



YEAR END: Commitment 6 - Improving access to legislation

Date: March to June 2018

Lead agency: Parliamentary Counsel office (PCO)

To improve access to legislation by publishing all secondary legislation, regardless of who drafts it, on the New Zealand Legislation (NZL) website. The result will be a single, comprehensive, official, public source of all New Zealand's legislation.

Milestones		Stage
1	Consultation and engagement with all involved actors, including all government and regulatory agencies and Crown entities that produce secondary legislation <i>End date: Ongoing through project</i>	
2	Consideration for approval by Cabinet.	



underway



completed



some delays.

WHAT HAVE WE BEEN DOING?

- **New legislative framework:** There are 2 significant pieces of legislation that will together create the legislative framework, and make changes to existing legislation, that will enable this commitment to achieve its objectives. The Legislation Bill and the Secondary Legislation (Access) Bill.
- On 1 June 2018, the Legislation Bill was reported back to the House after consideration by the Justice Committee.
- **“List” duty:** The Justice Committee made some changes to the Legislation Bill. The most significant change was to create a duty on makers to provide a “list” of in-force secondary legislation to the Parliamentary Counsel Office (PCO). Makers of secondary legislation will also need to provide PCO with additional information about their secondary legislation, including a link to where the secondary legislation can be found. This duty was added to the Bill to ensure the early delivery of one of the key benefits of this commitment – identifying, for the first time, a definitive collection of secondary legislation and where it is can be found.
- Makers of legislation will have one year from the commencement of the new Legislation Bill to provide their “list” information to the PCO. This deadline may be extended by regulations to a maximum of 5 years.

- **Changes to existing legislation:** A large amount of legal research and engagement with government agencies was completed. This work was carried out to help to identify and clarify which provisions in Acts that agencies administer empower the making of secondary legislation.
- Now that those provisions have been identified, drafting of the Secondary Legislation (Access) Bill has begun. The Bill will amend each of the identified empowering provisions (in each Act) so that they clearly state what is secondary legislation. As a result, secondary legislation made under those provisions must be published on the NZ Legislation website and will be subject to oversight by Parliament’s Regulations Review Committee.
- **Agency engagement:** PCO has written to government agencies and non-departmental organisations to explain the effects of the new legislative framework and to let them know what they can do to prepare to meet their “list” obligations. We note that engagement across all affected agencies will continue beyond this commitment.
- Note that Cabinet has decided that legislation made by local authorities and council-controlled organisations is out of scope for this project. Cabinet has directed the Department of Internal Affairs to explore options for making legislation made by local authorities more accessible to users.
- **End-user research:** PCO has carried out end-user research to investigate whether people understand what secondary legislation is and how they currently find it and what their future expectations might be. This research has helped to inform the development of our technology and we are planning on further engagement as we continue to develop our systems.
- **Project will continue beyond current OGP:** As noted by the independent reviewer, this project will continue beyond the term of the current OGP Plan, and it is likely that it will take several years to achieve the ultimate objective of publishing secondary legislation on the NZ Legislation website.

HOW DID THIS COMMITMENT CONTRIBUTE TO OPEN GOVERNMENT?

- **Single authoritative source of official legislation:** PCO provides free public access to up-to-date legislation in open formats on the NZ Legislation website (www.legislation.govt.nz).
- The New Zealand Parliament has delegated the authority to make law to over 100 agencies, including government departments, Crown entities, and statutory bodies.
- Research has indicated that there are probably thousands of pieces of secondary legislation currently in force in NZ, but we don’t really know the number or where they can be found.
- By making secondary legislation accessible on the NZ Legislation website, we will be creating a single authoritative source for legislation. Easy access to a complete collection of official legislation can offer a platform to help improve governance and citizen engagement.
- **Re-usable and open source:** All Bills, Supplementary Order Papers, Acts of Parliament and Legislative Instruments (which will become secondary legislation) are available on the NZ Legislation website in re-usable formats (HTML and XML) as well as print format (PDF).

- The official version of the legislation is on the NZ Legislation website. But, because there is no copyright on NZ legislation, it can be re-published on other websites or in hard copy format.
- For example, commercial legal publishers re-use the legislation and make it available in their suite of products and services and other organisations (such as NZLII) take the legislation and make it available with other legal information and publications on their websites.
- By adding secondary legislation to the collection of official NZ legislation, we are providing an opportunity for others to create supplementary services and products.
- **Supporting other Government projects:** PCO have been assisting the Department of Internal Affairs' Service Innovation Team and the work that they have been doing on exploring legislation as code (digital rules).
- Creating a complete collection of New Zealand legislation is essential to support this work and similar projects across Government.

LINKS

- Access to Subordinate Legislation Project news
<http://www.pco.govt.nz/access-project-news/>