presidency.

I also have a passion for promoting public access to legislation, so that it is both intelligible and physically available, and I have presented a number of papers on these matters to various conferences and at other events. While with the New Zealand Parliamentary Counsel Office (PCO), I took on the leadership of the Public Access to Legislation Project, which involved the development and implementation of an integrated drafting, publishing, and reprinting system. A key component of the new system is a website providing free public access to Acts of Parliament,

Statutory Regulations, and Bills before the House of Representatives. I am very proud of the fact that the New Zealand PCO now has a world-class legislative drafting and publishing system.

CALC provides opportunities to bring the drafting community together (both physically and virtually) for support and information sharing. As legislative drafters, we face many common issues and the fact that there is usually only 1 drafting office in each jurisdiction means that it is easy to feel isolated. Through CALC's regional and biennial conferences, our wonderful publications *The Loophole* and *CALC Newsletter*, and our excellent website (www.calc.ngo), we are able to consider solutions to common issues, to gain exposure to different ways of doing things and to be enthused and emboldened to innovate.

With the great team that we have as your new Council, and with your support as members of CALC, I am confident that CALC will continue to provide a vital service to the legislative drafting community.

[Geoff Lawn has been the Parliamentary Counsel (head of office) in the Western Australian Parliamentary Counsel's Office since November 2015. Geoff graduated from the University of Canterbury, Christchurch, New Zealand in 1978 with an LL.B (Hons) (First Class) and was the 1979 winner of the Canterbury District Law Society Gold Medal in Law. He was a Junior Lecturer in Law, Victoria University of Wellington, New Zealand, 1979-1980, and a Legal Adviser, Law Reform Division, Department of Justice, Wellington, New Zealand, 1981-1985. Geoff was appointed a Parliamentary Counsel in the New Zealand Parliamentary Counsel Office in 1985, and Deputy Chief Parliamentary Counsel in 1997. He worked on secondment to the New Zealand Law Commission as a Senior Consultant in 2008-09, and was appointed a Senior Parliamentary Counsel in the Parliamentary Counsel's Office, Western Australia, in September 2009.]

Vice President: Katy Le Roy, Queensland



I have had the privilege of serving as CALC Vice President since 2015, and also served as a member of CALC Council representing the Pacific region from 2011-2015. I am delighted to be able to serve the members of CALC as Vice President for another 2 years, and to continue to be an active contributor to the work of the CALC Council.

I was a member of the conference programme committee for the 2013 conference in Cape Town, and chaired the conference programme committee for the 2015, 2017, and 2019 conferences.

I have contributed to CALC submissions to the Commonwealth Law Ministers, and to other CALC projects, including the preparation of proposed amendments to CALC's constitution and the development of new CALC services.

I am Deputy Parliamentary Counsel in the Office of the Queensland Parliamentary Counsel. I have also worked as Parliamentary Counsel in New Zealand and in the Republic of Nauru.

I am committed to the objects of CALC and place great value on the opportunities CALC provides for exchanging knowledge and learning from others. I am passionate about the Rule of Law and the contribution that legislative drafters can make to the Rule of Law by creating statute books that are clear, coherent, and accessible.

Secretary: Ross Carter, New Zealand



As CALC Secretary since 2015 (following the distinguished service, in that role, of Dr Duncan Berry and Fiona Leonard), I've enjoyed a lot helping CALC achieve and conduct all its objects and activities. As re-elected to this role in 2019, my aim remains, with generous support from New Zealand's PCO and from all CALC members, to ensure that the CALC's Secretary's functions are performed very well.

CALC's benefits – for example, those of its communications and its conferences – have been obvious to me since I first became a full-time legislative drafter in 1998. (From 1994 to 1998, I worked as a legal researcher at New Zealand's Law Commission.) I attended the last 6 main CALC Conferences (2009 Hong Kong, 2011 Hyderabad, 2013 Cape Town, 2015 Edinburgh, 2017 Melbourne, and 2019 Livingstone).

I also attended, and helped with, CALC's 2 regional conferences in 2018 (in Canberra and Jersey). I've contributed to *The Loophole* and *CALC Newsletter*. In making a New Zealand contribution to CALC – I continue past valued CALC Council service (eg, by Walter Iles QC and George Tanner QC).

I value especially the chance to support CALC's Presidents (Peter Quiggin, Brenda King, and Geoff Lawn) and Council (eg, Vice President Katy Le Roy, Treasurer John Mark Keyes, and all CALC's excellent regional representatives). I also continue to edit, and to aim to enhance, *The CALC Newsletter* and CALC's website (www.calc.ngo), including resources and information for drafters (eg, on conferences). I aim, as well, to help with CALC's increasingly frequent regional conferences and, of course, with CALC's main 2-yearly conference. I also process membership applications, and help ensure that employment opportunities are advertised promptly to all CALC members.

I am very honoured to serve as CALC Secretary with, and for, all CALC's Council and members.

CALC is a fantastic association for legislative counsel. CALC offers drafters excellent opportunities to cooperate in matters of professional interest and, in this way, to be the best that they can be. Happily, engaging fully with CALC is not only very rewarding professionally, it is also great fun!

[Ross is a Principal Counsel at the New Zealand Parliamentary Counsel Office, where he has been a full-time legislative drafter since 1998. From 1994–1998, he was a legal researcher at the New Zealand Law Commission. He has served as Private Secretary to the Attorney-General for New Zealand and as an adjunct lecturer in law at Victoria University of Wellington. He is author or co-author of Carter, Burrows and Carter – Statute Law in New Zealand (5th ed, 2015) and Carter, McHerron, and Malone, Subordinate Legislation in New Zealand (2013).]

Treasurer: John Mark Keyes, Canada



I have been CALC's Treasurer since 2013. This position entails the management of its financial affairs, including CALC's financial accounts, banking activities, expense payments, and invoicing for conference registrations and advertising.

[John Mark has had a lengthy career in legislative drafting and related law-making activities, including 8 years as the Chief Legislative Counsel in the Department of Justice (Canada). He is a member of the Bar of Ontario and has an active academic life, having published over 25 legal articles and a monograph, Executive Legislation, now in its second edition (Lexis Nexis, 2010). He is a sessional professor at the Faculty of Law, University of Ottawa (teaching public law and legislation) and an instructor with Athabasca University in its Post-Baccalaureate Diploma in Legislative Drafting Program. He also chairs the Legislative Drafting Committee of the

Canadian Institute for the Administration of Justice (CIAJ), which organizes its biennial legislative drafting conferences (the next one will be in Ottawa in September 2020).]

Immediate Past President: Brenda King, Northern Ireland



I was elected CALC President in Melbourne in 2017, and served in that role until 2019. When I stood for election as CALC President in 2017, I would not have imagined that my time in that role would have coincided with the period of constitutional turmoil caused by Brexit and the continuing absence of government in Northern Ireland. I have been First Legislative Counsel (head of office) in the Office of the Legislative Counsel since 2012.

As the head of a small drafting office (8 drafters when I left in 2017 for Melbourne, 12 on my return!) in a medium-size jurisdiction, I hoped to be able to bring the perspective of small and medium size drafting offices, which often don't have the resources and stability that larger offices have, to the role of CALC President. When I took over as head of the drafting office in Northern Ireland, we had only two permanent drafters in post, and I greatly valued the assistance and guidance of CALC members which helped me to build a sustainable drafting office.

The great strength of CALC is the willingness of members to share experience and expertise.

An example is the CALC Workshop held in Belfast, Northern Ireland, in 2015, after the 2015 CALC Conference in Edinburgh. This one-day conference was organised by my Northern Ireland drafting office, with support from PoliticsPlus, who are a philanthropic organisation. Quite a number of delegates from the 2015 CALC Conference attended. In addition, there were other CALC members who had been unable to attend the CALC Conference. The workshop, which was held at Stormont, looked at the constitutional and legislative system in Northern Ireland, which provides for a unique system of power sharing in Northern Ireland. I managed to organise a wide range of high-powered speakers, including a number of members of the Northern Ireland legislature. This workshop was acclaimed by participants as a fantastic addition to the 2015 CALC Conference.

CALC has achieved a lot over the past 2 years. We have increased our membership considerably, have forged new and stronger links with associated bodies, strengthened our engagement with the Commonwealth Secretariat, and held two regional conferences in addition to our main conference.

As CALC's first Immediate Past President, I look forward to working with the new CALC Council, headed by our new CALC President, Geoff Lawn, to achieve even more during 2019–21.

Africa Region Representative: Johnson Okello, Kenya



I was elected a CALC Council Africa Region representative in 2017 in Melbourne. Having been given another opportunity to serve the region in the Council, I intend in 2019–21 to look to make CALC Africa Region members more active, vibrant, and involved in CALC programmes.

I look forward to pushing the drafting calling to a new level in the Africa region by organizing at least a regional conference to tackle the emerging issues, and challenges in the legislative drafting frontier, in the region.

[Dr. Johnson Okoth Okello is a senior Legislative drafter, being one of the renowned drafters in the Africa region. He is dedicated and long serving, and has taught and mentored young and upcoming drafters in the African region and beyond. He has headed and served in various senior positions in drafting offices in Kenya and East Africa. He has also drafted legislation in Kenya and the region, and has therefore contributed immensely in the realm of legislative drafting and legislative policy analysis.]

Africa Region Representative: Andrew Nkunika, Zambia



I was elected a CALC Council Africa Region representative in 2019. I am honoured to be accorded the opportunity to serve the CALC Council.

I believe in the building of capacity in legislative drafting and in advancing the innovation of legislative drafting techniques while ensuring the integrity of legislative enactments and respect for the rule of law.

I have a passion for legislative drafting, which I have practised since 2005, and have undertaken various academic pursuits related to legislative drafting, including the authoring of an article entitled “The role of cognitive reasoning and decision making and user testing in the enhancement of communication of legislative messages in a digital age” [IALS Student Law Review | Volume 2, Issue 2, Spring 2015, pp. 26-41.](#)

I look forward to collaborating with various professional colleagues in matters of legislative drafting and governance-related matters generally.

[Andrew is a Zambian National aged 41 years old and employed by the Ministry of Justice of Zambia as Permanent Secretary—Legislative Drafting. He is the holder of a Master of Laws in Legislative Drafting from the University of London and a Master of Laws in Information and Communication Technology Law from Stockholm University.]

Americas Region Representative: Wendy Gordon, Canada



Occupying one of the 2 North American regional representative positions is an exciting challenge and honour for me. My current position as Deputy Law Clerk and Parliamentary Counsel, Legislation Services, in the Office of the Law Clerk and Parliamentary Counsel at the House of Commons is managerial in nature, but for 19 years I was a legislative counsel drafting on behalf of government and for the last 9 years on behalf of backbencher Members of Parliament. As such, I have drafted legislation in many different settings and contexts. From participating in large government regulation initiatives, to more exploratory plain language initiatives and, more recently, to drafting in the hurly burly of a smaller office buffeted by strong political winds – I have enjoyed a varied career. Since moving from the Department of Justice to the Office of the Law Clerk and Parliamentary Counsel of the House of Commons in 2010,

I have seen first-hand how similar legislative drafting skills can be called upon in markedly different circumstances. For the most part, these differences flow from the highly political environment in which legislative drafting occurs at the House of Commons, where we are a small office of 5 drafters working on behalf of 276 Members of Parliament who are not in Cabinet. The politicized context is a strong influence on why, when and how requests for bills or amendments are made, as well as how quickly they must be drafted. There are fascinating contrasts in how much analysis and research is conducted to support a legislative initiative in government compared to a backbencher’s initiative. The relatively raw state in which initiatives are requested in the Office of the Law Clerk at the House of Commons challenges legislative counsel to provide a wide range of guidance to Members and their staff, some of which is outside the traditional drafting role. As well, the challenges associated with client management and high rates of turn-over call for a cadre of experienced and agile drafters.

I have a keen appreciation for the challenges in teaching legislative drafting skills and techniques and, similarly, I appreciate the enormous value of nourishing a healthy community of legislative drafters. This was a key motivator in me joining the CALC Council – a recognition of the shared

challenges faced by all drafters and how we can support each other. I am excited and proud to be part of the Commonwealth legislative drafting community. To me, it is fitting that the semantic components of the term “Commonwealth” suggest, on the one hand, a diversity of people with shared interests and, on the other, the virtual wealth of contextual and jurisdictional differences that converge in a community such as CALC.

[Wendy has an honours degree in English Literature from the University of Western Ontario and a law degree from Queen’s University. She was called to the Ontario bar in 1987. She completed a Diploma in Legislative Drafting at the University of Ottawa in 1997.]

Americas Region Representative: Michelle Daley, Cayman Islands

I currently serve as 1 of the 2 Americas Region representatives on the 2019–2021 CALC Council, and previously served in that capacity for 2017–2019.

I have been a strong supporter of the objectives and programmes of CALC. I believe it is an excellent forum for networking and information sharing through its publications, conferences, and workshops. I have attended 4 CALC conferences (Kenya 2007, South Africa 2013, Australia 2017, and Zambia 2019), and was a presenter at the South Africa and Zambia Conferences. I have also contributed to *The Loophole*.



I have, throughout the course of my term in office, sought to establish contact within the Caribbean region and to encourage and strengthen relationships among the drafters within the region. Strong linkages with the legislative drafting offices in the region are an excellent way to promote cooperation between drafting offices, and that can only lead to increasing exchange of ideas and efficiency.

I remain very passionate about the mentoring of the next generation of the region’s drafters. I also believe that, in addition to the one-on-one in office approach, exposure to CALC’s conferences, publications, and network assists the management, development, and support of institutions, and so also the strengthening of talent and expertise, within the region.

[Michelle Daley is an Attorney at Law and has been a legislative drafter and member of CALC for the last 22 years. Michelle began her career in the Office of the Parliamentary Counsel in Jamaica in 1997 and has worked throughout the Americas region (Caribbean and Central America) in the British Virgin Islands (Senior Legislative Counsel), Cayman Islands (Senior Legislative Counsel),

Belize (Deputy Solicitor General, Legislative Drafting/CFTC Consultant), and Anguilla (Chief Parliamentary Counsel).]

Asia Region Representative: Therese Perera, Sri Lanka



I have been a Member of CALC since the early 1990's and attended every CALC Conference since the CALC Conference held in Melbourne in 2003, when (later Justice) Hillary Penfold was CALC's President.

I have been a Council Member for the Asia Region since 2007, and have been to the best of my ability involved with matters relating to the functioning of the CALC Council.

My best contribution as Asia Member was organising a very successful "CALC REGIONAL CONFERENCE IN COLOMBO in September 2011". This was held on the heels, so to say, of the 2011 CALC Conference held in Hyderabad. The CALC Council had misgivings on attendance, since the members' Governments/Organisations had already funded them once that year. However, due to the very generous grant I received from my government for the Conference and the Contribution made by COMSEC, we were able to host the participants without any cost

to them. Travel, accommodation, food, registration, etc. The support that I received from CALC, headed by CALC President Peter Quiggin, was immeasurable.

I have also been involved in the editing of articles for *The Loophole* since 2009/10 under the tutelage of John Mark Keyes.

Livingstone 2019 was my 8th Conference spanning 16 years, and I am very pleased to be able to continue to serve CALC in the capacity of Asia Region Representative.

[Therese Perera is a Former Legal Draftsman, Sri Lanka, and is a Legislative Drafting Consultant.]

Asia Region Representative: Jakerul Abedin, Bangladesh



I have been a member of CALC since 2004, and am a passionate supporter of CALC. I was elected a CALC Council Asia Region representative in 2019.

Now that I have the opportunity to serve the Asia region in the Council, I aim to make CALC Asia region members more active, vibrant, and involved in CALC activities. I shall try my best to work with this biggest network of Commonwealth legislative drafters and to contribute to the development of its incumbents with a focus on Asia, in whatever assignments may be allocated to me.

I am very enthusiastic about setting up sustainable and effective contacts between different drafting offices across the

Commonwealth to encourage legislative drafters in sharing knowledge and experiences to set a common style of standard drafting for mutual support and benefit.

With the support of CALC, I plan to organise a regional workshop, seminar, or conference in Dhaka to make a significant connection of policy framers, law makers, legal academics, legal professionals, and Commonwealth legislative drafters.

I am very honoured to serve as CALC Asia region representative.

[Dr. Jakerul Abedin is Joint Secretary in the Legislative and Parliamentary Affairs Division (LPAD) of Bangladesh. As one of the wing heads of LPAD, he looks after legal and legislative businesses of eight ministries and divisions of the Bangladesh government, and represents the law ministry in governing bodies of a number of statutory authorities.]

Dr. Abedin has a PhD degree in Law from Macquarie University of Australia with International Macquarie University Research Excellence Scholarship (iMQRES) in 2013, a second Master of International Trade Law (MITL) degree from University of Technology Sydney in 2007, and a first Master of Law and a Bachelor of Law degree from the University of Rajshahi. He was a UNITAR fellow of International Law.

Before joining the civil service in 2000, he was a practising lawyer in the lower court and high court of Bangladesh. He worked on the academic staff of Macquarie University and Western Sydney University law school.

He has been awarded certificates in Foundations in Learning and Teaching (FILT), Teaching Induction Program (TIP), and Advanced Legal Research, from Australia. He presented conference and seminar papers in different forums and universities in the area of international water and environmental law. He also published good number of academic works in the same area. He is

reviewer of a few law journals, including the Transnational Corporations Review (TNCR), and the International Journal of Climate Change: Impacts and Responses and Journal of Water Policy. He is a part time legal academic of Southeast University and a member of the Bangladesh Institute of Chartered Accountants. He has more than 19 years of practical experience as a lawyer, legislative drafting official (working on different types of legislative instruments), parliamentary counsel, policy analyst, legal researcher, and legal academic.]

Australasia and the Pacific Region Representative: Angelyne Dovo, Vanuatu



I have over 17 years of legislative drafting experience and became a CALC member in 2003. I was elected a CALC Council Australasia and the Pacific Region representative in 2019.

I started working as a legislative drafter in the Parliamentary Counsel Unit of the State Law Office (Attorney General's Office), Port Vila, Vanuatu, in October 2000. In January 2004, I was appointed the Parliamentary Counsel and have held this position to date.

Legislative Drafting is my passion. I love the job and I love training other drafters to become best at the job. I supervise 7 other drafters in our office in preparing legislation for the Vanuatu Government to introduce to Parliament.

Becoming a CALC Council member is an exciting experience for me given my years of experience in legislative drafting. It provides me with the opportunity to be part of working with the bigger network of legislative drafters, and to contribute to the development of legislative drafters in the Commonwealth, particularly Pacific Island jurisdictions, in whatever task that may be allocated to me for that cause.

Australasia and the Pacific Region Representative: Lyanne Vaurasi, Fiji



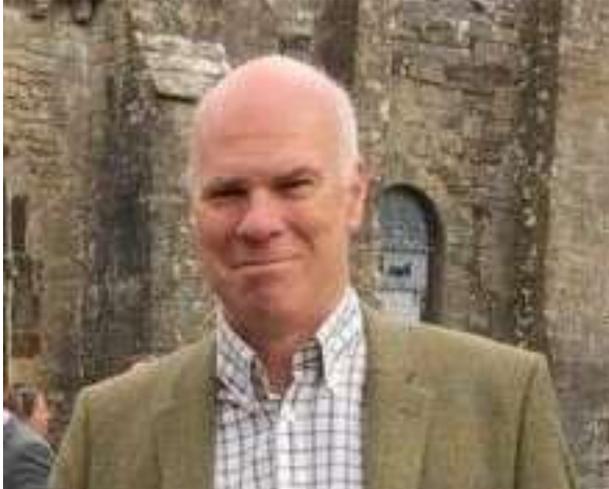
Lyanne Vaurasi is Deputy Chief Law Draftsperson, Office of the Attorney-General, Fiji.

Lyanne was elected a CALC Council Australasia and the Pacific Region representative in 2019.

Lyanne joined the Office of the Attorney-General in 2011, was appointed a Senior Legal Officer in 2014, and was appointed Deputy Chief Law Draftsperson in 2016.

Lyanne has a Bachelor of Laws, a Professional Diploma in Legal Practice, and a Professional Diploma in Legislative Drafting, from the University of the South Pacific.

Europe Region Representative: Adrian Hogarth, United Kingdom



I am a barrister by training but have been a drafter at the Office of the Parliamentary Counsel in London since 1985, a time when none of us used computers and all drafts had to be written out or dictated and typed up, before being posted or delivered by hand.

I have worked on all kinds of legislation in a variety of roles, both senior and junior. I have always had an interest in the interaction between domestic law and international law and have handled a number of Bills implementing international treaties. One of the

stranger exercises was making it an offence to let off a nuclear bomb, or to sell, give, or lend one.

I am currently working on legislation relating to Brexit, following a spell working mainly on tax legislation. From 2011 to 2015, I was Senior Parliamentary Counsel at the Law Commission, and, in that role, I was responsible for all the Commission's draft legislation and supported the Law Commissioners and Chief Executive in their activities. While there, I hosted and gave talks or seminars to many Commonwealth delegations and visitors.

I have been a Europe representative on the CALC Council since 2015, and am responsible for liaising with the Commonwealth Secretariat in London. In that role, I have advised the Secretariat on legislative projects, and have become involved in two wider initiatives, the Commonwealth Parliamentary Association's [Modern Slavery legislation project](#) (assisting and encouraging Commonwealth countries to modernise their laws on modern slavery), and the Human Dignity Trust's [Equalities project](#) (doing the same for legislation relating to equality, with a particular focus on repealing discriminatory legislation often buried in older Acts). It is essential that this kind of project is designed to allow for legislation to be properly drafted.

CALC is a great organisation and a power for good in the Commonwealth, but I think it can and should do more, both to improve members' experiences and to contribute to Commonwealth initiatives.

We need to build on the success of the recent mini-conference in Jersey and encourage more regional events. These may be more accessible and affordable for members in a region than the full CALC conference, can focus on topical local interests and needs, and are a great way of promoting contacts within a region.

It is a strength of CALC that it has members across the Commonwealth. I hope that the 2019–21 Council will be able to systematically refresh contacts with drafting offices and drafters in all Commonwealth countries (and in other common law jurisdictions) so that we can aim for all Commonwealth drafters to become and remain members.

Europe Region Representative: Lucy Marsh-Smith, Jersey



I am delighted to have been re-elected to serve as one of the representatives of the Europe region of CALC. I have held this post since 2017 and before that from 2007–11. I am a passionate supporter of CALC and its role in connecting drafters from across the Commonwealth. During my last term I organised – with a lot of help – the first-ever regional conference for Europe, in Jersey on the Brexit theme, and look forward to assisting with next year’s conference to be held in the city of my birth, Cardiff. During this term I have taken on the role of co-ordinating news from the regions for the newsletter as well as playing a leading part in the electronic voting project. I look forward to working with Geoff our new President and the rest of the CALC Council over the next 2 years, and helping us to have a truly great conference in 2021.

[Lucy is a barrister of England and Wales who began her career in the UK Government Legal Service before moving to Jersey 23 years ago to specialise in legislative drafting. From 2008–2013 she was Chief Legislative Drafter for the Isle of Man before returning to Jersey, where she became the Principal Legislative Drafter in 2018. In both the offices that she has headed Lucy has been active in introducing new technology to improve the efficiency of drafting and accessibility of legislation to the user. Lucy has a Master’s degree in public law from London University and a second LL.M in Jersey law, and was recently awarded a Level 7 Certificate in Strategic Management and Leadership by the Chartered Management Institute. She is a tutor on the legislative drafting diploma at the University of Athabasca. When she is not drafting, like most people of Welsh origin, Lucy enjoys singing, nowadays with the Jersey Gilbert & Sullivan Society and also at CALC conferences. She enjoys visiting drafting offices around the Commonwealth whilst on holiday.]

CALC member assisting Council: Neil Martin, Wales



I have been a legislative drafter and member of CALC since 2007. I am originally from Northern Ireland, and I was called to the Bar in England and Wales in 2004. I first worked as a drafter at the Office of the Parliamentary Counsel in London, though I cultivated an interest in the development of legislation as a research assistant at the Law Commission for England and Wales, where I worked for a year after completing my Masters in Law in 2002.

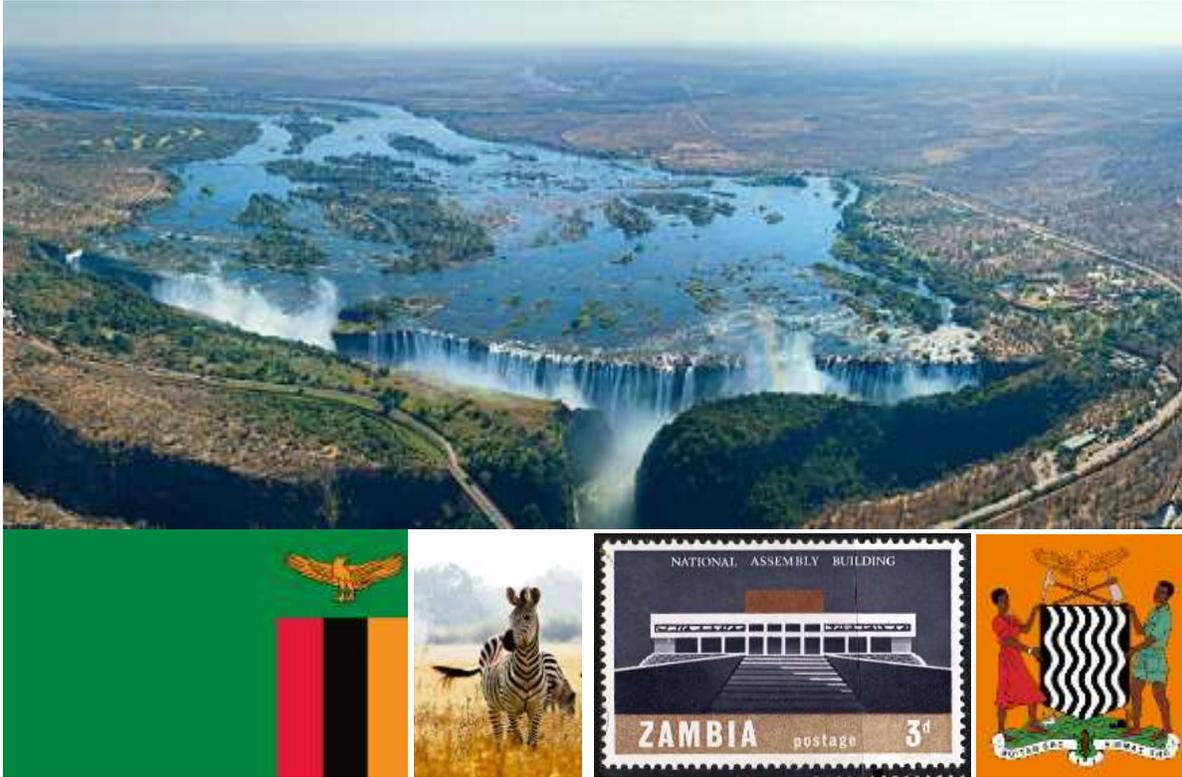
Since 2014 I have been a Senior Legislative Counsel in the Office of the Legislative Counsel in Wales.

When I chaired a session on bilingual drafting at the CALC conference in Melbourne in 2017, I found it exciting and enthusing to see CALC's objects manifest themselves across the conference, particularly in the sharing of ideas and knowledge. I believe in those objects, and they have informed a number of recent projects within the Office of the Legislative Counsel in Wales. In particular, I have recently been

part of the team working on a Legislation Bill which will put in place new rules of interpretation for legislation made in Wales, and give new functions to the Welsh Government to improve the accessibility of law in our bilingual jurisdiction.

I am therefore delighted to have been invited to join the Council as a non-voting member, and I look forward to contributing to its work. In particular, I am looking forward to helping to organise the CALC Europe Region conference in 2020, to be held in Cardiff, Wales.

CALC Conference — April 2019, Livingstone, Zambia



The 2019 CALC Conference was held in Livingstone, Zambia, from 1 to 3 April 2019.

The following report is from New Zealand PCO's internal *News & Notes* (26 April 2019 No 3/19).

Thanks to Hong Kong Law Draftsman, Theresa Johnson, many fantastic photos of the Conference and related activities are in this edition and at www.calc.ngo !

Responses to the current survey of participants should give much useful information when CALC starts to plan our 2021 conference. You can complete the survey online by following this link: <https://www.research.net/r/CALC-2019>



Drafter Livingstone, I presume?

2019 CALC Conference, Zambia

Ross Carter, Suzanne Giacometti, and Shane Williams

The 2019 CALC Conference was held in Livingstone, Zambia, from 1 to 3 April.

The NZ PCO sent Suzanne Giacometti, Shane Williams, and Ross Carter (CALC Secretary). Other New Zealand delegates were Adrian Kelly from IRD's Tax Law Drafting Unit and Andrew Springett from the Electricity Authority. Another quasi-New Zealand delegate was Katy Le Roy (CALC Vice-President), who is currently in Brisbane with the Office of Queensland Parliamentary Counsel (OQPC).

We journeyed via Sydney and Johannesburg. We left our homes in time to get a flight to Sydney at 7am on Friday 29 March. The journey ended in Livingstone, Zambia, in the early afternoon on Saturday 30 March 2019. Happily, we were able to get some sleep overnight at a hotel near the airport terminal in Johannesburg.



Zambia is a land-locked country in south-central Africa. It neighbours the Democratic Republic of the Congo to the north, Tanzania to the north-east, Malawi to the east, Mozambique to the southeast, Zimbabwe and Botswana to the south, Namibia to the southwest, and Angola to the west. The capital city is Lusaka, located in the



south-central part. The population is concentrated mainly around the core economic hubs, Lusaka in the south and the Copperbelt Province in the northwest. Zambia has some of nature's best wildlife and game reserves, yielding abundant

tourism opportunities.

The Victoria Falls in the Southern part of the country is a major tourist attraction.



David Livingstone's arrival near the falls is named after him.

David Livingstone was a Scottish physician, Congregationalist, and pioneer Christian missionary with the London Missionary Society. He was also the most prominent European visitor to Zambia in the 19th century. He had a vision of ending the slave trade through the "three Cs": Christianity, Commerce, and Civilisation.

He was the first European to see the magnificent waterfalls on the Zambezi River in 1855, naming them the Victoria Falls after Queen Victoria of the United Kingdom. He described them thus: "Scenes so lovely must have been gazed upon by angels in their flight". In the local Lozi or Kololo dialect, the falls are known as "Mosi-o-Tunya" or "thundering smoke". The town of Livingstone near the falls is named after him.

Livingstone's meeting with Henry Morton Stanley on 10 November 1871 gave rise to the popular quotation "Dr Livingstone, I presume?". Livingstone completely lost contact with the outside world for six years and was ill for most of the last four years of his life. Only one of his 44 letter dispatches made it to Zanzibar. One surviving letter to Horace Waller was made available to the public in 2010 by its owner Peter Beard. It reads: "I am terribly knocked up but this is for your own eye only ... Doubtful if I live to see you again ..."

Henry Morton Stanley had been sent to find him by the *New York Herald* newspaper in 1869. He found Livingstone in the town of Ujiji on the shores of Lake Tanganyika on 10 November 1871, greeting him with the now famous quote. Livingstone responded "Yes" and then "I feel thankful that I am here to welcome you."

These famous words may have been a fabrication, as Stanley later tore out the pages of this encounter in his diary. Even Livingstone's account of this encounter does not mention these words. However, the phrase appears in a *New York Herald* editorial dated 10 August 1872, and the *Encyclopædia Britannica* and the *Oxford Dictionary of National Biography* both quote it without questioning its veracity. The words are famous because of their perceived humour, Livingstone being the only other white person for hundreds of miles.

Back to the present day, over 130 drafters and guests from the Commonwealth and beyond gathered in Livingstone for the Conference from 1 to 3 April 2019. CALC's President from 2017 to 2019, Brenda King, First Legislative Counsel of Northern Ireland, opened the conference by welcoming remarks from Zambian drafter Andrew Nkunika.



Zambian drafter Andrew Nkunika

The three days of conference presentations included papers on disruptive

technologies and legislation, teaching legislative drafting, change and innovation in small jurisdictions, Brexit, issues in interpretation, improving access to legislation, South Africa's fifth Parliament, issues in delegated legislation, drafting techniques, emerging issues in legislative drafting, and the (evolving) role of legislative drafters. For papers and PPT slides, go to www.calc.ngo, log in with your email address and private password, then see Members' area | conference papers | Zambia, April 2019. (If you are a drafter but not yet a CALC member, you are welcome to apply for membership.)

At the general meeting on 2 April, elections were held for CALC Council regional representatives for Africa and Europe, and two minor amendments to CALC's Constitution were approved. CALC's 2019–21 Council, under new CALC President Geoff Lawn (Parliamentary Counsel, Western Australia), met on 3 April.



Shane, Suzanne and new friends

Happily, we had a little time to recover from jetlag and prepare to fly back. We were able to take in train and boat trips, plus some of Africa's amazing wildlife—including across the border in the Chobe National Park in Botswana. After the Conference dinner, Lucy Marsh-Smith (Principal Legislative Drafter, Jersey) even sang, karaoke-style, *Can You Draft a Bill Tonight?* (with apologies to Elton John and The Lion King)!

Can You Draft a Bill Tonight?

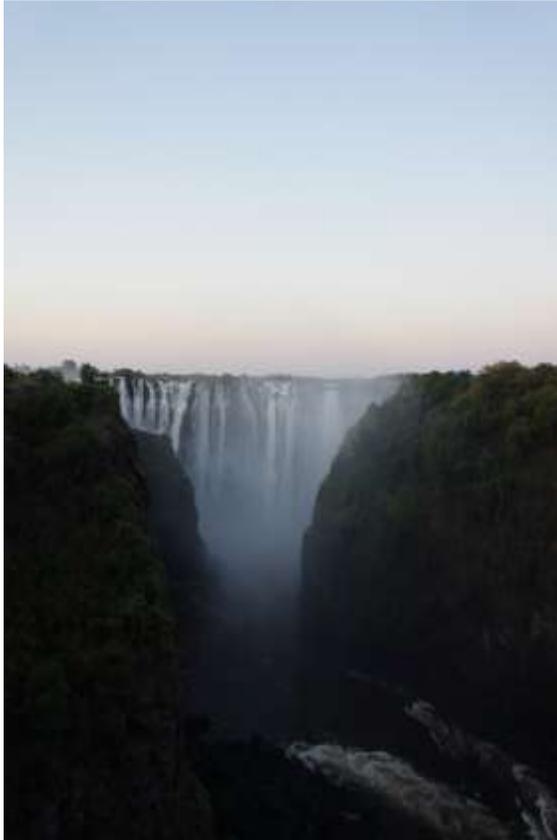
There's a calm surrender
To the rush of day
When the pressure of the office
Can be turned away
An enchanted moment
And it sees me through
It's enough for this restless drafter
To spend this time with you.

And can you draft a Bill tonight?
Even where we are?
It's enough for this tired-eyed drafter
To have flown this far
And can you draft a Bill tonight?
To be laid before
Parliament, to be debated
And then become the law.

There's a time for everyone
If they only learn
That CALC's twisting kaleidoscope
Moves us all in turn
There's a rhyme and reason
To the wild outdoors
When the pen of this star-crossed drafter
Writes in time with yours.

And can you draft a Bill tonight?
Even where we are?
It's enough for this tired-eyed drafter
To have flown this far
And can you draft a Bill tonight?
To be laid before
Parliament, to be debated
And then become the law.

Despite some organisational challenges, eg with delivery of locally sourced conference banners and bags, the 2019 CALC Conference came off well. Feedback so far suggests new and old CALC conference-goers found it one of the best CALC conferences yet. We three felt extremely fortunate to be able to attend and benefited a lot from doing so.









Minutes for CALC Ordinary General Meeting, 2 April 2019, Avani Hotel, Livingstone, Zambia

1. Opening of meeting

- The meeting opened at or soon after 2pm. It was opened by CALC President, Brenda King, First Legislative Counsel, Office of Legislative Counsel, Northern Ireland.

1A. Election of CALC Council (*see also* items 7 and 10 below)

- Brenda said ballots would be held for the 4 positions for Africa and Europe, and information about nominees was available since 12 March 2019 at CALC's webpage.
- Brenda also gave voting instructions for the ballots. Full CALC members attending the meeting cast their ballots (including proxies held).
- Brenda said that the results of the ballots would be announced later in the meeting.

2. Apologies and proxies

- Brenda noted an apology was recorded from each full member who appointed a proxy.
- Express apologies were also recorded from Walter Iles QC, John Moloney, and Bilika Simamba. Brenda asked if there were any other express apologies to record? CALC Secretary Ross Carter also noted the following apologies in correspondence:
 - Name: Mohsin Abbas Syed, Pakistan.
 - Name: Geert Kuit and Monwabisi Nguqu, South Africa.

3. Minutes of previous CALC general meeting on 30 March 2017 at RACV Club Melbourne

- Brenda noted these minutes are published in the [CALC Newsletter July 2017](#) at pages 75-88 and some hard copies were available at the meeting for members. Brenda noted that these minutes were also posted at [the Conferences page](#).
- Brenda asked if there were any corrections to these minutes?
- No corrections were identified and recorded.

Motion – Brenda asked if a member moved that the 2017 meeting minutes be adopted:

Proposer: Name: Estelle Appiah (Jurisdiction: Ghana)

Seconder: Name: Dr Duncan Berry (Jurisdiction: Kenya)

Result: Carried – by acclamation

4. President's report

- Brenda provided a brief summary of her written report circulated in advance.
- Brenda noted Brexit had imposed particular demands on her during her 2 years in office.
- Brenda thanked CALC's Council for its support during that 2-year period.

- The 2017 Melbourne CALC Conference and Sydney workshop were a great success, thanks especially to CALC President 2011-17 Peter Quiggin and his Australian OPC in Canberra, as well as to Marina Farnan and Victoria's Office of the Chief Parliamentary Counsel, and Don Colagiuri at the New South Wales Office of the Parliamentary Counsel.
- Organising the 2019 CALC Conference in Zambia had, Brenda explained, been challenging, for example, owing to the quite late announcement by the Commonwealth Lawyers' Association (CLA) of the venue for the Commonwealth Law Conference. It was also necessary for Brenda to visit in April 2018 to assess suitable venues. Contract negotiation had been long and complex. CALC's Council had also done a lot of work to help with organisation.
- Brenda noted 2 regional conferences had been held: a Pacific Regional Conference in Canberra in March 2018 (co-branded with the Australasian Parliamentary Counsels' Committee (PCC)) and a first Europe Regional Conference in Jersey in September 2018.
- Both had been a great success, and there were plans to have more (eg, in Wales in 2020 – after the March 2018 decision of UK offices to expand their conferences into Europe CALC Conferences). Regional conferences expanded opportunities for participation.
- Ongoing engagement with the Commonwealth Secretariat was a priority for CALC.
- Adrian Hogarth had continued to represent CALC in this, and CALC was very grateful to Adrian for this work.
- Brenda also noted Segametsi Mothibatsela of the Commonwealth Secretariat in London was attending the 2019 CALC Conference.
- Brenda attended the Commonwealth Meeting of Law Ministers in the Bahamas in October 2017. Brenda also attended, and presented a paper at, the Commonwealth Heads of Government Meeting (CHOGM) in London in 2018.
- In October 2018 Brenda represented CALC, preparing a paper and giving a presentation, at the Commonwealth Senior Officers of Law Meeting.
- Governance included CALC activities reports so CALC could maintain its status as a Commonwealth Accredited Organisation. Electronic voting could be explored in future.
- CALC's publications *The Loophole* and *CALC Newsletter* continued in good heart and had developed positively over the past 2 years, thanks to John Mark Keyes and Ross Carter.
- A lot had been achieved by CALC's Council during the 2-year period since 2017.
- Brenda thanked members of the Council for all their work over the past 2 years, especially those who are not standing for election again – Nola Faasau, Richard Denis and Lawrence Peng, each of whom have contributed a lot to CALC over the years.
- Brenda noted there is still much to be done and that she was confident that the incoming Council, headed by our President elect, Geoff Lawn, will achieve even more in the coming two years.

A motion was moved that the President's report be adopted:

Proposer: Name: Dr Katy Le Roy

(Jurisdiction: Queensland, Australia)

Seconder: Name: Michelle Daley

(Jurisdiction: Cayman Islands)

Result: Carried – by acclamation

5. Secretary's report

- Ross provided a brief summary of his written report circulated in advance.
- Ross mentioned, in particular, the very many CALC members who had very generously contributed material to *CALC Newsletters* from 2017-2019. Particular thanks for generous and great contributions or help must go to Brenda King (Northern Ireland), Anshuman Chakraborty (New Zealand), Geoff Lawn (Western Australia), Paul Peralta (Gibraltar), Patrick Kamugisha (Rwanda), John Mark Keyes (Canada), Ben Piper (Victoria, Australia), Andy Beattie (Scotland), Lucy Marsh-Smith (Jersey), Lydia Clapinska (London), the Western Australia PCO, Nola Faasau (Fiji), Rebecca Considine (Canberra, Australia), Madeleine MacKenzie (Edinburgh, Scotland), June Reardon (Ireland), Ronan Cormacain (UK), John Wilson (UK), Alison Bertlin (London), Cathryn Balfour-Swain (Bermuda), Sheikh Sarfraz (Pakistan), Toby Dorsey (USA), and Richard Spitz (with thanks also to Elizabeth Gardiner, Adrian Hogarth, and Summer Houlder) of OPC London.
- CALC's IT system (which was so generously hosted by the Canberra Australian OPC for many years) was handed over to NZ PCO after 30 March 2017. Ross also mentioned, with thanks, the considerable amount of work done by Peter Quiggin, Steffi Linton, and Amir Shirazi-Rad (all of the Australian OPC), and to Fiona Leonard and David Dew (of the New Zealand PCO), to achieve this handover.
- From 2017-2019, we have reviewed and made more complete and up-to-date the links to online [Drafting Manuals](#). Special thanks to Geoff Lawn for his generous help with this.
- Last, Ross thanked Brenda King for her excellent and dedicated service as CALC President 2017-2019.

A motion was moved that the Secretary's report be adopted:

Proposer: Name: Brenda King (Jurisdiction: Northern Ireland)

Seconder: Name: Lucy Marsh-Smith (Jurisdiction: Jersey)

Result: Carried – by acclamation

6. Treasurer's report

- John Mark Keyes provided a brief summary of his written report, and of the CALC financial statements (as financially reviewed), both circulated in advance.
- CALC's overall financial position was comfortable despite a small operating deficit.
- The Melbourne Conference attracted about 220 registrants, the largest number we have ever had at a CALC Conference. A deficit of £13,660 resulted largely from the expenses associated with the workshop in Sydney, which had to accommodate a far larger number of participants than the Belfast workshop following the Edinburgh Conference. The expense also reflects the generally higher cost of holding conferences in Melbourne and Sydney as two of the most attractive conference venues in the world. This deficit was well within the budgeted deficit of £20,000 that the Council had approved. CALC had been accumulating substantial surpluses at our previous conferences and the Council decided it could afford to spend more on conference programming.

- This approach was also adopted in budgeting for the Brexit Conference in Jersey, which generated revenues of £6,840 and expenses of £8,203 for a deficit of £1,363.
- The statements also show we have expended relatively little for the Zambia conference to the end of the accounting period. We will of course have expenses for this conference, which we have budgeted at about £50,000. Given the healthy level of registrations (about 140), we are projecting a surplus.
- One of the risks we anticipated in organizing the Zambia Conference was a decline in the value of the British Pound (the currency we have been using for our banking). Given that the bulk of our expenses for this conference are billed in US dollars, we decided to open a USD account and began receiving payments for conference fees, sponsorship and advertising in that currency. Opening the account turned out to be a surprisingly arduous task, which could not have been accomplished without the time, effort and amazing persistence of John Mark's predecessor as Treasurer, Madeleine MacKenzie in the Office of Scottish Parliamentary Counsel. The hoops we had to go through and the delays we encountered were sometimes maddening, but at the end of the day the account was opened and John Mark was able to obtain online access to it. The Bank also gave us a credit of £330 for our trouble, which appears on the statements under other income. The result is that we are now in a position to pay all of our USD expenses without having to convert funds from GBP. This has also been welcomed by many of our members who find it easier to make payments in USD. At the very least, we now offer a choice.
- Expenditures for our website (£6,655) were substantially lower than during the previous accounting period. Expenditures in the previous period included building the website, whereas those during the current reporting period relate to maintenance. It is also worth noting that the website is critical to generating our advertising revenues, which increased from £20,666 to £25,229. This revenue more than offsets our website costs.
- In closing, John Mark acknowledged the invaluable support he had received from our President, Brenda King, and our Secretary, Ross Carter, in dealing with the myriad financial issues that come our way. He also reiterated his appreciation for Madeleine MacKenzie as one of the many people without whom the Zambia conference could not have happened.
- Brenda asked if there were any questions or points for discussion? None was raised.

A motion was moved that the Treasurer's report and (reviewed) financial statements be adopted:

Proposer: Name: Brenda King (Jurisdiction: Northern Ireland)

Seconder: Name: Therese Perera (Jurisdiction: formerly Sri Lanka, now living in USA)

Result: Carried – by acclamation

7. Election of CALC Council (see also item 1A above and item 10 below)

- Brenda announced and congratulated the following nominees all elected unopposed:

President	Geoff Lawn, Western Australia
Vice President	Katy Le Roy, Queensland
Secretary	Ross Carter, New Zealand
Treasurer	John Mark Keyes, Canada
Asia	Therese Perera, Sri Lanka
	Jakerul Abedin, Bangladesh
Americas	Wendy Gordon, Canada
	Michelle Daley, Cayman Islands
Australasia and the Pacific	Angelyne Dovo, Vanuatu
	Lynne Vaurasi, Fiji

8. Proposals for constitutional change (see also item 10 below)

- Brenda asked Ross to explain these proposals
- There were 2 (Immediate Past President role / involving people in Council activities).
- The 2 proposed amendments arose from, and responded to, concerns identified in the Conference Governance Working Group’s consultation on CALC governance issues.
- Both had been approved by CALC’s Council.
- Both had been circulated to all CALC members (on 1 March 2019).
- Both were based on existing practice -- as noted in the brief written explanation given.

- Brenda asked if any members wished to discuss the proposed amendments? None did.
- Ross moved that full CALC members approve the amendments.

- Brenda noted the amendments could be adopted only if passed by a majority of at least two-thirds of the votes cast at the meeting by full members voting in person or by proxy. Brenda also gave voting instructions.
- Brenda explained that the results of the ballots will be announced later in the meeting.

9. General business

- Brenda asked if there were any items of general business.
- Ross mentioned Electronic voting – advising Members that Council intends to adopt rules in the 2019-21 period to enable electronic voting (eg, by email) for the 2021 General Meeting. There is provision in CALC’s Constitution for rules on electronic voting. However, it had not been possible to develop rules in time for the 2019 general meeting. So Council would look to develop them for the 2021 general meeting.
- John Wilson (UK) mentioned that he had attended CALC’s (less formal) first meeting in Hong Kong 1983.
- Eamonn Moran QC (CALC President 2007-2011) moved a general vote of thanks to CALC’s Council and all involved in the governance of CALC and in the organisation of the 2019 CALC Conference. The motion was carried – by acclamation.

10. Announcement of results of ballots (see also items 1A, 7, and 8 above)

- Returning officer Donncha Ó Conmhuí (Ireland) announced these results (after generous help, with counting, from fellow returning officer Sean Kealy (USA), and from Helen Quiggin (Australia), Kimberley Faith (USA), and Evelyn Robinson (Ireland)):
 - Constitutional question 1 (Immediate Past President role) -- Approved
 - “Yes” votes = 318
 - “No” votes = 3
 - Constitutional question 2 (Involving people in Council activities) -- Approved
 - “Yes” votes = 317
 - “No” votes = 2
 - Africa region – candidates elected:
 - Dr Johnson Okoth Okello (Kenya)
 - Andrew Nkunika (Zambia)
 - Europe region – candidates elected:
 - Lucy Marsh-Smith (Jersey)
 - Adrian Hogarth (United Kingdom)
- Brenda congratulated the candidates elected, noting that the other candidates, given the adoption or approval of the amendments for Constitutional question 2 (Involving people in Council activities), may also be asked to help Council with Council activities.
- Brenda also thanked the returning officers, and others who helped with counting votes.

11. Vote of thanks and gift to outgoing CALC President Brenda King, and closure of meeting

- Before the closure of the meeting, new CALC President 2019-21 Geoff Lawn moved a vote of thanks, and presented a gift, to outgoing CALC President, Brenda King, for her dedicated and excellent service as CALC President 2017-19. The motion was carried with acclamation. CALC members attending also gave Brenda King a standing ovation.
- Outgoing CALC President, Brenda King, declared the meeting closed about 3.20pm.

Ross Carter
CALC Secretary
3 May 2019

