

Newsletter



of the



Commonwealth Association of Legislative Counsel

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Cape Town conference

Cape Town, South Africa, 10–12 April

Location and theme

With its 11th conference in Cape Town, South Africa, Wednesday 10 to Friday 12 April 2013, CALC marked 30 years since its establishment (at Hong Kong in 1983). The conference's subtitle was "Thirty Years of the Winds of Change in Legislative Drafting 1983–2013". The allusion is to British Prime Minister Harold Macmillan's historically important address to South Africa's Parliament, on 3 February 1960, in Cape Town. "The wind of change is blowing through this [African] continent", said Macmillan, "... like it or not, this growth of national consciousness is a political fact".

CALC, and legislative drafting, have of course also changed a great deal from 1983 to 2013.

Day 1: Session 1, and RSA Deputy Minister of Justice Andries Nel's keynote address

The conference began on the afternoon of Wednesday 10 April at the conference venue, the Office of the National Prosecuting Authority. That working prosecutors' office, under high security, was only a few blocks away, and walkable via the Company's Garden, a park and heritage block in Cape Town city containing or near to the Republic of South Africa (RSA) National Parliament, the South African National Gallery, and very many well-fed squirrels.

After a brief welcome by CALC President Peter Quiggin (First Parliamentary Counsel, Australian OPC, Canberra), a keynote address was given by the RSA's Deputy Minister of Justice and Constitutional Development, Mr Andries Nel, MP.

Day 1: Sessions 2 and 3: Evolution of drafting technique, and LexisNexis cocktail reception

Dr Duncan Berry (Consultant Legislative Drafting Counsel, State Law Office, Kenya) presented a survey he had conducted of Australian jurisdictions' Acts to ascertain changes in drafting style by reference to identified legalese and plain language features.





Mr William Robinson (Associate Research Fellow, Institute of Advanced Legal Studies, University of London) discussed the evolution of European Union legislative drafting, including the immense volume and large number (23 rising to 24, with the addition of Croatia effective 1 July 2013) of official EU legislative languages. In an amazing coincidence, William showed a photo of the Treaty of Rome signing ceremony in 1957, at the Palazzo dei Conservatori on Capitoline Hill, in which another conference delegate, Professor Dr Sjoerd Evert Zijlstra (Professor of Constitutional and Administrative Law, VU University, Amsterdam, Netherlands) recognised his father, a former PM of the Netherlands.

Ms Maria Mousmati (Executive Director, Centre for European Constitutional Law, Greece, and Institute of Advanced Legal Studies, University of London) outlined her doctoral thesis work on assessing the effectiveness of legislation.

Edward Stell (Office of Parliamentary Counsel, London) examined “excess matter” in legislation, and looked for common ground between varying practices across jurisdictions, emphasising that a lot of so-called explanatory provisions (for example, purpose clauses) are in some sense anyway operative and so not mere redundancies or padding. Edward said about innovations and new drafting features that “there are limits, but ones where we can expect change and development, because they depend on the system, and because the immediate limitation on the drafter is one of working consistently in the system as it develops along with the other players in it”.

Alison Bertlin (also of Office of Parliamentary Counsel, London) discussed “Clarity in drafting: how can we know what works best for the reader?”. Alison described a usability study done by the London OPC as part of its “good law” initiative.

Day 1 ended with a cocktail reception hosted by conference sponsor LexisNexis.

Day 2: Sessions 4 and 5: Clarity, and how development assistance affects legislative drafting

The first session of day 2, session 4, was a keynote address from RSA speaker Candice Burt on plain language in RSA legal drafting. The RSA National Credit Act (34 of 2005) requires that information should be supplied not only in plain language, but also in an official language. Under the Constitution of the Republic of South Africa, 1996, South Africa has 11 official languages. The state has a constitutional duty to take positive and practical measures to elevate and advance the use of languages that, historically, have had diminished status. And all official languages must enjoy parity of esteem and be treated equitably. However, Candice suggested to the conference that legislation drafted and enacted in English is not readily or fully translated into the RSA’s other ten official languages. The National Credit Act 2005 is said to be the first South African legislation to define legal “plain language”.

Session 5 was on how development assistance affects legislative drafting. Dr Katy Le Roy (Parliamentary Counsel, Nauru OPC) outlined common problems experienced with donor-led development assistance for legislative drafting. Michelle Daley (Deputy Solicitor-General, Attorney-General’s Ministry, Belize) spoke of her experience of the Commonwealth Secretariat’s Commonwealth Fund for Technical Co-operation help in building drafting capacity in Belize.

Day 2: Sessions 6 and 7: Information technology, and development of drafting skills

Session 6 was on information technology. Lucy-Marsh Smith (Chief Legislative Drafter, Attorney-General’s Chambers, Isle of Man) and Gordon Wright (CEO of WW4 Pty/Ltd and designer of template and website solution for Isle of Man Government) discussed and demonstrated the development and features of the new drafting and web-publication system for Manx legislation.

Phang Hsaio Chung (Senior State Counsel, Attorney-General’s Chambers, Singapore) gave a similar, but Singaporean, perspective on IT systems for “Integrating the drafting, publishing and consolidation of legislation”.

Geoff Lawn (Senior Parliamentary Counsel, Parliamentary Counsel’s Office, Western Australia) spoke on “Achieving technological neutrality in the drafting of legislation”. Geoff explored the problem of drafting legislation so that it allows for both paper and electronic processes, particularly in the governmental context. He provided Australian and New Zealand examples, and provided practical options for drafting legislation that raises these issues.

Session 7 was about development of legislative drafting skills. Sandra Markman (Executive Director, OPC, Northern Territory) discussed the Advanced Diploma in Legislative Drafting Course that she runs in Northern Ireland.

Dr Daniel Lovric (Parliamentary Counsel, Australian OPC, Canberra) spoke on drafter training: what we do, what we could do better, materials, resources, and trends (such as internationalisation and better use of IT).

John Mark Keyes (Adjunct Professor and Legislative Consultant, University of Ottawa/Athabasca University, Canada), and Dale Dewhurst and Archie Zariski (Professor and Associate Professor respectively, Athabasca University), outlined open (web-accessible) educational resources used in Athabasca University's Post-Baccalaureate Diploma in Legislative Drafting (PBDLD).

Toni Walsh (Senior Assistant Parliamentary Counsel, Australian OPC, Canberra) and Willie Ferrie (Scottish Parliamentary Counsel, OSPC, Edinburgh) described their six-month Canberra–Edinburgh drafter exchange.



Day 2: CALC General Meeting

The CALC 2013 General Meeting was also conducted on day 2. There is a separate report on page 11, but the following is a brief note of some key developments.

Peter Quiggin was re-elected unopposed for a second term as CALC President. A number of new officers were elected: Don Colagiuri (Australia), Owi Beng Ki (Singapore), Empie van Schoor (RSA), and Philippe Hallée (Canada).

Amendments to the CALC constitution were discussed, including ones to alter the deadline for proxy votes, and to revisit current open eligibility to be, nominate, and elect CALC Council Regional Representatives. The CALC Council is therefore to consider the desirability and terms of amendments, including for those two purposes. Proposed amendments will be notified to members.

Day 3: Sessions 8 to 11: Globalisation, government context, and master class

Session 8 was about legislative sovereignty and the globalisation of the rule of law.

Jacques Wolmarans (Chief State Law Adviser, KwaZulu Natal, KZN Legislature, South Africa) discussed legislative supremacy versus executive supremacy in the South African context and Constitution, emphasising the dangers of excessive executive power, non-conformity with the Constitution, and absence of policy-initiative and scrutiny capability in legislatures, as well as the advantages of establishing a central cadre of South African legislative drafters.

Dayantha Mendis (Commonwealth Secretariat, Commonwealth Fund for Technical Co-operation) examined globalisation of law and its taking effect predominantly through treaties and implementing legislation at international and national levels.

Estelle Appiah (Legislative Drafting Consultant, Ghana) provided experience from Ghana, especially in respect of the law on terrorism.

Julie Melville (Parliamentary Counsel, New Zealand) related New Zealand experiences, including Rugby World Cups, film-making and employment law changes, and local implementation of free trade agreements.

Session 9 was about the government context for legislative drafting. Theresa Johnson (Queensland Parliamentary Counsel, OQPC) highlighted ideas for improving what we do in the shared modern conditions (for example, cutbacks) in which law drafting offices find themselves.

Paul Salembier (General Counsel, Department of Justice, Canada), an experienced former Canadian federal legislative drafter, looked at drafters' interactions with instructors from the instructors' perspective, and how law drafting offices can manage relationships and performance. An idea Paul mentioned is post-job-experience checklists that review what did and did not work.

Session 10, the second to last, was a drafting master class chaired by Ross Carter (Parliamentary Counsel, New Zealand). Two master drafters (Janet Erasmus QC, British Columbia, and Estelle Appiah, Ghana) each did a revisory drafting exercise rewriting some very complex New Zealand dairy produce price equalisation provisions drafted in 1980. Ross compared master class drafting to the performance of a concert pianist like Sergey Prokofiev, but reminded critics that the class wasn't Master Chef: Cape Town. Even so, many useful rewriting techniques were explored and discussed by both master drafters and by way of questions from the floor.

Session 11, the final conference session, was a chance to raise matters for discussion and to thank the large team, led by CALC President Peter Quiggin, both in RSA and Australia, who had organised so successful a 2013 CALC Conference.

Conference dinner, with guest speaker Hon Mogoeng Mogoeng, Chief Justice of South Africa

A wonderful dinner at the conference hotel was enlivened by the speech of the Chief Justice (who is a judge in the Constitutional Court of South Africa, in 2011 appointed Chief Justice by President Jacob Zuma). He included a passionate plea for legislative drafters to strive for clarity and simplicity, with asides about international treaty negotiations with South Africa and the nature of the drafting of international treaties.

*Ross Carter
Parliamentary Counsel
New Zealand*

- All 2013 conference papers and related material (such as PowerPoint slides) are available at <http://www.opc.gov.au/calc/conferences.htm>.



President's report May 2013

CALC Council

I am very honoured to have been re-elected President at the recent CALC Conference in Cape Town, South Africa.

I am also pleased that a new CALC Council has been elected with a mix of experienced Council members and new Council members. The Council also has a good balance of male and female members and has members from across the various CALC regions.

I would like to thank the outgoing CALC Council members for all of the work that they have done for CALC and welcome the new CALC Council members. I would like to take this opportunity to pay tribute to those Council members who left the Council:

- Eamonn Moran who has been on the Council for many years and who led CALC with distinction for 2 terms as President;
- Madeleine Mackenzie who has retired as Treasurer after a number of terms and who has done a huge amount of work particularly in handling the finances for a number of conferences;
- Duncan Berry who gave many years of sterling service as CALC Secretary and most recently was an African region representative; and
- David Noble who has left the position of Pacific region representative and who represented CALC at numerous events over the last 2 years.

Priorities for the next 2 years

The CALC Council has started work on the following matters which are the priorities for CALC over the next 2 years:

- (a) organisation of the 2015 conference;
- (b) publication of *The Loophole* and the *CALC Newsletter*;
- (c) review the CALC website;
- (d) increased involvement in regional activities;
- (e) increased involvement with the Commonwealth Secretariat;
- (f) increased interaction between drafting offices;
- (g) expansion of CALC merchandise;
- (h) review CALC's payment arrangements;
- (i) consideration of how to use CALC's funds;
- (j) constitutional changes.

The Council is also considering a paper that was prepared by former Council members Duncan Berry and Eamonn Moran. The paper looks at ways that CALC can assist in the provision of assistance to legislative drafting offices.

Cape Town conference

There is a report in this *Newsletter* on the CALC Conference that was held recently in Cape Town. The conference was a wonderful success and I would like to thank everyone who participated in it, particularly those who presented papers.

I would particularly like to thank Enver Daniels, Imelda Stein and all of the other staff from the Office of the Chief Law Adviser for all of the assistance that they provided. In addition to providing a wide range of logistic and other support, they arranged for the South African Government to host the conference dinner. This was very generous.

We also had very generous support from Lexis Nexis who sponsored the welcoming drinks.

Finally, I would like to thank the National Prosecuting Authority for providing the venue for the conference.

We have conducted a survey of conference participants and got responses from a good proportion of those who attended. The feedback was very positive and indicates that the conference hit the mark. Council will be taking on board the various suggestions that were made for improvements to the conference.

We now start planning for the 2015 conference!

Peter Quiggin
CALC President
May 2013

New Council Member profiles

Council Member (Africa): Empie van Schoor



Empie studied at the University of Free State, South Africa, where she obtained the B.Luris, LL.B and LL.M degrees. She worked as a legal drafter for four years at the Ministry of Justice of Namibia in the early nineties. From 1994 to 2000 she was a state law adviser at the Department of Justice in South Africa and during this period also worked in the Cape Town office which is responsible for certifying Bills before tabling in Parliament. In February 2000 she joined the Department of Public Service and Administration, South Africa, as head of its legal services until January 2012. Since February 2012 she has headed the legislation unit of the National Treasury, South Africa. This unit is responsible for drafting, scrutinising and promoting primary legislation falling under the portfolio of the Minister of Finance through Parliament, drafting and scrutinising subordinate legislation, commenting on draft

legislation promoted by other Ministers and also advising on the interpretation of treasury related legislation.

Council Member (Americas): Philippe Hallée



Philippe Hallée is the A/Chief Legislative Counsel of Canada. As such, he is responsible, in the Department of Justice, for the two hundred or so employees of the Legislative Services Branch, one hundred of which being legislative counsel whose task is to draft all Government Bills and ensure the legality of its statutory instruments. An employee of the Legislative Services Branch for 21 years, Philippe has experience of both regulatory and legislative drafting. He has spent a few years on the professional development of legislative counsel and the development of drafting guidelines.

Philippe has been actively involved with the development and drafting of the *Cabinet Directive on Law-making* and the second edition of the *Guide to Making Federal Acts and Regulations*. More recently, he has worked closely with the staff of the Regulatory Affairs Sector of the Treasury Board Secretariat in the development of the *Cabinet Directive on Streamlining Regulation*. Philippe has

also participated actively in the Public Administration Reform Program of the Russian Federation in providing information sessions to Russian senior officials on the Canadian law-making model and advising on proposed reforms in that field.

Council Member (Pacific): Don Colagiuri SC



Don Colagiuri was appointed as Parliamentary Counsel (and head of New South Wales Parliamentary Counsel's Office) on 14 February 2001 (he first joined the Parliamentary Counsel's Office in 1974). He was admitted as a barrister in 1975 and appointed as Senior Counsel in 2003. Don has been Secretary/Chair of the Australasian Parliamentary Counsel's Committee since 2001 (the Committee represents the drafting offices in Australia and New Zealand and drafts national/uniform legislation). He is still interested in drafting legislation and improving public access to legislation through the official NSW legislation website maintained by the office.

CALC General Meeting Minutes

The following are the minutes of the CALC General Meeting held on 11 April at the Office of the National Prosecuting Authority, Cape Town, Republic of South Africa

1. Opening of meeting

The meeting began at 4:30 and was opened by the CALC President, Peter Quiggin PSM, First Parliamentary Counsel, Office of Parliamentary Counsel, Australia.



2. Apologies and proxies

No express apologies were received. A total of 333 proxies were lodged within the time limit prescribed by the CALC Constitution. Those proxies were taken as apologies.

3. Minutes of previous CALC General Meeting

The meeting unanimously confirmed the minutes of the previous meeting held in Hyderabad on 10 February 2011.

Proposer: Katy Le Roy

Secunder: Don Colagiuri

4. President's report

The President, Peter Quiggin, summarised the report (which was provided to attendees in the conference registration pack). Among the matters noted were:

- the organisation of the 2013 CALC Conference with particular thanks being given to Enver Daniels of the South African Office for local support
- acknowledgement of the work of Madeleine MacKenzie (CALC Treasurer), the Australian OPC staff and those assisting with the processing of conference registrations
- the importance of The *Loophole* and the *CALC Newsletter* as members' main method of communication
- the continued expansion of the CALC website to contain more material and the availability for members of the CALC forum on LinkedIn
- regional activities including the successful 2011 Regional Conference for Asia, with special thanks to Theresa Perera of Sri Lanka and to the Sri Lankan Government and the Commonwealth Secretariat for providing support.

A copy of the report is contained in Appendix 1.

5. Secretary's report

The Secretary, Fiona Leonard, presented the Council's report, which covered the period from February 2011 to April 2013. The Secretary advised the meeting that membership had continued to grow and as at 13 March 2013 the total number of full members was 1288 and the total number of associate members was 114. There are CALC members in 84 countries. Other matters particularly mentioned were as follows:

- the CALC Council meeting 2011
- the CALC website and publications. Particular thanks was given to John Mark Keyes who has taken over the responsibility of publishing The *Loophole* and Gillian McIlraith of the NZ PCO for her assistance in producing the CALC Newsletters. Thanks were also given to the staff of the Australian OPC for their maintenance of the CALC membership database.
- CALC's affiliation with the Commonwealth Secretariat with special thanks to Dr Duncan Berry for his efforts in arranging for the accreditation

- the online forum and the availability of a CALC members Group Directory in LinkedIn.

A copy of the report is contained in Appendix 2.

6. Treasurer's report

In the absence of the Treasurer, Madeleine MacKenzie, the Treasurer's report was presented by the President, Peter Quiggin. The President canvassed the report. Among the matters noted were:

- the Treasurer's report was audited by Willie Ferrie of the Scottish Parliamentary Counsel Office
- there is a balance of 48,490.00 British pounds but conference costs have yet to be paid out of this amount.
- the main sources of funds are the conference registration, advertising on CALC website, sponsorship from Lexis Nexus and sale of ties
- thanks were given to the Hong Kong Office for managing the tie sales
- the balance after the Hyderabad conference was a surplus of 423.34 British pounds.

A motion to accept all three reports was moved by Lionel Levert and seconded by Eamonn Moran and the motion was carried.

A copy of the report is contained in Appendix 3.

7. Election of CALC Council

Note: New rules relating to the election of the CALC Council were approved by the Council under clause 9(4) of the Constitution. The purpose of the rules is to streamline the voting procedure at the CALC General Meeting and to try to ensure that CALC members have sufficient information about people nominated for Council positions before a ballot is held. The new rules are attached as Appendix 4.

In accordance with those rules, the meeting elected the following officers unopposed:

- President: Peter Quiggin
Proposer: Eamonn Moran
Secunder: Don Colagiuri
- Secretary: Fiona Leonard
Proposer: Peter Quiggin
Secunder: Madeleine MacKenzie

There were two nominations for the position of Vice-President:

- Elizabeth Bakibinga
Proposer: John King
Second: Peter Quiggin
- Duncan Berry
Proposer: Eamonn Moran
Second: Don Colagiuri

After a ballot, Elizabeth Bakibinga was elected.

There were two nominations for the position of Treasurer:

- Jeremy Wainright
Proposer: Katy Le Roy
Second: Eamonn Moran
- John Mark Keyes
Proposer: Philippe Hallée
Second: Janet Erasmus

After a ballot, John Mark Keyes was elected.

Election of non-executive members of the CALC Council

Elections of non-executive members of the Council were held for 5 regions (Africa, Asia, Europe, the Americas, and Australasia and the Pacific).

The following candidates were nominated for Africa:

- Estelle Appiah (Ghana)
Proposer: John King
Second: Peter Quiggin
- Duncan Berry (Kenya)
Proposer: James Mwenda
Second: Linda Musilivi Murila
- Empie Van Schoor (Republic of South Africa)
Proposer: Jeannine Bednar-Giyose
Second: Tsitsi Chitsiku

After a ballot, Estelle Appiah and Empie Van Schoor were elected to represent Africa.

The meeting elected the following candidates as Council members for Asia unopposed:

- Therese Perera (Sri Lanka)
Proposer: Peter Quiggin
Secunder: Alison John
- Owi Beng Ki (Singapore)
Proposer: Charles Lim Aeng Cheng
Secunder: Peter Quiggin

The meeting elected the following candidates for Europe unopposed:

- Edward Stell (England, UK)
Proposer: Alison Bertlin
Secunder: Hayley Rogers
- Paul Peralta (Gibraltar)
Proposer: Duncan Berry
Secunder: Peter Quiggin

The following candidates were nominated for the Americas:

- Bilika Simamba (Cayman Islands)
Proposer: Estelle Appiah
Secunder: Duncan Berry
- Philippe Hallée (Canada)
Proposer: John Mark Keyes
Secunder: Lionel Levert
- Albert Edwards (Jamaica)
Proposer: Michelle A.R. Daley
Secunder: Lydia Elliot

After a ballot, Bilika Simamba and Philippe Hallée were elected to represent the Americas.

The meeting elected the following candidates as Council members for Australasia and the Pacific unopposed:

- Katy Le Roy (Nauru)
Proposer: Eamonn Moran
Secunder: Peter Quiggin

- Don Colaguri (Australia)
Proposer: Eamonn Moran
Secunder: Duncan Berry

8. General business

Constitution

Peter Quiggin noted that there were a couple of matters that needed to be updated in the Constitution. The Constitution provides for a Treasurer but it was not an executive office and the Treasurer's report is part of the Secretary's report rather than a separate report. Also the cut off for proxies 10 minutes into the general meeting was problematic. These matters were raised but it was noted that no decisions could be made at the meeting.

Non-executive members of the Council

Michelle Daley (Belize) raised the issue of whether non-executive members of Council were truly representative. In her view for true representation there should be a requirement that only members of that region or those working in that region move or second a candidate for the region. At present anyone can move or second a candidate for any region. This led to an extended discussion with some members in favour of regional voting and others not. Peter Quiggin noted that there appeared to be two issues—who can nominate and who can vote for regional representatives. Sandra Markham noted that members move between regions and gave herself as an example having come from Canada, worked in Ireland and now Australia. Peter Quiggin attempted to get a feeling for preferences from the meeting by a raising of hands—those happy with the status quo or whether an alternative should be considered. The result was approximately 50/50.

Vote of appreciation

John Wilson moved a vote of appreciation for Professor Keith Patchett who was a foundation member of CALC. The motion was adopted.

General business

Estelle Appiah suggested that there be an evaluation form for the conference and that attendees be emailed a short questionnaire.

Whether there should be time limits on members holding CALC executive and non-executive offices was raised by Eunice Gichangi. Peter Quiggin noted that this would require a change to the Constitution. In any event members rotated naturally as everyone has the opportunity of standing for office at each general meeting.

As the general meeting only occurs once every 2 years, Peter Quiggin raised the issue of how would CALC conduct a vote on a resolution to change the Constitution if one was moved between general meetings. Sandra Markham suggested emailing a resolution for voting. Peter Quiggin noted that this would present difficulties in counting votes—would the resolution be adopted if 50% of members voted in favour or would it require only 50% of members who actually voted. The issue remained unresolved.

Ben Piper moved a thanks to the Council, particularly for the work of Madeleine MacKenzie.

The ballot for the regional representatives for Africa and the Americas was returned.

John Maloney and Douglas Bellis were thanked for conducting the ballot.

The meeting was adjourned at 5:40pm.

Appendix 1—President’s report to CALC General Meeting April 2013

Priorities for CALC

The priorities

1 Soon after the last general meeting, I advised CALC members that the Council had considered the priorities for CALC over the next 2 years and agreed to:

- (a) organisation of the 2013 conference;
- (b) publication of *The Loophole* and the *CALC Newsletter*;
- (c) review the CALC website;
- (d) increased involvement in regional activities;
- (e) increased involvement with the Commonwealth Secretariat;
- (f) increased interaction between drafting offices.

2 I think that there has been substantial progress on a range of these and I have set out information about each of these below.

Organisation of the 2013 conference

3 The CALC Conference is the major event organised by CALC and is the showcase of CALC. The quality of the last few conferences has been outstanding and Council acknowledged that it is important that we maintain the standard.

4 The organisation for the current conference got underway about 18 months ago.

5 The call for papers for the conference received an outstanding response and we were not able to include all of the papers that were put forward. It is very encouraging to see the interest that CALC members have in presenting papers at the conference.

6 The Council formed a number of subcommittees to work on various aspects of the conference.

7 Unlike in Hyderabad, we had the support of the local drafting office in organising the conference. However, organising a conference remotely and in a location with a very different time zone of course presented a range of challenges.

8 I would like to record my thanks to Enver Daniels and his staff, and especially Imelda Stein, for their assistance in organising the conference.

9 I would also like to acknowledge the work of Madeleine MacKenzie, the CALC Treasurer, who processed all of the registrations and the staff in my office who did a range of tasks to ensure that the registration process went well.

10 I note that although we have around 150 delegates, we only had 50 registrations by the original due date. I would implore CALC members to register early for the next conference.

Publication of *The Loophole* and the CALC Newsletter

11 *The Loophole* and the CALC Newsletter are our main means of communicating with members.

12 John Mark Keyes took over the overall co-ordination of *The Loophole* and produced a consistent flow of issues. I would like to thank John Mark for taking on this task which he has performed extremely well.

13 Fiona Leonard, as Secretary, took on the role of preparing the *Newsletter*. This task is much easier if members supply information to publish and I am sure that Fiona would encourage people to supply more content for future editions. Please try to keep notes of anything that you think could be included and send it on to Fiona.

The CALC website and CALC forum

14 The CALC website (www.opc.gov.au/calc) is an important resource for CALC members and for others interested in legislative drafting.

15 The website was expanded to include more material and the index of papers that are on the site.

16 There was also more use made of the employment part of the site. I understand that those who advertised positions there were successful in filling them.

17 The use of IT was also expanded with the creation of two forums for CALC members. The first was based on the CIAJ site and I would like to thank them for allowing this.

18 After a while, we set up a LinkedIn site which has been quite active in recent times. As a result, the CIAJ forum has been discontinued.

19 I encourage all members to be active in using the LinkedIn forum.

Increased involvement in regional activities

20 The Council is actively pursuing an increased involvement in regional activities.

21 A highly successful regional CALC conference for Asia was held in September 2011. The organising committee consisted of Therese Perera, Eamonn Moran and me.

22 I would like to acknowledge the enormous amount of effort and drive that Therese Perera put in to getting the conference off the ground and ensuring that it was a great success. I would also like to acknowledge the substantial assistance provided to the conference by the Sri Lankan Government and the support for travel for delegates provided by the Commonwealth Secretariat. Eamonn's work on the program ensured that it was a very productive conference.

23 I would like CALC to be more involved in regional activities. If you are aware of an event that you think that it would be good for CALC to be involved in, can you raise it with me so that we can investigate if something can be done?

Increased involvement with the Commonwealth Secretariat

24 The Commonwealth Secretariat provides substantial funding in areas related to drafting. Since the last CALC Conference our links with the Commonwealth Secretariat have grown stronger.

25 The CALC Council developed a paper about what is needed on a Commonwealth-wide basis to support the development of drafting and put it to the meeting of Law Ministers in Australia in July 2011.

26 In 2011, I represented CALC at CHOGM in Perth and circulated material about the development of drafting.

27 The Commonwealth Secretariat also provided assistance to the Asian Regional Conference and has indicated that it would be interested in continuing to provide assistance in partnership with CALC.

28 The CALC Council has continued to liaise with the Commonwealth Secretariat on a range of matters. As most of the consultation is held in London, Edward Stell has been representing CALC at many of the meetings.

Increased interaction between drafting offices

29 A common theme over many conferences has been the desirability of assistance between offices.

30 A draft paper has been prepared by some Council members about ways in which CALC and drafting offices can assist other offices. It is hoped that more progress can be made on this in the coming years.

*Peter Quiggin PSM
CALC President
April 2013*

Appendix 2—Secretary's report

February 2011 to April 2013

This report covers the period of approximately 26 months from 10/11 February 2011 (the dates on which the last general meeting of the Commonwealth Association of Legislative Counsel (CALC) was held in Hyderabad).

The CALC Council

The Council met in Hyderabad immediately after the CALC general meeting. This is the only occasion on which the current Council has met as a group. However, because of modern electronic communication methods, the fact that Council members are from diverse parts of the globe, and so are not able to meet as a group, has not proved an obstacle to effective decision making.

Membership

Since the last CALC general meeting in February 2011, the membership has continued to grow, with 285 new members joining the association. As at 13 March 2013, the total number of full members was 1288 and the total number of associate members was 114. We have members in 84 countries.

The decision to post CALC publications on the CALC website and to then send members a message advising them to connect with the hyperlink to download the publication on to their PCs appears to have been successful. No member has complained to me about this change in procedure.

The Australian Commonwealth Office of Parliamentary Counsel (Australian OPC) continues to be responsible for maintaining the CALC membership database. A new membership form is now on the website for downloading. The changes relate to separate spaces for first and family names and a space for applicants to indicate their place of work. This has made it easier to process applications. Applications are initially vetted by me in order to determine eligibility for full or associate membership. On being accepted for membership, new members' details are forwarded to the Australian OPC for entry on to the database. New memberships are also noted in the next CALC *Newsletter* to be published after acceptance. Records are regularly updated by a member of Peter Quiggin's staff at the Australian OPC. Special thanks to Cheney Brew for all her time and effort in keeping the database up to date.

CALC website

CALC pages continue to be maintained on the Australian OPC website. All issues of *The Loophole* and CALC *Newsletters* are posted on the website shortly after publication. There is also other material available and I encourage members to access the website and make use of it. Thanks to Peter and the Australian OPC for hosting and managing the website.

Publications

Since the formation of CALC in 1983, the main vehicle of communication has been through *The Loophole*, CALC's flagship journal, which contains papers presented at CALC meetings and other papers prepared between meetings by CALC members or others. The other CALC publication is the CALC *Newsletter*, which contains news and information of interest to members.

Four issues of *The Loophole* were published in 2011 and three during 2012. Three issues of the CALC *Newsletter* were published in 2011 and two in 2012.

I would like to express my gratitude to John Mark Keyes (Canada), who has taken over responsibility for producing *The Loophole* and to Gillian McIlraith (NZ PCO) for her assistance in producing the CALC *Newsletter*. Also thanks to the staff of the Australian OPC for continuing to make the necessary arrangements for notifying members of the availability of electronic versions of *The Loophole* and CALC *Newsletters*.

Affiliation with the Commonwealth Secretariat

On 20 March 2011, CALC received notification from the Commonwealth Secretariat that it has been formally accredited to the Commonwealth Secretariat under the category of 'Civil Society

Organisations'. Special thanks to Dr Duncan Berry for his efforts at arranging for the accreditation. The benefits of accreditation to the Commonwealth Secretariat are set out on pages 10 and 11 of the April 2011 *CALC Newsletter* and include access to consultation processes and official meetings.

Online forum

Several years ago CALC joined with the Canadian Institute for the Administration of Justice to create an online forum through which members could post items of interest relating to legislation or legislative drafting and comment on posts. For whatever reason, members did not make significant use of this facility.

At the last CALC conference in Hyderabad in April 2011, it was suggested that the Council should investigate other approaches that could be adopted and it was pointed out that many CALC members are members of LinkedIn and actively participate in groups on that platform such as Plain Language Advocates and its subgroup Legal Writing, Writing about Law.

The CALC Council decided to make use of the facility provided by LinkedIn and create a separate group for CALC members. Eamonn Moran has kindly offered to be administrator of the group.

If you are already a member of LinkedIn you will find the CALC Members group in the Group Directory. You may simply then apply to join this new group. If you are not already a member of LinkedIn you may wish to consider joining so as to participate in the CALC Members group. The address for LinkedIn is <http://www.linkedin.com>.

In managing the group CALC will endeavour to restrict membership to CALC members. Despite that, and having regard to the nature of communication on the web, it is advisable to be judicious in what you post and how you comment. The Council encourages you to make use of this new communication facility.

Fiona Leonard
Secretary
12 March 2013

Appendix 3—Treasurer's report

1 The overall financial picture is that CALC is in very good shape. The balance as at 26 March 2013 is £48 490.80.

2 As ever, the accounting period straddles two conferences. So for this conference it includes by way of income the bulk of the registration fees. But it does not include the bulk of the expenses and outlays arising from the conference. They will fall to be paid over the coming weeks and will have a significant effect on the bank balance.

3 I have prepared a separate statement of account showing the income and expenditure for the Hyderabad conference, which generated a modest surplus.

4 For each conference, the CALC Council aims to cover all the running costs. In fact, so far every conference has generated some surplus funds. It has been useful to have those funds available as a safety net in case a conference should fail to break even.

5 The main sources of income and expenditure have not changed since my last report. The biggest source of income comes from advertising drafting jobs. This has continued to be a good income stream for CALC over the last two years.

6 Current economic conditions are reflected in two areas. First, no dividends are payable in respect of the CALC shares. Second, no interest is currently payable on the CALC bank account.

7 The CALC tie account is operated separately by Elsie Chiu in Hong Kong. I am most grateful to Elsie for all her hard work in relation to it.

8 It has been a great privilege to serve as CALC Treasurer over the last 5 years or so. I would like to thank everyone who has helped and supported me in the role over the years, and particularly the other Council members and the two CALC Presidents with whom I have worked closely on the organisation of the last 3 conferences—Eamonn Moran and Peter Quiggin. One of the aspects of the role that has particularly appealed to me has been the opportunity to get to know so many CALC members and associate members. I wish my successor as Treasurer every success in the role.

**COMMONWEALTH ASSOCIATION OF LEGISLATIVE COUNSEL
STATEMENT OF ACCOUNTS AS AT 26 MARCH 2013**

BALANCE AS AT 3 FEBRUARY 2011 **£18518.25**

<i>ADD: Income for period from 4 February 2011 to 26 March 2013</i>		
Hyderabad conference registration fees	£3768.54	
Cape Town conference registration fees	£20284.00	
Return of surplus funds from Hong Kong	£188.00	
Net bank interest	£4.82	
Sponsorship from LexisNexis	£1805.92	
Advertising	<u>£9029.40</u>	£35080.68
		<u>£53598.93</u>

<i>LESS: Expenditure for period from 4 February 2011 to 26 March 2013</i>		
Balance of Hyderabad conference costs	£3628.90	
Refunds of Hyderabad conference registration fees	£469.84	
Cape Town conference costs (bags for delegates)	<u>£1009.39</u>	<u>£5108.13</u>

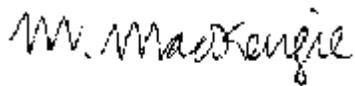
BALANCE AS AT 26 MARCH 2013 **£48490.80**

Additional information:

- 1 Money was transferred from the Edinburgh account to Hong Kong to meet some of the expenses and outlays of the Hong Kong Conference. Some of that money was also used to meet outlays for the Hyderabad Conference. The surplus has been repaid.

- 2 The CALC tie account is operated separately by Elsie Chiu, Senior Personal Secretary to the Law Draftsman of the Department of Justice of Hong Kong. As at 26 March 2013 the cash balance was HKD 9100 and there were 349 ties in stock.

- 3 CALC holds 114 shares in Lloyds Banking Group. The UK Government is the majority shareholder in Lloyds Banking Group. On 27 March 2013, the value of the holding was £55.43 (share price of 48.625p).



Madeleine MacKenzie, Scottish Parliamentary Counsel, CALC Treasurer
William Ferrie, Scottish Parliamentary Counsel, Auditor

Office of the Scottish Parliamentary Counsel, Edinburgh, Scotland

CALC HYDERABAD CONFERENCE – FEBRUARY 2011

STATEMENT OF ACCOUNT

INCOME

Registration fees (including sums collected in cash at Conference) £22 267.09

LESS:

EXPENDITURE

Conference costs paid to organisers (Total Holiday Options) - £19 342.79

Outlays paid to conference hotel - £116.38

Outlays paid out of Hong Kong reserve - £1 486.74

Refunds of registration fees - £1117.84 £22 063.75

SURPLUS £203.34

ADDITIONAL INFORMATION

A further sum of £220 is due to CALC by way of registration fees. Once it has been paid, the surplus will increase to £423.34.

Appendix 4—CALC Election Rules

The following Rules are made by the CALC Council under clause 9(4) of the CALC Constitution.

1 Nominations to be in writing

- (1) Nominations for offices must be made in writing and sent to the email address specified by the Secretary by the date specified by the Secretary.
- (2) A nomination must specify the name of the candidate, the name of the full member of CALC who is nominating the candidate and the name of the full member of CALC who is seconding the nomination and contain a statement that the candidate accepts the nomination.
- (3) The date specified by the Secretary must be no earlier than 3 weeks before the ordinary general meeting at which the election is to be held.

2 Nominations to be put on CALC website

- (1) The Secretary must arrange for details of each nomination that is received to be posted on the CALC website as soon as practicable after the nomination is received.
- (2) The Secretary must arrange for any information that is provided by a candidate in support of the candidate's nomination to be posted on the CALC website as soon as practicable after the information is received.
- (3) The Secretary may arrange for information about candidates to be provided to CALC members in any additional ways that the Secretary determines, however, no speeches in support of candidates are to be made at the CALC general meeting.

Note: It is intended that this information that is included on the CALC website and otherwise made available by the Secretary would be sufficient for CALC members to make an informed choice.

3 Process to be followed if insufficient nominations

If there are insufficient nominations made in accordance with Rule 1 to fill an office, any member who has been nominated for that office in accordance with that Rule and has not withdrawn their nomination will be declared elected at the ordinary general meeting. Nominations will then be called for to fill any remaining office. If there are then more nominations for that office than the number to be elected, a secret ballot will be held in accordance with Clause 9(4) of the Constitution.

People

Obituary: Mrs Rama Devi

Sadly Mrs V S Ramadevi, former CALC President, passed away recently. Besides serving as CALC President, she had a very distinguished career in India, which included serving as the Secretary to the Government of India in the Legislative Department and as Member Secretary, Law Commission simultaneously. Our thoughts and sympathy are with her family and friends.

Membership

New CALC members

The following have been recorded as members of CALC since the publication of the last CALC *Newsletter* in November 2012.

Name	Country
Adeyemo, Adetokumboh	Nigeria
Ang Aiping, Karen	Singapore
Astrachan, Arbel	Israel
Azeez, Mariam Adetoun	Nigeria
Aziz, Adlena	Malaysia
Barnai, Daphna	Israel
Belin, Alana	NZ
Bossino, Claire Ann	Gibraltar
Bradfield, Richard John Edward	Australia
Brier, Robert Patrick	NZ
Carnegie, Heather	Jamaica
Cheuk, Cindy Chi Wing	Hong Kong
Cotton, Margaret	Australia
Cuomo, Michael	Australia
Dalmau, James	Australia
Dewhurst, Dale Jeffrey	Canada
Donovan, Andrew	Canada
Douglas-Shurland, Dawn	Jamaica
Eaton, Samantha	Jamaica
Ekundayo, Opeyemi Olayinka	Nigeria

Eversley, Ida	Trinidad and Tobago
Ewart, Richard Allan	Australia
Fashina, Muyina Julius	Nigeria
Ffrench, Melanie	Jamaica
Francais, Jody Lynn	Canada
Fung, Jenny	Australia
Garcia, Michelle	Gibraltar
George, James Edward	United Kingdom
George, Shantha	Australia
Higgins, Eimear Marie	Ireland
Hilton, Luke Denis	South Africa
Hodgson, Ben	South Africa
Hood, Julia	Canada
Ilyk, Peter	Australia
Jacobs, Roger	Australia
Johnson, Gwen S N	Bermuda
Kabibi, Speciose	Rwanda
Kalemba, Fiona	South Africa
Kamugisha, Patrick	Rwanda
Kennedy, Lyndall	Australia
Khan, Farina	Australia
King, Olasheni Afolabi	Nigeria
Krull, Werner, Peter	South Africa
Kusinyi, Josephine Nabwire	Kenya
Lawal, Olanrewaju	Nigeria
Lemstra, Judith	Canada
Lewis, Jeneille Monica	St Vincent and the Grenadines
Maklinga, Zandile Memory	South Africa
Mashigo, Alfred Gordon	South Africa
Masondo, Khwezi Mbali	South Africa
McDonagh, Catriona	Ireland
McLaughlin, Kelly	Canada
McTyson, Richard Wayne	Jamaica
Mpikashe, Noluthando	South Africa
Mwewa, Chola	Zambia
Nawaqakuta, Rupeni	Fiji
Norton, Sharon Louise	Australia
O'Connor, Gerard	Ireland
O'Hanrahan, Aengus	Ireland
Olaloku, Olayemi	Nigeria

Olufuwa, Omobolanle Ifeoluwa	Nigeria
Pitt, David	Australia
Poffenroth, Kimberly A	Canada
Raeburn, Di	Australia
Rood, Erik	South Africa
Salihu, Rukaya Unoiza	Nigeria
Santoro, Peta Joy	Australia
Sciascia, Anthony	USA
Seow, Zhixiang	Singapore
Shanks, Ian	UK
Shonubi, Yetunde Ganiyat	Nigeria
Small, Alan Mark	South Africa
Sorzano, Milton	Trinidad and Tobago
Stip, Catharine	The Netherlands
Sukraj, Raneer	South Africa
Valente Almeida da Silveira, Joao Tiago	Portugal
Van Schoor, Susanna Magdalena (Empie)	South Africa
Voermans, Wim	The Netherlands
Walker, Carren	Australia
Whitehead, Richard	Australia
Williams, Ashley	South Africa
Wynne, Robyn Louise	South Africa
Yinon, Eyal	Israel
Zijlstra, S E	The Netherlands

Secretary contact details

If you wish to contact the CALC Secretary, Fiona Leonard, regarding membership or any other CALC matters, her email address is:

fiona.leonard@parliament.govt.nz