

Open Government Partnership New Zealand

National Action Plan 2018-2020

Progress report for: February 2019 – April 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

- We are continuing to progress the consultation on and drafting of the Secondary Legislation (Access) Bill and engagement with departments who are responsible for the administration of the affected legislation.
- The Legislation Bill legally defines the category of secondary legislation and the Secondary Legislation (Access) Bill proposes amendments to approximately 2370 provisions that exist in other Acts. The amendments to other Acts are to 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".
- We are currently planning for the introduction of the Secondary Legislation (Access) Bill.
- We have received permission from Cabinet for administering departments to circulate drafts of the Secondary Legislation (Access) Bill to all makers of secondary legislation. This is intended to improve engagement with makers by helping them to understand the legislative changes that will affect them.
- We are compiling a list of makers of secondary legislation based on the empowering provisions identified in the Secondary Legislation (Access) Bill. This is often not a straightforward task as the name of the maker is sometimes not stated in the provision itself. Identifying a list of makers will increase transparency around who has delegated responsibility for making secondary legislation (currently it would be difficult for users to find this information).
- We ran our first workshop with a department responsible for administering primary legislation and those makers who are responsible for making secondary legislation in that area. We intend to run more workshops to help to increase engagement with makers of secondary legislation, particularly those who are outside of central Government agencies.
- We have held a second meeting with our Reference Group (consisting of 11 representatives from Government departments, Crown entities, and statutory bodies who are 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/>).
- 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.
- We will be starting the procurement process for the technology for the lodgement portal to get a better understanding of the development effort and cost of the proposed portal.
- We will progress work on our service support model, which includes service to makers of secondary legislation and how the new work will be incorporated into PCO processes and activities.

LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

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