



Report Title:	Legislative bid for repealing the Plain Language Act 2022		
Report No:	2024-0023		
Date:	5 February 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Approve the attached draft legislative bid	Due Date	19 February 2024
Contact Person:	Hannah Cameron, Deputy Commissioner Strategy and Policy		
Contact No:	9(2)(a)		
Encl:	Yes – Cabinet paper for legislative bid	Priority:	Medium
Security Level:	IN CONFIDENCE		

Executive summary

1. This report provides a draft Cabinet paper, as requested, to bid for a slot on the 2024 Legislation Programme for legislation to repeal the Plain Language Act (the Act).
2. The Act was passed in October 2022. It resulted from a Member's Bill sponsored by MP Rachel Boyack. It was intended to improve the accountability and effectiveness of the Public Service through the use of plain language in public-facing documents.
3. The repeal bill (Plain Language Act Repeal Bill) is proposed as a category 7 legislative priority. This allows the policy development to continue through 2024. Drafting instructions are not expected to be issued before the end of the year. This will allow time to confirm a policy position with Cabinet on the repeal of Plain Language Act (the Act) and its intended outcomes.

Recommended action

We recommend that you:

- a **discuss** any feedback on this advice and the draft legislative bid with officials.
- b **agree** the Cabinet paper containing the legislative bid, subject to any edits from you or your office.

Agree/disagree.

- c **agree** that the Public Service Commission release this briefing, subject to any appropriate redactions, once final Cabinet policy decisions have been made on these issues.

Agree/disagree.

Hon Nicola Willis
Minister for the Public Service

IN CONFIDENCE

Legislative bid for repealing the Plain Language Act 2022

Purpose of report

4. You requested at our agency meeting on Tuesday 23 January that legislation for repealing the Plain Language Act 2022 (the Act) be submitted for inclusion in the Legislation Programme for 2024. This report provides you with a draft Cabinet paper to make that bid, as well as background on the Act and its implementation.

Background

Enactment

5. The Plain Language Act was passed in October 2022. It resulted from a Member's Bill sponsored by MP Rachel Boyack. The Act aims to improve the effectiveness and accountability of the Public Service through the use of clear, concise, easily understood language in public documents. It requires agencies to take reasonable steps to ensure this, including by appointing a plain language officer and reporting to the Public Service Commissioner on their compliance.
6. With the agreement of the then Minister for the Public Service, the Public Service Commission supported the Governance and Administration Select Committee in its consideration of the Bill. The Select Committee report on the Bill is available on the Parliament website.¹

Implementation to date

7. The Public Service Commission has published guidance for agencies that outlines five key steps to ensure their compliance with the Act: appoint a plain language officer, provide staff training and resources, have a process for taking on public feedback, consider plain language as part of internal processes, and report on plain language activity. The guidance encourages agencies to use existing resources and processes in meeting these requirements.
8. The Commission has collected information on agency compliance with those five steps and published this in our annual report. This information indicates that 76 agencies appointed at least one plain language officer, all of whom were existing staff members who had plain language officer responsibilities added to their substantive roles. No new staff were specifically employed as a consequence of the Act. Agencies have also made progress on the other four steps.

Legislative bid

9. As requested, the repeal bill is proposed as a category 7 priority on the 2024 Legislation Programme. The priority categories are outlined as Annex One of Cabinet Office circular CO (23) 13. Category 7 indicates that policy development will continue in or beyond 2024 and that drafting instructions are not expected to be issued by the end of 2024.
10. This is consistent with the policy process for the repeal having not yet been initiated, and the fact that repealing the Act is not a 100-day plan priority or a coalition agreement item.

¹ Governance and Administration Committee. (12 Aug 2022). *Report of the Governance and Administration Committee on the Plain Language Bill*. Retrieved from selectcommittees.parliament.nz/view/SelectCommitteeReport/75d11bf8-7f7d-407d-bec9-566c12b5e732.

11. The proposal aligns with government priorities to support the efficient use of government resources and the efficient and effective operation of the administrative framework for the public service by removing inconsequential legislation and reducing compliance burden on public service agencies.
12. The Act was supported by a majority of submissions in the select committee process, especially on the basis of its policy intent. Repealing the Act may be contentious among those supporters. Such concerns can be considered through the policy process required to progress the repeal bill.
13. It may be possible to repeal the Act in a shorter timeframe, depending on the Government's legislative programme, and the outcome of policy discussions (particularly whether the Government wishes to explore non-legislative options for achieving plain language policy aims).

Process for repeal

14. A repeal bill for the Act will need to go through the regular policy and parliamentary processes to be enacted. While we anticipate that the drafting of the Bill itself will be straightforward, other stages include:
 - Drafting of Cabinet policy paper (including a possible regulatory impact statement), consultation, agreement by Cabinet, and preparation of drafting instructions;
 - Drafting of the repeal bill (by the Parliamentary Counsel Office);
 - Reviews and edits, consultation with other departments, Bill of Rights Act vetting, ministerial consultation, LEG committee and approval, Cabinet approval to introduce the Bill; and
 - Full parliamentary process (including three readings, select committee time and committee of the whole house).
15. The first step is for the Public Service Commission to prepare a draft Cabinet paper for your consideration, and accompanying advice. This advice will include more detail on the timeframes for these processes.

Next steps

16. Pending any feedback on the draft legislative bid, we suggest you approve the Cabinet paper for lodgement in time for the 19 February deadline for legislative bids.
17. We also suggest that you initiate a policy process with officials to establish the outcomes you hope to achieve from the repeal (which will also indicate whether you wish to explore non-legislative options for pursuing plain language objectives).