

Hon Judith Collins KC

## **Minister for the Public Service**

Repealing the Plain Language Act 2022

Date of issue: 14 April 2025

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**Title:** Repealing the Plain Language Act 2022

**Author:** Te Kawa Mataaho Public Service Commission

The Hon Judith Collins KC, Minister for the Public Service is releasing the Cabinet paper and Cabinet Minute

### **Explanatory Note**

Included in this release are the following documents:

- Cabinet Paper Repealing the Plain Language Act 2022
- Cabinet Minute CBC-24-MIN-0115
- Cabinet Minute CAB-24-MIN-0471

## **In Confidence**

Office of the Minister of Public Service

Cabinet Business Committee

## **Repealing the Plain Language Act 2022**

### **Proposal**

- 1 This paper seeks agreement to issue drafting instructions for a bill to repeal the Plain Language Act 2022.

### **Relation to government priorities**

- 2 This proposal supports the efficient use of government resources by avoiding the compliance costs needed for agencies to meet the Act's requirements.

### **Executive Summary**

- 3 The Plain Language Act 2022 originated as a Member's Bill by a Labour MP and aims to improve the effectiveness and accountability of the Public Service through the use of clear, concise, easily understood language in public documents.
- 4 While this aim is worthy, legislation is not the most appropriate way to achieve it. This point was made by several submitters on the Bill when it was considered by the Governance and Administration Committee, including the New Zealand Law Society and the Legislation and Design Advisory Committee (which opposed the Bill). The Bill also received opposition in the House from both National and ACT parties.
- 5 I propose that Cabinet agree to repeal the Plain Language Act 2022 in order to reduce the compliance burden on agencies caused by this legislation and free up resources to pursue other priorities.
- 6 Repealing the Act will require a repeal Bill to be introduced to Parliament. The proposed repeal Bill has been allocated a category 7 slot on the Legislation Programme (drafting instructions not anticipated in 2024) but the Parliamentary Counsel Office has indicated that the repeal Bill will be straightforward and drafting could be progressed sooner.
- 7 In practice, repealing the Act will remove administrative and compliance requirements, leaving agencies free to pursue plain language outcomes as appropriate for their context. Several agencies already had well-developed plain language resources and practices before the Act was passed, and have been working to share these with other agencies. I do not expect this activity

to cease, and on repeal of the Act will ensure communication of the Government's ongoing support for the use plain language and the expectation that agencies continue established activities that are contributing to efficient and effective public service outcomes.

## **Background**

### *Enactment*

- 8 The Plain Language Act was passed in October 2022. It resulted from a Member's Bill sponsored by MP Rachel Boyack and aims to improve the effectiveness and accountability of the Public Service through the use of clear, concise, easily understood language in public documents.
- 9 Specifically it requires that:
  - 9.1 agencies take reasonable steps to ensure relevant documents<sup>1</sup> use plain language
  - 9.2 agencies appoint plain language officers, who are responsible for educating employees on the requirements of the Act, dealing with feedback on the agency's compliance, and ensuring the agency complies with the Act
  - 9.3 agencies report annually to the Public Service Commissioner on their compliance with the Act
  - 9.4 the Public Service Commissioner report annually to the Minister for the Public Service on agency compliance across the Public Service.
- 10 The Act's origins as a Member's Bill meant the Bill and alternative options for achieving the policy aims were not considered by Cabinet.

### *Opposition to the Bill*

- 11 The Governance and Administration Committee received 68 submissions on the Bill during the Select Committee stage. While most public submitters supported the intent of the Act, several raised concerns with plain language being required by legislation, including the New Zealand Law Society and the Legislation Design and Advisory Committee (LDAC). In particular, LDAC recommended that the Bill not proceed for several reasons, including:
  - 11.1 the policy objective would be better achieved through non-legislative means,
  - 11.2 legislation does not provide adequate flexibility in meeting the policy objective, especially given the subjectivity and context-dependence of plain language as a concept,

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<sup>1</sup> 'Relevant document' is defined in section 6 of the Plain Language Act 2022, and generally includes documents that provide information to the public on how to access services or comply with requirements.

- 11.3 legislation is costly, and mandating a uniform approach across agencies could lead to wasteful spending and unnecessary compliance costs, and
- 11.4 unnecessary legislation increases legal risk and uncertainty.<sup>2</sup>
- 12 The Bill received opposition in the House from the National and ACT parties, both of which voted against the Bill at its third reading.

#### *Implementation to date*

- 13 The Bill passed into law on 21 October 22, and came into force on 21 April 2023.
- 14 Following Public Service Commission guidance, agencies have attempted to minimise the costs of implementation by appointing existing employees as plain language officers and by using existing resources and processes to meet requirements under the Act. However, there are still ongoing requirements which come with a compliance cost, including annual reporting from each agency on their compliance with the Act.

#### **Repeal of the Plain Language Act**

- 15 I propose that Cabinet agree to repeal the Plain Language Act 2022.
- 16 Repealing the Act will reduce the compliance burden on agencies and free up resources to pursue the policy intent of the Act or other priorities. It will also reduce contradictions with the Legislation Guidelines.
- 17 Repealing the Act will require a repeal Bill to be introduced to Parliament. It is my intention that this Bill be introduced to the House in 2025.
- 18 The repeal Bill has been allocated a slot on the Government's Legislation Programme with category 7 priority (drafting instructions not anticipated in 2024) but the Parliamentary Counsel Office has indicated that the repeal Bill will be straightforward and drafting could be progressed sooner.

#### *Implementation*

- 19 Repealing the Plain Language Act would have the following effects in practice:
  - 19.1 The Public Service Commission would retract their guidance on complying with the Act. Note this guidance is procedurally focused and does not include detailed guidance on the use of plain language, as there are other resources available that fulfil that purpose.
  - 19.2 Agencies would no longer be required to have a designated 'plain language officer.' This change is not anticipated to have any effect on

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<sup>2</sup> Legislation Design and Advisory Committee. (2022). *Plain Language Bill*. Retrieved from [www.parliament.nz/resource/en-NZ/53SCGA\\_EVI\\_115953\\_GA21155/9b517ca540bb97a15e80fc74981be5638e1cb49b](http://www.parliament.nz/resource/en-NZ/53SCGA_EVI_115953_GA21155/9b517ca540bb97a15e80fc74981be5638e1cb49b)

staffing numbers, as all plain language officers were pre-existing staff who had plain language responsibilities added on top of their substantive roles. Agencies may still reflect these arrangements in an informal, voluntary manner.

- 19.3 Agencies will no longer be required to report on their compliance with the Plain Language Act. The next round of reporting would otherwise have been due at the end of July 2025. The initial rounds of reporting have been compiled in the Public Service Commission's annual report for 2022/23 and 2023/24 (with the latter still to be published).
- 20 Implementing the repeal of the Plain Language Act 2022 does not mean that agencies will or should halt efforts to improve their use of plain language. I expect agencies to continue working to produce plain language communications that are fit-for-purpose within each agency's individual context. This is consistent with the fact that several agencies already had plain language resources and practices before the Act and have shown willingness to share these with other agencies to improve practice.

### **Cost-of-living Implications**

- 21 Repealing the Plain Language Act 2022 will not have any impacts on the cost of living.

### **Financial Implications**

- 22 Repealing the Plain Language Act will remove compliance costs from agencies, particularly in relation to reporting requirements.

### **Legislative Implications**

- 23 Repealing the Plain Language Act will require new legislation (a repeal bill). The Parliamentary Counsel Office has been consulted on this.
- 24 Subject to Cabinet agreement, the Minister for the Public Service will instruct the Parliamentary Counsel Office to draft a bill to repeal the Plain Language Act 2022.
- 25 The repeal bill has been allocated a slot on the Government's Legislation Programme with category 7 priority.

### **Impact Analysis**

#### **Regulatory Impact Statement**

- 26 The Treasury's Regulatory Impact Analysis team has determined that the proposal to repeal the Plain Language Act 2022 is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

## Climate Implications of Policy Assessment

- 27 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that CIPA requirements do not apply to this proposal as it is not expected to result in any significant, direct emissions impacts.

## Population Implications

- 28 Plain language has some overlap with accessibility, especially for those with language or learning difficulties, and those who do not speak English as a first language. Representatives of these groups expressed support for the Plain Language Act and its aims through the select committee process.
- 29 I note that there is already accessibility guidance in place to support agencies to produce content that meets the needs of these individuals and communities, including the *Web Accessibility Standard*<sup>3</sup>, and the *Accessibility Guide: Leading the way in accessible information*.<sup>4</sup> There is also an all-of-government process for providing alternate formats, currently coordinated by the Ministry of Social Development.
- 30 There are also other ongoing work programmes within the public service to support the needs of these population groups. These include the work of Ministry of Disabled People – Whaikaha (established in July 2022) and the social cohesion work programme associated with the response to the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques.

## Human Rights

- 31 Repealing the Plain Language Act 2022 does not have implications for human rights.

## Use of External Resources

- 32 No external resources were used in the development of this paper.

## Consultation

- 33 The Parliamentary Counsel Office has been consulted on the legislative requirements of this proposal. They have advised that the drafting is likely to be straightforward.
- 34 This paper has been consulted on with the Department of Prime Minister and Cabinet; Ministry of Business, Innovation and Employment; Department of Corrections; Ministry of Defence; Department of Internal Affairs; Ministry of Education; New Zealand Treasury; Ministry of Health; Land Information New Zealand; Ministry for Regulation; Inland Revenue Department; Ministry for the

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<sup>3</sup> [www.digital.govt.nz/standards-and-guidance/nz-government-web-standards/web-accessibility-standard-1-1/](https://www.digital.govt.nz/standards-and-guidance/nz-government-web-standards/web-accessibility-standard-1-1/)

<sup>4</sup> [/www.msd.govt.nz/about-msd-and-our-work/work-programmes/accessibility/accessibility-guide/index.html#:~:text=The%20%22Accessibility%20Guide%3A%20Leading%20the,are%20accessible%20for%20disabled%20people.](https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/accessibility/accessibility-guide/index.html#:~:text=The%20%22Accessibility%20Guide%3A%20Leading%20the,are%20accessible%20for%20disabled%20people.)

Environment; Ministry of Social Development; Ministry of Transport; and New Zealand Police.

- 35 There is no public consultation planned as the proposal relates to the removal of requirements that are internal to the public service.
- 36 The bill may need to be consulted on with ministers outside Cabinet and other parliamentary colleagues in addition to the Cabinet policy approval process.

### Communications

- 37 Subject to Cabinet agreement, I plan to issue a public statement announcing our intent to introduce a repeal bill for the Plain Language Act 2022.
- 38 On repeal of the Act I will ensure communication of the Government's ongoing support for the use plain language, and the expectation that agencies continue established activities that are contributing to efficient and effective public service outcomes.

### Proactive Release

- 39 I intend to proactively release this Cabinet paper (subject to any necessary redactions) once all relevant decisions have been taken by Cabinet and the repeal has been announced.

### Recommendations

The Minister for the Public Service recommends that the Committee:

- 1 **note** the Plain Language Act 2022 was introduced as a Member's Bill by a Labour MP and aims to improve the effectiveness and accountability of the Public Service through the use of clear, concise, easily understood language in public documents
- 2 **note** that concerns about the use of legislation to achieve plain language policy aims were raised by several groups
- 3 **note** that the Act was implemented with minimal resource demand on agencies, who were encouraged to make use of existing resources and processes, but that it still imposes compliance costs
- 4 **note** that repealing the Act will reduce that compliance burden and free agencies up to focus on the Government's priorities
- 5 **agree** to repeal the Plain Language Act 2022
- 6 **note** that the proposed Plain Language Act Repeal Bill holds a category 7 priority on the Legislation Programme (to be referred to a select committee by 2025)
- 7 **invite** the Minister for the Public Service to issue drafting instructions to the Parliamentary Counsel Office to repeal the Plain Language Act 2022

- 8 **note** that in practice, repealing the Plain Language Act will result in the retraction of Public Service Commission guidance, removal of the requirement for agencies to have a designated plain language officer, and removal of the requirement for agencies to report on their compliance with the Act
- 9 **note** that agencies will still be expected to continue to pursue improvements in their use of plain language as appropriate in their specific contexts

Authorised for lodgement

Hon Nicola Willis

Minister for the Public Service





# Cabinet Business Committee

## Minute of Decision

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### Repealing the Plain Language Act 2022

**Portfolio**                      **Public Service**

On 25 November 2024, the Cabinet Business Committee:

- 1        **noted** that the Plain Language Act 2022 (the Act) was introduced as a Member's Bill by a Labour Member of Parliament, and aims to improve the effectiveness and accountability of the Public Service through the use of clear, concise, easily understood language in public documents;
- 2        **noted** that concerns about the use of legislation to achieve plain language policy aims were raised by several groups;
- 3        **noted** that the Act was implemented with minimal resource demand on agencies, who were encouraged to make use of existing resources and processes, but that it still imposes compliance costs;
- 4        **noted** that repealing the Act will reduce that compliance burden and free agencies up to focus on the Government's priorities;
- 5        **agreed** to repeal the Act;
- 6        **noted** that the Plain Language Act Repeal Bill holds a category 7 priority on the Legislation Programme (policy development to continue in or beyond 2024);
- 7        **invited** the Minister for the Public Service to issue drafting instructions to the Parliamentary Counsel Office to repeal the Act;
- 8        **noted** that in practice, repealing the Act will result in the retraction of Public Service Commission guidance, removal of the requirement for agencies to have a designated plain language officer, and removal of the requirement for agencies to report on their compliance with the Act;
- 9        **noted** that agencies will still be expected to continue to pursue improvements in their use of plain language as appropriate in their specific contexts.

Jenny Vickers  
Committee Secretary

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**Attendance: (see over)**

**Present:**

Rt Hon Christopher Luxon (Chair)  
Hon David Seymour  
Hon Nicola Willis  
Hon Brooke van Velden  
Hon Shane Jones  
Hon Dr Shane Reti  
Hon Simeon Brown  
Hon Erica Stanford  
Hon Judith Collins KC  
Hon Todd McClay  
Hon Matt Doocey

**Officials present from:**

Office of the Prime Minister  
Department of the Prime Minister and Cabinet



# Cabinet

## Minute of Decision

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### Report of the Cabinet Business Committee: Period Ended 29 November 2024

On 2 December 2024, Cabinet made the following decisions on the work of the Cabinet Business Committee for the period ended 29 November 2024:

out of scope

CBC-24-MIN-0115


**Repealing the Plain Language Act 2022**

CONFIRMED

Portfolio: Public Service

out of scope

out of scope



Rachel Hayward  
Secretary of the Cabinet