



Cabinet Office Circular

CO (08) 10

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All Ministers
All Chief Executives
Chief Parliamentary Counsel
Speaker of the House of Representatives
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2009 Legislation Programme: Requirements for Submitting Bids

Introduction

- 1 This circular sets out the requirements for the preparation of requests (“bids”) from Ministers for bills to be awarded places in the year 2009 Legislation Programme.

Invitation to submit proposals, deadline and format

- 2 Ministers are asked to forward proposals for items to be included in the 2009 Legislation Programme to the Cabinet Office, to arrive by **10.00am on Friday, 23 January 2009**.
- 3 Bids must be signed by the Minister or attached under a covering letter signed by the Minister. Where a Minister is submitting more than one bid in a portfolio, the bids must be provided under a covering letter signed by the Minister that ranks all bids in that portfolio. Please provide two copies of all information. No CAB 100 or CAB 101 form is required. Bids are to be hand delivered to the Cabinet Office reception, Level 10, Executive Wing, Parliament Buildings, marked for the attention of the Legislation Coordinator.
- 4 **The standard format for papers seeking priority for a bill** can be found in the procedures on legislation on the *CabGuide* website:
www.cabguide.cabinetoffice.govt.nz/procedures/legislation-and-regulations/bills-seeking-priority.

Process for developing the Legislation Programme

- 5 Bids will be summarised and submitted in summary to the relevant Cabinet committee for consideration and for the initial determination of priorities. The draft Legislation Programme as agreed by the Cabinet committee will be forwarded to Cabinet for confirmation.

Items for which a bid is required

- 6 A place on the annual legislation programme must be sought for the following matters:
- a the drafting of new bills (including bills likely to be proposed in Law Commission recommendations);
 - b the continuing drafting work on bills in the previous (2008) Legislation Programme which have yet to be introduced, and which Ministers wish to be progressed over the next year;
 - c the future progress of all government bills that are already drafted and approved for introduction, or that are reinstated before the House or select committees in the 49th Parliament, including the drafting of a substantive Supplementary Order Paper (SOP) to amend or add to a bill.

Statutes Amendment Bills

- 7 In recent years, Statutes Amendment Bills have been introduced almost annually to promote minor, technical, non-urgent, and uncontroversial amendments to a collection of Acts. It is likely that a new Statutes Amendment Bill will be included in the 2009 Legislation Programme. In the interim, departments should refer to the contents of Cabinet Office circular CO (08) 02 for information about the processes that applied to the previous proposal for a Statutes Amendment Bill: www.dpms.govt.nz/cabinet/circulars/co08/2.html.
- 8 Departments preparing bids for minor amending bills should include at least a preliminary assessment of whether these bills might qualify for inclusion in a future Statutes Amendment Bill. Where it is important or essential to pass a minor amending bill by a particular date, state this clearly, so that a decision can be made as to whether the item is appropriate, on timing grounds, to proceed in a Statutes Amendment Bill.

Priorities, support arrangements and capacity

- 9 Ministers are asked to approach their proposals for bills in light of the government's overall priorities and support party arrangements.
- 10 In making recommendations to their Ministers, departments should also consider their capacity to develop and advance bills against nominated timetables in light of past experience.

Role of the Parliamentary Counsel Office

- 11 It is the statutory role of the Parliamentary Counsel Office (PCO) to draft the bills approved for introduction in the government's Legislation Programme. The Inland Revenue Department is specifically authorised to draft certain revenue legislation. With that exception, departments should prepare material for possible inclusion in their Ministers' bids on the basis that drafting will be undertaken by, or under the control of, the PCO.
- 12 The PCO is available for general consultation to assist departments to prepare bids. In particular, the PCO can provide advice to departments to assist in identifying the size and

complexity of a particular bill and the proposed timeframe for its introduction and passage. Departments should contact the PCO team leader responsible for their legislation: Julie Melville (phone 817 9270), Bill Moore (phone 817 9109), Frank Riley (phone 817 9356), or Ian Jamieson (817 9293).

- 13 Ministers may ask the PCO to provide an assessment of the size of the drafting task associated with each proposed bill or substantive SOP, to help to size the programme realistically in relation to drafting resources and House time. Unclear definition of the scope and content of a bill or SOP can contribute to the overestimation of the drafting task. This could reduce the chances of the bill gaining a place on the programme.

Preparing drafting instructions

- 14 The best bills result from proper collaboration between the instructing department and the drafter. In particular, good drafting instructions are essential to ensure the timely and efficient drafting of legislation. The PCO can advise on the preparation of drafting instructions (contacts are set out in paragraph 12 above). Departments are encouraged to take advantage of this opportunity, and to use the publication *A Guide to Working with the Parliamentary Counsel Office* (third edition, March 2008), which is available at www.pco.parliament.govt.nz/clientfile/guide/guide.shtml or from Gillian McIlraith, Communications Adviser, in the PCO (phone 470 6707).
- 15 Departments are also referred to the material contained in the *Legislation Advisory Committee Guidelines - Guidelines on Process and Content of Legislation, 2001 edition and amendments*: <http://www.justice.govt.nz/lac>.

Secondary legislation

- 16 Where bills proposed for inclusion in the 2009 Legislation Programme also require the drafting of associated regulations, the extent of this requirement is to be described in the bid. Further details of the information to be provided are contained in the standard format for papers seeking priority for a bill on the *CabGuide* website: www.cabguide.cabinetoffice.govt.nz/procedures/legislation-and-regulations/bills-seeking-priority.

Rebecca Kitteridge
Secretary of the Cabinet