

# *Vote Parliamentary Counsel*

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APPROPRIATION MINISTER(S): Attorney-General (M5)

DEPARTMENT ADMINISTERING THE VOTE: Parliamentary Counsel Office (A34)

RESPONSIBLE MINISTER FOR PARLIAMENTARY COUNSEL OFFICE: Attorney-General

## *Overview of the Vote*

The Attorney-General is responsible for appropriations in Vote Parliamentary Counsel for the 2023/24 financial year covering the following:

- a total of just under \$31 million for the provision of law drafting services, which includes legislative drafting assistance to Pacific Island nations, undertaking 3-yearly programmes of statute law revision, administering legislation that the Parliamentary Counsel Office is responsible for, and access to legislation in both paper and electronic form, and
- a total of just over \$1 million for the purchase or development of assets by and for the use of the Parliamentary Counsel Office.

Details of these appropriations are set out in Parts 2-4.

# Details of Appropriations and Capital Injections

## Annual Appropriations and Forecast Permanent Appropriations

Titles and Scopes of Appropriations by Appropriation Type	2022/23		2023/24
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
<b>Departmental Output Expenses</b>			
<b>Drafting of and Access to Legislation (M5) (A34)</b>	28,250	28,250	<b>30,691</b>
This appropriation is limited to the drafting and publishing of and providing access to legislation, and examining and providing advice and assistance on the design, drafting, and publication of legislation, and any other related functions directed by the Attorney-General.			
<b>Total Departmental Output Expenses</b>	28,250	28,250	30,691
<b>Departmental Capital Expenditure</b>			
<b>Parliamentary Counsel Office - Capital Expenditure PLA (M5) (A34)</b>	650	650	1,200
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.			
<b>Total Departmental Capital Expenditure</b>	650	650	1,200
<b>Total Annual Appropriations and Forecast Permanent Appropriations</b>	28,900	28,900	31,891

## Capital Injection Authorisations

	2022/23		2023/24
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Parliamentary Counsel Office - Capital Injection (M5) (A34)	-	-	-

# Supporting Information

## Part 1 - Vote as a Whole

### 1.1 - New Policy Initiatives

Policy Initiative	Appropriation	2022/23 Final Budgeted \$000	2023/24 Budget \$000	2024/25 Estimated \$000	2025/26 Estimated \$000	2026/27 Estimated \$000
Providing Workforce Capacity to Ensure Continued Delivery of Core Services	<b>Drafting of and Access to Legislation</b> Departmental Output Expense	-	1,863	2,379	2,379	2,379
Total Initiatives		-	1,863	2,379	2,379	2,379

## 1.2 - Trends in the Vote

### Summary of Financial Activity

	2018/19	2019/20	2020/21	2021/22	2022/23		2023/24			2024/25	2025/26	2026/27
	Actual \$000	Actual \$000	Actual \$000	Actual \$000	Final Budgeted \$000	Estimated Actual \$000	Departmental Transactions Budget \$000	Non- Departmental Transactions Budget \$000	Total Budget \$000	Estimated \$000	Estimated \$000	Estimated \$000
<b>Appropriations</b>												
Output Expenses	18,639	20,249	18,893	21,527	28,250	28,250	30,691	-	30,691	25,798	25,798	25,798
Benefits or Related Expenses	-	-	-	-	-	-	N/A	-	-	-	-	-
Borrowing Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Capital Expenditure	1,472	269	108	-	650	650	1,200	-	1,200	2,830	2,830	2,830
Intelligence and Security Department Expenses and Capital Expenditure	-	-	-	-	-	-	-	N/A	-	-	-	-
Multi-Category Expenses and Capital Expenditure (MCA)												
<i>Output Expenses</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>Other Expenses</i>	-	-	-	-	-	-	-	-	-	-	-	-
<i>Capital Expenditure</i>	-	-	-	-	-	-	N/A	-	-	-	-	-
<b>Total Appropriations</b>	20,111	20,518	19,001	21,527	28,900	28,900	31,891	-	31,891	28,628	28,628	28,628
<b>Crown Revenue and Capital Receipts</b>												
Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Non-Tax Revenue	-	-	-	-	-	-	N/A	-	-	-	-	-
Capital Receipts	-	-	-	-	-	-	N/A	-	-	-	-	-
<b>Total Crown Revenue and Capital Receipts</b>	-	-	-	-	-	-	N/A	-	-	-	-	-

Note - where restructuring of the vote has occurred then, to the extent practicable, prior years information has been restated as if the restructuring had occurred before the beginning of the period covered. In this instance Total Appropriations for the Budgeted and Estimated Actual year may not equal Total Annual Appropriations and Forecast Permanent Appropriations and Multi-Year Appropriations in the Details of Appropriations and Capital Injections.

## Adjustments to the Summary of Financial Activity Table Due to Vote Restructuring

There have been no restructuring adjustments to prior year information in the Summary of Financial Activity table.

### 1.3 - Analysis of Significant Trends

The decrease in capital expenditure reflects the reduced activity relating to the New Zealand Legislation System and the Access to Secondary Legislation Project.

The increase in appropriation for 2021/22 and 2022/23 relates to funding received for the Parliamentary Counsel Office's Business Transformation Programme, and funding received through the Government's COVID-19 Response and Recovery Fund (CRRF) to assist with the increase in COVID-19 specific drafting requirements as a result of the COVID-19 pandemic.

The increase in appropriation for 2023/24 is due to funding received for providing workforce capacity to ensure continued deliver of core services.

With effect from 1 July 2020, the appropriation structure in Vote Parliamentary Counsel changed from a multi category appropriation to a single departmental output expense appropriation, this did not affect the Parliamentary Counsel Office's total appropriation. This change relates to Cabinet's directive to consolidate appropriations as the first step of modernising the public finance system. Parliamentary Counsel Office has worked with the Treasury to develop the new appropriation structure.

## Part 2 - Details of Departmental Appropriations

### 2.1 - Departmental Output Expenses

#### Drafting of and Access to Legislation (M5) (A34)

##### *Scope of Appropriation*

This appropriation is limited to the drafting and publishing of and providing access to legislation, and examining and providing advice and assistance on the design, drafting, and publication of legislation, and any other related functions directed by the Attorney-General.

##### *Expenses and Revenue*

	2022/23		2023/24
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Total Appropriation	28,250	28,250	30,691
Revenue from the Crown	27,790	27,790	30,491
Revenue from Others	460	460	200

##### *What is Intended to be Achieved with this Appropriation*

This appropriation is intended to achieve the provision of high-quality legislation that is readily available to all New Zealanders.

##### *How Performance will be Assessed and End of Year Reporting Requirements*

	2022/23		2023/24
	Final Budgeted Standard	Estimated Actual	Budget Standard
Assessment of Performance			
The Attorney-General is satisfied that the quality and timeliness standards, as listed below in Note 1, have been achieved	The Attorney-General is satisfied	The Attorney-General is satisfied	The Attorney-General is satisfied
The proportion of select committees that respond to our annual survey that rate the quality and timeliness standards as four or better on a scale of one to five, with one being very dissatisfied and five being very satisfied (see Note 2)	90%	90%	90%
Free public access to the New Zealand Legislation (NZL) website is available 24 hours a day, 7 days a week (see Note 3)	99%	99%	99%
The Legislative Enactments of New Zealand (LENZ) drafting system is available 24 hours a day, 7 days a week for the Office of the Clerk and Inland Revenue Department staff (see Note 4)	99%	99%	Discontinued
Legislation is published within set timeframes (see Note 5)	100%	100%	100%
All Bills on the annual legislation programme in category 1 (that must be passed or introduced as a matter of law in the current calendar year) and category 2 (that must be passed in the current calendar year), and which the PCO have received instructions for, are drafted	100%	100%	100%

Assessment of Performance	2022/23		2023/24
	Final Budgeted Standard	Estimated Actual	Budget Standard
The proportion of instructing departments and agencies that respond to our annual survey that rate the quality and timeliness standards, as listed below in Note 6, as four or better on a scale of one to five, with one being very dissatisfied and five being very satisfied	90%	90%	90%
Pacific Island instructors are satisfied that the quality and timeliness standards, as listed in Note 7, 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
In regard to the 3-yearly revision programme, relevant instructing departments and agencies are satisfied that the quality and timeliness standards, as listed below in Note 8, have been achieved	Instructing departments and agencies are satisfied	Instructing departments and agencies are satisfied	Discontinued
Users of the New Zealand Legislation Website, that are surveyed by the PCO, agree that the website was easily usable (see Note 9)	New Measure	New Measure	80%

Performance for this Appropriation will be assessed through the performance measures listed above. These measures will be reported on in the Parliamentary Counsel Office's Annual Report for 2023/24.

#### Note 1 -

The quality standards are that:

- the electronic database of Acts (both as enacted and with their amendments incorporated), secondary legislation drafted by the PCO (both as made and with their amendments incorporated), Bills, and Supplementary Order Papers (SOPs) is up to date
- Bills, SOPs, Acts of Parliament, and secondary legislation drafted by the PCO are formatted and presented in accordance with current drafting practice
- Bills and secondary legislation drafted by the PCO undergo a quality assurance process to ensure they are reviewed for errors and to assess their constitutional soundness, legal effectiveness, workability, compliance with current drafting practice, structure and clarity
- advice given to the Attorney-General by the PCO 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
- all certified revision Bills and their accompanying certificates have been provided to the Attorney-General in accordance with section 98 of the Legislation Act 2019.

The timeliness standard is that:

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

#### Note 2 -

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

Note 4 - A 100% budget standard is not appropriate as system outages are required for planned upgrades.

Note 5 - 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, and
- after they are notified in the New Zealand Gazette, all secondary legislation drafted by the PCO

within five working days:

- of assent, all Acts are available on the NZL website.

Note 6 -

The quality and timeliness standards for 2022/23 are as follows:

The quality standards are that:

- the legislation produced is drafted as clearly and simply as possible
- the legislation produced is legally effective
- the instructing department or agency is satisfied with the final product, and
- 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.

The quality and timeliness standards for 2023/24 are as follows:

The quality standards are that:

- the legislation produced is drafted as clearly and simply as possible
- the instructing department or agency is satisfied the final product is workable and implements the Government's policy, and
- advice on legislative drafting matters is provided in a manner that is respectful, collaborative and solutions focused.

The timeliness standard is that:

- drafts of legislation are produced within agreed deadlines.

Changes were made to the quality standards under this performance measure for 2023/24 onwards to better reflect the PCO's scope of responsibility. The quality standard 'the legislation produced is legally effective' was removed and replaced with 'the instructing department or agency is satisfied the final product is workable and implements the Government's policy'. Changes were also made to the quality standard that relates to the manner in which the PCO provides our advice. The reference to advice being provided in a manner that is 'professional, impartial and responsive' was replaced with 'respectful, collaborative and solutions-focused'. This was done to reflect the PCO's new organisational values.

Note 7 -

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 8 -

The quality standards for the 3-yearly revision programme are that:

- the legislation produced is drafted as clearly and simply as possible
- the legislation produced is legally effective, and
- the revision Bill does not change the effect of the law, except as authorised by section 96(3) of the Legislation Act 2019.

The timeliness standard is that:

- legislation, as outlined in the agreed 3-yearly revision programme, is drafted within agreed deadlines.

Note 9 -

This is a new performance indicator selected to provide the PCO with performance information to assess the effectiveness of the service provided by the New Zealand Legislation website. Baseline performance information will be gathered during the 2023/24 year.

Note 10 -

The PCO has made several changes to our performance measures that will apply from 2022/23 onwards:

- The PCO made several minor wording changes to our performance measures to update terminology following the commencement of the Legislation Act 2019 and the Secondary Legislation Act 2021.
- Changes were also made to the performance measure that relates to the publication timeframes for legislation. Updates were made to remove references to the hardcopy publication of legislation, which the PCO no longer undertakes (other than for legal deposit copies).

- Changes were made to the performance measure that relates to the Attorney-General's satisfaction with the PCO's performance. Where the measure requires PCO to confirm an absolute matter that is not within its control and is difficult to monitor or measure (for example, that legislation is consistent with the policy it implements, legal principles, NZBORA and the Human Rights Act), we have adjusted the measure so that it is focused instead on PCO undertaking the quality assurance processes that assess these standards. This more accurately reflects the PCO's functions and responsibilities.
- One performance measure (relating to the Attorney-General's satisfaction with the 3-yearly revision programme) was removed, as this is already covered by the overarching Attorney-General satisfaction measure.

#### Note 11 -

The PCO has also removed two performance measures from its performance information for the 2023/24 year:

- A performance measure relating to the provision of the Legislative Enactments of New Zealand drafting tool system availability for the Office of the Clerk and the Inland Revenue Department was removed. This was removed as it focused on the provision of an internal service.
- A performance measure relating to whether instructing departments and agencies were satisfied with the PCO's delivery of the 3-yearly revision programme was removed. This was removed to reduce duplication, as this performance information is already captured by the performance measure relating to whether instructing departments and agencies are satisfied with the PCO's performance more generally.

#### Note 12 -

The PCO is in the process of developing refreshed Strategic Intentions to drive our performance over the next four years. This will be completed in the 2023/24 year, and once this is finalised, the PCO will undertake a review of our current performance measures and consider whether it is appropriate to make further changes through future Estimates cycles to ensure alignment with our new Strategic Intentions.

### *End of Year Performance Reporting*

Performance information for this appropriation will be reported by Parliamentary Counsel Office in its Annual Report to be presented in the House.

### *Reasons for Change in Appropriation*

The increase in this appropriation for 2023/24 is due to:

- an increase of \$4.193 million to support the Business Transformation Programme
- an increase of \$1.863 million for providing workforce capacity to ensure continued delivery of core services
- offset by one off increases in the 2022/23 appropriation of \$3.615 million.

*Current and Past Policy Initiatives*

Policy Initiative	Year of First Impact	2022/23 Final Budgeted \$000	2023/24 Budget \$000	2024/25 Estimated \$000	2025/26 Estimated \$000	2026/27 Estimated \$000
Providing Workforce Capacity to Ensure Continued Delivery of Core Services	2023/24	-	1,863	2,379	2,379	2,379
Business Transformation Programme - Capital to Operating swap	2021/22	(75)	(75)	(75)	(75)	-
Business Transformation Programme	2021/22	3,187	-	-	-	-
CRRF COVID-19 drafting and publications team	2021/22	972	-	-	-	-

## 2.3 - Departmental Capital Expenditure and Capital Injections

### Parliamentary Counsel Office - Capital Expenditure PLA (M5) (A34)

#### *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*

	2022/23		2023/24
	Final Budgeted \$000	Estimated Actual \$000	Budget \$000
Forests/Agricultural	-	-	-
Land	-	-	-
Property, Plant and Equipment	650	650	200
Intangibles	-	-	1,000
Other	-	-	-
<b>Total Appropriation</b>	<b>650</b>	<b>650</b>	<b>1,200</b>

#### *What is Intended to be Achieved with this Appropriation*

This appropriation is intended to achieve investment in the renewal and replacement of life-expired assets in support of the delivery of the Parliamentary Counsel Office's services.

#### *How Performance will be Assessed and End of Year Reporting Requirements*

Expenditure is in accordance with the Parliamentary Counsel Office's long-term capital expenditure plan.

#### *End of Year Performance Reporting*

Performance information for this appropriation will be reported by the Parliamentary Counsel Office in its Annual Report to be presented in the House.

#### *Reasons for Change in Appropriation*

The increase in this appropriation for 2023/24 is due to the alignment of the appropriation with Parliamentary Counsel Office's current Capital Asset Management Plan.

*Capital Injections and Movements in Departmental Net Assets***Parliamentary Counsel Office**

Details of Net Asset Schedule	2022/23 Estimated Actual \$000	2023/24 Projected \$000	Explanation of Projected Movements in 2023/24
Opening Balance	13,591	13,591	
Capital Injections	-	-	
Capital Withdrawals	-	-	
Surplus to be Retained (Deficit Incurred)	-	-	
Other Movements	-	-	
<b>Closing Balance</b>	<b>13,591</b>	<b>13,591</b>	