

Newsletter



of the



Commonwealth Association of Legislative Counsel

July 2014

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CALC President's report: July 2014

Dear CALC Members

The CALC Council is continuing to work on a range of matters. In particular, good progress is being made on the organisation of the CALC conference in Edinburgh in April 2015.

Commonwealth Law Ministers Meeting

In May, the Commonwealth Law Ministers Meeting (CLMM) was held in Botswana. CALC was represented by Stella Dabutha who is a CALC member from Botswana. A report from Stella appears on page 6. I would like to thank Stella for this.

Prior to the CLMM, the CALC Council had some correspondence with the Commonwealth Secretariat about a proposed drafting manual. As a result, it was agreed at the CLMM that CALC would be consulted during the finalisation of the drafting manual. It was pleasing to see the cooperative way in which CALC and the Commonwealth Secretariat were able to work on this matter.

A summary of CALC's role and activities was also presented to the meeting.

CALC Conference

We are continuing with planning for the CALC Conference 2015. As you would be aware, the conference will be held in Edinburgh, Scotland, on 15 to 17 April 2015. We have set up a number of working groups consisting of CALC Council members and staff from the Scottish drafting office. Planning is well underway with most venues selected: they are outstanding.

A call for papers went out about a month ago and closes at the end of July. We already have proposals for some papers but I would encourage anyone who has an idea for a paper to put it forward. More details about the call for papers are below.

All in all, CALC continues to be active as we head towards Edinburgh 2015.

Regards

Peter Quiggin PSM
CALC President

CALC 2015: Edinburgh, Scotland



Edinburgh, Scotland's capital, is the venue for our next conference. It will take place from 15 to 17 April 2015.

This will be the longest-ever conference. The formal proceedings will cover three full days (rather than the customary two and a half). The Council has taken this decision in the light of the success of previous conferences and the willingness of CALC members to participate in the formal proceedings by giving papers and chairing sessions.

As usual, once the formal business has been concluded, the programme will include opportunities to take part in sightseeing activities over the weekend of 18 and 19 April. Those who have already visited Edinburgh will know that it is one of the world's most beautiful capital cities. If invited to describe it in a single word, "historic" is the obvious choice.

Much of its past remains visible today. There is a fabulous contrast between the mediaeval Old Town, with its teetering tenements, narrow closes, vennels and somewhat chaotic appearance; and the elegant Georgian splendour and order of the 18th century New Town.

Towering above both Old and New Towns is the castle, perched on a steep and treacherous rock. Below the castle, terraced and landscaped gardens form the southern side of Princes Street, the city's main thoroughfare and shopping centre.

Holyrood Royal Park, with its lochs, peaks, cliffs and ruined chapels, is within 10 minutes' walk of the centre of the city. Its centrepiece is the extinct volcano known as 'Arthur's Seat' whose famous silhouette is visible from practically everywhere in Edinburgh and the surrounding area. Though shaped like a highland peak, it rises to only 250 metres and is thus an easy walking climb from most

approaches. At the foot of the eastern slope of Arthur's Seat is Duddingston Loch, well known both as the place where the sport of curling was invented and as the backdrop of Sir Henry Raeburn's famous picture of 'the skating Minister', the Rev. Robert Walker.

The conference venue is the Playfair Library. Part of Edinburgh University, the library is one of Edinburgh's most architecturally outstanding buildings. It is located within the quadrangle housing the Law Faculty at Old College and is close by the Royal Mile. This is the historic street that runs eastward from the castle down to the Palace of Holyroodhouse, the official residence in Edinburgh of HM the Queen.

It has become customary for CALC conferences to open with a reception on the Wednesday evening and to end with a dinner on the Friday. The CALC 2015 reception is to be held in Edinburgh Castle and will be hosted by the Lord Advocate, the chief law officer in Scotland. The dinner will be held in another of Edinburgh's magnificent buildings, the Signet Library. It is located next to the main Law Courts on the Royal Mile.

Drafters in the Office of the Scottish Parliamentary Counsel are very much looking forward to welcoming CALC members and associates to Edinburgh. Four drafters from the office (Heather Wortley, Annalee Murphy, Fraser Gough and Madeleine MacKenzie) are delighted to have been assisting the CALC Council with the planning and organisation of the conference.

Peter Quiggin PSM
CALC President



Pacific government lawyers working together to strengthen legislative drafting

April 2014

The Pacific Islands Forum Secretariat convened in April 2014 the 4th meeting of the Pacific Legislative Drafters' Technical Forum in Suva, Fiji. The Drafters' Forum provides an opportunity for legislative drafters from Pacific countries to share experiences and best practices for addressing the many constraints commonly experienced by small jurisdictions in developing and drafting laws.

In addition to discussing the institutional and resource issues that affect legislative development in Pacific Island countries, legislative drafters discussed legislative responses to priority regional policy issues, including the implementation of human rights treaties, regulation of deep-sea mining, and environmental and maritime regulation. Pacific regional and international organisations participated in the meeting, providing a useful opportunity for legislative drafters to learn of the types of policy and technical assistance provided by these organisations and for the organisations to understand the context of legislative development in Pacific countries. Participants were also able to benefit from a one and half day Legal Policy Development training course delivered by the Australian Attorney-General's Department.

Over the course of the three-day meeting, Pacific government lawyers highlighted the need to strengthen their national legislative drafting services. The Forum Secretariat will continue to work with Pacific governments and relevant partner organisations to facilitate opportunities for professional development and training of legislative drafters as well as opportunities for expert and peer review of legislative proposals.

Further information about the Forum Secretariat's support for legislative drafting in Pacific Island countries can be obtained from Ms Nola Faasau, Legislative Drafting Officer (email: nolaf@forumsec.org.fj).

Nola Faasau

Pictured: 2014 Drafters' Forum participants



Meeting of Commonwealth Law Ministers and Senior Officials

May 2014

Botswana successfully hosted the Meeting of Commonwealth Law Ministers and Senior Officials in its capital Gaborone from 5 to 8 May 2014. I attended the meeting as a member of the Botswana delegation and undertook to do a brief for the Commonwealth Association of Legislative Counsel on the agenda item 'Legislative Drafting: A Commonwealth Legislative Drafting Handbook'.

Botswana is situated in Southern Africa. It is landlocked and its neighbours are South Africa, Namibia, Zimbabwe and Zambia. The population of Botswana is 1.7 million yet the total area is 600,370 km² (approx. size of France).

The economy of Botswana is one of the most successful in Africa and it has the fastest growth rates in per capita income in the world since independence (1966). Botswana is the largest exporter of diamonds in the world (conflict-free) and a large exporter of beef to EU. Botswana has a proven record of good economic governance and it is ranked the least corrupt country in Africa and has a multi-party system with peaceful elections held every five years.

The agenda item 'Legislative Drafting: A Commonwealth Legislative Drafting Handbook' was presented by the Commonwealth Secretariat. The agenda item generated a lot of debate around retention of legislative drafters. In so far as the handbook is concerned, Ministers welcomed its production as a valuable resource in legislative drafting across the Commonwealth and as a guide in encouraging member countries to devise their own local legislative drafting manuals, guidelines or handbooks.

Ministers acknowledged that the handbook was still in a draft form and that consultations with relevant stakeholders, including the Commonwealth Association of Legislative Counsel, would be carried out. Ministers further resolved that the handbook be reviewed in the light of comments received from stakeholders and that the revised handbook be considered by Senior Officials at their next meeting. I believe this addresses the concern CALC had before the meeting, which was that Ministers would adopt the handbook before CALC had looked at it.

Ministers further –

- a) endorsed the idea of having a Commonwealth Legislative Drafting Handbook and mandated the Secretariat to continue with its finalisation;
- b) resolved that local legislative drafting manuals, guidelines or handbooks reflecting their own particular local processes and in-house styles will be devised as soon as possible for use in drafting offices in their respective countries, where these do not already exist.

Stella Dabutha
CALC member
Botswana

Second International Conference on Legislative Drafting and Law Reform

5-6 June 2014, World Bank, Washington DC, USA

Earlier this month, I was among a number of members of CALC who attended the Second International Conference on Legislative Drafting and Law Reform held at the World Bank offices in Washington DC. The conference brought together legislative and legal professionals from around the world.

I made a presentation, 'Standardising Statutory Writing from a Global Perspective: Lessons from the Developing World' in which I discussed the brief history of the development of legislative drafting standards in Uganda, Sudan, Kosovo, and South Sudan, the current status of legislative drafting standards in those countries and the factors affecting standardising statutory writing in the developing world. Other members of CALC, Prof Sean Kealy, Prof Wim Voermans and Toby Dorset, made presentations titled 'Teaching Legal Drafting: What Works, What Doesn't Work, and Why', 'Legislative Drafting Criteria to Accomplish the Constitutional, Political, Instrumental, and Symbolic Functions in Western Democracies Based on the Rule of Law' and 'Legislative Drafting Guidelines for Africa', respectively.

For more details concerning the conference, visit <http://www.ilegis.org/>.

Elizabeth Bakibinga-Gaswaga
CALC Vice-President



Pictured: Elizabeth Bakibinga-Gaswaga with Arthur J Rynearson, the former Deputy Legislative Counsel of the United States Senate

Membership

New CALC members

The following have been recorded as members of CALC since the publication of the last CALC *Newsletter* in December 2013, as at 18 July 2014.

| Name | Country |
|-----------------------|----------------|
| Abimbola, Olanrewaju | Nigeria |
| Ahlfors, Thomas | Canada |
| Allison, Peter | Canada |
| Bakari, Mussa Kombo | Tanzania |
| Benjamin-Laing, Freda | Ghana |
| Boucher, Annette | Canada |

| | |
|---------------------------|--------------------------|
| Bukaayi Guma, Jackie | Uganda |
| Chai, Chang Yun Cheryl | Singapore |
| Chamney, Eric | Canada |
| Charlton, James | Canada |
| Cheng, Kitty | Hong Kong |
| Chroma, Marta | Czech Republic |
| Chua, Ming Ying Elizabeth | Singapore |
| Elumba, Katrina | Australia |
| Eshun, Dora Gloria Arabia | Ghana |
| Fa'asau, Meiapo | Fiji |
| Forstater, Ira | United States of America |
| Francey, Laura | Australia |
| Freeman, Tracy | Canada |
| Fung-A-Fatt, Charles | Guyana |
| Ghaibah, Salah | Syria |
| Ghalgan, Noor Awadh | Kenya |
| Goh, Su Yee Anne | Singapore |
| Howells, Gareth | United Kingdom |
| Jean-Louis, Yvan Caril | Mauritius |
| Jennings, Michelle | Australia |
| Johnson-Weider, Michelle | United States of America |
| Karayianni, Natia | Cyprus |
| Khan, Hammad Altaf | Pakistan |
| Le Page, Samuel | Australia |
| Loo, Chi Pong, Bonny | Hong Kong |
| Menzies, Christy | New Zealand |
| Meredith, Steffany | Samoa |
| Moananu, Leitu | Samoa |
| Muthuuri, Mercy | Kenya |
| Nasha, Refilwe Madonna | Botswana |

| | |
|-------------------------|----------------|
| Norman, Jennifer | United Kingdom |
| Notman, Stephen | Bermuda |
| Nyirenda, Kenyatta | Malawi |
| Odendo, Maureen | Kenya |
| O'Loughlin, Rosemary | Ireland |
| Omal, Isabel | Uganda |
| Rivers-McCombs, Stephen | New Zealand |
| Roan, Jennifer | Australia |
| Rodgers, Catherine | New Zealand |
| Ryan, Martin | Ireland |
| Sani, Hafsah Yahaya | Nigeria |
| Saunders, Valerie | Canada |
| Shen, Riri | Canada |
| Slack, Thomas | Australia |
| Tafua-Rivers, Constance | Samoa |
| Turner, Emma | Australia |
| Veinott, Rebecca | Canada |
| Watkin, Thomas | United Kingdom |
| White, Abi-Gaye | Jamaica |
| Wong-Adamal, Juprin | Malaysia |
| Young, Matthew | Canada |

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