

# Open Government Partnership New Zealand

## National Action Plan 2018-2020

Progress report for: July 2019 – September 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-accessible<sup>1</sup>.

**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<br><i>Start/End dates: 2018-2020</i>                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| 2          | Engage with makers of secondary legislation to: <ul style="list-style-type: none"> <li>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"</li> <li>advise them of additional information about their secondary legislation that will be required to accompany the list</li> <li>encourage them to make their current in-force legislation publicly available on a website</li> </ul> <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 <sup>2</sup><br><i>Start/End dates: 2018-2020</i>                                                                                                                                                                                                                                                                                                                                              |  |

Progress key:



some delays



underway



completed

<sup>1</sup> Local authorities and council-controlled organisations are out of scope.

<sup>2</sup> 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. To date, the Secondary Legislation Bill proposes amendments to over 500 Acts, which 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”. The Bill proposes amendments to over 2000 provisions.
- PCO has continued consulting the 32 government agencies who are responsible for administering the affected principal 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 continued commitment from agencies has meant that we have been able to finalise the drafting of approximately 99% of the required amendments – ready for introduction to Parliament.
- We are planning to have the Secondary Legislation Bill ready for the Government to introduce by the end of 2019.
- We have continued to engage more directly with makers of secondary legislation using newsletters and some direct meetings with government agencies and their makers.
- We are continuing to progress work on the list of makers of secondary legislation.

## 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/>).

### 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/>