

Statement of Intent

*Parliamentary Counsel Office
Te Tari Tohutohu Pāremata*

*for the period 1 July 2011
to 30 June 2016*



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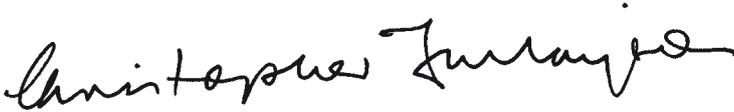
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Ministerial statement of responsibility

I am satisfied that the information on future operating intentions provided by my Office in this Statement of Intent is in accordance with sections 38, 40, and 41 of the Public Finance Act 1989 and is consistent with the policies and performance expectations of the Government.



Hon Christopher Finlayson
Attorney-General

Introduction from the Chief Parliamentary Counsel

Over the course of the period covered by this Statement of Intent (SOI), 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 accessible to the public. The PCO delivers some core services to the Government, Parliament, and the public and as such we do not expect fundamental changes to what we deliver and the way we deliver these services. However, we are also looking for ways to enhance these services and contain our costs, with particular focus on the following areas.

Legislation Bill

The Legislation Bill, which is designed to modernise the PCO’s current governing statute, is currently before the House. This Bill arises from two Law Commission reports (*Presentation of New Zealand Statute Law* and *Review of the Statutes Drafting and Compilation Act 1920*). Once enacted, it will affect the operations of the PCO.

Statute law revision

The Legislation Bill includes provision for the establishment of a three-yearly programme of statute law revision. The PCO will propose the first such programme in 2012.

Pacific Island support

With the assistance of funding from the New Zealand Aid Programme (NZ Aid), we have established a Pacific Island law drafting facility to provide drafting assistance, training, and mentoring to legislative drafting officials, which is initially focused on support to the Cook Islands, Tokelau, and Niue.

Digitisation of New Zealand historical statutes

The PCO is currently assessing options to convert the collection of historical Acts enacted from 1841 to 2007 into a fully searchable format integrated with and available on the New Zealand Legislation (NZL) website.²

Officialisation of New Zealand legislation

Work continues on making the content of the NZL website an official source of legislation alongside the printed copies we publish. At this stage we are aiming for completion of this work in the 2012/13 financial year. The Legislation Bill provides for the NZL website to be an official source.

¹ Law Commission reports 104 and 107: www.lawcom.govt.nz/project/presentation-new-zealand-statute-law and www.lawcom.govt.nz/project/review-parliamentary-counsel-legislation.

² www.legislation.govt.nz.

Simplification of the New Zealand Legislation system

The PCO has developed a series of work programmes that will allow the simplification and enhancement of the NZL system. These work programmes have two main objectives, one being to make the operating system easier to use and the second to make it easier to carry out future maintenance and enhancements at lower cost.

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 reprioritised to meet Government priorities.

Summary

Delivering this programme of substantial work 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 deliver these changes over the period of this SOI while continuing 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 contained in the Statement of Intent for the Parliamentary Counsel Office. This information has been prepared in accordance with the Public Finance Act 1989. It is also consistent with the proposed appropriations set out in the Appropriation (2011/12 Estimates) Bill, as presented to the House of Representatives in accordance with section 13 of the Public Finance Act 1989, and with existing appropriations and financial authorities.

Signed



David Noble
Chief Parliamentary Counsel

Countersigned



Noel Lee
Corporate Services Manager

NATURE AND SCOPE OF FUNCTIONS

The PCO is constituted as a separate office of Parliament by the Statutes Drafting and Compilation Act 1920 (the 1920 Act). The Legislation Bill, currently before the House, is intended to replace the 1920 Act and become the PCO's governing statute. 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.

Under the 1920 Act, the PCO is responsible for the drafting of Government Bills and Statutory Regulations. This includes drafting amendments to Bills required by select committees and by Ministers at the committee of the whole House stage. Bills, but not regulations, administered by the Inland Revenue Department (IRD) are drafted by that department.

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 draft Members' Bills if directed to do so by the Attorney-General.

Under the Acts and Regulations Publication Act 1989, the PCO is separately responsible for the publication of Acts of Parliament (including reprinted Acts), Statutory Regulations (including reprinted Statutory Regulations), and the annual bound volumes of Acts and Statutory Regulations. We also compile reprints of Acts and Statutory Regulations with their amendments incorporated. The Legislation Bill, currently before the House, is intended to replace the Acts and Regulations Publication Act 1989 but continue this function.

The PCO is responsible for supplying printed copies of Bills and Supplementary Order Papers (SOPs) to the House, and publishing printed copies of Bills and SOPs.

The PCO publishes the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force* annually in printed form, and publishes four interim indexes to the Statutory Regulations for each year.

Acts, Statutory Regulations, Bills, and SOPs are available in up-to-date form free via 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.

STRATEGIC DIRECTION

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

Our work programme is determined by the Government and the various government agencies that provide us with drafting instructions (instructing departments).

The PCO's goal is 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:

- legislation that is necessary to change the law to implement Government policies is effective, clear, and consistent with other legislation, the general law, and international law
- legislation, including Bills and SOPs, is accessible to the public in both printed and electronic forms, and printed copies of Bills and SOPs are provided to the House
- Acts and Regulations are published with official, authoritative status.

In New Zealand, parliamentary democracy based on the rule of law is the outcome 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 an overarching objective that legislation enacted by Parliament and made 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 parliamentary democracy under the rule of law is that for citizens to comply with the law they must know what the law is and therefore have ready access to it.

The PCO's objectives over the medium term are to improve access to legislation by integrating historical statutes into the NZL website, officialising the content of the NZL website, and completing the technical simplification of the underlying NZL system.

The PCO also intends to enhance its drafting services by developing triennial programmes of statute law revision, and through the provision of drafting support and training to Pacific Island nations. The PCO will continue to seek to improve the quality of legislation and the efficiency of the drafting process with a programme of seminars for instructing departments, and the introduction of performance measures for our peer review system and proofreading function.

These are more fully discussed under "Operating Intentions" below.

We are very aware of the economic environment we are currently operating within.

The successful achievement of these objectives within the period of this SOI is subject to fiscal constraints.

OPERATING INTENTIONS

The future operating intentions for the period covered by this SOI are stated on the assumption that the two core functions of the PCO will continue unchanged. These functions are to draft legislation and make it publicly available.

The framework for the PCO's future operating intentions continues to be provided by our two outputs:

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

In more detail these outputs can be described as follows:

Law Drafting Services

This appropriation is limited to drafting Government Bills (including amendments) and Statutory Regulations, and examining and reporting on local Bills and private Bills and drafting amendments to them.

Access to Legislation

This appropriation is limited to supplying printed copies of Government Bills and SOPs to the House; publishing legislation and distributing it through designated bookshops and by subscription; reprinting legislation with the amendments incorporated; publishing tables of legislation; and providing free public access via the internet to a database of up-to-date legislation.

Performance measures and standards for the achievement of these outputs in the 2011/12 financial year are set out in the *Information Supporting the Estimates*.

High-quality legislative drafting services

The PCO is seeking to provide high-quality legislative drafting services by:

- delivering the Government's legislation programme through the drafting of Government Bills, and the drafting of Statutory Regulations 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.

We will deliver high-quality legislative drafting services through the following activities:

Better-quality legislation

We intend to improve the quality of legislation by using our peer review system. The PCO's formal peer review system requires counsel who are no longer in training to have their drafts

reviewed by another counsel in order to assist in producing a high-quality draft. Peer review occurs in relation to almost all legislation drafted by the PCO and can occur at different stages during the legislative process. While the focus of peer review is primarily directed at assessing the legal effectiveness and workability of a draft, a peer reviewer may also comment on the structure and overall readability of the draft, whether the draft complies with the guidance set out in the PCO drafting manual and style manual and the guidance set out in the Legislation Advisory Committee (LAC) Guidelines, and whether the draft conforms with the rules set out in the Standing Orders of the House of Representatives.

We also intend to introduce a performance measure and standard for proofreading legislation, which will quantify the extent to which this quality assurance process is being carried out. The PCO’s Editorial Services is a team of trained editors whose main role is to proofread all types of draft legislation for consistency with current PCO drafting style, checking for general format and sense, ensuring the legislation is free of errors to the extent that is possible, and cross-references are correct.

We also intend to improve the quality of legislation and to make the drafting process more efficient by contributing to a seminar programme for instructing departments and agencies. We expect the seminar programme to result in improved capability within those departments and agencies. We will investigate ways to assess the impact of the seminar programme if it becomes a major activity over the period of the SOI.

Statute law revision

The last comprehensive revision of the statute book took place in 1908.

We intend (assuming the Legislation Bill is enacted) to improve access to old, archaically expressed, and much-amended laws through the establishment of a three-yearly programme of statute law revision.

We will propose the first three-yearly programme of statute law revision to the Attorney-General and relevant government agencies by 1 May 2012 and a further programme by 1 May 2015.

The draft revision programme will set out the proposed revision projects and those Bills expected to be enacted during that three-year period.

The amount of revision undertaken will depend on the availability of funding to the PCO and administering departments. Once the first programme is operating, specific performance measures will be examined.

Pacific Island support

With the aid of funding from NZ Aid for three years from 2011/12 to 2013/14, we intend to provide support to Pacific Island nations through the establishment of a Pacific Island “desk”,

based at the PCO, which will provide legislative drafting assistance, training, and mentoring to officials in the Pacific Islands responsible for the drafting of legislation.

To determine whether we have achieved our objectives, we will:

- ensure that at least 80% of the Bills that are introduced and regulations that are drafted by the PCO are peer reviewed or reviewed by a supervisor. This will involve a review of the draft legislation’s legal effectiveness, workability, compliance, structure, and readability. During the 2012/13 financial year, over 85% of those Bills and regulations will be subject to such a review
- proofread at least 97% of legislation we draft in accordance with PCO instructions
- survey instructing departments and agencies on whether they are satisfied with the quality and timeliness of the legislation produced by the PCO. The budgeted standard will be a 90% satisfaction level. The actual standard achieved in the past three years, as determined by overall responses to the annual PCO Drafting Services Survey, has ranged from 88% to 94%
- survey the Attorney-General and relevant instructing departments on whether they are satisfied that the quality and timeliness standards of statute law revision have been achieved. The timeliness standard will be that legislation, as outlined in the agreed statute law revision programme, is drafted within agreed time frames. The budgeted standard for timeliness will be 100%. The quality standard is yet to be determined but is likely to include legal effectiveness
- survey Pacific Island instructors on whether they are satisfied with the quality of advice provided and the timeliness of revision-tracked legislation provided.

Ready access to New Zealand legislation

The PCO is seeking to provide ready access to legislation by:

- free public access to a website that displays all current New Zealand Acts, Statutory Regulations, Bills, and SOPs
- integrating historical statutes into the NZL website
- officialising the content of the current NZL website
- completing the technical simplification of the NZL system.

We will provide improved access to legislation through the following activities:

Officialisation

Officialisation, anticipated to be completed in the 2012/13 financial year, involves comparing the collection of principal legislation (in force in New Zealand as of 3 September 2007) with amendments incorporated against the original printed version of each Act and set of

regulations and every amendment made to them. It also involves updating the format to reflect current drafting style and reformatting technical inconsistencies and addressing errors.

Upon completion, and following consultation with the judiciary, legal profession, and others, we will seek to make the NZL website an official source of legislation (again, assuming enactment of the Legislation Bill). There will be potential for the Crown to make further savings at that time by reducing or removing the current subsidy for printed legislation. We currently assume that there will continue to be a demand for printed legislation, but will investigate the feasibility of moving to the model of print on demand at full cost.

The following table shows the progress on officialisation that will be made over the period of this SOI.

Milestones	
2011/12	Continue to officialise legislation—target of principal legislation officialised by 30 June 2012 is 71%
2012/13	Officialisation completed
2013/14 onwards	Consultation and implementation of the relevant provisions in the Legislation Bill takes place

Simplification of the New Zealand Legislation drafting and publishing system

A key objective of the PCO is to enhance and undertake technical simplification of the NZL system. This will result in improved usability of the system for internal and external users, and will allow us to optimise the system’s support, development, and maintenance arrangements. The planned enhancements will ensure that the NZL system is continuously updated and developed in order to ensure the continuing value of the Government’s investment in this asset. Two streams of work are required to achieve the simplification of the NZL system. The first focuses on reducing risk, including risks relating to our dependency on our single delivery partner, as well as risk of the NZL system being unavailable to the Government and Parliament because of serious disruption or disaster. The second focuses on the delivery of technical and architectural simplification of the NZL software and hardware. This programme is intended to ensure that by 2013 we will have broadened the external support base for the system, and lowered the system’s overall cost of ownership. The following table shows the progress on simplification that will be made over the period of this SOI.

Milestones	
2011/12	A request for proposal process takes place and competitive tendering of support arrangements is completed
2012/13	Complete all major components of the Architectural Simplification and Usability workstreams New support contract in place

Digitisation of New Zealand historical statutes

The PCO has completed a project to scan all the historic Acts enacted from 1841 to 2007 into PDF format. The PCO is currently assessing options to convert that collection of Acts into a digital format that will enable their full integration into the NZL website so that the search and other features of that website can be used in respect of historical as well as current Acts. This will give the public, the legal profession, and researchers better online access to this legislation. Additional funding may be required beyond the 2011/12 year to complete this project.

To determine whether we have achieved our objectives, we will:

- complete officialisation in the 2012/13 financial year
- complete the technical and architectural simplification of the NZL software and hardware by 30 June 2012 and have a new support contract in place by 30 June 2013
- provide improved access to electronic legislation through the availability of all historical statutes in a searchable format, dating back to 1841, on the NZL website by 31 December 2012.

Measuring cost effectiveness

The Public Finance Act 1989 requires the SOI to set out and explain the main measures and standards the PCO intends to use to assess and report on the cost effectiveness of the interventions that the PCO delivers.

We propose to measure cost effectiveness by reference to whether we have practices, systems, and processes that provide a reasonable level of assurance that we meet the quality standards set for delivery of our outputs at reasonable cost.

This will require identifying the practices, systems, and processes we use in carrying out our functions of drafting and publishing. In relation to drafting legislation, for example, it will mean

considering what is done to ensure the best and most efficient use of resources. Relevant considerations include how instructions are allocated, whether time frames are discussed and agreed with instructing departments, how progress with drafting jobs is monitored, and the practices, systems, and processes in place to ensure quality standards are achieved. In relation to publishing legislation, it will mean considering the actual processes we follow in publishing legislation, including Bills and SOPs, and the basis on which reprints are compiled and published and the practices adopted in compiling and publishing them.

The existing performance measures and standards, as set out in the *Information Supporting the Estimates*, and those yet to be introduced will contribute to providing an assurance that the PCO is delivering its outputs in a cost effective manner.

The PCO will continue to look for other methods that will allow us to measure our cost effectiveness during the coming years. However, it is difficult to find meaningful measures of cost effectiveness. Our outputs are very largely demand-driven and each year approximately 50–70 Bills are drafted along with 300–400 regulations.³ We also publish these both in hard copy and to the NZL website. It is difficult to get a meaningful comparison between years as Bills and regulations differ in complexity, making it unwise to simply compare, for instance, the number of pages of legislation produced each year, either in total or per counsel.

It is also important to measure whether direct input costs incurred in delivering outputs are reasonable. Personnel costs account for a significant proportion of the annual appropriation for Vote Parliamentary Counsel. Relevant considerations include whether staffing levels are appropriate to enable us to deliver our outputs within the very tight time frames imposed. Operating cost considerations will include the remuneration levels for those staff and what we do to ensure that we obtain goods and services at reasonable prices, for example, through using all-of-government contracts and tendering for contracts.

³ In the 2010 calendar year, the PCO drafted 83 Bills and 491 regulations.

MANAGING IN A CHANGEABLE OPERATING ENVIRONMENT

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.

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 major risks, and our response to them, are identified below.

Reliance on the New Zealand Legislation system

The enhancement programme for the NZL system will continue during the 2011/12 financial year and the out years. This programme of work funded from capital is designed to make the system simpler to use, operate, and maintain. The enhancements are intended to provide better value for money and lower cost of ownership and to reduce dependence on a single provider.

Meeting tight deadlines

The PCO must be able to respond to a request from the Government for urgent draft legislation, even where resources are scarce or time is at a premium.⁴ Regular planning and monitoring of workloads and resources are in place within the PCO to ensure that draft legislation can be delivered when required. In order to meet expected current demands and to service the establishment of a Pacific Drafting “desk” (funded by NZ Aid), the PCO has increased its establishment of drafters by one full-time equivalent (FTE) within its existing baseline.

Inadequate business continuity and disaster recovery planning

The PCO has a business continuity plan and system in operation throughout the organisation. This plan is designed to take account of a wide spectrum of events, from a situation that denies the PCO access to our offices in the Reserve Bank Building through to a disaster that affects the whole of the Wellington region. Testing and updating of the plans is now taking place on an ongoing basis. We are in the process of implementing a disaster recovery plan for the NZL system, which will be fully operational in the 2011/12 year. The PCO is also contributing to the development of a parliamentary complex-wide contingency plan, which will include the provision of an alternate site for Government in the event that there is a major disaster in Wellington that renders the parliamentary complex unsuitable.

⁴ For example, Canterbury earthquake legislation.

Inadequate succession planning and identification of key staff

The PCO continues to keep staffing levels under regular review to ensure we have an appropriate level of resourcing to enable us to discharge our functions. When a vacancy occurs, we assess the position to determine whether it should be refilled. During the 2010/11 financial year we reduced the number of FTE’s in support roles by two.

Maintaining the PCO’s integrity and reputation

Under the PCO Conflicts of Interest policy, staff are required to declare any potential conflicts of interest. We also comply with the *Standards of Integrity and Conduct—A code of conduct for the State Services*. These documents, which relate to the setting and enforcement of desired standards of behaviour, ensure the PCO’s integrity and reputation are maintained.

Receiving inadequate, inaccurate, or incomplete instructions from instructing departments

Work continues 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. This will contribute to the efficiency of the drafting process.

Additional areas of emphasis

Legislative compliance

A review of the PCO’s legislative compliance is completed on an annual basis to provide assurance that development of our policies, guidelines, and practices is comprehensive, appropriate to our requirements, and complies with current legislation.

ASSESSING ORGANISATIONAL HEALTH AND CAPABILITY

The PCO has two major assets: its people and its information technology systems.

People

The PCO has undertaken two Gallup Q12 staff engagement surveys, which have shown pleasing results. The PCO is currently reviewing its approach to staff engagement surveys.

Over the period of the SOI, the Human Resources Strategic Plan will focus on the following areas:

Recruitment and retention of skilled and experienced staff

We will continue to focus our efforts on recruiting and retaining highly qualified and specialised staff. Our targets for staff retention in the 2011/12 financial year will be based on the following maximum turnover rates:

- 7% of Parliamentary Counsel and Assistant Parliamentary Counsel
- 12% of technical staff
- 10% of all other staff.

Training

The PCO will ensure there is trained leadership that can identify, in consultation with staff, training and development needs and requirements to meet current and future organisational objectives. A skills-based framework will assist to identify those needs.

Professional development

For the PCO, professional development means the application of a "pathway map" for career development, secondment opportunities, and mentoring. We will continue with a leadership development programme that has been tailored to the particular needs of a law-drafting and publishing office in the 21st century. All staff in identified leadership roles have completed an in-house programme of leadership development. We are now concentrating on identifying suitable leadership courses for senior PCO managers that reflect their individual needs.

Staff are encouraged as part of our performance management system to seek professional and technical training, to ensure that they keep up with current trends in their fields of expertise, and also to enhance and develop their skills.

Performance Management System

A new Performance Management System for all staff was implemented during the 2010/11 year and is now fully operational across the entire PCO. We will continue to monitor and refine the system and to ensure that it feeds into the professional development programme.

Supportive operational HR processes and HR administrative systems

This means having and maintaining comprehensive and up-to-date electronic and hard copy HR systems, policies, and information. Areas for development include a comprehensive HR

information database for HR information on individuals and information that the PCO can use to provide statistics and reports. We will work with the Parliamentary Service, which provides us with some HR services, in developing the reporting systems.

Equal employment opportunities

In 2011/12, the PCO will revise its EEO policy to ensure consistency with our other HR policies and to ensure that we continue to meet our responsibilities as an equal employment opportunity employer.

Information technology systems

We will continue to improve our governance and management systems with a particular emphasis on the NZL system.

We use the NZL system for the drafting and publishing of legislation and as such it is our most important capital asset. See “Simplification of the New Zealand Legislation drafting and publishing system” on page 14 for further information on how this system is being enhanced to provide an effective and efficient tool for PCO use.

Work will continue to ensure that other key information and technology infrastructure and systems are also well maintained and up to date.

Departmental capital and asset management intentions

The PCO’s forecast capital expenditure for the full period covered by this SOI is shown in the following table. The majority of the expenditure relates to a programme of enhancements to and simplification of the NZL system. This will focus on simplification, both of technical aspects and of business processes, where appropriate, ensuring that major components of this key asset are kept up to date.

Asset type	2011/12 \$000	2012/13 \$000	2013/14 \$000	2014/15 \$000	2015/16 \$000
Computer equipment (hardware)	300	300	250	250	250
NZL system	3,235	2,000	2,000	2,000	2,000
Furniture	10	10	20	20	20
Leasehold improvements	30	30	50	50	50
Office equipment	10	10	10	10	10
Total	3,585	2,350	2,330	2,330	2,330

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