

Open Government Partnership New Zealand

National Action Plan 2018-2020

Progress report for: May 2019 – June 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 list encourage 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

- The Legislation Bill legally defines the category of secondary legislation in principle. The Secondary Legislation (Access) Bill proposes amendments to over 2000 provisions that exist in Acts, which will determine, definitively for the first time in New Zealand, law that falls into the category of secondary legislation.
- The amendments to other Acts are to provisions that delegate (secondary) 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”.
- PCO has continued consulting the 32 government agencies who are responsible for administering the affected Acts. All agencies have had to commit legal and policy resources to this work over a long time period and we have had really good engagement from all involved. The commitment from agencies has meant that we have been able to complete the drafting of approximately 65% of the required amendments.
- We still have a large amount of work to complete, but we are planning to seek approval from Cabinet for introduction of the Secondary Legislation (Access) Bill by the end of 2019.
- We are making good progress on the compilation of the list of makers of secondary legislation, which is based on the amendments contained in the Secondary Legislation (Access) Bill. So far we have completed identifying the makers of legislation administered by 20 agencies. We have identified 80 makers to date and we estimate that there will be well over 100 makers when we have completed the work.
- We have started to engage more directly with makers of secondary legislation after receiving permission from Cabinet to circulate drafts of the Secondary Legislation (Access) Bill to makers of secondary legislation. Our first meeting that included makers consisted of representatives from an agency responsible for an Act and representatives from the 14 makers delegated under that Act. We think that the consultation went well with makers gaining a much better understanding of the legislative changes. We also learnt from that consultation and have started planning additional workshops with more agencies and makers.
- We are planning to make some changes to the New Zealand legislation website. The major change will be to list secondary legislation drafted by the PCO under the relevant empowering provisions. This is something that we were planning to deliver later in the project, but we have decided to deliver this earlier because it delivers the benefit of improving access to secondary legislation on our website.

- Our Reference Group has continued to be a valuable sounding board and guiding coalition for us. They have assisted us by providing feedback on support material for makers and also providing advice on how to engage with the diverse group of makers as the legislation progresses.

HOW WE ARE INCLUDING DIVERSE VOICES

- All departments and makers of secondary legislation represent many different groups within New Zealand society. They are being involved throughout the project and will be able to comment on the legislation as part of normal Parliamentary process (eg select committee stage).
- The project is ultimately focused 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 provided the information in a way that is accessible to more users, particularly people who may not have a good understanding of legislation. The information being constantly reviewed and updated, as we learn from those with whom we are engaging.
- We have created a set of FAQs that we update as we receive feedback from attendees at our series of workshops (<http://www.pco.govt.nz/access-project-faqs/>).
- We have created a project overview document (<http://www.pco.govt.nz/access-project-at-a-glance/>).
- We have provided a technical update, written for legal and technical staff in government agencies who administer primary legislation and government and non-government entities who make secondary legislation (<http://www.pco.govt.nz/technical-update-2019-march/>).

WHAT'S NEXT?

- Plan more engagement workshops with makers of secondary legislation, focusing on including more non-departmental makers of legislation.
- Continue engagement and consultation on and drafting of the Secondary Legislation (Access) Bill and prepare for the Bill's introduction.

LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

- (<http://www.pco.govt.nz/access-project-at-a-glance/>).

- <http://www.pco.govt.nz/access-project/>