

July 1986

COMMONWEALTH ASSOCIATION OF LEGISLATIVE COUNSEL

Newsletter No. 11 [volume 2]

Commonwealth Law Conference - Jamaica

It is not clear at present how many CALC members will be attending the Conference, but it appears that there is some danger that the Association will not be well represented at the CALC sessions. New office bearers of CALC will have to be elected and it is highly desirable that there be a wide selection of members to choose from.

Several sessions at the Conference will be of great interest to legislative counsel. Members are reminded that the CALC program on Wednesday 10 September will include two sessions:

- (1) Electronic Aids in Legislation.
- (2) Statute law: Consolidation, Publication and the Keeping of Published Texts Up-to-Date.

(Details of these sessions were given in newsletter No. 10.)

The main Conference also has two sessions on Thursday 11 September that are of particular interest to members of CALC:

- (1) The Legislative Process Today.
- (2) Statutory Interpretation: the Role of the Judiciary.

(Details of these sessions were given in newsletter no. 6.)

Mr J D Pope, Director of the Legal Division of the Commonwealth Secretariat, is writing to all the Commonwealth Law Ministers urging them to assure a good attendance of CALC members. This should give encouragement to members whose attendance depends on approval of their Ministers.

It is hoped that members will make every effort to attend. It would not be out of place to repeat here the words of the Rt Hon Sir Michael Havers, QC, MP, Attorney-General for England, Wales and Northern Ireland, in a message to CALC published in newsletter no. 5:

"The life-blood of an Association such as yours is personal contact between individuals, and the friendship and understanding which only personal contact can bring".

Bilingual Legislation

Members who have to deal with bilingual legislation will be very interested to hear that there is a book available on the subject written by a member of CALC. The publishers write:

"The book is entitled INTERPRETING BILINGUAL LEGISLATION (2nd Edition). The author, R Michael Beaupré, is Assistant Law Clerk and Parliamentary Counsel in the Canadian House of Commons. He served as President of the Association of Parliamentary Counsel in Canada for 1983-84.

Canada is a forerunner in the field of bilingual legislation. The example it sets in drafting, implementing and interpreting bilingual legislation will serve as a model internationally. INTERPRETING BILINGUAL LEGISLATION (2nd Edition) is the only text devoted solely to this subject. It discusses, through detailed reference to relevant Canadian legislation and case law, the various court-sanctioned techniques for interpreting bilingual statutes.

Michael Beaupré's work explains how one version of a legislative text can be interpreted by referring to the other version and how to resolve ambiguities and inconsistencies between the two. It also analyzes the problems of drafting bilingual legislation in a federal, 'bijural' system."

Inquiries should be directed to -

Carswell Legal Publications,
2330 Midland Avenue,
Agincourt,
Ontario, Canada M1S 1P7.

"Translation" of Geoff Kolts

Members who attended the inaugural meeting of CALC in Hong Kong will recall the extent to which CALC owed its birth to Geoff Kolts, at that time First Parliamentary Counsel for the Australian Commonwealth Government. He took a very active part in the lengthy negotiations that led to the approval of CALC by the Law Ministers, and after their approval had been given, he was even more energetic in the stages preparatory to the formation of the Association.

He prepared the first draft of the constitution, organised its distribution for comments from other interested parties and finally produced the draft that was, with minor adjustments, adopted in Hong Kong. He was unable to attend the Conference in Hong Kong and was not elected to the Council. However, he had a very active interest in the inaugural meeting and provided a good deal of assistance

At a later stage, when the first Secretary, Sandra Power, was transferred out of the sphere of legislative drafting, Geoff took over as Secretary and renewed his dynamic efforts to further the interests of CALC. Apart from writing newsletters and dealing with many other matters as Secretary, he took an active part in arranging the CALC program for the Jamaica Conference.

Early this year, looking for more fields to conquer, he applied for the position of Commonwealth Ombudsman, a position that had been vacant for over a year. Recognising his remarkable talents, the Government appointed him without hesitation. This necessitated his resignation from the position of First Parliamentary Counsel. He

felt obliged to cease his duties as Secretary of CALC, and handed these over to Ian Turnbull pending the election of a new Secretary in Jamaica.

The members of CALC congratulate Geoff on his new appointment and express their gratitude for the remarkable work he has done over the years for the Association.

New Members

The following persons have been admitted to membership of the Association:

Mr Joel W Fournier,
Cooper, Johnson, Hardy & Fournier,
P O Box 818,
Yellowknife,
Northwest Territories, X1A 2N6, Canada

Mr T Yahaya and Mr M Abubakar,
Legal Drafting Division,
Ministry of Justice,
Kano, PMB 3040,
Nigeria.