

Strategic Intentions

*Parliamentary Counsel Office
Te Tari Tohutohu Pāremata*

*for the period 1 July 2014
to 30 June 2019*



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Ministerial statement of responsibility

I am satisfied that the information on strategic intentions prepared by the Parliamentary Counsel Office is consistent with the policies and performance expectations of the Government.



Hon Christopher Finlayson
Attorney-General

Date: 8 October 2014

Introduction from the Chief Parliamentary Counsel

Over the course of the period covered by this Strategic Intentions document (SI), the Parliamentary Counsel Office (PCO) will continue to deliver its two outputs of Law Drafting and Access to Legislation so that we are able to deliver the Government’s legislation programme and ensure that all current legislation is readily and freely accessible to the public. The PCO delivers some core services to the Government, Parliament, the Judiciary, and the public. Consequently, we do not expect fundamental changes to what we deliver and the way we deliver those services over the period. However, the PCO continuously looks for ways to enhance these services and to contain or reduce our costs, with particular focus on the following areas.

Statute law revision

The first three-yearly programme of statute law revision, required under the Legislation Act 2012, will be proposed in time for the 51st Parliament. See page 13.

Disclosure statements

The PCO intends to extend the disclosure statements website (disclosure.legislation.govt.nz) to include regulatory disclosure statements for disallowable instruments (see page 15).

Legislative drafting process

The PCO will work closely with the instructing departments and the Cabinet Office to deliver the Government’s primary and secondary legislation programmes.

The PCO will continue contributing to training and seminar programmes for instructing departments (see page 18) and will also participate in seminars provided by the Legislation Advisory Committee.

Pacific Island support

With continuing funding assistance from the Ministry of Foreign Affairs and Trade Aid Programme, the PCO will continue the Pacific Island law drafting “desk” which provides drafting assistance, training, and mentoring to legislative drafting officials (see page 14).

New Zealand Legislation website

The PCO will continue to enhance access to New Zealand statute law. This may be through deepening the content and/or broadening the coverage available through the New Zealand Legislation website (NZL website, legislation.govt.nz) (see page 15). The first stage in this process over the next five-year period is a consultation stage where representatives of key users of the website will be consulted to inform the PCO of where best to invest our resources in further developing the website and its content.

Performance Improvement Framework

The PCO will develop a plan to address matters raised in the formal Performance Improvement Framework (PIF) review, which took place in 2014. See page 19.

Risk management

The PCO will continue to closely manage its major risks (see page 16).

Fiscal position

It is important that the PCO makes the most efficient and effective use of its resources and, where possible, identifies savings that can be reallocated to fund PCO and Government priorities including the Government’s legislation programme, the three-yearly statute law revision programmes, and the drafting of procedural rules of Court (arising from the Rules Committee).

Summary

This document sets out the strategic objectives the PCO intends to achieve or contribute to over the next five years. Delivering this programme of substantial work (which covers two new parliamentary terms) will no doubt present us with a significant challenge. I have every confidence that the drive, determination, and professionalism of the PCO’s people will ensure that we will meet this challenge over the period of this SI and continue to produce well-drafted and readily accessible legislation for New Zealand.

Chief Parliamentary Counsel statement of responsibility

In signing this statement, I acknowledge that I am responsible for the information on strategic intentions for the Parliamentary Counsel Office. This information has been prepared in accordance with sections 38 and 40 of the Public Finance Act 1989.

Signed



David Noble
Chief Parliamentary Counsel
Date: 7 October 2014

Countersigned



Noel Lee
Corporate Services Manager
Date: 7 October 2014

NATURE AND SCOPE OF FUNCTIONS

The PCO is constituted as a separate statutory office by the Legislation Act 2012 (the 2012 Act). The PCO is under the control of the Attorney-General or, if there is no Attorney-General, the Prime Minister.

The PCO is not part of the Public Service under the State Sector Act 1988, and thus is not under the direct control of the State Services Commissioner. However, the PCO is subject to certain provisions of the State Sector Act 1988, including those that relate to the setting and enforcement of minimum standards of integrity and conduct.

Vision

To be a leading drafting and publishing office within the Commonwealth.

Mission

To provide impartial, high quality legislative drafting services and advice, and to enable easy and free access to the laws of New Zealand.

PCO outputs

The PCO's multi-category appropriation consists of two distinct but complimentary outputs—Law Drafting Services and Access to Legislation—that deliver different parts of the same service to the Government and Parliament and the wider New Zealand public.

The nature and scope of the functions performed by these outputs are set out below.

Law Drafting Services

Under the 2012 Act, the PCO is responsible for the drafting of Government Bills and Legislative Instruments. This includes drafting amendments to Bills required by select committees and by Ministers at the committee of the whole House stage. Bills, but not Legislative Instruments, administered by the Inland Revenue Department (IRD) are drafted by that department.

The PCO is also responsible for developing three-yearly statute law revision programmes in time for each new Parliament.

The PCO also provides advice on the drafting of disallowable instruments that are not drafted by the PCO. The 2012 Act provides for the disallowance of certain

instruments made under enactments. All legislative instruments stand referred to the Regulations Review Committee and must be presented to the House for scrutiny by that committee. The PCO arranges this without the involvement of the instructing department or agency.

The law-drafting services provided by the PCO are part of the process of implementing new policy or changes to policy through the enactment of legislation. We are initially involved with new legislation during the development of the Government's legislation programme, which establishes the priorities for development of the policy for, and drafting of, proposed legislation.

We work closely with the Legislation Coordinator, a Cabinet Office staff member, who plays a central role in this process.

The PCO also examines and reports on local Bills and private Bills. This involves providing drafting advice and assistance (including the preparation of draft Bills) to the promoters of the Bills and their legal advisers. We also examine and draft Members' Bills if directed to do so by the Attorney-General.

The PCO, with funding from the Ministry of Foreign Affairs and Trade (MFAT) Aid Programme, provides legislative drafting assistance, training, and mentoring to officials responsible for drafting legislation in Pacific Island nations.

Access to legislation

Under the 2012 Act, the PCO is also responsible for supplying copies of Bills and Supplementary Order Papers (SOPs) to the House, and for the publishing and sale of Acts of Parliament (including reprinted Acts), legislative instruments (including reprinted legislative instruments), and reprints of Imperial enactments and Imperial subordinate legislation. The New Zealand Legislation (NZL) system is a complete drafting and publishing system. The drafting system is also available to the Office of the Clerk and Inland Revenue Department drafting staff. The system enables the PCO to provide public access to up-to-date official legislation in printed form, and in electronic form on the NZL website at www.legislation.govt.nz. The PCO will ensure that New Zealand legislation (including Bills and SOPs) continues to be readily accessible to the public in a timely manner and in an accurate and authoritative form. It is fundamental to the effective operation of the rule of law in a democracy that the people governed by the law have access to the rules by which they are

governed. Continual maintenance and development of the system that is used to draft and publish New Zealand legislation will ensure that better access is provided.

The PCO also provides a website, on a trial basis, that publishes disclosure statements (these are departmental documents that provide information about the development and content of legislation proposed by the Government; they seek to assist the parliamentary and public scrutiny of a Bill or SOP).

Disclosure statements are provided on this website for all Government Bills (with limited exceptions) and substantive SOPs introduced or released since 29 July 2013. See also page 15.

STRATEGIC OBJECTIVES

The PCO is a non-Public Service department dedicated to drafting and publishing legislation.

The PCO's strategic objectives are to provide:

- high-quality legislative drafting services; and
- ready access to New Zealand legislation.

To achieve those strategic objectives, the PCO's goals in the short-to-medium term are:

- (1) to provide professional excellence in drafting legislation and maintaining effective external relationships, and
- (2) to provide easy and free access to legislation.

The PCO will achieve the first goal by:

- maintaining capability through appropriate succession planning
- training and development in drafting of legislation
- providing training and seminar programmes to instructing departments
- enhancing the provision of legislative drafting assistance, training, and mentoring to Pacific Island nations
- developing and delivering triennial programmes of statute law revision.

The PCO will achieve the second goal by:

- working with representatives of key users of the NZL website to enhance access to the legislation and other information made available through the NZL website and its associated websites
- collaborating with other agencies to provide a trusted central source of authoritative and official New Zealand legislation.

Our legislative drafting work programme is determined by the Government, the various government agencies that provide us with drafting instructions (instructing departments), and the demands made by select committees of Parliament.

The PCO seeks to contribute to parliamentary democracy under the rule of law by supporting Parliament and the executive in their law-making roles and contributing to the Government's objectives by ensuring that draft and enacted legislation:

- necessary to change the law to implement Government policies is effective, clear, and consistent with other legislation, the general law, and international law
- is accessible to the public, and that copies of Bills and Supplementary Order Papers are provided to the House
- is published authoritatively and with official status when enacted.

In New Zealand, parliamentary democracy based on the rule of law is the outcome of a number of different factors and influences. The institutions of Parliament, the Government (or executive), and an independent judiciary existing within the framework of New Zealand’s constitutional law and conventions are central to that outcome. So too are respect for and adherence to the rule of law in its widest sense. The drafting of New Zealand’s laws and making those laws accessible to citizens contribute to that outcome.

In a parliamentary democracy committed to upholding the rule of law, it is imperative that legislation enacted by Parliament, and made under delegated powers by the executive, reflects the fundamental concepts inherent in the rule of law, is based on legal principle, is effective and clear, and is accessible to those to whom it applies.

A cornerstone of effective parliamentary democracy under the rule of law is that for citizens to comply with the law they must know what the law is and have ready access to it.

MANAGING FUNCTIONS AND OPERATIONS

The framework for the PCO's future functions and operations continues to be provided by our two strategic objectives:

- high-quality legislative drafting services; and
- ready access to New Zealand legislation.

High-quality legislative drafting services

The PCO will seek to provide high-quality legislative drafting services by:

- delivering the Government's legislation programme through the drafting of Government Bills, Legislative Instruments, and SOPs
- providing legislative drafting that is consistent, high quality, clear, and easy to understand, which will result in a better quality end product for all New Zealanders
- making efficient use of existing resources
- training and developing our staff in good drafting practice
- continuing to apply quality assurance processes.

The PCO plans to manage its legislative drafting services, functions, and operations to achieve its strategic intentions as follows:

Legislative drafting process

The PCO will continue work on training and seminar programmes designed to enhance the relationship between the PCO and instructing departments, so that each party has a clear understanding of what is required before drafting of legislation begins. The PCO will also continue to support and contribute to seminars run by the Legislation Advisory Committee. A series of secondments to instructing departments will also give PCO drafters a better appreciation of departments' requirements. The office will also continue to keep under review and further implement our clear drafting commitment. These initiatives will contribute to the efficiency and effectiveness of our drafting.

Statute law revision

The last comprehensive revision of the statute book took place in 1908. The 2012 Act requires the PCO to improve access to old, archaically expressed, and much-amended laws through the establishment of a three-yearly programme of statute revision. The PCO will propose the first three-yearly programme of statute law revision

to the Attorney-General and relevant government agencies in time for the 51st Parliament. The draft revision programme will set out the proposed revision projects and those Bills expected to be enacted during that three-year period. The Chief Parliamentary Counsel will also seek to improve the quality and accessibility of the statute book by use of the powers under section 24 of the 2012 Act, including the power to renumber Acts and Legislative Instruments that have become cumbersome in their numbering order.

Pacific Island support

With funding assistance from the Ministry of Foreign Affairs and Trade Aid Programme, currently available until 31 March 2015, the PCO's Pacific Island "desk" will continue to provide legislative drafting assistance, training, and mentoring to officials responsible for drafting legislation in Pacific Island nations. The assistance is currently focused on the Cook Islands and Niue but will also include assistance to other Pacific Island nations as resources permit, and to agencies that provide assistance to Pacific Island nations (eg supporting the United Nations Development Programme's work in Fiji). The PCO is committed to securing or providing funding for this programme beyond 31 March 2015 to ensure that it continues to meet the proven demand for this service into the longer term.

Ongoing training for PCO drafters

The PCO will continue to enhance the training it provides for drafters when they first begin working at the PCO as well as the ongoing training it provides to existing drafters. The continuing professional development requirement of the New Zealand Law Society will also ensure that training is a priority for the PCO drafters.

Quality assurance processes

The high quality of legislation drafted by the PCO will continue to be maintained and checked by ensuring that it is all subject to our proof reading and peer review processes. Further work will also take place during this five-year period to ensure that we are delivering our commitment to plain language drafting.

Ready access to New Zealand legislation

The PCO will seek to provide ready access to legislation through:

- free public access to a website that displays all current New Zealand Acts, Legislative Instruments, Bills, and SOPs.

The PCO plans to manage its access to legislation functions and operations to achieve its strategic intentions as follows:

NZL website

The PCO intends to enhance access to New Zealand’s legislation through consulting with representatives of key users of the legislation and other information provided through the NZL website and its associated databases. The consultation will explore ideas to enhance the information available to New Zealanders through the NZL website by investigating whether deepening and/or broadening the content is desirable and feasible. This may take the form of adding to the collection and broadening the coverage of the website to provide access to other legislation and information about that legislation.

The PCO will also ensure that the NZL website remains the authoritative digital source of legislation by exhorting government agencies to link to official legislation on the NZL website, rather than republishing versions of legislation on their own websites. The consolidation of legislation onto one government website that is official and authoritative will remove the fragmentation and duplication of legislation and ensure that users are accessing the current version of legislation or an earlier version as required by them. It will also increase familiarity with the concept that “legislation.govt.nz” should be the first place for users of legislation to go to access authoritative and official New Zealand legislation.

The PCO has established a website external users group to assist with continually improving access to legislation. This group has an advisory role in providing PCO with advice and suggestions for further development of the databases accessible from the website from the group members’ diverse perspectives. The PCO will take account of the group’s advice when designing and developing changes and additions to the NZL website and its underlying and associated databases.

The PCO intends to enhance the experience of users of the NZL website when they access legislation via a mobile device, and will continue to enhance the availability of electronic notifications that alerts them when a new publication is available on the website.

Disclosure statements

As already noted, disclosure statements are published by the PCO to disclosure.legislation.govt.nz, a website separate from the NZL website, as part of

an administrative trial that is being run by the Treasury. Disclosure statements are provided on the website for all Government Bills and substantive SOPs introduced or released since 29 July 2013.

It is intended to extend the disclosure statements website to include regulatory disclosure statements for disallowable instruments as provided for in the Legislation Amendment Bill, which was introduced into the House on 20 May 2014.

Equal employment opportunities (EEO) _____

EEO has been incorporated into a number of policies and processes to ensure consistency and to ensure that EEO is integrated into everyday business. An example of PCO’s commitment to increasing female representation at senior levels is that 50% of its managers are female and all its Audit and Risk Committee members are female. We will continue to meet our responsibilities as an EEO employer and will seek to improve representation of under-represented groups within PCO and its governance.

Risk management framework _____

The PCO has an independently chaired Audit and Risk Committee, which establishes a work programme each year covering all major aspects of the business. The committee consists of the chair, one other external independent member, and one internal member. The role of the committee is to provide independent advice and assurance to the Chief Parliamentary Counsel, as chief executive, on PCO risk, control, and compliance frameworks. The meetings are also attended by representatives from Audit New Zealand and on occasion the Office of the Auditor-General.

A risk management framework and methodology operates in the PCO. Quarterly updates and reporting are carried out throughout the organisation. This process is an important part of managing the risks that could impede or prevent achievement of our objectives. The PCO has identified a single generic business/legal risk, three major financial risks, and five capability risks and challenges that may affect the PCO’s ability to deliver its strategy and meet its mission. The PCO’s responses to these are set out below.

Mission/legal/business risk

To deliver part of its mission (high quality draft legislation), the PCO requires high quality instructions and timely decisions on legislative options from government agencies and responsible Ministers, and the required time to deliver well-structured and peer-reviewed drafts. In delivering this aspect of the PCO’s mission and specific objectives it is dependent upon delivery of those high quality and timely instructions and decisions.

The PCO manages this risk in part by contributing to the Government Legal Network-managed process of identifying Crown legal risk. This involves notifying the Attorney-General (and Solicitor-General) where failures to meet those requirements expose the Crown to significant and avoidable legal risk when Cabinet Committees are asked to consider draft legislation for introduction to the House of Representatives. The PCO also works closely with the Leader of the House and his staff in managing the programming of Government legislation in and through the House.

Major financial risks

- (1) Three-yearly statute law revision programme (see page 13): the size of the initial revision programme will depend upon the availability of funding and resources in the PCO and administering departments and the amount of House time dedicated to the consideration of revision Bills.
- (2) Provision of Pacific Island support (see page 14): the PCO will investigate the feasibility of continuing this activity when the current funding arrangement ends in March 2015, either with the assistance of funding from the Ministry of Foreign Affairs and Trade Aid Programme or from the PCO’s existing appropriation.
- (3) The NZL system (see page 9): new contractual arrangements commenced in the 2013/14 year that reduced the PCO’s previous dependence on a single provider and are reducing the cost of running the system. While an external (all-of-government) service provider continues to host the software, the PCO has taken over responsibility for the daily maintenance and operation of the system; enhancements are being contracted out to a panel of IT developers; and integration is also being carried out by an external provider. There are more participants in the NZL system environment but the PCO continues to use its developed risk management processes to identify and manage risks associated with this system.

Capability risks and challenges

- (1) A capability risk and challenge relates to ensuring the PCO has the required skilled staff and managers to operate effectively. The PCO recruits parliamentary counsel from both within New Zealand and overseas, and with a range of experience levels, to ensure it has the quantity and quality of staff to undertake its functions. The PCO is also aware of succession planning issues and has in place professional and management development programmes to ensure that, where necessary, potential candidates for positions can be identified and developed from within the PCO.
- (2) A continuing capability challenge relates to maintaining relevant and appropriate roles and staffing levels within the PCO to achieve its strategic objectives. These are kept under review to ensure that the functions set out in the Legislation Act 2012 are delivered.
- (3) An omnipresent risk is the inability of the PCO to operate in the event of an emergency. The PCO has a business continuity plan and system in operation throughout the organisation, which is tested and updated on an ongoing basis. The PCO is in the final stages of implementing a disaster recovery plan for the PCO's information systems. The PCO has also contributed to the development of the arrangements for the emergency relocation of Parliament and Executive Government, led by Parliamentary Service but involving all other Parliamentary Precinct agencies.
- (4) An ongoing risk relates to coping with tight deadlines, heavy workloads, or changing legislative drafting priorities. To manage this challenge, the PCO will continue to work with Ministers, instructing agencies and the Cabinet Office when they are developing their legislative priorities and timetables as part of the legislative programme and subsequent additions and modifications to it during the year.
- (5) The final risk relates to the need to improve the quality of legislation and to make the drafting process more efficient (within an increasingly time-restricted environment). Work is continuing on providing training and seminar programmes that are designed to enhance the relationship between the PCO and instructing departments. Secondments to instructing departments will

also continue as resources allow. The PCO expects these initiatives, together with further engagement with the Government Legal Network, will improve the quality of instructions to draft legislation and the efficiency of the drafting process.

Performance Improvement Framework

The PCO’s formal Performance Improvement Framework (PIF) review took place in 2014. Its purpose is to review the PCO’s capability, performance, and ability to deliver on Government priorities, its core business, and a range of organisational management elements. The review report, when published later in 2014, will indicate what the PCO does well and what, if any, elements of its business operation it needs to work on to become more effective in the future. The PCO will develop a plan to address those matters as part of its response to the review.

Capital expenditure and asset management intentions

The NZL system is a complete drafting, publishing, and reprinting system. The delivery of the PCO’s outputs is highly dependent on the effective performance of this key asset, as the majority of the PCO’s capital expenditure relates to a programme of ongoing improvements to the NZL system. Over the next five years, the PCO intends to achieve a number of milestones relating to deepening the content and broadening the coverage of the NZL website as detailed on page 15.

The other area of significant capital expenditure over the term of this SI relates to leasehold improvements. The PCO will negotiate a new lease and then carry out a refurbishment of its accommodation with the Reserve Bank to address earthquake risks from the existing fit-out and to make better and more efficient use of the office space.

The PCO’s forecast capital expenditure for the full period covered by this SI is shown in the following table.

Asset type	2014/15 \$000	2015/16 \$000	2016/17 \$000	2017/18 \$000	2018/19 \$000
Computer equipment (hardware)	250	100	250	250	250
NZL system	2,500	2,230	2,500	2,500	2,500
Furniture	10	100	10	10	10
Leasehold improvements	50	380	50	50	50
Office equipment	20	20	20	60	20
Total	2,830	2,830	2,830	2,870	2,830

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