



# Commonwealth Association of Legislative Counsel Newsletter - April 2025

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## CALC Council spotlight: Ben Fraser



I am a Senior Assistant Parliamentary Counsel at the Parliamentary Counsel's Office of Western Australia. I started work in Western Australia in 2017; before that I worked in the Office of the Queensland Parliamentary Counsel for 6 years.

I really value CALC membership. I think it's a great way to meet other drafters from across the globe and to share knowledge and experience of our corner of the law. As a regular attendee of CALC conferences (most recently the 2023 PCC/CALC Conference in Sydney and the 2024 CALC Conference in Jamaica), I appreciate the opportunity to gain knowledge and to discuss our shared challenges with colleagues from around the world. I have been lucky enough to present on legal and drafting issues of interest to me at these conferences and have learned a lot while meeting and hearing from other drafters.

As a member of the CALC Council, I hope to serve CALC members in Australasia and the Pacific by assisting the Council and by bringing members' ideas and comments to the Council. I am particularly interested in how we might share knowledge among members.

If you would like to discuss anything to do with CALC Australasia and the Pacific, please contact me and Akanesi Katoa at [apac.calc@gmail.com](mailto:apac.calc@gmail.com).

## PCC/CALC Regional Drafting Conference Perth 2025



The Joint PCC/CALC Regional Drafting Conference was held in Perth on 26 to 28 February 2025. The conference, which was organised by the Parliamentary Counsel's Office (WA), was held in the centre on the city at a convention centre on the banks of the Swan River. Conference attendees came from around the world, including from Europe, Asia, the Pacific, and Central America. The conference also welcomed instructors from within the Western Australian public service.

The conference was a valuable opportunity for legislative drafters from across jurisdictions and instructors to gather and share expertise. Highlights included a welcome to country and smoking ceremony which started the conference, an address from the now-retired Attorney General of Western Australia, the George Tanner Memorial Address about purposive interpretation from the Chief Parliamentary Counsel Cassie Nicholson, a panel discussion about the role of drafters in jurisdictions from around the world, and perspectives from instructors from the Western Australian Department of Justice.

In addition to the formal program, there was a welcome reception at the Ballroom at Government House and a game of trivia at the conference dinner. These events gave conference attendees the opportunity to meet and catch up with old friends in a relaxed setting.





## Member connections with Lucy Marsh-Smith

**Lucy Marsh-Smith**, head of the Jersey drafting office, was delighted to catch up Jeanne Lee, head of Singapore, while they were both in London in March. It is so valuable to share experiences, and we discussed a range of matters, but particularly the technology used to enhance drafting.

Jersey drafter **Matthew Waddington** is currently working with a team from Singapore Management Uni's Centre for Digital Law till the end of June and he is due to publish his work on computer readable legislation in July. The Singapore work programme can be found at <https://osf.io/jauqb> [OSF | Overview of all elements of CRLP work with CDLaw Singapore 2024-25.pdf](#)



1 - Lucy Marsh-Smith and Jeanne Lee in London

## Northern Territory of Australia OPC Update

We are in the thick of the wet season here in the Top End of Australia! Despite the lack of rain to cool things down we are enjoying some of the perks that coincide with the sweat, including watching storms roll in from our office windows and admiring the tropical birds on the Parliament House lawns.

In August 2024 a new government was elected in the Northern Territory of Australia, so we have been busy working to deliver on the government's legislative priorities as well as assisting the new Cabinet to navigate legislative processes.



2 - Andrew Jones, Chief Parliamentary Counsel and Jessica Black, Deputy Chief Parliamentary Counsel talking to the Chief Minister at morning tea for the opening of Parliament

### Staff Updates

**Violante Yeung** was appointed as a Parliamentary Counsel in September 2024. Vio moved to Darwin from Hong Kong in 2023 and worked in the Department of Treasury and Finance before commencing with our office. Vio studied law at The University of Hong Kong and obtained an MBA in International Management from The University of London. She has over 10 years of legal experience practising predominantly in commercial and corporate law.

**Madeleine Charles** completed the Northern Territory Government's 2024 Graduate Program with the Department of the Chief Minister and Cabinet, undertaking her final rotation with our office. Maddie enjoyed her time with us and we were pleased to have her join in a full time capacity as an Assistant Parliamentary Counsel from the beginning of this year. Maddie holds a Bachelor of Laws and a Bachelor of International Relations from Flinders University.

**Claire Doyle**, Senior Parliamentary Counsel and Catherine Maher, Senior Legislative Quality and Access Officer, both recently received certificates of recognition for 10 years of service with the Northern Territory of Australia Government. Towards the end of last year, Leslie Wiseman, Director Legislative Quality and Access, also clocked over a huge milestone of 25 years with the

Northern Territory of Australia Office of the Parliamentary Counsel. We are very lucky to have such fantastic long term contributors in our team.



3 - Claire Doyle with her certificate of recognition for 10 years of service

## Australasian Parliamentary Counsel's Committee (PCC) IT, Publishing and Office Systems Forum

After a cancelled Forum back in 2020 due to COVID-19, we are excited to be hosting the PCC IT, Publishing and Office Systems Forum in Darwin this July. We have a committee working hard to assemble an interesting agenda and organise social events for the Forum and look forward to catching up with our counterparts from the region to share knowledge and discuss developments across the jurisdictions.



4 - A water spout over Darwin Harbour taken from OPC's balcony

## Singapore drafting office conducts In-house Legal Counsel course (IHCC)

In November 2024, the Legislation Division of the Attorney-General's Chambers of Singapore conducted training for legal counsel in the public sector for the first time.

The purpose of the course was to equip public sector legal counsel with the knowledge and skills to help their internal clients --

1. do realistic planning for their legislative projects;
2. identify legal issues and rule of law issues at an early stage of the projects; and
3. develop effective legislative proposals and prepare workable drafting instructions.

Our goal was to train the legal counsel in the client Ministries and statutory bodies to work with us to achieve a smoother legislative drafting process and more ownership and awareness of issues by the clients.

The training was attended by 26 legal counsel from 25 Ministries and Statutory Bodies. Topics covered were those commonly arising in legislative drafting work, including management of

legislation projects, Constitutional issues, retroactivity and validation, fees and taxes, electronic issues, data protection, and legal policy. Drafters and counsel mingled over lunch and tea breaks and there was a roundtable discussion at the end with senior drafters. It was good to put faces to the names that are normally seen only on emails.

Feedback on the training was very positive. Participants felt that the training met a long-felt need by legal counsel on the ground.

Given the strong response, we are looking into doing this on a more regular basis.

## Recording of online event with The Right Hon Lord Sales

**The Office of the Parliamentary Counsel, London hosted Justice of the Supreme Court, The Right Hon Lord Sales.** Lord Sales spoke about his interest in statutory interpretation, arising from his experiences as counsel and thinking about the issue as a judge. As First Treasury Counsel he had to deal with the effect of then new section 3 of the Human Rights Act 1998 and a revival of the principle of legality to cover human rights and other fundamental rights and constitutional principles.

As a judge he has had to deal with the continued impact of the interpretative obligations arising under section 3 and the principle of legality and has had to address issues regarding external aids to construction (such as Explanatory Notes) and the effect of a purposive approach to construction of legislation. The event was broadcast live on Microsoft Teams and the recording is now available in the [members' area](#). Please contact [OPC@cabinetoffice.gov.uk](mailto:OPC@cabinetoffice.gov.uk) if you have any questions

## 2025 Legislative Drafting Course from the Institute of Advanced Legal Studies (IALS)

The IALS is pleased to announce the dates of the 2025 Legislative Drafting Course which are 16 June 2025 – 4 July 2025. The Course is suitable for both experienced and inexperienced drafters. The Course has created a distinctive school of drafting which encourages modern drafting techniques with emphasis on effective and user-friendly legislation, and exposure to a variety of drafting styles and lecturers, thus allowing participants to select elements that best suit their national laws, and their own tradition, culture, and jurisprudence.

The 2025 course will be offered online via synchronous transmission of lectures and exercises. IALS would like to see if there are participants willing to travel for face-to-face teaching (for

those who wish to come to London covering their own expenses) during the first week of the Course (16 June – 20 June 2025).

For more information, please contact Professor Constantin Stefanou on [constantin.stefanou@sas.ac.uk](mailto:constantin.stefanou@sas.ac.uk)

## New publication: Regulating for Risk and Precaution

*Regulating for Risk and Precaution. Bridging the divide between science and law for biosecurity* (eds. Black, Moloney, Graffham) will shortly be [available for pre-order](#). This book aims to demystify the law for scientists and instructing officials by exploring the science and legal concepts of risk and precaution for national legislation to facilitate safe trade in agricultural products (in compliance with international trade rules).

## Beyond the Margins: How Zambian Courts Use Marginal Notes in Interpreting Statutes

A [new article](#), *Beyond the Margins: How Zambian Courts Use Marginal Notes in Interpreting Statutes*, by Sangwani Nyimbiri is now available on the CALC website.



5 - Sangwani Nyimbiri

## Regulatory Institute products

The Regulatory Institute ([www.howtoregulate.org](http://www.howtoregulate.org)) provides two more information products for free:

1. The [Video "How to regulate?"](#) summarises the methodology of the Regulatory Institute's [Handbook](#) with the same name in a clear and concise format. Drawing on best practices from diverse jurisdictions, it offers actionable insights into key regulatory techniques, including control mechanisms, and methodological tools for addressing complex policy challenges by regulation. This involves a 1 hour and 20 minutes intense learning, divided into easily digestible chapters. It is based on knowledge collected from law-making officials from around the world. The video contains a variety of graphs and recap slides to enhance memorisation and covers:

- analysis of the regulatory landscape and the various available measures;
- identification of suitable goals, measures, requirements and incentives;
- match of legal base, content and scope;
- how to ensure compliance of those subject to the regulation;
- other measures to ensure timely, effective and equal implementation;
- many other regulatory techniques used by practitioners worldwide.

Subtitles are available in English, Spanish and soon in French, Arabic and Russian.

There is an optional practical phase with feedback (2 to 6 hours).

2. The Regulatory Institute's [Cross-Sectoral Standard Provisions for Regulation](#) provide a generic model that outlines the critical elements of lawmaking and serves as a practical reference for drafting laws that are clear, focused and enforceable. Like the Regulatory Institute's [Model Laws](#), the provisions can be used as a checklist, raw material or a basis for the development of an adapted law. The Cross-Sectoral Standard Provisions for Regulation is complemented by two lists: a **List of Powers and Obligations** and a **List of Sanctions**.

Together, the three documents provide more than 1,000 different regulatory elements that can be selected and combined.

## [Jokes so bad they should be repealed by Charlie Feldman](#)

From September 16-18, 2024 the Canadian Institute for the Administration of Justice held its Legislative Drafting Conference 2024 in Ottawa, Ontario, Canada. Traditionally, a CALC Newsletter item about a conference might provide information about the conference programming. As co-chair (with the fantastic Lerissa Thayer of Saskatchewan), you might expect

me to produce a write-up aiming to convince you that our conference was a tremendous success. Rather than do that, I will share the legislative drafting 'dad jokes' written for the conference. Not all of them were used in the various transitions between sessions, but all were intended to provoke groans or muted laughter.

This list is provided with great appreciation for the unwarranted warm reception certain conference delegates from Alberta and New Brunswick provided after each quip. *\*clears throat, adjusts tie\**

- Why was the marginal note angry? It kept feeling pushed aside.
- Why did the references stop speaking to each other? They were cross.
- Why did the lawyer fall asleep reading the interpretation section? Every definition was exhaustive.
- Why did the legislative counsel catch a cold? Her office was full of drafts! (Credit to Peter Birt for this contribution)
- Why doesn't the tooth fairy visit preambles? Because they don't have teeth!
- Why did the legislative provision stay out late? It was a sunset clause.
- Why do regulatory clients love going to the pharmacy? Everything there is prescribed!
- Why did the law get laryngitis? It was always speaking. (NB: Section 10 of Canada's federal *Interpretation Act* begins "The law shall be considered as always speaking").
- Why did the transitional provision go to bed? It was feeling absolutely spent.
- What did the indented subparagraph say to the chapeau? You look flush.
- Why was the bill feeling down? It couldn't find a way to get assent. (Perhaps this one works better out loud than in print...)
- Why are drafting offices well suited to curate old love letters? Nobody else cares about historical notes.
- Why do tax drafters love watching chemists in the lab? It's a relief to see someone else struggle to develop a formula.
- Why are revisors and jurilinguists always sick? They catch nearly everything!
- Why don't more comedians make jokes about retrospectivity and retroactivity in transitional provisions? They know it's nearly impossible to get the timing right.

- Why did the amendments buy matching outfits? They wanted to be coordinating! (Coordinating amendments – in some jurisdictions ‘conditional amendments’ – refer to provisions for resolving potential conflicts when multiple bills before the legislature amend the same provision of law).
- Why do bills love going to graduation ceremonies? There’s a guaranteed date for commencement.
- Why are most legislative provisions living in the moment but nervous? They’re in the present, tense.
- Why do omnibus bills hate intermissions at the theater? They don’t like the idea of there being multiple, separate acts.
- Why do most legislative provisions arrive early? They’re designed to be ahead of any schedule. (Yes, this is a joke about Acts having schedules at the end...)
- Why are drafters fearful of most fruits? They aren’t things that can be easily re-peeled.
- Why did the omnibus bill drafter get a concussion? Too many headings.
- Why did the regulatory orchestra never play a concert? Their only instruments were statutory.