



12 September 2017

Open Government Partnership  
Independent Review Mechanism  
Attention: Keitha Booth

By email: [keithabooth@gmail.com](mailto:keithabooth@gmail.com)

### **Re: New Zealand's Open Government Partnership's National Action Plan 2016-2018 – Access to Legislation**

Thank you for seeking comment from the New Zealand Law Society on progress with implementing Commitment 6, Improving Access to Legislation, of the *Open Government Partnership National Action Plan 2016-2018*. We understand you are carrying out an independent review of New Zealand's progress in implementing the National Action Plan commitments.

The objective of commitment 6 of the Action Plan is to “improve access to legislation by publishing all subordinate instruments (regardless of who drafts them) on the New Zealand Legislation (NZL) website. The result will be a single, comprehensive, official, public source of all New Zealand's legislation”.<sup>1</sup>

The Law Society supports this commitment and considers it a progressive development in improving access to legislation. As the Action Plan notes, “access to the law is central to the rule of law, and people expect easy access to legislation”.

In a submission in 2014 to Parliament's Regulations Review Committee, the Law Society expressed support for initiatives to improve the identification and publication of delegated legislation, noting the importance of improving access to legislation by making subordinate instruments publicly available.<sup>2</sup> It said that this would have “considerable consequential benefits in improving the quality of legislative instruments and public confidence in the law-making process”.<sup>3</sup>

The Law Society recommended that the Regulations Review Committee “consider proposing the adoption of a register of legislative instruments ... to ensure enforceability, publicity and notification of legislative instruments”.<sup>4</sup>

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<sup>1</sup> <http://www.ogp.org.nz/commitment-6/>, accessed 4.9.17.

<sup>2</sup> Submission dated 4 April 2014 on the Regulations Review Committee's inquiry into oversight of disallowable instruments that are not legislative instruments (available at [http://www.lawsociety.org.nz/data/assets/pdf\\_file/0006/77424/Disallowable-instruments-that-are-not-legislative-instruments,-RRC-Inquiry-4-4-14.pdf](http://www.lawsociety.org.nz/data/assets/pdf_file/0006/77424/Disallowable-instruments-that-are-not-legislative-instruments,-RRC-Inquiry-4-4-14.pdf)), [1], [23].

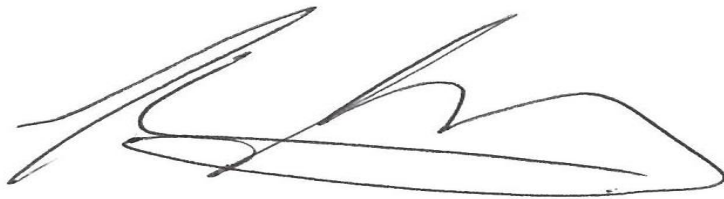
<sup>3</sup> Note 2, at [22].

<sup>4</sup> Note 2, at [23].

Following the Regulations Review Committee's inquiry, the Parliamentary Counsel Office's Access to Secondary Legislation Project was established to "provide a single, comprehensive, official, public source of New Zealand legislation, enabling New Zealanders to have ready and free access to the legislation that affects them". This project supports Commitment 6 of the Action Plan, and is welcomed by the Law Society.

We hope these brief comments are helpful, and if further information would assist please do not hesitate to contact the convenor of the Law Society's Rule of Law Committee, Austin Forbes QC, through the committee secretary Angela Williams ([angela.williams@lawsociety.org.nz](mailto:angela.williams@lawsociety.org.nz)).

Yours faithfully

A handwritten signature in black ink, appearing to be 'K. Beck', written in a cursive style.

Kathryn Beck  
**President**