

Open Government Partnership New Zealand

National Action Plan 2018-2020

Progress report for: October 2018 – January 2019

Commitment 4: Making New Zealand's secondary legislation readily accessible

Lead agency: Parliamentary Counsel Office

Objective: To make New Zealand's secondary legislation readily-accessible¹.

Ambition: This commitment will continue the work that was started in the National Action Plan 2016-2018. The Parliamentary Counsel Office will work with the makers of secondary legislation to gather information about their secondary legislation and make it available on the New Zealand Legislation website (<http://www.legislation.govt.nz/>).

As a first step, New Zealanders will be able to access a complete list (and related information) of current secondary legislation, including where the full text can be found.

OGP values: Transparency, Technology, and Innovation

Milestones		Progress
1	Compile a complete list of makers of secondary legislation <i>Start/End dates: 2018-2020</i>	
2	Engage with makers of secondary legislation to: <ul style="list-style-type: none">encourage them to create a list of their current in-force secondary legislation in preparation for the commencement of the Legislation Bill's "list duty"advise them of additional information about their secondary legislation that will be required to accompany the listencourage them to make their current in-force legislation publicly available on a website <i>Start/End dates: 2018-2020</i>	
3	Creation of technology and processes to enable lodgement and publication of information on the New Zealand Legislation website ² <i>Start/End dates: 2018-2020</i>	

Progress key:



some delays



underway



completed

¹ Local authorities and council-controlled organisations are out of scope.

² Note: the compilation of a complete list of makers is dependent on the enactment and commencement of the Secondary Legislation (Access) Bill. The engagement with makers can only move to a requirement for agencies to supply a "list" of legislation to PCO when the Legislation Bill has been enacted and commenced, but engagement will continue beyond the scope of this commitment. The creation of technology and processes will continue to support lodgement and publication will only be required if the Legislation Bill is enacted and commenced.

WHAT WE HAVE BEEN DOING

- In the National Action Plan 2016-2018, we focussed on defining the category of secondary legislation.
- Before we could begin to make secondary legislation accessible on the New Zealand Legislation website, we needed to legally define secondary legislation. To do this, the New Zealand Parliament needed to pass a new Legislation Act³. It also needed to make lots of amendments to other Acts (primary legislation) that have provisions that delegate legislation making powers to people or bodies outside of Parliament (eg, the Governor-General, Ministers, boards, statutory bodies, Crown entities). We call those provisions "empowering provisions" and we call the responsible bodies "makers"⁴. The new Act and changes to empowering provisions will work together to impose duties on makers of secondary legislation to make their secondary legislation available on the New Zealand Legislation website.
- We have already completed an enormous amount of research and have been working closely with government departments who are responsible for administering Acts. A lot of this work started under the National Action Plan 2016-2018, and this new commitment continues that work.
- Progress is being made on the drafting of the Secondary Legislation (Access) Bill. It is a huge undertaking that involves in-depth consultation with all of the administering agencies. Approximately 2370 legislative empowering provisions exist in legislation and we estimate that we will need about 3700 amendments to make all of the changes that we need to make to empowering provisions.
- We ran a series of agency-engagement workshops in November/December 2018 to:
 - inform agencies of progress to date
 - consult on the high-level business requirements for the new lodgement portal
 - gauge agencies' readiness to fulfil their "list duty" obligation.
- We have produced business requirements for changes to the New Zealand Legislation website and also for the lodgement portal.
- We have established a reference group consisting of 11 representatives from Government departments, Crown entities, and statutory bodies who are makers of

³ Legislation Bill <http://www.legislation.govt.nz/bill/government/2017/0275/latest/whole.html#DLM7298133>

⁴ See clause 5 of the Legislation Bill, <http://www.legislation.govt.nz/bill/government/2017/0275/latest/DLM7298133.html>

secondary legislation. This advisory group was formed to provide feedback on support materials that we are creating for the transition to “list duty” for makers of secondary legislation.

HOW WE ARE INCLUDING DIVERSE VOICES

- The project is focussed on making secondary legislation accessible to all New Zealanders via the New Zealand Legislation website (<http://legislation.govt.nz/>).

HOW WE ARE KEEPING DIVERSE COMMUNITIES INFORMED

- Information about the project is available on our corporate website (<http://www.pco.govt.nz/access-project/>). We have tried to provide the information in a way that is accessible to more users, particularly people who may not have a good understanding of legislation.
- We have created a set of FAQs that we are in the process of updating after receiving feedback from attendees at our series of workshops (<http://www.pco.govt.nz/access-project-faqs/>).
- We have created a project overview document to help to explain the project.

WHAT'S NEXT?

- Run more engagement workshops with makers and extend to include more non-departmental makers of legislation.
- Continue consultation on and drafting of the Secondary Legislation (Access) Bill.
- We will be starting the design and development of the technology for the lodgement portal.
- We will progress work on our service delivery model, which includes service to makers of secondary legislation and how the new work will be incorporated into PCO business as usual.

LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

- nnnn (add hyperlink)
- nnnn (add hyperlink)

