

Open Government Partnership New Zealand

National Action Plan 2018-2021

Progress report for: January 2021 – April 2021




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 continues work 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 via the New Zealand Legislation website (<http://www.legislation.govt.nz/>).

OGP values: Transparency, Technology, and Innovation

Milestones		Progress
1	Compile a complete list of makers of secondary legislation. <i>Start/End dates: 2018-2021</i>	
2	Engage with makers of secondary legislation to to: <ul style="list-style-type: none"> encourage them to identify all of their current in-force secondary legislation in preparation for the commencement of the Legislation Act 2019 encourage them to make their current in-force legislation publicly available on a website. <i>Start/End dates: 2018-2021</i>	
3	Enhancements to the New Zealand legislation website to improve access to secondary legislation by: <ul style="list-style-type: none"> providing links under relevant empowering provisions in Acts (primary legislation) to external makers of secondary legislation: making publication requirements easier for users to see by noting this information under the relevant empowering provisions. <i>Start/End dates: 2018-2021</i>	

Progress key:



some delays



underway



completed

¹ Local authorities and council-controlled organisations are out of scope.

WHAT WE HAVE BEEN DOING

- Primary legislation has been enacted to achieve the milestones under this commitment: the Legislation Act 2019 and the Secondary Legislation Act 2021.
- [Legislation Act 2019 No 58 \(as at 25 March 2021\), Public Act Contents – New Zealand Legislation](#)
- [Secondary Legislation Act 2021 No 7, Public Act Contents – New Zealand Legislation](#)
- The Legislation Act 2019 legally defines the category of secondary legislation in principle. The Secondary Legislation Act 2021 makes over 2,500 amendments to more than 550 Acts (primary legislation), determining, definitively for the first time in New Zealand, law that falls into the category of secondary legislation.
- The amendments in the Secondary Legislation Act 2021 are to provisions that delegate the power to make secondary legislation to various people or bodies within, the public sector (eg, the Department of Internal Affairs, Commerce Commission or Electricity Authority), and outside the state sector, to community or professional boards and councils such as the Dental Council or the NZ Racing Board).
- The Secondary Legislation Act 2021 was enacted on 24 March 2021. Commencement is scheduled for later in the year.
- Implementing the initial reforms will deliver the following benefits:
 - resolving the current ambiguity about what secondary legislation is;
 - improving public access to secondary legislation that is made by both government and non-government entities;
 - clarifying what secondary legislation is subject to Parliamentary oversight through the Parliamentary disallowance process; and
 - improving Parliamentary scrutiny of secondary legislation.
- On commencement of the legislative reforms, makers of secondary legislation will be required to continue to make their secondary legislation available in accordance with their existing publication requirements.
- Currently, publication requirements are diverse and scattered across the statute book and it is unclear what the rules are about Parliamentary scrutiny (ie disallowance and presentation) that apply to different types of secondary legislation.
- PCO will make this information available to users on the New Zealand legislation website under the relevant provisions in primary legislation. PCO have almost

completed this work. The notes will be visible in primary legislation as it is reprinted from the commencement of the Secondary Legislation Act 2021.

HOW WE ARE INCLUDING DIVERSE VOICES

- Makers of secondary legislation represent different groups across New Zealand society. Makers have been involved since the start of the work on the legislative reforms and were able to comment on the legislation as part of the Parliamentary process.
- We are ultimately aiming to make 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/sl/>
- As we move to commencement and implementation of the reforms, agencies and makers responsible for secondary legislation will be encouraged to keep their diverse communities informed.

WHAT'S NEXT?

- Continue the work of encouraging makers of secondary legislation to make sure that they find all of their current in-force secondary legislation and make it publicly available and keep it up-to-date on their websites.

LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

- <http://www.pco.govt.nz/sl/>
- <http://www.legislation.govt.nz/act/public/2019/0058/latest/DLM7298125.html?src=qs>
- [Secondary legislation reforms at a glance | Parliamentary Counsel Office \(pco.govt.nz\)](#)