



Plain Language Act 2022

Public Act 2022 No 54
Date of assent 21 October 2022
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
Part 1	
Preliminary provisions	
3 Purpose	2
4 Interpretation	2
5 What is plain language	2
6 What documents must use plain language	3
7 Transitional, savings, and related provisions	4
8 Act binds the Crown	4
Part 2	
Plain language requirements	
9 Relevant documents to use plain language	4
10 Plain language guidance must be issued	4
11 Plain language officers	5
12 Reporting agency must report to Commissioner	5
13 Commissioner must report to Minister	5
14 Act does not confer or impose legal rights or obligations	5
15 Other Acts not affected	5
Schedule 1	
Transitional, savings, and related provisions	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Plain Language Act 2022.

2 Commencement

This Act comes into force 6 months after Royal assent.

**Part 1
Preliminary provisions**

3 Purpose

The purpose of this Act is to improve the effectiveness and accountability of public service agencies and Crown agents, and to improve the accessibility of certain documents that they make available to the public, by providing for those documents to use language that is—

- (a) appropriate to the intended audience; and
- (b) clear, concise, and well organised.

4 Interpretation

In this Act, unless the context otherwise requires,—

Commissioner means the Public Service Commissioner appointed under section 42 of the Public Service Act 2020

Crown agent means a statutory entity named in Part 1 of Schedule 1 of the Crown Entities Act 2004

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

plain language has the meaning set out in section 5

public includes a section of the public

public service agency means any of the agencies listed in section 10(a) of the Public Service Act 2020

relevant document has the meaning set out in section 6

reporting agency means a Crown agent or a public service agency.

5 What is plain language

In this Act, **plain language** means language that is—

- (a) appropriate to the intended audience; and
- (b) clear, concise, and well organised.

6 What documents must use plain language

- (1) In this Act, a document for which a reporting agency is responsible is a **relevant document** if—
- (a) the document is in English (but *see* subsection (3) and section 15); and
 - (b) the agency considers that the intended audience for the document is the public generally (rather than 1 or more particular persons); and
 - (c) the document—
 - (i) provides information about what services are provided by, or on behalf of, a reporting agency or information about how to obtain those services (including any document that is necessary to obtain any of those services); or
 - (ii) provides information about filing, registering, or lodging information with, or giving information to, a reporting agency; or
 - (iii) explains to the public how to comply with a requirement that a reporting agency administers or enforces; or
 - (iv) provides information to the public about a requirement that a reporting agency administers or enforces that may affect their rights or interests; or
 - (v) provides information as part of a public education initiative.

Examples

Document in respect of which plain language duty applies

A department publishes on its Internet site a guide to the services it provides (including how to apply for those services). The intended audience is the public generally.

The guide is a relevant document. The department must take reasonable steps to ensure that the document uses plain language.

Document in respect of which plain language duty does not apply

A member of the public (**A**) applies for a service. The department sends A an email about their application. The intended audience is only A (rather than the public generally).

The email is not a relevant document. The duty under section 9 does not apply.

- (2) In this section, **document** means anything that sets out text—
- (a) in a visible and tangible form and medium (for example, in print); or
 - (b) in a visible form by electronic means (for example, a page on an Internet site).
- (3) Nothing in this Act prevents or restricts a reporting agency from including teo Māori in any relevant document.
- (4) The following applies for the purposes of subsection (1)(b):

- (a) a standard form or template for a document that is intended to be sent to members of the public must be treated as being a document referred to in subsection (1)(b):
 - (b) a document does not satisfy subsection (1)(b) only because—
 - (i) it would be made available under the Official Information Act 1982 if a request for the document were made under that Act; or
 - (ii) a reporting agency proactively releases the document for the purpose of making official information available to the public.
- (5) If a document contains a part that meets the requirements in subsection (1) and a part that does not, section 9 applies only to the part that meets those requirements.

7 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

8 Act binds the Crown

This Act binds the Crown.

Part 2

Plain language requirements

9 Relevant documents to use plain language

- (1) A reporting agency must take reasonable steps to ensure that all relevant documents for which it is responsible use plain language.
- (2) That duty is,—
 - (a) in the case of a public service agency, a duty that is owed only to the Commissioner; and
 - (b) in the case of a Crown agent, a duty that is owed only to its responsible Minister (within the meaning of the Crown Entities Act 2004).

10 Plain language guidance must be issued

- (1) The Commissioner must issue guidance on how reporting agencies comply with this Act.
- (2) Before issuing the guidance, the Commissioner must—
 - (a) consult the persons or organisations that the Commissioner thinks appropriate; and
 - (b) have regard to international best practice in connection with plain language writing.

- (3) The guidance must include guidance to support the accessibility of relevant documents (including the accessibility of those documents to people with disabilities).
- (4) The Commissioner must, as soon as practicable after they issue the guidance, ensure that a copy of the guidance is available free of charge on an Internet site maintained by or on behalf of the Commissioner.

11 Plain language officers

A reporting agency must appoint as plain language officers for the agency 1 or more individuals (within or outside the agency) whose responsibilities include—

- (a) educating agency employees regarding the requirements of this Act;
- (b) dealing with feedback from the public about the agency's compliance with this Act;
- (c) ensuring that the agency complies with this Act.

12 Reporting agency must report to Commissioner

A reporting agency must report annually to the Commissioner on how the agency complies with this Act.

13 Commissioner must report to Minister

- (1) The Commissioner must report annually to the Minister on how reporting agencies have been complying with this Act.
- (2) The Minister must present a copy of the report to the House of Representatives within 20 working days after receiving it.

14 Act does not confer or impose legal rights or obligations

This Act does not confer a legal right or impose a legal obligation on any person that is enforceable in a court of law.

15 Other Acts not affected

This Act does not affect Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 or the New Zealand Sign Language Act 2006.

Guidance note

See section 9 of Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016. That section sets out guidance for departments of State (for example, a principle about the use of te reo Māori in the promotion to the public of government services and in the provision of information to the public).

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provisions relating to this Act as enacted

1 When plain language requirements apply

- (1) Section 9 applies only to—
 - (a) each relevant document that is issued on or after commencement; and
 - (b) each relevant document that was issued before commencement and that is still in effect on commencement, but only on and after the date on which it is substantially revised.
- (2) A relevant document is **substantially revised** when, after commencement, a reporting agency makes changes to the document that are more than minor.
- (3) If section 9 applies to a relevant document under subclause (1)(b), it applies to the document as a whole (rather than merely to the amendments that have been made).
- (4) Subclause (3) is subject to section 6(5).
- (5) In this clause, **commencement** means the date on which this Act comes into force.

2 First report under section 12

A reporting agency must include information on the following matters in its first report under section 12:

- (a) its appointment of 1 or more plain language officers:
- (b) the actions that it has taken to inform all agency employees about the requirements of this Act:
- (c) the training provided to agency employees on the use of plain language:
- (d) the agency's compliance with the requirements of this Act.

Legislative history

23 September 2021	Introduction (Bill 70–1)
15 February 2022	First reading and referral to Governance and Administration Committee
12 August 2022	Reported from Governance and Administration Committee (Bill 70–2)
31 August 2022	Second reading
21 September 2022	Committee of the whole House
19 October 2022	Third reading
21 October 2022	Royal assent

This Act is administered by the Public Service Commission.