

# EXECUTIVE COUNCIL

## CONFIDENTIAL

**Title of Report:** Legislative Drafting Priorities

**Paper No:** 132/13

**Date:** 3 June 2013

**Report of:** Attorney General

---

### 1. Purpose

- 1.1 To present to Executive Council the agreed legislative drafting priorities set out in priority order with estimates as to timing of the presentation of draft legislation.

### 2. Recommendation

- a) That Executive Council note the priority order and estimates as to timing of the agreed legislative priorities as set out in the attached Executive Council Task Status Report – Legislative Priorities and Projects 2013/14.

### 3. Summary of Financial Implications - None.

### 4. Background

- 4.1 Executive Council will recall paper 113/13 which presented the proposed legislative drafting priorities for 2013/14.
- 4.2 Executive Council noted the report and asked the Attorney General to present the proposed agreed legislative drafting priorities in sequential priority order indicating timeframes for various drafting items.
- 4.3 Attached as an appendix to this report is the revised draft of the Executive Council Task Status Report – Legislative Priorities and Projects 2013/14. This sets out the drafting work and other projects in sequential order indicating when it is anticipated that matters will be brought back to Executive Council and be ready for presentation to Legislative Assembly. It has not been possible to put specific timeframes as much depends on the quality of instructions, whether there is to be public consultation and if so what form it may take, the tendency for priorities to change through the year and what complications arise during the drafting process. However it is the case that the legislative

drafters will work on more than one piece of drafting work at the time and will endeavour to fit in smaller drafting tasks around more substantial pieces of work.

**5.0 Financial Implications – None**

**6.0 Legal Implications - As set out in this paper**

**7.0 Human Resources Implications – None.**

## Executive Council Task Status Report

### Legislative Priorities and Projects 2013/14

|   |  |  |
|---|--|--|
| Project on track to be delivered by target date set | There are concerns/issues which put at risk the delivery of the project by the target date set | No date has been set or the project will not be delivered by the target date set |
|---|--|--|

| Priority Order | Subject   | Lead   | Requested          | Due at Exco / Legislative Assembly              | Comments  | Status |
|----------------|---|--------|--------------------|---|---|--------|
| 1              | Finance legislation   | FS/ AG | Annual requirement | Exco June 2013 (budget session)<br>LA June 2013 | Draft legislation has been prepared following policy approval of paper 109/13   |        |
| 2              | Minimum wage legislation  | HoP/AG | February 2011      | Exco June 2013<br>LA July 2013                  | Draft legislation presented to Exco in April. Now out for public consultation. Report expected back to Exco in June for presentation to Legislative Assembly in July 2013                                       |        |
| 3              | Amendments to the Electoral Ordinance required prior to November elections      | AG     | August 2012        | Exco July 2013<br>LA August 2013                | Exco previously agreed to amendments being postponed until after the referendum. We now have both observer reports. Will report to Exco re those amendments that are achievable prior to the November elections |        |
| 4              | Members' Remuneration legislation   | CE/AG  | April 2013         | Exco July 2013<br>LA August 2013                | Report of the Remuneration Panel agreed in principle. Detail needs to be developed before legislation can be amended/drafted  |        |
| 5              | Minor Tax legislation amendments flowing from AUPEC oil readiness review report | FS/AG  |                    | Exco Nov 2013<br>LA Dec 2013                    | The minor nature of amendments suggests this work can probably be fitted in earlier, but November date given as backstop  |        |
| 6              | Other Tax legislation   | FS/AG  |                    | Exco Nov 2013                                   | Likely to be outsourced to drafter who drafted  |        |

## Executive Council Task Status Report

|    |  |                 |             |                                  |   |  |
|----|--|-----------------|-------------|----------------------------------|---|--|
|    | amendments   |                 |             | LA Dec 2013                      | first tranche of outstanding amendments in 2012. The second tranche of work requires commencement by 1 January 2014. November Exco is given as a backstop, but the drafting may be ready earlier. A third tranche of tax amendments which already have policy approval are due to be completed in 2014. |  |
| 7  | Further updating of abattoir related legislation as required by EU Mission                 | DNR/AG          | N/A         | Exco Nov 2013<br>LA Dec 2013     | Instructions to be developed to enable drafting   |  |
| 8  | Further updating of fishery products hygiene related legislation as required by EU Mission | DNR/AG          | N/A         | Exco Nov 2013<br>LA Dec 2013     | Instructions to be developed to enable drafting   |  |
| 9  | Statutory Tourism Corporation  | FITB/<br>HoP/AG | April 2013  | Exco Nov 2013<br>LA Dec 2013     | Initial policy instructions developed – but further work required on detail   |  |
| 10 | Review of Children Ordinance   | DH/DES<br>AG    | April 2013  | No date set                      | This work will form part of the Child Safeguarding Action Plan and will be set a target date as part of that process which will be incorporated into this report  |  |
| 11 | Revised Laws Project and related legislation   | AG              | July 2012   | Exco June 2013<br>LA August 2013 | The report will include draft legislation for consideration (which it may recommend be commenced in stages)   |  |
| 12 | New Prison Ordinance and regulations   | DES/AG          | August 2012 | Exco July 2013<br>LA August 2013 | Drafting underway by external drafter in conjunction with Prisons Advisor   |  |
| 13 | New Crimes Ordinance and Criminal Procedure and Evidence Ordinance                         | AG              | July 2012   | Exco October 2013<br>LA Dec 2013 | External Drafter Mr J Wilson currently drafting revised crimes and criminal procedure and evidence ordinances – Drafting Likely to be completed later than July/August 2013 due to volume of work and consultation process  |  |

## Executive Council Task Status Report

|    |   |                |               |                                  |   |  |
|----|---|----------------|---------------|----------------------------------|---|--|
| 14 | Road Traffic – Taxi Driver licensing  | DES/AG         | April 2012    | Exco June 2013<br>LA July 2013   | Draft Legislation has been prepared and is being checked prior to submission to Exco  |  |
| 15 | Road Traffic – Fixed Penalties  | DES/AG         | December 2012 | Exco June 2013<br>LA July 2013   | Draft Legislation has been prepared and is being checked prior to submission to Exco  |  |
| 16 | Planning Amendment Bill, appeal regulations, delegated powers and public speaking | CE/ AG         | April 2012    | Exco July 2013<br>LA August 2013 | Instructions to enable drafting the legislation largely in place. Drafting process has started to include obtaining refined instructions  |  |
| 17 | Environmental Impact Regulations  | CE/ AG         | July 2012     | ExCo July 2013                   | Instructions to enable drafting need to be developed with Environment Planning  |  |
| 18 | Land Acquisition Ordinance  | HoP/AG         | April 2013    | Exco July 2013 (policy only)     | New policy to be developed and presented to Exco. Date then to be set for submission of draft legislation   |  |
| 19 | Road Traffic – Designation of Roads   | DES/AG/<br>PWD | December 2012 | Exco Nov 2013<br>LA Dec 2013     | Legislation is currently being drafted and will then be subject to public consultation alongside consultation by PWD on roads in camp settlements. Consultation responses and draft legislation will then be brought to Exco. May not be ready before the recess so November date is given for ExCo |  |
| 20 | Amended/New immigration legislation   | IRG/PIO<br>/AG | March 2012    | No date set                      | Instructions to enable drafting need to be developed following policy decisions on the work of the specialist immigration advisor   |  |
| 21 | Amendment to Pensions legislation   | FS/ AG         | March 2011    | No date set                      | Instructions in place to allow drafting but drafting not yet started  |  |
| 22 | Finance and Audit Amendment Bill  | FS/AG          | April 2013    | No date set                      | Instructions required; priority indicated by potential for signing fiscal framework to improve financial management (FCO)   |  |
| 23 | Public Funds Amendment  | FS/AG          | April 2013    | No date set                      | Instructions required; priority indicated by  |  |

## Executive Council Task Status Report

|    |   |        |                |                                |   |  |
|----|---|--------|----------------|--------------------------------|---|--|
|    | Bill  |        |                |                                | potential for signing fiscal framework to improve financial management (FCO)  |  |
| 24 | Fisheries Fees                                      | DNR/AG | various        | No date set                    | A priority due to long outstanding nature where policy approval exists  |  |
| 25 | Prevention of Oil Pollution (Amendment) Bill        | DNR/AG | March 2012     | No date set                    | Instructions to enable drafting need to be developed with DNR – may overlap with review of marine legislation as part of oil readiness work             |  |
| 26 | Review of misuse of drugs legislation               | AG     | April 2012     | No date set                    | Home Office have been asked and reminded about providing a comprehensive list of controlled drugs that we can use but to date have been unable to do so |  |
| 27 | Sale of trout legislation                           | EO/ AG | July 2011      | Exco June 2013<br>LA July 2013 | Draft Legislation has been prepared and is being checked prior to submission to Exco  |  |
| 28 | Stanley Common (Amendment) Regulations              | AG     | various        | No date set                    | A priority due to long outstanding nature where policy approval exists, and because of possible link to oil infrastructure development                  |  |
| 29 | Firearms Amendment Bill                             | DES/AG | September 2009 | No date set                    | A priority due to long outstanding nature where policy approval exists  |  |
| 30 | Legislation arising from EDS & RDS                  | HOP/AG | April 2013     | No date set                    | No instructions yet available   |  |
| 31 | Introduction of business premises service charge    | DPW/AG | May 2011       | No date set                    | DPW to carry out public consultation on options for basis of charging etc   |  |
| 32 | Education Bill                                      | DE/AG  | April 2013     | No date set                    | No instructions yet available   |  |
| 33 | New legislative provisions for Tax Appeals Tribunal | DCS/AG | April 2013     | No date set                    | No instructions yet available   |  |