

Performance Information for Appropriations

Vote Parliamentary Counsel

MINISTER(S) RESPONSIBLE FOR APPROPRIATIONS: Attorney-General (M5)

ADMINISTERING DEPARTMENT: Parliamentary Counsel Office

MINISTER RESPONSIBLE FOR PARLIAMENTARY COUNSEL OFFICE: Attorney-General

Part 1 - Summary of the Vote

Part 1.1 - Overview of the Vote

The Attorney-General is responsible for appropriations in Vote Parliamentary Counsel for the 2013/14 financial year covering the following:

- a total of \$9.474 million for the provision of law drafting services. This includes legislative drafting assistance to Pacific Island nations, undertaking 3-yearly programmes of statute law revision, and administering legislation that the PCO is responsible for
- a total of \$11.202 million for the provision of access to legislation in both paper and electronic form, and
- a total of \$2.830 million on the purchase or development of assets by and for the use of the Parliamentary Counsel Office, as authorised by section 24 (1) of the Public Finance Act 1989.

Details of these appropriations are set out in Parts 2-6 below.

Part 1.2 - High-Level Objectives of the Vote

Objectives of the Vote

Vote Parliamentary Counsel'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, and
- Acts and legislative instruments are published with official, authoritative status.

Part 1.3 - Trends in the Vote

Summary of Financial Activity

	2008/09	2009/10	2010/11	2011/12	2012/13		2013/14			2014/15	2015/16	2016/17
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Budgeted \$000	Estimated Actual \$000	Departmental Transactions Budget \$000	Non- Departmental Transactions Budget \$000	Total Budget \$000	Estimated \$000	Estimated \$000	Estimated \$000
Appropriations												
Output Expenses	18,281	18,712	19,241	19,146	20,676	20,676	20,676	-	20,676	20,676	20,676	20,676
Benefits and Other Unrequited Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	3,056	2,726	2,143	3,502	2,350	2,350	2,830	-	2,830	2,830	2,830	2,830
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Total Appropriations	21,337	21,438	21,384	22,648	23,026	23,026	23,506	-	23,506	23,506	23,506	23,506
Crown Revenue and Capital Receipts												
Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-
Total Crown Revenue and Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-

New Policy Initiatives

Policy Initiative	Appropriation	2012/13 Budgeted \$000	2013/14 Budget \$000	2014/15 Estimated \$000	2015/16 Estimated \$000	2016/17 Estimated \$000
Efficiency Savings	Access to Legislation	(59)	(482)	(482)	(482)	(482)
Efficiency Savings	Law Drafting Services	(569)	(146)	(146)	(146)	(146)

Analysis of Significant Trends

Total Vote: All Appropriations

In the 2007/08 year, additional departmental output expenditure funding of \$3.374 million was provided for the implementation of the New Zealand Legislation system. Funding was also provided for ongoing support of the New Zealand Legislation system for the 2008/09 year and outyears. There are no changes to appropriation from 2012/13 to 2016/17.

Part 1.4 - Reconciliation of Changes in Appropriation Structure

2012/13 Appropriations in the 2012/13 Structure	2012/13 (Current) \$000	Appropriations to which Expenses (or Capital Expenditure) have been Moved from or to	Amount Moved \$000	2012/13 Appropriations in the 2013/14 Structure	2012/13 (Restated) \$000	2013/14 \$000
Department Output Expense						
Access to Legislation	11,625	Transferred from Access to Legislation	(11,625)			
Law Drafting Services	9,051	Transferred from Law Drafting Services	(9,051)			
				Drafting and Access to Legislation MCOA		
		Transferred to Drafting and Access MCOA	11,202	Access to Legislation output class	11,202	11,202
		Transferred to Drafting and Access MCOA	9,474	Law Drafting Services output class	9,474	9,474
Total Changes in Appropriations	20,676		-		20,676	20,676

Explanations of the reasons for changing the appropriation structure are noted in the details of each appropriation in Parts 2-6.

Part 2 - Details and Expected Performance for Output Expenses

Part 2.1 - Departmental Output Expenses

Intended Impacts, Outcomes and Objectives

Intended Impacts, Outcomes or Objectives of Appropriations	Appropriations
<p>Objectives: Contributing 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.</p> <p>Impacts: Delivering the Government's legislation programme through the provision of high quality legislative drafting services.</p>	Parliamentary Counsel Office: Drafting and Access to Legislation MCOA.
<p>Objectives: Contributing 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, including Bills and SOPs, is accessible to the public in both printed and electronic forms, by providing printed copies of Bills and SOPs to the House, and publishing Acts and legislative instruments that have official and authoritative status.</p> <p>Impacts: Reliable public access to the New Zealand Legislation website, prompt publishing and reprinting of legislation, and timely responses to public enquiries.</p>	Parliamentary Counsel Office: Drafting and Access to Legislation MCOA.

For further information on the intended objectives of the departmental output expense appropriations, please see the Statement of Intent for the Parliamentary Counsel Office.

Drafting and Access to Legislation MCOA (M5)

Scope of Appropriation

Access to Legislation

This output class is limited to supplying Government Bills and Supplementary Order Papers; publishing and distributing legislation; reprinting legislation with the amendments incorporated; publishing tables of legislation; providing free public access to legislation via the internet.

Law Drafting Services

This output class is limited to drafting legislation, examining and reporting on local Bills and private Bills and drafting amendments to them, providing advice on the drafting of disallowable instruments that are not drafted by the PCO, providing legislative drafting assistance to Pacific Island nations, undertaking a 3-yearly programmes of statute law revision, and administering the Legislation Act 2012 and any other legislation PCO is responsible for.

Explanation for Use of Multi-Class Output Expense Appropriation

From 2013/14 a multi-class output expense appropriation called Drafting and Access to Legislation is being established.

This multi-class output expense appropriation aggregates output classes 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.

Both of the output classes use similar resources in working toward the same outcome of ensuring delivery of drafting and publishing legislation to the Government Parliament and the Public.

Grouping these will recognise this alignment and allow for more flexibility in resourcing levels across the two.

Expenses and Revenue

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	-	-	20,676
Access to Legislation	-	-	11,202
Law Drafting Services	-	-	9,474
Revenue from Crown	-	-	20,525
Access to Legislation	-	-	11,131
Law Drafting Services	-	-	9,394
Revenue from Other	-	-	151
Access to Legislation	-	-	71
Law Drafting Services	-	-	80

Reasons for Change in Appropriation

Both of the output classes use similar resources in working toward the same outcome of ensuring delivery of drafting and publishing legislation to the Government Parliament and the Public.

Grouping these will recognise this alignment and allow for more flexibility in resourcing levels across the two output classes.

Output Performance Measures and Standards

Performance Measures	2012/13		2013/14
	Budgeted Standard	Estimated Actual Standard	Budget Standard
Access to Legislation output class			
Free public access to the New Zealand Legislation website is available 24 hours a day, 7 days a week	99%	99%	99%
Drafting tool availability for Office of the Clerk and Inland Revenue Department staff (see Note 1)	92%	92%	92%
Public enquiries are responded to within one working day	90%	90%	90%
All public enquiries are responded to within five working days	100%	100%	100%
Amendments will be consolidated within 15 working days of the date of effect of the amendment.	100%	90%	100%
The number of Government Bills supplied to the House and published in the calendar year (see Note 2)	50 - 70 (in 2012)	50	50 - 70 (in 2013)
The number of Supplementary Order Papers (SOPs) supplied to the House and published in the calendar year (see Note 2)	70 - 100(in 2012)	168	70 - 100(in 2013)

Performance Measures	2012/13		2013/14
	Budgeted Standard	Estimated Actual Standard	Budget Standard
The number of Acts of Parliament published in the calendar year (see Note 2)	80 - 120 (in 2012)	130	80 - 120 (in 2013)
The number of legislative instruments published in the calendar year (see Note 2)	300 - 400 (in 2012)	425	300 - 400 (in 2013)
The number of interim indexes of legislative instruments published in the calendar year	4 (in 2012)	4	4 (in 2013)
Legislation is published in printed and electronic forms within set timeframes (see Note 3)	100%	100%	100%
The Attorney-General is satisfied that the quality standard, as listed below in Note 4, has been achieved	The Attorney General is satisfied	The Attorney General is satisfied	The Attorney General is satisfied
Law Drafting Services output class			
All Bills on the annual legislative programme in categories 1 and 2 (both of which are Bills that must be passed in the current calendar year) are drafted (see Note 2)	100%	100%	100%
Government Bills drafted and amended in the calendar year (see Note 2)	50 - 70 (in 2012)	51	50 - 70 (in 2013)
Legislative instruments drafted in the calendar year (see Note 2)	300 - 400 (in 2012)	414	300 - 400 (in 2013)
The proportion of instructing departments and agencies we survey that rate the quality and timeliness standards, as listed below in Note 5, as four or better on a scale of one to five.	90%	90%	90%
The Attorney-General is satisfied that the quality and timeliness standards, as listed below in Note 6, have been achieved	The Attorney General is satisfied	The Attorney General is satisfied	The Attorney General is satisfied
Select Committees are satisfied that the quality and timeliness standards, as listed below in Note 7, have been achieved as determined by survey responses from relevant Select Committees	Select Committees are satisfied	Select Committees are satisfied	Select Committees are satisfied
Pacific Island instructors are satisfied that the quality and timeliness standards, as listed below in Note 8, have been achieved as determined by survey responses from relevant Pacific Island instructors	Pacific Island instructors are satisfied	Pacific Island instructors are satisfied	Pacific Island instructors are satisfied
Proportion of Bills drafted by the PCO and introduced that are peer reviewed (see Notes 9 and 10)	80%	76%	80%
Proportion of legislative instruments drafted by the PCO and submitted to Cabinet that are peer reviewed (see Notes 9 and 10)	80%	95%	80%
Proportion of introduced Bills drafted by the PCO that are proofread (see Notes 11 and 12)	97%	62%	97%
Proportion of legislative instruments drafted by the PCO that are proofread (see Notes 11 and 12)	97%	100%	97%

Note 1 - A 100% budget standard is not appropriate as system outages are required for planned upgrades.

Note 2 - The measure of quantity is demand driven and will vary from year to year.

Note 3 - The measure of timeliness is that the following will be available on the New Zealand Legislation (NZL) website within one working day:

- all new Government Bills introduced into the House
- after the printed version is made available to the House, all subsequent versions of Bills
- after they have been circulated to Members of Parliament, all SOPs
- after they are notified in the New Zealand Gazette, all legislative instruments.

within five working days:

- of introduction or release, all Government Bills and SOPs are published and provided for sale at designated bookshops and to subscribers
- of assent, all Acts are available on the NZL website
- of being made, all legislative instruments are published and provided for sale at designated bookshops and to subscribers.

within ten working days:

- of assent, all Acts are published and provided for sale at designated bookshops and to subscribers.

within the first half of the following calendar year:

- all annual volumes of Acts and annual volumes of legislative instruments are published
- the Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force is published.

Note 4 - The quality standard is that:

- the annual volumes of Acts contain correct copies of the Acts of Parliament and the annual volumes of legislative instruments contain correct copies of the legislative instruments
- reprints of Acts and legislative instruments correctly state the law enacted or made by the Acts and legislative instruments reprinted and by the amendments to that legislation
- the electronic database of Acts (both as enacted and with their amendments incorporated), legislative instruments (both as made and with their amendments incorporated), Bills, and SOPs is up to date
- Bills, SOPs, Acts of Parliament, legislative instruments, the annual volumes, reprints, and the Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force is published in accordance with best industry practice.

Note 5 - The quality standard is that:

- the legislation produced is drafted as clearly and simply as possible
- the legislation produced gives effect to Government policy
- the legislation produced is legally effective
- the instructing agency is satisfied with the final product
- advice on legislative drafting matters is provided in a professional, impartial, and responsive manner.

The timeliness standard is that:

- drafts of legislation are produced within agreed deadlines.

Note 6 - The quality standard is that:

- Bills and legislative instruments are legally effective, clear, consistent with other legislation, the general law, and international law
- Bills and legislative instruments are consistent with the policy they implement, legal principle, the New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993
- advice given on matters relating to the provision of legislative drafting services, including advice on legislative drafting, parliamentary procedure, executive government process, and the law, is sound, practical, and clear.

The timeliness standard is:

- Bills, legislative instruments, and SOPs are drafted in accordance with time frames set by, or agreed with, the Government, select committees, instructing departments and agencies.

Note 7 - The quality standard is that:

- advice given on matters relating to the provision of legislative drafting services, including explaining the changes made by the revision tracked version of a Bill, is objective, accurate, and sufficient.

The timeliness standard is that:

- revision tracked documents are provided for the Select Committee in accordance with deadlines set by or negotiated with the committee.

Note 8 - The quality standard is that:

- advice given on matters relating to the provision of legislative drafting services is objective, accurate, and sufficient.

The timeliness standard is that:

- legislation is provided to Pacific Island instructors in accordance with agreed deadlines.

Note 9 - The PCO will review, on an ongoing basis, the baseline established in the 2011/12 year which is based on the following set of guidelines for PCO's peer reviewers.

Review category	Matters to be considered by the Peer Reviewer	Other issues
Compliance	Is the draft consistent with the- <ul style="list-style-type: none"> • PCO Drafting Manual • Standing Orders • PCO Style Manual • Legislation Advisory Committee Guidelines 	
Structure	Does the structure make it easy to find your way around the draft?	
Readability	Is each provision drafted as clearly as possible?	
Legal effectiveness	Will the draft produce a legally effective law? Is the draft consistent with- <ul style="list-style-type: none"> • fundamental statutes (ie, Acts and Regulations Publication Act 1989, Constitution Act 1986, Evidence Act 2006, Interpretation Act 1999, New Zealand Bill of Rights Act 1990, Official Information Act 1982, Ombudsmen Act 1975, Privacy Act 1993, Public Finance Act 1989, Regulations (Disallowance) Act 1989)? • other relevant statutes • general legal principle (common law, rules of interpretation) • relevant international law. Does the draft contain loopholes, gaps, overlapping categories, or ambiguities? Does it provide for contingencies? Are the machinery provisions appropriate (ie, commencement provisions, amendments, savings, repeals, transitionals, consequential, Act binds the Crown)? Are the provisions for subordinate legislation appropriate? Ultra vires issues (for regulations)?	Does the draft achieve its legal purpose in the best possible way?
Workability	Will the operational or procedural matters in the draft work well? Do they fit with existing related systems (such as court processes, related licensing provisions)?	Are the systems sufficiently flexible to allow for modification over time?

The quality standards for peer reviewing are that:

- Bills drafted by the PCO are reviewed twice before introduction for their legal effectiveness, workability, compliance, structure, and readability.
- Legislative instruments drafted by the PCO are reviewed once before being submitted to Cabinet for their legal effectiveness, workability, compliance, structure, and readability.

Note 10 - The performance measures and standards for peer reviewing excludes Bills drafted by the Pacific Island desk and local, private, and Members' Bills.

There are also some instances when peer review of legislative instruments is not required. This includes:

- (a) single date commencement orders (if not revoking a commencement order and replacing it with a new commencement order)
- (b) Levies and fees if the change relates to figures only
- (c) Ministerial notices that are pro forma (no choice regarding wording)
- (d) Takeovers exemption notices unless a class notice.

Note 11 - The quality standards for proofreading legislation are that:

- Bills drafted by the PCO are read in full at least twice by Editorial Services to detect errors before introduction.
- Legislative instruments drafted by the PCO is read in full at least once by Editorial Services to detect errors before it is made.

Note 12 - The performance measures and standards for proofreading excludes Bills drafted by the Pacific Island desk.

Conditions on Use of Appropriation

Reference	Conditions
Sections 4, 10, 12, 14 of the Acts and Regulations Publication Act 1989.	These sections detail the Parliamentary Counsel Office's responsibilities for the printing, publishing, and sale of legislation.
Section 59 of the Legislation Act 2012.	This section details the Parliamentary Counsel Office's responsibilities for the provision of reprinted legislation and legislative drafting services.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2012/13 Budgeted \$000	2013/14 Budget \$000	2014/15 Estimated \$000	2015/16 Estimated \$000	2016/17 Estimated \$000
Current Government						
Efficiency savings which includes the costs for employer contributions for KiwiSaver and SSRSS	2012/13	(628)	(628)	(628)	(628)	(628)
Previous Government						
Implementation of the New Zealand Legislation system and ongoing support for the system	2007/08	4,764	4,764	4,764	4,764	4,764
Recruitment of additional staff to enhance strategic management and administrative capabilities of the PCO	2007/08	200	200	200	200	200
Funding personnel costs	2007/08	797	797	797	797	797

Part 6 - Details and Expected Results for Capital Expenditure

Part 6.1 - Departmental Capital Expenditure

Intended Impacts, Outcomes and Objectives

Intended Impacts, Outcomes or Objectives of Appropriations	Appropriations
Objectives: To maintain capability of capital assets. Impacts: The routine replacement or improvement of the Parliamentary Counsel Office's leasehold, furniture and fittings, office equipment, and computer hardware and software (particularly for the New Zealand Legislation system).	Parliamentary Counsel Office - Capital Expenditure

Parliamentary Counsel Office - Capital Expenditure PLA (M5)

Scope of Appropriation

This appropriation is limited to the purchase or development of assets by and for the use of the Parliamentary Counsel Office, as authorised by section 24(1) of the Public Finance Act 1989.

Capital Expenditure

	2012/13		2013/14
	Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	350	350	330
Intangibles	2,000	2,000	2,500
Other	-	-	-
Total Appropriation	2,350	2,350	2,830

Reasons for Change in Appropriation

Capital expenditure for 2013/14 has increased by \$480,000 from \$2.350 million to \$2.830 million, due to a higher level of activity in the delivery of improvements as part of the work programme for the New Zealand Legislation system.