

# Newsletter



of the



## Commonwealth Association of Legislative Counsel

December 2013

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Editor: Fiona Leonard, c/- Parliamentary Counsel Office, Level 12 Reserve Bank Building, No 2 The Terrace, Wellington, New Zealand.

**In this issue—**

CALC President's report-----	2
Report from the Associations of Parliamentary and Legislative Counsel in Canada-----	3
Items of interest -----	4
Membership	6
Secretary contact details -----	7

## CALC President's report

**November 2013**

Dear CALC Members

The CALC Council is continuing to work on a range of the matters that I mentioned in my report in May.

In November, CALC was represented at CHOGM by Council Member Therese Perera. CHOGM was held in Colombo, Sri Lanka. I think that it is useful for CALC to raise the profile of legislative counsel by attending such events.

We are continuing with planning for the CALC Conference 2015. As you would be aware, the conference will be held in Edinburgh, Scotland, in April 2015. We have set up a number of working groups consisting of CALC Council members and staff from the Scottish drafting office. Having seen some of the initial planning, I am already quite excited about the conference. There will be a call for papers early in 2014, so I would encourage you to start thinking about topics that you may be able to speak on.

As you would have seen, *The Loophole* continues to be issued on a regular basis. I note that since 2009 we have been able to produce 3 issues each year. I think that the approach that has been adopted of having an editor in chief (John Mark Keyes) working with an editorial board (Beng Ki Owi, Therese Perera, Bilika Simamba) is working very well. I would like to thank them, and all of the contributing authors, for their work in maintaining the very high standard of the publication. Anyone who is interested in submitting an article for publication is encouraged to contact John Mark.

We continue to have a regular stream of job advertisements on the CALC website. The feedback that we have got from a number of offices that have advertised on the site has been very positive. If your office is advertising drafting positions, I suggest that you consider advertising on the CALC website as you can be assured that an email will be sent directly to over 1,000 legislative counsel across the Commonwealth. Our ability to bring the positions to the attention of the target audience for these positions is unrivalled.

We have also agreed that we will post relevant advertisements from international bodies at no cost. No emails are sent about these, but you can see them by checking the CALC employment page.

The CALC Council has also started work on the project to consider ways of assisting smaller drafting offices. I hope to be able to provide more details in a future report.

Some work is underway on possible regional CALC conferences. In some cases, this will be conferences that are organised and run by CALC and in others it will be seeking to get greater CALC involvement in drafting conferences that are run by other groups. (I note that we are happy to advertise conferences that are relevant to drafters on the CALC website.)

All in all, CALC continues to be active as we start to look forward to Edinburgh 2015.

Regards

*Peter Quiggin PSM*  
*CALC President*

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## **Report from the Associations of Parliamentary and Legislative Counsel in Canada**

The joint meeting of the Canadian Associations of Parliamentary and Legislative Counsel was held in Edmonton, Alberta from September 11 to 13, 2013. This was the latest of a series of annual meetings dating back to the early 90s. The Association of Parliamentary Counsel in Canada was founded in 1982. It includes legal counsel in an office providing parliamentary counsel services to a House of Parliament or to the legislative assembly of a province or territory. The Association of Legislative Counsel in Canada was founded in 1994. It includes legal counsel in an office providing legislative services to the federal government or to the executive government of a province or territory.

At this year's meeting, a set of Organizational Principles and Guidelines was adopted for the two associations by the heads of the parliamentary and legislative counsel offices. It affirms the informal nature of the associations and the arrangements they have for meeting jointly each year.

The meeting provides an invaluable opportunity for the heads of offices and some of their staff to meet to discuss questions of common concern and to update each other on significant parliamentary and legislative developments in their jurisdictions. This year's agenda included:

- developments in the judicial review of delegated legislation
- developments at the federal level relating to the use of incorporation by reference in regulations
- practices and challenges relating to the revision and consolidation of legislation

- recent cases from Canada, the UK and the US dealing with parliamentary privilege, including the use of resources for constituency work, reports of parliamentary proceedings, criminal investigations, defamation actions and access to information requests
- the Open Educational Resources project on legislative drafting training materials of Commonwealth of Learning and Athabasca University
- internet publication of legislation
- the advisory role of government legislative counsel in relation to private members bills
- ongoing work on the Parliamentary Case Law Update prepared by the Office of the Law Clerk to the Senate (a compendium of Canadian case law summaries now stretching back to 1996)
- jurisdictional updates.

In addition to the stimulating discussion of these topics, the delegates also enjoyed some of the best weather Edmonton has to offer as well as an evening at the heritage park of Fort Edmonton and some fine dining and western entertainment at the Selkirk Hotel.

*JM Keyes  
Adjunct Professor and Legislative Consultant  
University of Ottawa/Athabasca University  
Canada*

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## Items of interest

### **Official New Zealand legislation to be available online from January 2014**

From 6 January 2014, New Zealand's Chief Parliamentary Counsel will issue official electronic legislation under [section 17](#) of the Legislation Act 2012 via the New Zealand Legislation website ([www.legislation.govt.nz](http://www.legislation.govt.nz)).

At present, only New Zealand legislation printed and published by the Parliamentary Counsel Office or the New Zealand Government is official.

Official legislation will be in PDF format and will display the New Zealand Coat of Arms on the first page.

PDFs of the following documents will be official:

- every Act and Legislative Instrument enacted or made since 2008
- every reprint (subsequent version) of those Acts and Legislative Instruments
- the latest version of all principal (ie not amendment) Acts and Legislative Instruments enacted or made between 1931 and 2007, if still in force
- the latest versions of some pre-1931 Acts
- some earlier reprints of those 1931-2007 Acts and Legislative Instruments, and some earlier reprints of those pre-1931 Acts.

A printout of an official PDF will also be official, whether printed by the website user, published by the Parliamentary Counsel Office, or printed commercially.

All website users will benefit from official online legislation, because the accuracy of official legislation has been checked and assured. Access to online official legislation will also save time and effort for all those involved in court proceedings. Legal practitioners and litigants in person will no longer need to rely on out-of-date printed legislation when filing court papers, and Judges will have access to accurate online legislation.

The website will also, from January, offer the ability to order online commercially-printed copies of all current legislation and earlier versions of legislation. Users will still be able to print legislation for themselves free of charge.

The Parliamentary Counsel Office will reduce the variety of hard-copy legislation that it publishes. For example, annual bound volumes will stop after 2013 (although a commercial printer will continue to offer these).

*Fiona Leonard*  
*Deputy Chief Parliamentary Counsel*  
*Wellington, New Zealand*

## Membership

### New CALC members

The following have been recorded as members of CALC since the publication of the last CALC *Newsletter* in May 2013, as at 22 November 2013.

<b>Name</b>	<b>Country</b>
Abdullah, Hajah Pauziah	Brunei Darussalam
Abel, Tulimbumi Bwambi	Tanzania
Ali, Saferi	Malaysia
Andrews, Michael	Australia
Angula, Naemi Ndalila	Namibia
Antonio, Hamilton Mariano Baptista	Angola
Barry, Paul	Ireland
Blood, Jennifer Leigh	Canada
Cassidy, Kevin	United Kingdom
Chakraborty, Anshuman	New Zealand
Chng, Stanley	Singapore
De Sousa, Zenilda Caludia Dos Santos	Angola
Esther, Yee	Singapore
Graham, Peter KCB QC	France
Guthrie, Mark Jonathan	United Kingdom
Hambali, Norazamiah	Brunei Darussalam
Hardy, Susan Lois	Canada
Henriques, Fabricia Almeida	Mozambique
Ibitoye, Adeniran Felix	Nigeria
Joanita, Nakachwa	Uganda
Kayitsinga, Alexandre	Rwanda
Lebone, Likonelo	Lesotho
Lumueno, Witold Selfroneo de Gloria	Angola
Ma, Flora Ka Hei	Hong Kong
Macfarlane, Amanda	United Kingdom
Macmenamin, Fiona	Ireland
Mateus, Mario Rui Dos Santos	Angola
McCabe, Jason	Ireland
Mendis, Dayantha Laksiri	Sri Lanka
Miguel, Edmundo	Angola
Mobbs, Trevor	Australia
Moqhali, Mookho	Lesotho
Mtyaphi, Bafundi	South Africa
Murphy, Annalee	United Kingdom
Nonkumbulo Tshombe, Lawrena	South Africa
Ntwana, Nkuleleko Milton	South Africa

O'Grady, Cathleen	Canada
Pikovsky, Eliaz	Australia
Rees, Dustin Brian	South Africa
Reynolds-Lewis, Claire	United Kingdom
Rillstone, Zoe	New Zealand
Sealiete, Phakiso	Lesotho
Silveira, Joao Tiago	Portugal
Skhosana, Thandazile	South Africa
Stander, Retha	South Africa
Tam, Clara	Hong Kong
Ugolo, John	Sudan
Unger, Robyn	Australia
Visser, Charné Lee-Ann	Namibia
Walsh, Owen	Australia
Whitehead, Angela	Canada
Worsnip, Paul Ross	South Africa
Zhuzwayo, Daphney Nozipho	South Africa

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## 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](mailto:fiona.leonard@parliament.govt.nz)