



# Newsletter

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If you would like to join CALC, use our [online registration form](#).



[John Qualtrough Ewens CMG, CBE, OBE, QC \(1907–1992\)](http://adb.anu.edu.au/biography/ewens-john-qualtrough-16354)  
<http://adb.anu.edu.au/biography/ewens-john-qualtrough-16354>

## CALC President's Report—November 2019



President  
Commonwealth Association of Legislative Counsel

Greetings to all CALC members.

### 2021 CALC Conference – The Bahamas, July 2021

The CALC Council has formed a number of working groups to plan, organise and deliver your 2021 CALC conference. Many thanks to those members who responded to the survey about the 2019 CALC conference in Zambia. The CALC Council will take those responses into account in organising the 2021 conference.

The Commonwealth Lawyers Association (CLA) has announced that the 2021 Commonwealth Law Conference (CLC) will be held in the Bahamas, but the timing of the CLC is yet to be announced. The CALC Constitution provides that the CALC Council must, if practicable, ensure that an ordinary general meeting of CALC is held in conjunction with each Commonwealth Law Conference.



A CALC conference has been held in the Caribbean only once, in Ocho Rios, Jamaica, in 1986. The CALC Council therefore considers that the 2021 CALC conference should be held in the Caribbean if at all possible.

It is worth noting that the responses to the survey from those CALC members who attended the Zambia conference indicate that most people don't really care about aligning the location and timing of the CALC conference with the CLC. It should also be noted that the normal timing for CALC conferences, March/April, is also peak season in the Bahamas, and coincides with US Spring Break. Later in the year (August–October) is hurricane season in the Bahamas, and the CALC Council considers that holding the CALC conference at that time of the year would pose unreasonable risks for those attending the conference and could lead to the conference being disrupted or cancelled.

The CALC Council has therefore decided that the 2021 CALC conference should be held in July. This would avoid peak season in the Bahamas, and hurricane season. More information about the conference will be provided as planning for and organising the conference progress.

## 2 regional CALC Conferences scheduled for April and June 2020

I am very pleased that 2 CALC regional conferences are to be held in 2020.



### ***Drafting and Publishing Conference, Canberra, Australia, 1 to 3 April 2020***

A Drafting and Publishing Conference is to be held in Canberra, Australia, 1 to 3 April 2020. The conference is presented by the Australian Office of Parliamentary Counsel in association with the Australasian Parliamentary Counsel's Committee and the Commonwealth Association of Legislative Counsel (Pacific Region). The conference celebrates the 50th anniversary of the establishment of the Australian Office of Parliamentary

Counsel, and is aimed at legislative drafters and people who work in the publishing of legislation. A call for papers has already been issued.

### ***CALC Europe Region Conference, Cardiff, Wales, 18 and 19 June 2020***

Planning is under way for the holding of a CALC Europe Region Conference in Cardiff, Wales, on 18 and 19 June 2020. The CALC Council working group for the conference (Neil Martin, Lucy Marsh-Smith, Adrian Hogarth, John Mark Keyes and myself) are in the process of settling the dates and venue for the conference, and more details will be made available in due course.



## CALC website: material added to online resources



The [CALC website](#) already hosts a collection of links to drafting manuals and related material. The collection has now been expanded to include links to other online resources, such as a number of webinars and videos relating to legislative drafting. It includes the 2017 Hamlyn Lecture given by Professor Andrew Burrows, "Thinking About Statutes: Interpretation, Interaction, Improvement". (Editor: *Please see pages 37 and 52 of this edition.*)

Please contact our hardworking Secretary, Ross Carter, if you have any suggestions for further additions to this collection or if any of the links in the collection need updating.



## Relationships with the Commonwealth

CALC was accredited to the Commonwealth in 2011. As an accredited organisation, CALC is invited to participate in many Commonwealth-organised activities and maintains a close working relationship with the Commonwealth Secretariat. CALC's UK-based Council members, Brenda King and Adrian Hogarth, do a wonderful job in liaising with the Commonwealth and attending meetings and events on my behalf. I am very grateful for their tireless efforts.

### *Accreditation report*

As an accredited organisation, CALC is required to submit a report annually to the Commonwealth Accreditation Committee on CALC's activities. A copy of our 2019 report is available on the CALC website for the information of members.

### *Commonwealth Law Ministers Meeting, November 2019*

As a Rule of Law partner, CALC was automatically granted observer status at the Commonwealth Law Ministers Meeting (CLMM) held in Colombo, Sri Lanka, 4–7 November 2019. One of our Asia Region Council members, Therese Perera, kindly agreed to be CALC's observer at the meeting.



The theme of the meeting was "Equal access to justice and the Rule of Law". Well drafted and effective laws underpin the Rule of Law, and legislative counsel, who draft those laws for the legislatures throughout the Commonwealth, therefore have a critical role to play in maintaining the Rule of Law.

CALC was also invited to prepare a report for consideration by the CLMM, and to be present to address questions raised by law ministers regarding our report. Therese was able to verbally outline to the CLMM the key points from CALC's report.

A copy of CALC's report to the CLMM, and link to the Outcome Statement from the CLMM, are on the [CALC website](#).





News from the Commonwealth Law Ministers meeting in Colombo – Representatives of CMJA – Justice Charles Mkandawire, President, CLEA – Dr.Lakshman Marasinghe, CALC – Mrs Therese R Perera, and CLA – President Brian Speers having delivered their respective reports to law ministers.

(Photo reproduced with the kind permission of the Commonwealth Lawyers Association)

### ***Liaison with Commonwealth Secretariat***

A meeting between CALC representatives and the Commonwealth Secretariat was held on 18 October 2019. Segametsi Mothibatsela, Legal Adviser, Rule of Law Section, Governance and Peace Directorate attended for the Commonwealth Secretariat, and the CALC representatives were Brenda King and Adrian Hogarth (both in person) and myself (by teleconference).

The meeting focused in particular on Commonwealth initiatives to assist smaller Commonwealth jurisdictions to build capability in legislative drafting and how CALC might assist. With CALC's assistance, the Commonwealth plans to carry out a survey of smaller jurisdictions to seek information about what drafting offices want or need.

Also discussed were initiatives being undertaken or proposed by the Commonwealth to provide training (including online courses) for legislative drafters. The CALC representatives agreed that, once more details about what the Commonwealth Secretariat proposes are available, CALC would consider how it could best collaborate with the Commonwealth Secretariat in the delivery of this training.



CALC Members

### CALC group in LinkedIn

A reminder to CALC members that there is a CALC group in LinkedIn. It has over 250 members, but is not currently used extensively. I encourage CALC members to make use of this group to share news and information within the legislative drafting community.

Peter Quiggin likes this



Geoff Lawn • 1st

Parliamentary Counsel at Parliamentary Counsel's Office; President, Commonwealth...

1w

Delighted to co-present today with Peter Quiggin to a WA Law Society CPD on recent developments in legislative drafting at Commonwealth and State levels.



### Contact details for heads of drafting offices

In order to assist the Commonwealth Secretariat to circulate the survey of smaller Commonwealth jurisdictions, and for other purposes, CALC needs the contact details of all heads of Commonwealth drafting offices. (Editor: *Please see page 11 of this edition.*)

## CALC Council welcomes your contact and feedback

Please feel free to contact me or any of your Council members with any suggestions as to how we can enhance the invaluable service that CALC provides to the drafting community of the Commonwealth.

Very best wishes to you all,



Geoff Lawn

CALC President, November 2019

## 2019 CALC Conference photos — Livingstone, Zambia



The 2019 CALC Conference was held in Livingstone, Zambia, from 1 to 3 April 2019.

Thanks to Hong Kong Law Draftsman, Theresa Johnson, many fantastic photos of the Conference and related activities are now posted at [www.calc.ngo](http://www.calc.ngo).

Login, go to the [Members' Area](#), select [Gallery](#), then select Livingstone April 2019.





## Drafting and Publishing Conference — Canberra, Australia, 1 to 3 April 2020



### Australian Government Office of Parliamentary Counsel

The Australian Office of Parliamentary Counsel (OPC) in association with the Australasian Parliamentary Counsel's Committee (PCC) and the Commonwealth Association of Legislative Counsel (CALC) (Pacific Region) will be holding a **Drafting and Publishing conference in Canberra from 1 to 3 April 2020**.

The conference is aimed at legislative drafters and people who work in the publishing of legislation.

The conference will be hosted by the Australian Office of Parliamentary Counsel (OPC) headed by First Parliamentary Counsel Peter Quiggin PSM (CALC's President from 2011–2017). The OPC, headed by First Parliamentary Counsel, was established on 12 June 1970, and so will be celebrating its 50<sup>th</sup> anniversary.

The conference theme is **2020 Vision at 50 Years of Age**.

A call for papers has been issued.

Programme and registration details will also be available in due course.

The conference is open to CALC members from the Pacific/Australasian Region.



## CALC Europe Region Conference — Cardiff, Wales, 18 and 19 June 2020



**The CALC Europe Region Conference 2020 will be held in Cardiff, Wales, on 18 and 19 June 2020.**

The Conference will be held at the Pierhead Building in Cardiff Bay, next to Senedd Cymru (the Welsh Parliament). It coincides with a vibrant Welsh language festival near Cardiff Castle that weekend – the “Tafwyl” – <http://tafwyl.org/>.

The Conference is to be hosted by Swyddfa'r Cwnsleriaid Deddfwriaethol (the Office of the Legislative Counsel), which drafts Welsh laws for consideration by Senedd Cymru. The Office is headed by Dylan Hughes, Y Prif Gwnsler Deddfwriaethol (First Legislative Counsel). Neil Martin, a co-opted member of CALC's Council, is also involved in organising this Conference.

**A call for papers will be issued soon.**



## Improving CALC's links with heads of drafting offices

**To improve CALC's links with heads of drafting offices, please email their details to [Ross.Carter@pco.govt.nz](mailto:Ross.Carter@pco.govt.nz).**

CALC wants to ensure it has more full and up-to-date details of heads of drafting offices.

Details of heads of drafting offices are not always recorded or updated properly—

- when people apply for CALC membership; or
- when people are appointed as a head of a drafting office.

That a CALC member is a head of a drafting office must also be entered manually in CALC's database records – which are used for emails to all or selected CALC members.

If CALC's records of heads of offices were more full and up-to-date, CALC could email heads of offices only, instead of contacting those people indirectly only (by emailing all CALC members).

CALC thanks CALC members, and heads of offices in particular, for responding to this request.

A good level of response to this request will minimize the need for specific follow-up requests in order to ensure CALC has more full and up-to-date details of heads of drafting offices.

CALC members can update details at any time using the online form at [the membership page](#).

## Francisco Goya's "Other laws for the people"



This Francisco Goya print is captioned [«Otras leyes por el pueblo \(Autres lois pour le peuple\)»](#) ("Other laws for the people"). CALC member Clive Grenyer explains:

'[Francisco José de Goya y Lucientes](#) was a Spanish romantic painter and printmaker. He is considered the most important Spanish artist of the late 18th and early 19th centuries and throughout his long career was a commentator and chronicler of his era.

In 1799 he published 80 [Los Caprichos](#) (The Caprices) prints depicting what he described as "the innumerable foibles and follies to be found in any civilized society, and from the common prejudices and deceitful practices which custom, ignorance, or self-interest have made usual".'

Clive also suggests that this Goya print should encourage the law drafter to consider how the law drafter's work will be regarded by the common person – even though its function is to express politicians' ideas in parliamentary language.

(Editor: Many thanks to Clive Grenyer for suggesting this item.)

# Enforcing arbitration agreements or awards in Rwanda

By Patrick Kamugisha in Rwanda



## Enforcing arbitration agreements or awards under Rwandan Law

### I. Introduction

An institutional and legal framework enables enforcement in Rwanda of arbitration agreements and awards. Arbitration awards to be enforced could be ones made by arbitrators in or under Rwandan Arbitration Institutions. Or they could be awards made abroad (outside Rwanda).

The [Kigali International Arbitration Center \(KIAC\)](#) is the leading Rwandan Arbitration Institution. It was established to enable, and fast track, arbitration of business-related disputes. KIAC is the only competent agency for arbitration on matters related to trade in Rwanda and other matters related to it, as stipulated in the law (Article 5 of Law no 51/2010 of 10/01/2010, establishing the KIAC, and determining its organization, functioning, and competence).

KIAC's vision is to be the leading choice for international commercial arbitration and other alternative dispute resolution (ADR) services. KIAC's mission includes promoting Rwanda not only as a venue of efficient arbitration services, but also as a Center of excellence for research and training of professionals in ADR.

KIAC has a Secretariat that oversees the day-to-day management of the center, led by the Board of Directors and its Secretary General. KIAC has a support team of six people including the Registrar in charge of case management and other staff ([www.kiac.org.rw](http://www.kiac.org.rw)).

The Governance Board is made up of seven (7) members, appointed by the Private Sector federation, and appointed from professional associations and from International Members with knowledge and practice in arbitration ([www.kiac.org.rw](http://www.kiac.org.rw)).

In a nutshell, enforcement of arbitration agreements is guaranteed under Rwandan Law. This ensures that the agreements can be enforceable, as will be highlighted further below.

## **II. Legal instruments about enforcing arbitration agreements or awards in Rwanda**

Enforcing arbitration agreements or awards in Rwanda involves a number of legal instruments.

Rwanda began its move towards acceding and adopting laws on International Commercial Arbitration not so long ago.

Arbitration was effectively recognized in 2008 through Law N° 005/2008 of 14/02/2008 on Arbitration and Conciliation in Commercial Matters. If you look through article 2 of that law, it recognizes its applicability to domestic and international commercial arbitration and conciliation. This law is based on the UNCITRAL Model Law. Again on 3<sup>rd</sup> November 2008, Rwanda acceded to the New York Convention, becoming the 143<sup>rd</sup> State Party to the Convention ([www.unis.unvienna.org/unis/pressrels/2008/unis1123.html](http://www.unis.unvienna.org/unis/pressrels/2008/unis1123.html)).

The Convention entered into force on 29 January 2009. In 2010, Rwanda enacted a law establishing the Kigali International Arbitration Centre and determining its organization, functioning and competence. And, in 2012 through a Ministerial Order, Rwanda formulated arbitration rules for the Kigali International Arbitration Center. Being a party to the New York Convention enables the KIAC arbitral Awards to be enforced in any other country that is signatory to the Convention.

Rwanda recognizes and enforces awards made in countries that recognize and enforce awards made in Rwanda under Article 50 of the 2008 Law on Arbitration and Conciliation in Commercial matters. Article 50 of that law provides as follows:

“An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and without prejudice to provisions of this Article as well as Article 51 of this Law. However, this shall not be respected if the country in which the award was issued does not respect the provisions of this paragraph with reference to cases decided in Rwanda.”

As to the procedure for seeking recognition and enforcement of foreign arbitral awards, Article 50 stipulates that: “The party relying on an award taken or applying for its enforcement shall supply the duly authenticated original award or its duly certified copy, a copy of the

original arbitration agreement referred to in Article 9 of this Law or its duly certified copy. If the award or agreement is not made in an official language of the Republic of Rwanda, the party shall supply a translated copy in one of the recognized languages in Rwanda.”

The grounds for refusing the recognition and enforcement of arbitral awards in Rwanda are similar to the ones listed in the New York Convention.

One advantage with enforcing arbitration agreements or awards in Rwanda is that the judiciary of Rwanda follows a pro-arbitration policy, which includes, for instance, prioritizing arbitration-related matters, and handling them in a timely manner. This is likely to expedite enforcement of foreign arbitral awards, and to attract to Rwanda more trade and investment.

As well as the above, article 39 of the KIAC arbitration rules of 2012 discusses “Notification, Deposit and Enforceability of the Award”. And it states as follows:

“Once an award has been made, the Secretariat shall notify to the parties the text signed by the arbitral tribunal, provided always that the costs of the Arbitral arbitration have been fully paid to the Centre by the parties or by one of them.

By virtue of the notification made in accordance with Article 39 para 1, the parties waive any other form of notification or deposit on the part of the Arbitral tribunal.

An original of each award made in accordance with the Rules shall be deposited with the Secretariat and additional copies certified true by the Secretary General shall be made available on request and at any time to the parties, but to no one else.

The Arbitral tribunal and the Secretariat assists the parties in complying with whatever further formalities may be necessary. Every award shall be final and binding on the parties from the date it is made.

By submitting the dispute to arbitration under the Rules, the parties undertake to carry out any award immediately and without delay and shall be deemed to have waived their right to any form of appeal, review or recourse to any other judicial authority insofar as such waiver may be validly be made.”

The Secretary General of KIAC, by letter dated 12 October 2012, asked the Chief Justice of Rwanda to put in place instructions about enforcement of arbitration awards. The Chief Justice’s Instructions, no 002/2012 of 24 October 2012, which were issued in response to that letter and request, help indicate how, and the time within which, arbitration awards are to be enforced. They also help indicate which organs are required to play roles in executing arbitration awards.

### III. Conclusion

The Government of Rwanda has put in place laws that facilitate arbitration proceedings, and the recognition and enforcement of domestic and foreign arbitral awards, in Rwanda. Some of these laws give effect to international conventions about arbitration. The Private Sector Federation of Rwanda has also taken a tremendous step in helping with the establishment of KIAC. KIAC has also twinned with similar sister centers across the globe. All those steps help to show that Rwanda is a conducive venue for both arbitration proceedings and the enforcement of arbitral awards.

#### **Postscript: Kigali-Rwanda is headquarters of African Arbitration Association (AfAA)**

Kigali is now also the headquarters of the African Arbitration Association (AfAA).

Established in 2018, the AfAA's main focus is promoting arbitration in Africa.

For further details, see [Julius Bizimungu, "Africa now has its own arbitration; will disputes be resolved on the continent?"](#), *The New Times – Rwanda's Leading Daily*, June 20, 2018.



## Items of interest

### *United Kingdom – visitor from Hong Kong*



**Elizabeth Gardiner** ✓

@1ParliCounsel

Following



Lovely to catch up with Theresa Johnson, head of the Law Drafting Division, Dept of Justice, HK.



6:01 AM - 2 Oct 2019

## United Kingdom – Brexit

Brexit-related developments (at the time of writing in October 2019) include the following:

- [European Union \(Withdrawal\) Act 2019](#) (resulting from the “Cooper–Letwin Bill” introduced to the House of Commons by Labour MP Yvette Cooper and Conservative MP Sir Oliver Letwin on 3 April 2019 in an unusual process where the Government of the United Kingdom did not have control over Commons business, this Act makes provision for extensions to the period defined under Article 50 of the Treaty on European Union related to the United Kingdom's withdrawal from the European Union):
- [European Union \(Withdrawal\) \(No. 2\) Act 2019](#) (known as “the Benn Act”, after its parliamentary sponsor Tony Benn, this Act requires the Prime Minister of the United Kingdom to seek an extension to the Brexit withdrawal date—currently scheduled for 31 October 2019—in certain circumstances):
- [R \(on the application of Miller\) \(Appellant\) v The Prime Minister \(Respondent\) \[2019\] UKSC 41](#) (the 24 September 2019 decision that the Prime Minister’s advice to the Sovereign to prorogue the United Kingdom Parliament was unlawful, so that the resulting prorogation Order in Council was invalid and of no effect).

Commentary on that UKSC decision includes that of [Richard Ekins](#), a large number of posts at <https://ukconstitutionallaw.org/>, and a talk in New Zealand by Professor Andrew Geddis & Lord Thomas filmed by SOULS and posted on their Facebook page: <https://t.co/pn5oQlyN2w> (<https://twitter.com/OtagoLaw/status/1176760976437178368?s=03>).



See also [Vince, Maugham, and Cherry v Johnson \[2019\] CSOH 77](#) (refusal of Order for Specific Performance by the Prime Minister of his Statutory Duties under the European Union (Withdrawal) (No 2) Act 2019) and this [8 October lecture by Lady Hale](#).

As at 21 October 2019, *The Guardian* blog reported as follows:

**Why did a ‘meaningful vote’ on Johnson’s Brexit deal not go ahead on Saturday?**

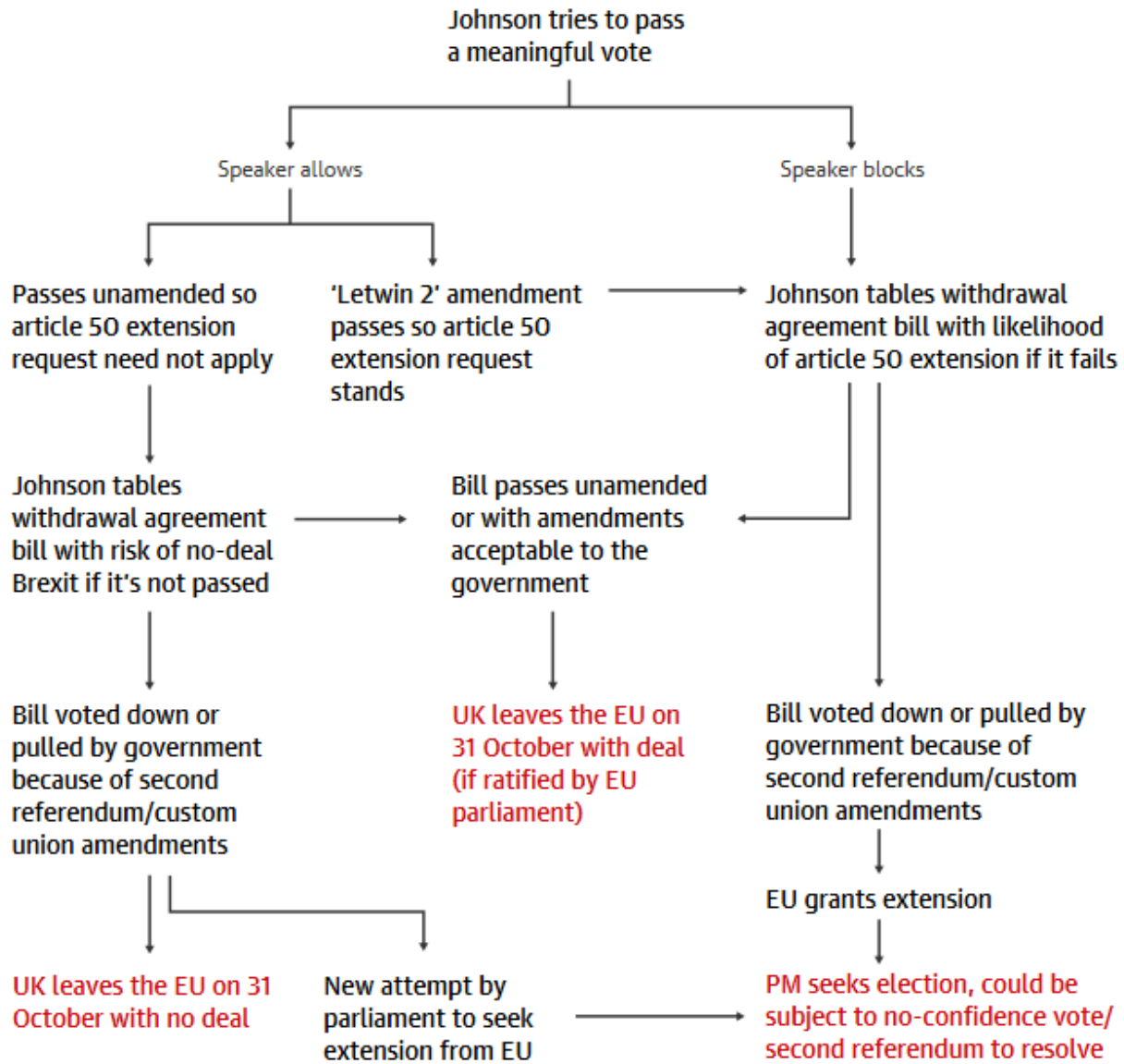
MPs voted by a majority of 16 to back an amendment put forward by the former cabinet minister **Oliver Letwin** to withhold approval of the latest deal agreed between Johnson and Brussels “unless and until implementing legislation is passed”. Letwin, who lost the Tory whip for voting against the government on Brexit previously, said the amendment was “insurance” against the UK crashing out of the EU without a deal by mistake on the scheduled deadline of 31 October. After he lost the vote, the prime minister decided not to have the so-called “meaningful vote” on his deal.

**When will Johnson next try to get his Brexit deal through parliament?**

The government is set to bring the withdrawal agreement bill - the legislation needed for Brexit - to the Commons this coming week. However, time is running out to beat the 31 October deadline because the European parliament would also need to ratify it. Ministers could try to hold additional sittings to get the legislation through.

The Commons leader, **Jacob Rees-Mogg**, said the government wanted to hold another meaningful vote on Johnson’s deal on Monday and would make an emergency business statement to achieve this. The Commons Speaker, **John Bercow**, said he would consider whether to allow the government’s plans.

## What happens next?



Guardian graphic

David Pannick, QC, in a comment in *The Times* on 21 October 2019 opined that [“Boris Johnson obeyed the law with his letters to the EU”](#). The same day the government was barred from putting its Brexit deal before MPs for approval for a second time in three days. The Speaker, John Bercow, told the chamber that under House of Commons rules it would be “repetitive and disorderly” to put the same issue before the chamber a second time.

*The Guardian* on 21 October 2019 [reported](#) that “Boris Johnson will make a final bid on Tuesday to force Brexit through by the 31 October ‘do or die’ deadline, amid growing signs he will make a renewed push for a general election whether his deal passes or not.”

On 23 and 25 October 2019, *The Spectator* summarized the days as follows:

THE  
SPECTATOR

Evening Blend  
By Isabel Hardman



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### Portrait of the day

The government lost the vote on its programme motion for the Withdrawal Agreement Bill by 308 to 322 votes.

Boris Johnson told the Commons the government would pause the legislation and said that Britain faced 'further uncertainty'.

European Council President Donald Tusk said the EU would grant a Brexit delay.

MPs voted in favour of the Brexit deal by 329 votes to 299. It is the first time the Commons has backed any deal.

THE  
SPECTATOR

Evening Blend  
By Isabel Hardman



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### Portrait of the day

Boris Johnson said he would give MPs more time to debate the Withdrawal Agreement Bill - if they agree to an election on 12 December.

The Prime Minister's announcement is the first time he has conceded Britain will not be leaving the European Union on 31 October.

MPs will vote on an election motion under the Fixed Term Parliaments Act on Monday.

Labour said it would stick to its policy of only supporting an election once no deal had been ruled out and if an extension allowed one. Shadow leader of the Commons Valerie Vaz complained that the government still wasn't offering enough time on the WAB.

See also—

- M. Gordon, '[The European Union \(Withdrawal Agreement\) Bill: Parliamentary Sovereignty, Continuity and Novelty](#)', U.K. Const. L. Blog (22nd Oct. 2019); and
- A. Tucker, '[A First Critical Look at the Scrutiny of Delegated Legislation in the Withdrawal Agreement Bill](#)', U.K. Const. L. Blog (24th Oct. 2019).

On 29 October 2019, RNZ reported as follows:

The screenshot shows the RNZ website interface. At the top, there is a navigation bar with the RNZ logo and links for Home, News, Radio, Podcasts & Series, Topics, and Pacific. Below this is a secondary navigation bar with links for New Zealand, World, Politics, Pacific, Te Ao Māori, Sport, Business, and Country. The main content area features a red 'WORLD' category label, followed by the article title 'British MPs reject Boris Johnson's election plan' in large, bold black text. Below the title, it says '34 minutes ago' and 'Share this' with icons for Twitter, Facebook, Email, RSS, and LinkedIn. The article text begins with 'The British government has lost a vote on holding an early election on 12 December.' and continues with 'UK Prime Minister Boris Johnson failed to get a two-thirds majority to trigger an early election under the Fixed Terms Parliament Act, with 299 voting in favour to 70 against - and 434 votes needed to pass. But Mr Johnson said the government would not allow this "paralysis" to continue. He said the government would today give notice of a short piece of legislation for a general election on 12 December. This would not be subject to a two-thirds majority.'

A  
**B I L L**

TO

Make provision for a parliamentary general election to be held on 12 December 2019.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Early parliamentary general election**

- (1) An early parliamentary general election is to take place on 12 December 2019 in consequence of the passing of this Act.
- (2) That day is to be treated as a polling day appointed under section 2(7) of the Fixed-term Parliaments Act 2011. 5
- (3) This early parliamentary general election is to be treated as taking place in accordance with section 2 of that Act for the purposes of—
  - (a) section 96A(9) of the Welfare Reform Act 2012 (benefit cap: review), and
  - (b) section 23(8) of the Small Business, Enterprise and Employment Act 2015 (duty on Secretary of State to publish reports on economic impact on business activities of regulatory provisions). 10

**2 Commencement and short title**

- (1) This Act comes into force on the day it is passed.
- (2) This Act may be cited as the Early Parliamentary General Election Act 2019. 15

◆ Britain will head to the polls for its first December general election in almost a century as [Boris Johnson gambles on voters backing him](#) to secure Brexit



**Elizabeth Gardiner** ✓  
@1ParliCounsel

Following

Parliamentary counsel @ParliCounsel\_UK have also been working hard to get the programme of bills ready for the new Session.



**Leader's Office** ✓ @CommonsLeader

This week's Queen's Speech will set out the Government's ambitious new legislative programme – the result of months of preparation and planning, as @Jacob\_Rees\_Mogg explains.

8:40 AM - 13 Oct 2019

### ***United Kingdom – New edition of Erskine May now free online***



The UK Parliament's procedural bible [Erskine May](#) is now free online.



Sir David Natzler, a former Clerk of the House of Commons and co-editor of the 25th edition, explains how it is now published online and free to access for the first time in its history in [“175 not out: the new edition of Erskine May and eight years of constitutional change”](#).



See also Mark Hutton, Clerk of the Journals, House of Commons, [“Freeing 'Erskine May': getting the authoritative guide to Parliament's procedures and practice online”](#).



## ***New Zealand – Rugby World Cup 2019 sale and supply of alcohol***

As the 2019 Rugby World Cup in Japan ends its pool stages and so enters the finals stages, it is only appropriate to note that New Zealand, as it did for the corresponding tournament in 2015, has enacted special temporary liquor licensing laws related to the tournament. See the [Sale and Supply of Alcohol \(Rugby World Cup 2019 Extended Trading Hours\) Amendment Act 2019](#).



## ***Western Australia – Dispute about parliamentary privilege***



The latest action in the ongoing contest between the WA Legislative Council, the Corruption and Crime Commission (CCC), and the WA Government is the issuing of proceedings by the Attorney General, Hon John Quigley LLB JP MLA, seeking a ruling on the powers of the Legislative Council.

In particular, the Attorney General seeks a ruling on whether the Legislative Council has the power to direct its Clerk to not comply with Corruption and Crime Commission (CCC) investigations. The Attorney General's 27 September 2019 media statement is [here](#).

Some interesting jurisprudence may come out of this litigation. For more on the dispute, see Rebecca Trigger, Rhiannon Shine and Herlyn Kaur, ["WA's Attorney-General launches legal action against Upper House amid corruption probe"](#), ABC News, 28 September 2019.

## **New Zealand – End of Life Choice Bill, Cannabis, and Referendums**



The [End of Life Choice Bill](#) is a member's Bill in New Zealand's Parliament the name of MP Mr David Seymour. The Bill's purpose is—

- (a) to give people who have a terminal illness and who meet certain criteria the option of lawfully requesting medical assistance to end their lives; and
- (b) to establish a lawful process for assisting eligible people who exercise that option.

Current law in New Zealand is shown, for example, by the case of [Seales v Attorney-General \[2015\] NZHC 1239](#). In that case, Ms Seales, who was suffering from a terminal illness, sought various declarations, including ones that Ms Seales' doctor would be acting lawfully if she administered a fatal drug to Ms Seales, and also that it would be lawful for Ms

Seales' doctor to provide her with a fatal drug knowing that Ms Seales intended to use that drug to end her own life and did so. Collins J held that he could not make the sought declarations to that effect consistent with the Crimes Act 1961. Collins J at [13] said: "The criminal law declarations sought by Ms Seales invite me to change the effect of the offence provisions of the Crimes Act. The changes to the law sought by Ms Seales can only be made by Parliament. I would be trespassing on the role of Parliament and departing from the constitutional role of Judges in New Zealand if I were to issue the criminal law declarations sought by Ms Seales."

The Bill was introduced in June 2017. It was read a first time and referred to a select committee (the Justice Committee) in March 2018. It was reported back to the House in April 2019. The committee recommended that certain identified amendments to the Bill be passed. However, the committee was unable to agree that the Bill be passed. The Bill was read a second time on 26 June 2019.

The Bill's committee of the whole House stage occurred on members' days on 31 July 2019, 21 August 2019, 11 September 2019, 25 September 2019, and 23 October 2019.

### **End of Life Choice Bill**

*Proposed amendments for the consideration of the Committee of the whole House*

Mr Seymour's [SOP No 259](#) proposed a number of amendments to the Bill. They got majority support during this stage. Quite a large number of opponents' amendments were also proposed, debated, and decided (rejected), also through a large number of personal votes (since the substance of the Bill is being handled as a conscience matter).

Some amendments (for example, [SOP No 361](#)) proposed the Bill, if passed, should come into force only if supported by a majority of voters in a referendum to be held with the 2020 general parliamentary election. These amendments were adopted by committee of the whole House. So, if the House reads the Bill a third time, voters will determine whether the Bill, if it becomes law, ever comes into force. (A current Government Bill, the [Referendums Framework Bill](#), proposes a single set of legislative provisions to govern the conduct of referendums held alongside the 2020 general election. In May 2019, the Government [announced](#) that New Zealanders will also be able in the 2020 general election to vote in a referendum on whether or not to legalise and regulate cannabis. Cabinet agreed there will be a simple Yes/No question based on a draft piece of legislation.)

The End of Life Choice Bill, as amended, was reported back to the House on 23 October 2019. The Bill was read a third time on 13 November, and got Royal assent on 16 November, 2019. As the commencement of the resulting [End of Life Choice Act 2019](#) depends on a referendum, the referendum will be held alongside the 2020 general parliamentary election.

## 2 Commencement

- (1) If a majority of electors voting in a referendum respond to the question in subsection (2) supporting this Act coming into force, this Act comes into force 12 months after the date on which the official result of that referendum is declared.
- (2) The wording of the question to be put to electors in a referendum for the purposes of subsection (1) is—  
“Do you support the End of Life Choice Act 2019 coming into force?”
- (3) The wording of the 2 options for which electors may vote in response to the question is—  
“Yes, I support the End of Life Choice Act 2019 coming into force.”  
“No, I do not support the End of Life Choice Act 2019 coming into force.”

In 2017, Victoria became the first Australian state to pass legislation allowing assisted suicide. The [Voluntary Assisted Dying Act 2017 \(Victoria\)](#) was assented to on 5 December 2017. The law gives anyone suffering a terminal illness, with less than six months to live, the right to end their life. The law had an 18-month implementation period, and came into effect on 19 June 2019.

The [Voluntary Assisted Dying Bill 2019](#) is currently before the Western Australia Legislative Council. It's a Government Bill, but members have a conscience vote on it.