

PRACTICAL APPROACH ON THE PREPARATION OF INITIAL DRAFT

1. List out current issues and implication

- List out the issues concerning the subject matter.
- Please highlight the reasons for the concerns, their implications and the proposed solutions (if any).
- List out potential stakeholders.

(See Annex A – List of Areas of Concerns)

2. Benchmark

- Study how other jurisdictions, preferably Singapore, Malaysia or other Commonwealth countries, deal with the issues or the subject matter, that is either administratively or through the introduction of legislation.
- If legislation is proposed, compile the laws (softcopy and hardcopy) of those jurisdictions (countries) that have been identified to be used as reference.

3. Study the benchmark

- Read, study and understand each provision and relate to the issues to be tackled and consider whether it is desirable for public interest.

4. Preparation of initial draft

- Initial draft does not need to be perfect as long as all relevant provisions are there.
- Relevant provision means the provisions that have basis or reasons to be incorporated in the draft.
- If uncertainty arises with respect to the relevancy of the provision, this can be highlighted in the draft itself in the form of a *footnote*.

5. Table of Comparative Legislation

- Table of Comparative Legislation can be prepared at the same time when the initial draft is being prepared.
- This Table will be very helpful to assist the Ministry and also the Attorney General's Chambers to understand the source of the provisions proposed.

(See Annex B – TABLE ABLE OF COMPARATIVE LEGISLATION)

6. Internal Discussions

- Discussions among stakeholders within your organisation is encouraged to check and test the acceptance of the initial draft as a document to reflect the government policy.

7. Approval-in-principle of Director and Ministry

- Approval-in-principle from the Director and the Ministry concerned to be acquired to endorse the initial draft.

8. Collaboration

- Discussions among stakeholders, if any, outside your organisation, is also encouraged. This ensures their cooperation in the enforcement of legislation in the future and their interest is not affected.

9. Approval-in-principle of Ministry of Finance

- Approval-in-principle from the Ministry of Finance is to be acquired if the initial draft contains any financial provision that involves financial commitment on the part of the Government.

10. Submission of initial draft to the Attorney General's Chambers

- The initial draft can now be submitted to the Attorney General's Chambers for consideration and perusal. The correspondence submitted must annex the following documents –
 - i) *Annex A* as mentioned in paragraph 1;
 - ii) *Annex B* as mentioned in paragraph 5; and
 - iii) Other supporting documents.

LIST OF AREAS OF CONCERN

1. *Currently, the Ministry/Department is facing various issues relating to the [name of the subject matter].....*

2. *The Ministry/Department has referred to the laws of [name of the law referred to] which may be suitable because....*

3. *The other agencies which will be involved include....*

4. *The Ministry has no objection for the Department to submit this draft to the Attorney General's Chambers.*

5. *.....*

6. *.....*

ANNEX B

TABLE OF COMPARATIVE LEGISLATION

section	[Name of proposed draft legislation]	section	Legislation based [benchmark]	Reason for departure from benchmark
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