

# Departmental Disclosure Statement

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Plain Language Act Repeal Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Public Service Commission.

The Public Service Commission certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

18/03/2025

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## **Part One: General Policy Statement**

This Bill repeals the Plain Language Act 2022 (the Act) to remove the compliance-based administrative requirements the Act places on public service agencies.

The Government's view is that the activities required by the Act do not directly contribute to the better use of plain language and that enacting legislation is not the most appropriate way to achieve this overarching objective. It is considered that compliance with the Act is not an efficient use of government resources and that the repeal will reduce the compliance costs incurred by public service agencies in meeting the Act's requirements.

The Government considers that repealing the Act will not restrict public service agencies' work to improve plain language communications as is appropriate in the context of each agency.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	NO
Note that, as required under the Plain Language Act 2022, the Public Service Commissioner did report in the <a href="#">Public Service Commission Annual Report 2023</a> , and the <a href="#">Public Service Commission Annual Report 2024</a> on how agencies had complied with the Act. This included an overview of plain language related activities for these years.	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	NO

### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	NO
Treasury's Regulatory Impact Analysis team (now part of the Ministry for Regulation) determined that the proposal to repeal the Plain Language Act 2022 was 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.	

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	NO

<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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New Zealand has no specific international obligations relating to plain language. Use of plain language by agencies may indirectly help New Zealand to meet other international obligations by improving the public's ability to understand, for example, service entitlements and regulatory requirements that apply to them. Removing the specific requirements of the Plain Language Act, including the appointment of plain language officers and reporting to the Public Service Commissioner on plain language-related activities, will not restrict agencies from communicating in plain language and continuing activities to promote use of plain language. Relationships established between agencies to support the Act's implementation, including by sharing information on plain language practices, can continue to support improvements in the use of plain language across government.

### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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The Plain Language Act 2022 is not considered to have any direct implications on the ability of the Crown to uphold its responsibilities under the Treaty of Waitangi. Use of plain language by agencies may indirectly help to improve equitable access to services and application of the law, by improving the public's ability to understand e.g. service entitlements and regulatory requirements that apply to them. However, removing the specific requirements of the Plain Language Act, including appointing a plain language officer and reporting to the Public Service Commissioner on plain language-related activities, will not restrict agencies from communicating in plain language and continuing activities to promote use of plain language. Relationships established between agencies to support the Act's implementation, including by sharing information on plain language practices, can continue to support improvements in the use of plain language across government. This Bill is therefore not considered inconsistent with the Treaty of Waitangi or its principles.

### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>NO</b>
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The Ministry of Justice is undertaking a New Zealand Bill of Rights Act vet of the Bill. Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at: [The Bill of Rights Act | New Zealand Ministry of Justice](#)

### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>NO</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>
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## Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	NO

## External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	NO
There was no external consultation as the Bill is a simple repeal which relates to the removal of requirements that are internal to the public service.	

## Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	NO

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

### Powers to make delegated legislation

<b>4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?</b>	NO

<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	NO

### Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	NO