



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report on Operation of the Legislation Design and Advisory Committee

Portfolio Attorney-General

On 9 August 2017, the Cabinet Legislation Committee:

- 1 **noted** that in 2015, the Cabinet Legislation Committee (LEG) agreed to establish the Legislation Design and Advisory Committee (LDAC) and that the Parliamentary Counsel Office (PCO), in consultation with interested departments, would report back to Cabinet on the operation of LDAC following the completion of its second year of operation [LEG Min (15) 2/2].
- 2 **noted** that PCO's review of LDAC's operations reflects that LDAC is working well, feedback from departments is positive, and LDAC is adding value to the legislative development process;
- 3 **noted** that LDAC will enhance its value and improve its operation by:
 - 3.1 working with departments to improve departments' ability to self-vet against the Guidelines;
 - 3.2 reviewing and, if necessary, refining how LDAC manages its work programme to ensure it is taking a deliberate, risk-based approach to its involvement with Bills;
 - 3.3 enhancing consistency and integration between the internal members of LDAC and its members external to government;
 - 3.4 working with departments to improve use of the Guidelines and develop mechanisms to extend LDAC's influence beyond specific legislative proposals;
 - 3.5 reviewing procedural levers to achieve more consistent and transparent treatment of, and compliance with, the Guidelines and reporting on engagement with LDAC;
- 4 **noted** that a deliberate and risk-based approach to LDAC's involvement with Bills needs to be accompanied by clear signalling to select committees, Ministers, and the public of the focussed nature of LDAC's role before introduction;
- 5 **noted** that this paper identifies areas to enhance LDAC within the current resourcing model (from within PCO's baseline);

6 **noted** that PCO is undertaking a strategic review of its resourcing of LDAC and will report to the Attorney-General in 2017.

Vivien Meek
Committee Secretary

Present:

Hon Simon Bridges (Chair)
Hon Christopher Finlayson QC
Hon Michael Woodhouse
Hon Nathan Guy
Hon Louise Upston
Hon Mark Mitchell

Officials present from:

Hard-copy distribution:

Attorney-General