



PARLIAMENTARY  
COUNSEL OFFICE

TE TARI TOHUTOHU  
PĀREMATA

# Strategic Intentions

for the period

1 July 2017 to 30 June 2021

■ 2017  
to 2021

Strategic Intentions of the  
Parliamentary Counsel Office  
for the period 1 July 2017  
to 30 June 2021

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## 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:



Fiona Leonard  
Chief Parliamentary Counsel

## 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.

Signed:



Hon David Parker  
Attorney-General

## Introduction from the Chief Parliamentary Counsel

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Over the four years 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. We will draft the Government's legislation programme and ensure that current legislation is readily accessible to the public.

This document sets out the strategic objectives the PCO intends to achieve, or contribute to, over the next four years. The key strategic challenges and opportunities include ensuring that we are actively positioned to meet the future needs of the users of our services.

The main focus is our role as steward of New Zealand's legislation. While we are one of the many contributors to the legislative system, given our expertise and purpose, we play an important leadership role.

As a legislative steward, the PCO has identified a number of initiatives that will ensure legislation is accessible, fit for purpose, and constitutionally sound. We plan to continue to consult with the other participants in the legislative system to arrive at a shared view and commitment for the stewardship of New Zealand's laws and on how together we best deliver on that obligation.

Other areas of focus for the organisation are enhancing the support provided to Pacific Island nations and to the Legislation Design and Advisory Committee (LDAC).

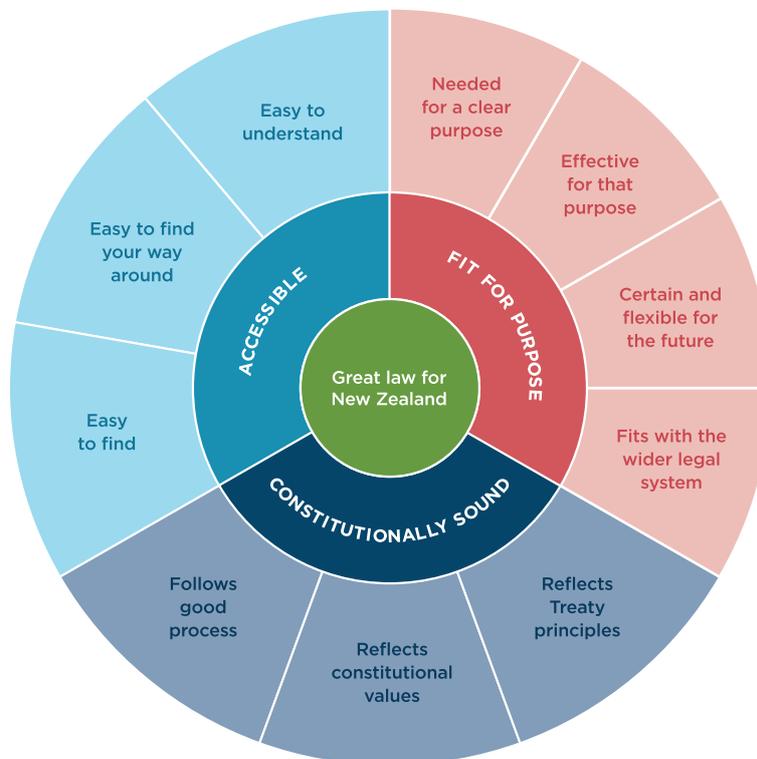
Our strategic challenge is to ensure that we have the capability and capacity, and the technical systems, to deliver high-quality legislation that is accessible to all users.

## 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 so is not under the direct control of the State Services Commissioner. However, the PCO is subject to section 57 of the State Sector Act 1988, which relates to the setting and enforcement of minimum standards of integrity and conduct.

The PCO has recently revised its vision statement to “Great Law for New Zealand”. Great law must be fit for purpose, constitutionally sound, and accessible.



## PCO outputs

The PCO’s multi-category appropriation consists of two distinct but complementary outputs—Law Drafting Services and Access to Legislation—that deliver different parts of the same service to the Government and Parliament and to the wider New Zealand public. The PCO will continue to deliver these two outputs so that we can deliver the Government’s legislation programme and ensure that legislation is available to the public.

The nature and scope of the functions relating to these outputs are set out on the following pages.

## Law Drafting Services

Under the 2012 Act, the PCO is responsible for drafting 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 for the Attorney-General to present to each new Parliament. The purpose of revision is to make New Zealand's Acts easier to read and understand by rationalising Acts and sections within them, removing inconsistencies and overlaps, repealing obsolete and redundant provisions, and modernising expression, style, and format. The substantive law is not changed.

Over the next four years, the PCO will work to ensure the revision process is effective. For example, during the drafting and passing of the first revision Bill, we identified small improvements to the process that will be made through the Legislation Bill (currently before the House).

The PCO will also work collaboratively with departments to assist departmental chief executives to carry out their legislative stewardship responsibilities under section 32 of the State Sector Act 1988.

The PCO 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 are referred to the Regulations Review Committee and must be presented to the House for scrutiny by that committee. The PCO provides copies of all Legislative Instruments to the Office of the Clerk for that purpose on behalf 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. Our first involvement with new legislation is during the development of the Government's legislation programme, which establishes the priorities for proposed legislation.

The PCO examines and reports on local Bills and private Bills on the direction of the Attorney-General. 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 those involved in, or responsible for, drafting legislation in Pacific Island nations.

## Access to Legislation

Under the 2012 Act, the PCO is responsible for publishing Acts of Parliament (including reprinted Acts), Legislative Instruments (including reprinted Legislative Instruments), and reprints of Imperial enactments and Imperial subordinate legislation. The PCO also supplies copies of Bills and Supplementary Order Papers (SOPs) to the House.

The New Zealand Legislation (NZL) system is the complete drafting and publishing system used by the PCO. 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](http://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 we use to draft and publish New Zealand legislation will ensure that we continue to provide good access.

The PCO also provides a website that publishes legislative disclosure statements (these are departmental documents that provide information about the development and content of legislation proposed by the Government, assisting parliamentary and public scrutiny of a Bill or an SOP). Disclosure statements are published for all Government Bills (with limited exceptions) and substantive SOPs introduced or released since 29 July 2013. The rules for disclosure statements are proposed to be simplified through the new Legislation Bill.

The PCO provides the LDAC website and took over responsibility from the Law Commission in 2015 for its content. The LDAC terms of reference include providing advice to departments on the development of legislative proposals.

## PCO's key partners, customers, and stakeholders

Stakeholder	Relationship
All users of legislation	The PCO provides public access to up-to-date official legislation on the NZL website at <a href="http://www.legislation.govt.nz">www.legislation.govt.nz</a> .
Inland Revenue Department (IRD)	The PCO provides IRD's drafting unit with access to the NZL system. This unit is responsible under current arrangements for drafting tax Bills. The PCO has developed a Memorandum of Understanding with IRD for processing, printing, supplying, and publishing IRD-drafted legislation.
Cabinet Office	The PCO works closely with the Legislation Co-ordinator in the Cabinet Office, whose role is to provide support to the Government of the day in developing, monitoring, and modifying the legislation programme, and with the Secretary of the Cabinet Legislation Committee.
Leader of the House	The PCO works closely with the offices of the Leader of the House and Deputy Leader of House in assisting with the progress of Government legislation through the House.
Instructing departments and agencies	The PCO has extensive working relationships with all central government departments and agencies in terms of taking instructions from them for drafting new and amending legislation and providing links and electronic "feeds" from the NZL website.
Regulations Review Committee	The Regulations Review Committee performs an important function for Parliament by reviewing the empowering provisions in Bills and secondary legislation made under Acts on the grounds set out in Standing Orders. The PCO has worked closely with the committee and its advisers on the Access to Secondary Legislation Project, and on other issues that affect the delegation of legislative power.
Drafting agencies	The PCO is working with agencies that draft secondary legislation to address concerns about the inaccessibility of that legislation (the Access to Secondary Legislation Project). We are also increasing our support for agencies' drafting capability through training and other resources.

Stakeholder	Relationship
Office of the Clerk of the House of Representatives	The PCO works closely with the Office of the Clerk and has developed a Memorandum of Understanding with that office for processing, printing, supplying, and publishing legislation. The PCO provides the Office of the Clerk with access to the NZL system to draft Members' Bills.
Office of Treaty Settlements (OTS)	The PCO works closely with OTS, particularly through our membership of the OTS Governance Board, to schedule and advance the programme of Treaty Bills.
Crown Law	Crown Law's leadership role for the GLN, and its focus on the rule of law, makes our relationship with Crown Law vital. We are working to increase collaboration on Crown Law advice that affects drafting of legislation and to ensure departments raise Crown legal risks early with Crown Law in the policy process.
Legislation Design and Advisory Committee (LDAC)	The PCO provides LDAC with policy and secretariat support.
Law Commission	The PCO works with the Law Commission on matters of law reform.
Government Legal Network (GLN)	The PCO is a strong contributor to the development of the GLN. The Deputy Chief Parliamentary Counsel (Access to Legislation) is a member of the GLN committee and the PCO has a strong commitment to engaging GLN summer clerks and graduates.
Regulatory Quality Team at Treasury	The Treasury is the lead adviser on regulatory management, focusing on embedding a "regulatory stewardship" approach in government. The regulatory stewardship approach counters the "set and forget" mindset, regulatory under-performance, undue burdens on New Zealanders, and sometimes regulatory failure. We work with them to support this stewardship approach.
Pacific Island nations	<p>The PCO provides legislative drafting assistance, training, and mentoring to Pacific Island nations through our Pacific desk. The desk operates with funding from MFAT and focuses assistance on the Cook Islands, Niue, and Tokelau (the three nations within the Realm of New Zealand).</p> <p>The PCO is also involved in the Pacific Islands Law Officers' Network (PILON) and the Pacific Islands Forum Secretariat.</p>

Stakeholder	Relationship
International relationships	The Chief Parliamentary Counsel regularly liaises with the heads of Australian drafting offices. In addition, the PCO has a significant leadership role in the Commonwealth Association of Legislative Counsel (CALC), with two NZ parliamentary counsel currently acting as the Vice-President and Secretary of CALC respectively.
Revera	Revera provides the PCO with infrastructure-as-a-service and desktop-as-a-service products that include maintenance and support of the NZL system.
Parliamentary Service	Parliamentary Service provides a range of services including financial accounting services, payroll, and the parliamentary core computing network. Memoranda of Understanding or Service Level Agreements are in place to manage the provision of these services.

## Strategic direction

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The PCO's purpose is to provide a high-quality legislative drafting service and ready access to New Zealand legislation. Over the next four years, the PCO will continue to ensure it has the capability, capacity, and technical systems to deliver those two outputs. Particular emphasis will be placed on the following core activities.

### Revision programme of statutes and repeal Bills

The next three-yearly revision programme of statutes is scheduled to be presented to the House in late 2017. The PCO also prepares repeal Bills that deal with redundant legislation. The PCO will take every opportunity to encourage chief executives and officials to use these legislative vehicles to revise and modernise the legislation that they administer to make it more accessible for the public.

### Legislation Bill

The Legislation Bill, which replaced the Legislation Amendment Bill, has been introduced and is awaiting its first reading. The Legislation Bill is a rewrite of the Legislation Act 2012 and includes changes needed to implement the Access to Secondary Legislation Project. It also carries over amendments proposed in the Legislation Amendment Bill.

The Bill provides that the Interpretation Act 1999 (currently administered by the Ministry of Justice) will be updated and incorporated in the Legislation Act 2012. Once those provisions are incorporated, the PCO will take over responsibility for administering them.

### Legislation Design and Advisory Committee

The PCO will continue to provide the committee with policy and secretariat support, based at the PCO, from within its current appropriation. In particular, it will support the committee's revision of the LAC Guidelines (4th edition) and the development of supplementary material. The guidelines are a valuable resource for those developing legislation.

The PCO will continue to work with LDAC to ensure its success in encouraging the development of legislation of a high quality. Further development of this service and the cost pressures associated with any growth in its provision will be kept under review to ensure that it does not adversely affect the financing of the PCO's core statutory functions.

### Providing Pacific Island nations with drafting support and training

In accordance with the new five-year Activity Design Document agreed to by the PCO and MFAT, with effect from 1 January 2017, the PCO will continue to provide legislative drafting assistance, training, and mentoring to those involved in, and responsible for, drafting legislation in Pacific Island nations.

## PCO's goals

The PCO's goals in the short-to-medium term all have the aim of achieving its vision that New Zealand is best served by legislation that is fit for purpose, constitutionally sound, and accessible to all current and future users. The goals are:

- to make all secondary legislation available online
- to complete the online historical collection of laws
- to draft laws in plain language
- to use more standard provisions in legislation
- to improve legislative capability across the Government
- to increase the capacity in the use of te reo Māori in legislation
- to improve the process for making legislation.

The PCO has in place a number of projects and initiatives to achieve these goals.

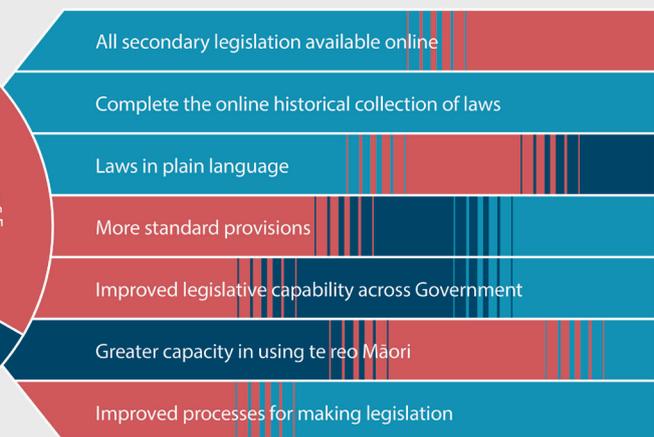
WHAT WE DO:

**We work with others to make legislation that is fit for purpose, constitutionally sound, and accessible to all users**

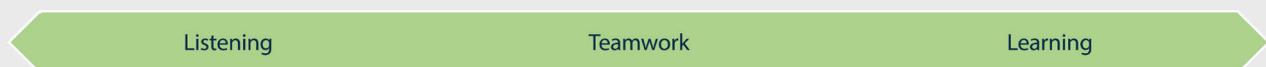
CORE BUSINESS:



GOALS:



HOW WE WORK:



## **Access to Secondary Legislation Project (Access Project)**

The project aims to make as much secondary legislation as possible accessible. It is expected to take a number of years to complete.

There are four main components required to implement the project:

- rationalising and simplifying the law relating to secondary legislation
- a lodgement and publication system for use by departments and agencies when they make secondary legislation. This system is likely to include some form of authoring system
- modifications to PCO's publishing system and the NZL website to enable secondary legislation drafted by departments and agencies to be published on the website, and to simplify, broaden, and improve access
- changes to the processes in agencies for publishing instruments, to take advantage of the new central system.

The three main phases of the project are:

- the initial phase, which was focused on project scoping, exploring legal and procedural consequences, document design, discussions with external stakeholders, analysis, testing, refining and documenting the project design, exploratory drafting of the required legislative changes, establishing a consultation plan, preparing a business case, and putting in place the necessary professional project governance, management, and assurance regimes (which are aligned with central agency guidelines)—this phase is complete
- the initial delivery stage, in which the main activities include drafting the legislative changes required, legal research, building, testing, and piloting the IT components in an iterative manner, a phased roll-out of various components to early adopter agencies, stakeholder engagement and communication aligned to the PCO's wider stewardship strategy, enabling the realisation of early benefits, and further embedding of professional project governance and management processes (including a Gateway Review)
- the final phase that completes the roll-out to all agencies, which will entail enacting the final legislative changes required, rolling out the IT components, helping agencies use the IT systems by providing training, making changes to the NZL website, and incorporating the various systems established via the project in the PCO's business-as-usual processes.

## **Complete collection**

The NZL website already provides a comprehensive collection of in-force Acts and Legislative Instruments. The latter are a subset of all secondary legislation. This project aims to expand the collection by including more Bills and legislation that is no longer in force. To this end, the PCO has completed the scanning of three significant historical collections:

- Acts 1841–2007
- Statutory Regulations 1936–2007
- Bills before the House (all stages) 1854–2007.

These historical collections, currently hosted on the New Zealand Legal Information Institute website (nzlii.org), will initially be published as a separate collection of PDFs on the NZL website. In future we will investigate options for integrating them with the existing collection on the NZL website.

## **Using more standard provisions in legislation**

The PCO is committed to reducing complexity in legislation. We are developing a programme to standardise more legislative provisions (similar to the approach already used in Treaty Bills), and the advice and processes to support this. More standardisation (of both the content and structure of legislation) will make it easier for users to understand, and find their way around, legislation. It also gives the PCO wider opportunities to increase understanding of particular concepts across legislation, lower the risks of unintentional error, and increase efficiencies in producing legislation.

## **Plain language**

The use of plain language in legislation is fundamental to ensuring that ordinary people, not only lawyers or administrators, can understand and use the law, and so to promoting the rule of law. The PCO is developing a strategy to reinvigorate our plain language culture. The strategy aims to make New Zealand's legislation more accessible, improve the legal effectiveness of that legislation, and make plain language the standard for how the whole office communicates.

## **Te reo Māori language strategy**

Working with external agencies such as Te Puni Kōkiri and Te Taura Whiri i te Reo Māori (the Māori Language Commission), the PCO will develop its systems and capability for producing dual-language legislation, where appropriate, and for including te reo and Māori legal concepts in legislation more generally. Our aim is to be well-positioned to ensure te reo Māori is used effectively and accessibly in legislation.

### **Advice and guidance**

The PCO will develop a strategy to set the purpose, priority, and approach of our education and information activities. Our aim is to build awareness within the wider public sector of legislation matters and what makes good legislation.

The PCO will continue to develop and implement its own systems to ensure that knowledge and information can be easily stored and shared across the organisation.

### **Process improvements**

The PCO will look for opportunities to improve the systems for making legislation, and work with others to improve the efficiency and effectiveness of the law-making process.

## Managing functions and operations

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The following functions and operations support the PCO in achieving its strategic objectives.

### **Strategic planning**

Each year, the PCO's Senior Management Team holds two separate strategic planning days to set its direction for the short-to-medium term. One planning day focuses on workforce, resourcing, and capability. The second planning day reviews existing projects that support the PCO vision, other areas of focus from the four-year plan, and financial management, and makes strategic choices relating to the delivery of its two strategic objectives—providing high-quality legislative drafting services and ready access to New Zealand legislation.

### **Annual business planning and budgeting**

Each business unit and group within the PCO develops an annual business plan that links to the PCO's vision, strategic plan, and goals. These plans also prioritise the work to be carried out, identify additional personnel or financial resources that may be required, and identify any major risks.

Every three months, the Senior Management Team is provided with progress reports and the PCO's medium-to-high-level risks are reviewed and updated as required.

## **Equal employment opportunities**

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Equal employment opportunities (EEO) have been incorporated into a number of policies and processes to ensure consistency and to ensure that they are integrated into everyday business. An example of the 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 the PCO and its governance structure.

Parliamentary Counsel Office  
Te Tari Tohutohu Pāremata

Level 13, Reserve Bank Building  
2 The Terrace  
PO Box 18070, Wellington 6160  
New Zealand

Phone 04 472 9639  
Email [contact@pco.govt.nz](mailto:contact@pco.govt.nz)

[www.pco.govt.nz](http://www.pco.govt.nz)  
[www.legislation.govt.nz](http://www.legislation.govt.nz)