

# Access to Subordinate Instruments Project (ASIP)

**Objective:**  
**To publish all subordinate instruments  
on the New Zealand Legislation website**

**Project team**

ASIP@parliament.govt.nz

**Richard Wallace**  
ASIP Project Leader

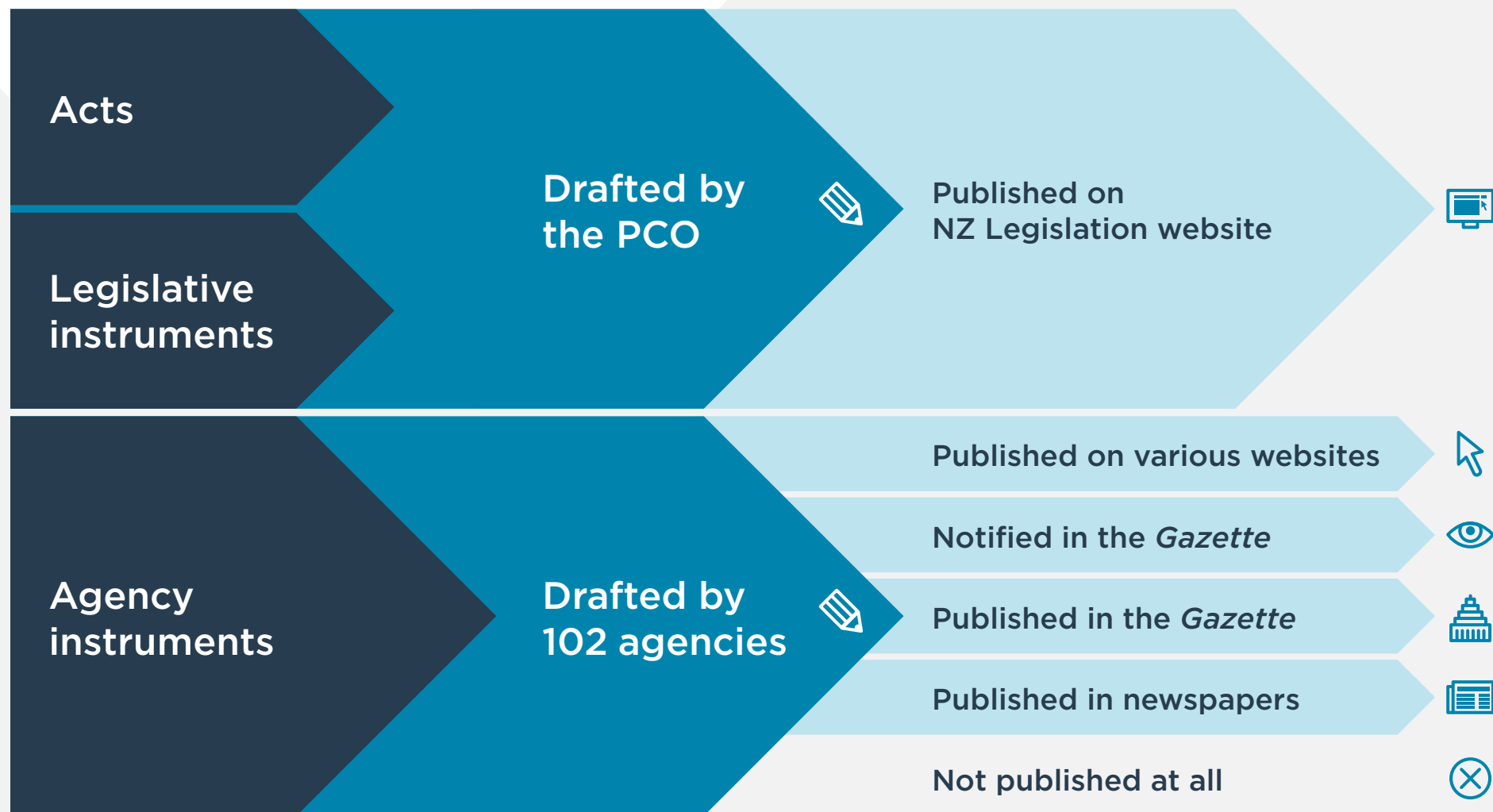
**David Dew**  
Team Leader Applications Development

**Michelle Groves**  
Publications Manager

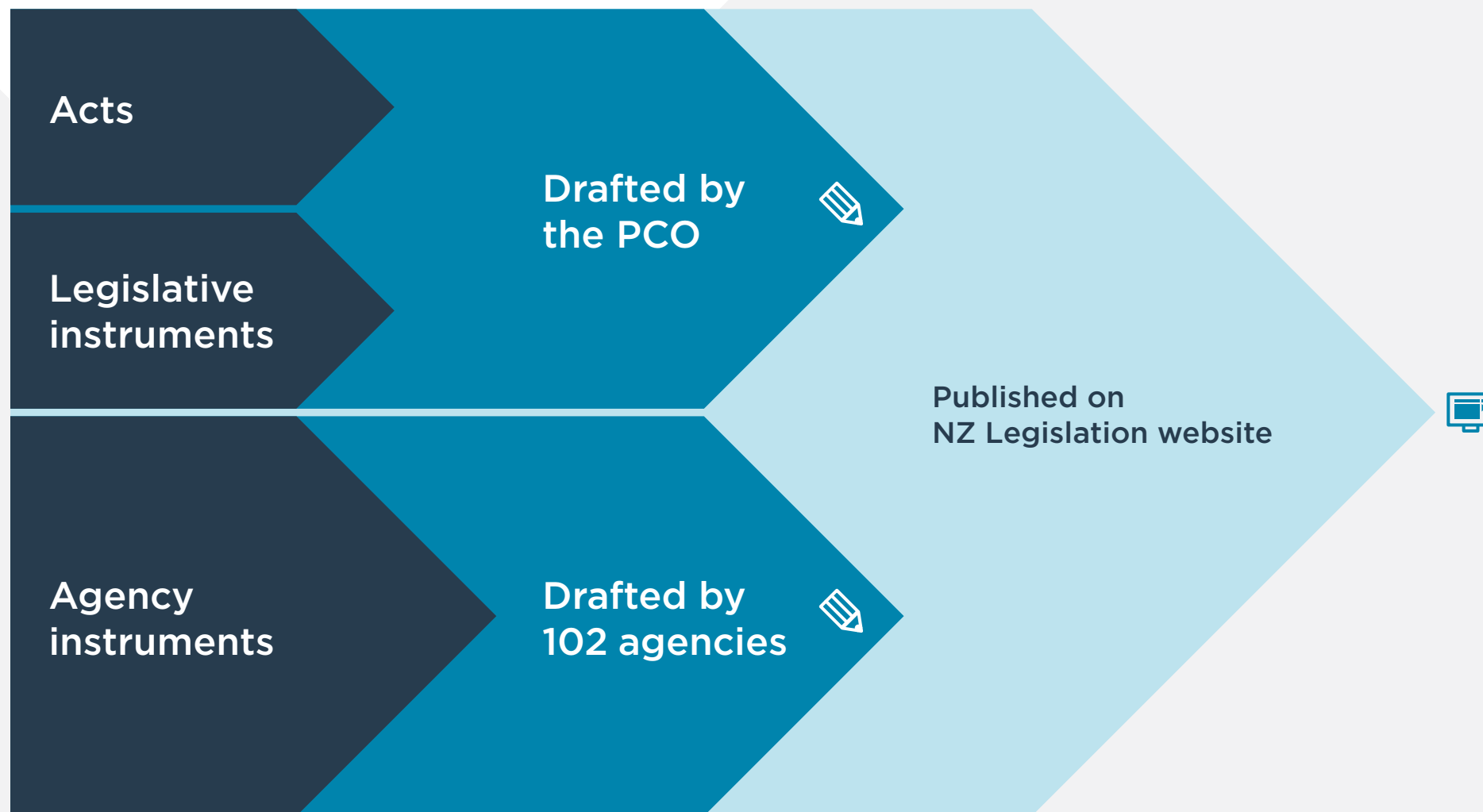
**Cathy Rodgers**  
Parliamentary Counsel



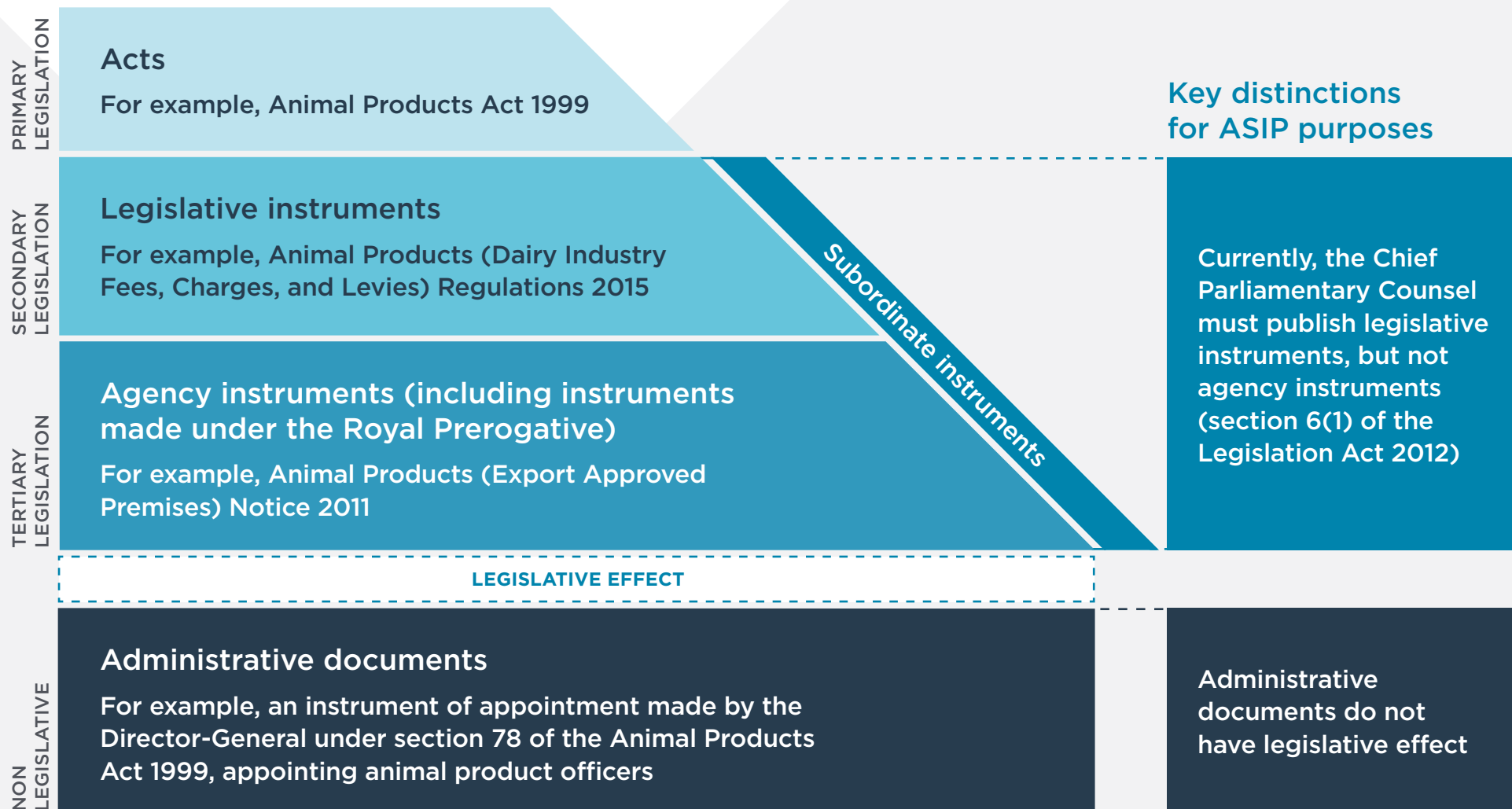
# How do people currently access legislation?



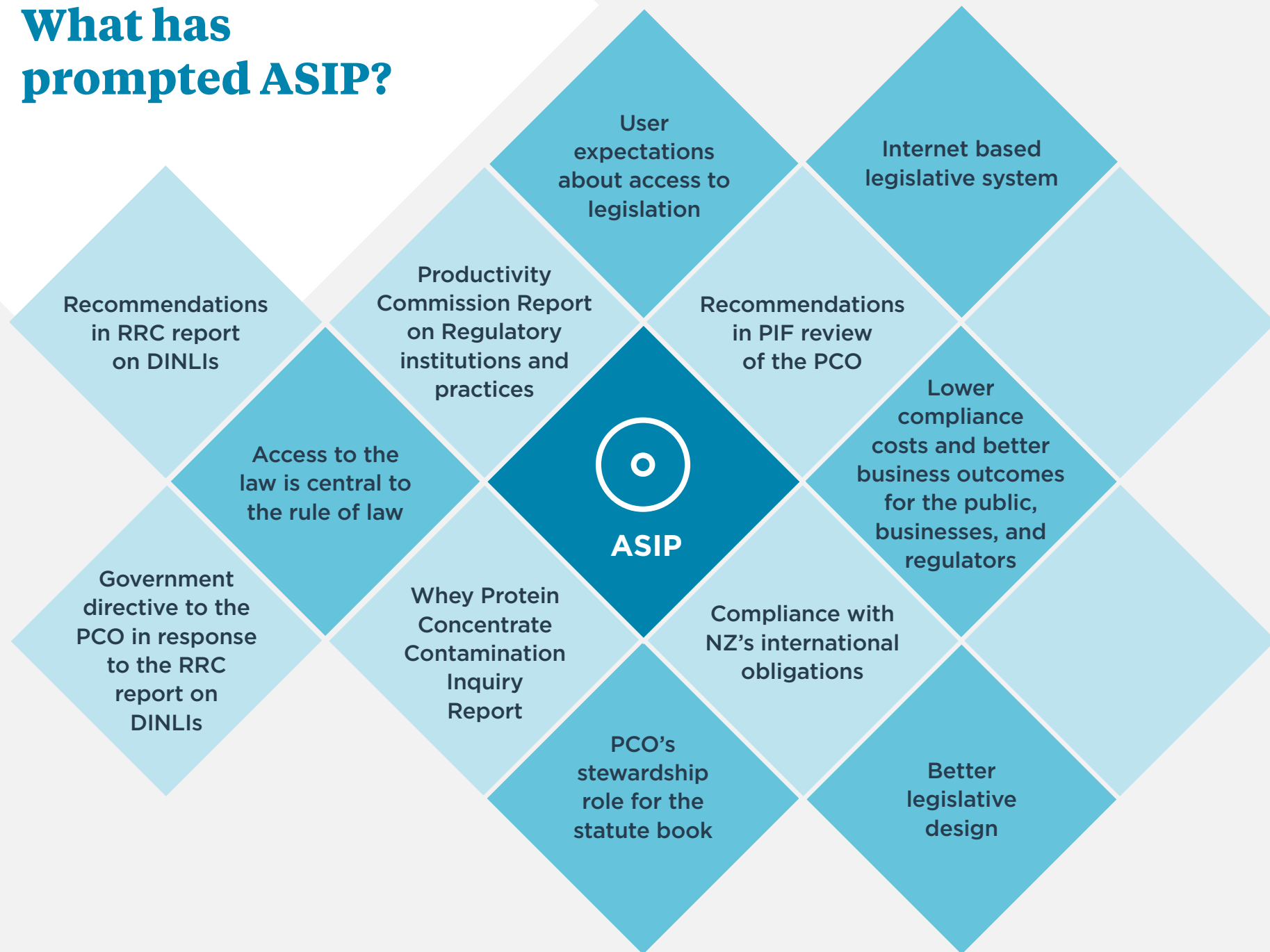
## How will ASIP improve access to legislation?



# What are subordinate instruments?



## What has prompted ASIP?



# ASIP's objective and guiding principles



Reflect the needs and knowledge of —

- the public
- agencies who draft instruments



Modernise and simplify legislative and House processes



## Objective

To publish all subordinate instruments on the NZ Legislation website



Simplify the statute book



Treat all legislation the same



Increase usability of legislation data

## What is outside ASIP's scope?

### ASIP does not itself...

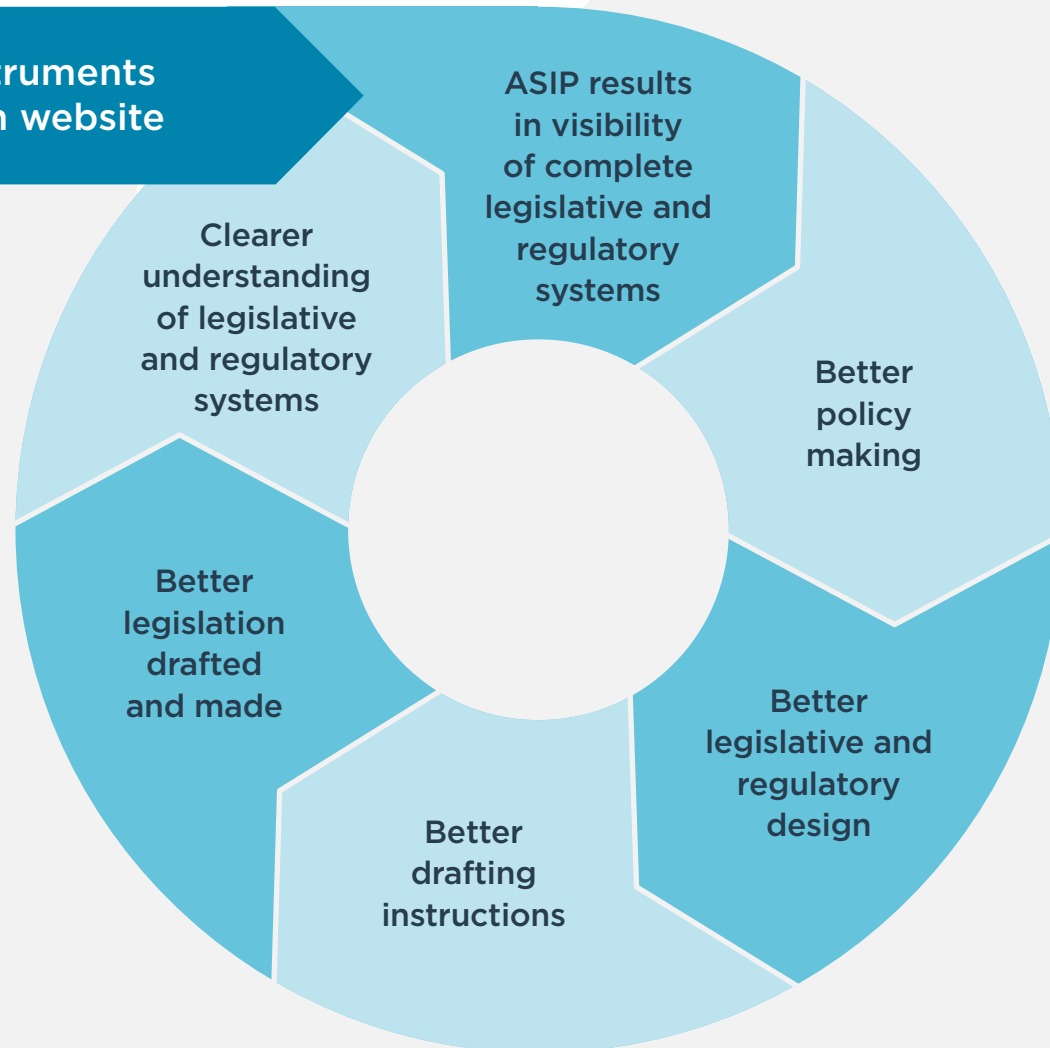
- ⊗ Include local government bylaws and rules
- ⊗ Result in better legislative design
- ⊗ Provide simpler, clearer legislation
- ⊗ Improve agencies' processes for the drafting and making of instruments

### But ASIP will...

- ✓ Be designed so local government bylaws and rules can be included in future
- ✓ Enable better legislative design by making all legislation and regulatory systems visible
- ✓ Make it easier for other initiatives to produce simpler, clearer legislation
- ✓ Enable agencies to set up better business processes by centralising the drafting of instruments within agencies

# ASIP will enable better legislative and regulatory systems to be developed

ASIP results in all subordinate instruments being published on NZ Legislation website





# ASIP has three major components



# Overview of possible new ASIP process and its benefits

## Possible process

Agency drafts subordinate instrument using ASIP authoring system

(Note, whether any ASIP authoring system is to be developed will be determined through consultation with agencies and options analysis for ASIP's business case)

Agency makes, certifies and lodges instrument for publication via ASIP authoring system

Instrument is published on NZ Legislation website

## Possible benefits

Authoring system of 102 agencies replaced with one system.

All instruments drafted in one style.

Opportunity for agencies to pool resources, collaborate, and take a whole-of-Government approach.

Simplified and more informative amending styles, like revision tracking of principal instrument.

Metadata collected to increase searchability and information available on NZ Legislation website.

All legislation is searchable, up-to-date and consolidated.

Ability to link to information about administering agencies and guidance materials.

No requirement to notify or publish in the *Gazette*.

No requirement to present to the House.

# Overview of possible new ASIP process and its benefits – continued

## Possible process

Instrument is an official version of New Zealand legislation

Instrument is disallowable unless specifically exempted

Reprint, editorial, and publishing powers in Legislation Act apply

## Possible benefits

All legislation available on one website.

Statute book structure is simplified.

Increased ability to search on NZ Legislation website.

The application of the disallowance process is simplified.

All legislation is treated the same.

All legislation is retained as historical record.

# Categories of legislation after ASIP



## Legislation

means any Act or subordinate instrument



Acts of Parliament



Subordinate  
instruments

# Definition of subordinate instruments to be used in different ways

## For drafting

TO SHOW WHO IS RESPONSIBLE FOR DRAFTING AN INSTRUMENT (THIS IS AN ADMINISTRATIVE DISTINCTION, NOT A LEGAL ONE)

PCO drafted subordinate instruments means **subordinate instruments** that the PCO is responsible for drafting

Agency drafted subordinate instruments means **subordinate instruments** that an agency other than the PCO is responsible for drafting

## For disallowance

TO SHOW WHICH INSTRUMENTS ARE DISALLOWABLE

Disallowable subordinate instruments means all **subordinate instruments** except those listed or identified in Schedule 00

### Schedule 00

lists all **subordinate instruments** that are not disallowable

Subordinate instruments can be listed or identified in Schedule 00 only if it would be inappropriate on constitutional grounds for those instruments to be disallowed

# Empowering provisions for subordinate instruments to be simplified and informative

## Current provision

### Section 174, Crown Entities Act 2004

- (1) The Minister of Finance may issue instructions to Crown entities...
- (5) ~~The instructions are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.~~
- (6) ~~The Minister must notify the instruction in the Gazette, and publish it to the Internet, as soon as practicable after issuing it.~~

## After ASIP

### Section 174, Crown Entities Act 2004

- (1) The Minister of Finance may issue instructions to Crown entities...
- (5) The instructions must be drafted and published in accordance with section X [or Y] of the Legislation Act 2012.

### Section X [or Y], Legislation Act 2012

The PCO [administering agency] is responsible for drafting and publishing all subordinate instruments whose empowering provision states that it is to be drafted in accordance with this section.



















# **Subordinate instruments will have effect only after publication on NZ Legislation website**

## **New provision in the Legislation Act 2012**

### **Effect only after publication as official version of legislation**

- (1) A subordinate instrument has effect only after it has been published as an official version of New Zealand legislation.
- (2) A subordinate instrument is published as an official version of legislation when it is published on the NZ Legislation website.

# Requirement to notify and publish subordinate instruments in the *Gazette* removed

Issue: Retain or remove the legal requirements to notify and publish subordinate instruments in the <i>Gazette</i> ?	Need to be met	 <i>Gazette</i>	 ASIP	Conclusion: Remove legal requirements to notify and publish subordinate instruments in the <i>Gazette</i> .
	Notification of all instruments made?			
	Full publication of all instruments made?			
	Official source of legislation?			
	Most cost-effective process?			
	Easiest access to information?			
	Removes extra procedural steps?			
	Provides information the alternative does not?			
	Meets needs the alternative does not?			



# Requirement to present subordinate instruments to the House removed

Changes to  
legislative  
process

B12

Issue: Retain or remove the legal requirements to present subordinate instruments to the House?	Need to be met	 House	 ASIP	Conclusion: Remove legal requirement to present subordinate instruments to the House.
	Regulations Review Committee informed of all instruments that are made?			
	Parliament informed of all instruments made by the Executive?			
	Most cost-effective process?			
	Easiest access to information?			
	Removes extra procedural steps?			
	Provides information the alternative does not?			
	Meets needs the alternative does not?			

# Major project activities and potential timing for ASIP

Consultation with 102 agencies, RRC, OOC, and others

Treasury, GCTO, and MBIE governance processes

Cabinet approval for ASIP

New Legislation Bill to be passed through the House

Rewrite of the Legislation Act and many consequential amendments

IT build of new authoring tool

Changes to business processes for PCO, 102 agencies, RRC, OOC, and others

Training for all agencies

Changes to NZ Legislation website

Authoring tool available for use by agencies before compulsory publication start-date

Some preliminary changes in anticipation of ASIP could be made via the Legislation Amendment Bill

**New subordinate instruments must be published on NZ Legislation website from compulsory publication start-date (1 January 2020?)**