

PARLIAMENTARY COUNSEL OFFICE LEGISLATIVE DRAFTING ASSISTANCE TO PACIFIC NATIONS EVALUATION REPORT

BACKGROUND

Since 2011 Ministry of Foreign Affairs (MFAT) has funded the New Zealand Parliamentary Counsel Office (PCO) to provide assistance to Pacific Islands' officials responsible for drafting legislation. The PCO Pacific Desk prioritised assistance to the Crown Law Offices (CLOs) of the Cook Islands, Niue and Tokelau. Assistance has since been provided to other Pacific Island Countries (PICs) on an ad hoc basis.

This formative evaluation presents findings from a desk-based document review and key informant interviews with CLO and MFAT staff, local lawyers and representatives from regional agencies and networks. The evaluation assessed the effectiveness, efficiency and sustainability of the assistance provided by PCO.

WHAT WORKED WELL?

Staff of the Cook Islands and Niue CLOs were appreciative of the drafting assistance provided by PCO. The CLOs' staff who had engaged with PCO emphasised the quality of assistance provided. Key strengths included the flexibility, responsiveness, meticulousness and professionalism. They noted that, without PCO assistance, much of the work would never be done, or the CLOs would have to seek assistance from alternative providers. Notably, staff of the CLOs indicated a preference for assistance from PCO because of the confidence and trust they had in the quality of the final product.

The legislative drafting guidelines and templates were well received. CLOs took ownership of the documents and made changes as required. The Acting Cook Islands Solicitor General and Niue Attorney General both reported that the tools were useful, empowering them to require a minimum standard for instructions and drafting. PCO's annual Solicitor Generals' Survey reported use of the new drafting tools progressively increased. Uptake was estimated to be 60-70 percent for the Cook Islands, and 80-90 percent for Niue. The survey also noted an overall improvement in the quality of drafting.

Evaluation participants overwhelmingly supported continuing PCO support. The Activity was delivered as planned, well received, and very few suggestions were offered for improving the effectiveness or efficiency. Suggested improvements included: increasing the number of visits, or extending the amount of time Counsel spends on-island, and exploring alternative approaches for capability and capacity building to increase the sustainability of outcomes.

Representatives from regional agencies and organisations indicated there is significant need in terms of legislative drafting across the Pacific region. There is strong interest in the PCO model of assistance. A number of evaluation participants were interested in exploring how they might engage with PCO.

WHAT IMPROVEMENTS COULD BE MADE?

The quality of drafting instructions and policy work was a common challenge for the PCO. It was suggested there might be scope to address this issue by providing training in basic drafting skills to a wider audience, for example, public sector staff.

Sustainability in terms of local capability building is an ongoing challenge because legislative drafting is highly technical. Local lawyers and CLOs' staff interviewed in the evaluation did report an overall improvement in their skill levels where they had collaboratively drafted with the Counsel. The "Basic Drafting Skills" training PCO facilitated in the Cook Islands in April 2015 was reportedly well received by those who attended. Key informants for this evaluation, who also attended the training, indicated there is scope for, and interest in more training. The evaluation saw scope to reorient the focus of the Activity to include a greater capability building component.

RECOMMENDATIONS

The evaluation recommended continued funding of PCO drafting assistance with the Counsel spending more time in the Pacific. Activity scope could be broadened with the application of a more structured approach to training and mentoring. In terms of MFAT relationships, the report recommended increased engagement between bi-lateral programmes and the Partnerships programme.

In terms of focus on particular countries, the evaluation recommended continuing to work with the Cook Islands and Niue and to re-engage with Tokelau to assess its level of need. The PCO should also continue assistance to other Pacific Island countries when requested.

OUR RESPONSE

MFAT considers that it is appropriate for this Activity to continue. The next phase will also consider a structured approach to training and mentoring.

Requests from other Pacific Island countries (most of who have legislative drafting capacity) will be considered on a case by case basis against priorities and PCO resources.

DETAILS ABOUT THE EVALUATION

Completed by: Lucina Schmich, Patricia Vermillion Peirce, Matthew Allen for the Ministry of Foreign Affairs and Trade, the Government of Samoa and the Australian Department of Foreign Affairs

Year published: October 2015

[Read the full report by clicking on this link](#)