



Making good law

This week the humble member's bill provided a fair bit of public entertainment.

One bill, to enable the advertising of lost luggage, caused some amusement.

Another, to allow digital annual reports, caused almost as much.

Yet another, to change contracting law, caused uproar among small business.

By giving MPs rather than Ministers the chance to generate legislation and with the randomness of a ballot, member bills often throw up highly individual concerns: the current list includes bills on military decorations, wheel clamping and animal rustling.

Some bills reflect particular communities' concerns - liberalising regulation of marriage celebrants for example, or allowing ceremonial Sikh swords.

Others reflect party concerns, like the relatively large number of Labour member's bills on education and employment relations.

The current crop of member bills on sexual and violent crime, methamphetamine and domestic violence hint at darker issues in New Zealand life.

Some bills on the current list would be quite confronting in public debate if pulled from the ballot, for example Damien O'Connor's medicinal cannabis bill, or David Seymour's end of life choice bill.

Many member's bills are sensible proposals that would improve existing law or remove redundant law.

Matt Doocey's bill to allow digital annual reports is an example of a modest rolling back of redundant regulation. Rather than cause for amusement, such bills are useful for the ongoing declutter of the legislative landscape.

Others on the list – such as Brett Hudson’s bill to standardise the age at which a young person may vote, drink alcohol or fight for their country, or Darroch Ball’s bill for youth employment – are thoughtful proposals for improving current law.

Among the colourful array of member bills are those which could have negative effects.

Hon David Parker’s bill to impose employment-style regulation on contracting, while motivated by good intentions, could have caused great problems for small business if passed.

When it was narrowly defeated this week after some fairly typical MMP horse-trading, it raised the issue of what protections there are against the passage of dysfunctional law.

New Zealand may have fewer protections than other developed countries.

Treasury does quality assurance on major regulatory proposals and the Productivity Commission does enquiries for regulatory reform, but New Zealand has no established methodology for evaluating legislation in general.

We do have requirements for regulatory impact analysis before the passage of law, but in practice these are often ignored. Rigorous cost-benefit analysis of bills practically never occurs.

The OECD* has identified this as a failing in the New Zealand context.

BusinessNZ has long advocated for some kind of quality assurance for new legislation, with a firm requirement to analyse the costs - and risks - of proposed bills.

It would be good to have this backup as part of the process of making better laws.

**OECD Regulatory Policy Outlook 2015*

Contact [Kirk Hope](#)