

Open Government Partnership New Zealand

National Action Plan 2018-2020

Progress report for: October 2019 – December 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 Bill proposes amendments to other Acts that will determine, definitively for the first time in New Zealand, law that falls into the category of secondary legislation.
- The amendments 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”.
- We have reached a major milestone with the Secondary Legislation Bill being introduced to Parliament on 10 December 2019.
- The Bill amends over 2,500 existing empowering provisions in more than 550 Acts. Each relevant empowering provision is amended to state that an instrument made under it is secondary legislation.
- The explanatory note to the Secondary Legislation Bill helps to provide more background to what we are setting out to achieve with the legislation:

<http://www.legislation.govt.nz/bill/government/2019/0199/latest/whole.html>

- The Bill has been referred to select committee and public submissions have been called for.
- For more information about the call for public submissions on the Secondary Legislation Bill see:
https://www.parliament.nz/en/pb/sc/make-a-submission/document/52SCRR_SCF_BILL_93428/secondary-legislation-bill
- For further information about the parliamentary select committee process in New Zealand see:
<https://www.parliament.nz/en/pb/sc/select-committee-faqs/>
- PCO will continue to involve the 32 government agencies who are responsible for administering the Acts that will be amended by the Bill.

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).
- We are ultimately aiming to 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/>).

WHAT'S NEXT?

- Focus on supporting the Secondary Legislation Bill as it progresses through Parliament.

LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

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