

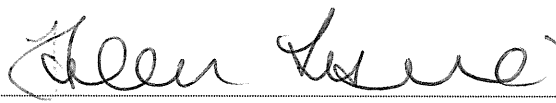
MFAT Management Response to Evaluation of Parliamentary Counsel Office Legislative Drafting Assistance to Pacific Nations

About this document

This document describes the programme's response to the evaluation.

Evaluation report title:	Parliamentary Counsel Office Legislative Drafting Assistance to Pacific Nations Evaluation Report
File title of final pdf report:	FINAL PCO Activity Evaluation
GDM Link to final pdf report:	INTD-59-10109
GDM Link to final Word report:	INTD-59-10108
AMS Activity Number:	A10695
Activity Manager:	Rachel McCarthy
Programme:	Partnerships and Funds
MFAT response approved by:	Helen Leslie, Acting Director PHM
Approved date:	
Evaluation cost to MFAT:	\$38,224.15 (GST exclusive)

Approval

Approval of the MFAT Management Response to Evaluation	
Approved by:	
Signature:	
	Helen Leslie, Acting Director PHM
Date:	2/3/16

MFAT Management Response

Evaluation team members

Members of the evaluation team were:

Name	Role
Lucina Schmich	Senior Associate, Allen + Clarke (Evaluation lead)
Patricia Vermillion Peirce	Senior Associate, Allen + Clarke
Matthew Allen	Director, Allen + Clark

Members of the evaluation Steering Committee were:

Name	Role
Chris Day	Development Manager, PHM (Chair, State Sector lead)
Fiona Leonard	Deputy Chief Parliamentary Counsel, Parliamentary Counsel Office
Katie Roche	Development Manager, Niue, PACDEV (Country specialist)
Ranmali Fernando	Development Manager, Governance, SED (Sector specialist)
Cooper Schumann	Development Officer, PHM (Evaluation manager)

Key findings/conclusions of the evaluation

The key findings/conclusions of the evaluation are:

- The Activity is effective, efficient and sustainable¹. MFAT could continue to fund it without making any substantive changes and see continued benefits for the Cook Islands and Niue in the longer term.
- There is an ongoing need for legislative drafting assistance, with a focus on the Cook Islands and Niue;
- Re-engage with Tokelau to assess the level of need;

¹ Sustainability here refers to the fact that appropriate legislation is an enabler and provides for the sustainability of the government's objectives in partner country. It does not refer to sustainability of capacity building in legislative drafting, as in the Cooks and Niue at least this type of sustainability is minimal from this activity.

- Continue to offer ad hoc drafting assistance to other PICs on request;
- Broaden the scope and provide a more structured approach to the training and mentoring component of the Activity; increase the annual on-island time of the New Zealand Counsel.
- Offer assistance to other PICs interested in developing local drafting guidelines and templates;
- Strengthen governance arrangements using MoUs between PCO and in-country CLO;
- MFAT should take a more proactive coordination role between Partnerships Fund activities and the bilateral programme, so that where bilateral programme activities generate a need for legislation and regulations there is engagement between the CLOs and PCO;
- Strengthen the Activity monitoring and reporting including progress against an annual workplan, and analysis of the Annual Solicitor-General Survey;
- Continue to fund the Activity on a 3 + 2 year implementation cycle.

Lessons for MFAT

Lessons that MFAT can take from the evaluation that could apply beyond this activity were:

No.	Lesson	Programme response
1	A technical assistance or "service delivery" model of assistance can be effective and efficient.	The PCO activity is essentially service delivery. It is appropriate for this to continue, but the next phase should also consider a structured approach to training and mentoring.
2	Increased benefits and improved outcomes can be realised under this activity through closer cooperation between the MFAT/IDG bilateral and Partnerships programmes.	This could identify legislative drafting opportunities with partner countries that enable activities supported by the NZ Aid Programme.
3	Results Management Frameworks need to accurately reflect the intended outputs, outcomes and impact of the Activity, and allow for review and update where these change in response to emerging needs or are achieved early in the implementing period.	Review Frameworks at least annually.

Recommendations for MFAT

No.	Recommendation	Programme response
1	Continue to focus on Niue and the Cook Islands, and explore the type and level of assistance needed by Tokelau.	MFAT agrees the priority should continue to be Special Relationship countries. Requests from other PICs (most of who have legislative drafting capacity) to be considered on a case by case basis against priorities and PCO resources.
2	Continue funding the Activity on a 3+2 year implementation cycle.	Agreed, subject to funding resources being identified.

Further programme response

- PCO responded that this was a very good report, which demonstrated a good understanding of the assistance PCO provide and how. PCO generally supported the report's recommendations and conclusions.
- PCO were open to responding to requests for support from other PICs, to be considered on a case by case basis, and subject to availability of resources.
- PCO indicated to MFAT one possibility to increase drafting resources could be to investigate secondments and/or establishing an on-call pool of retired counsels.
- The current phase of support is funded under contestable funding, which is no longer available to core state sector. PCO would welcome the surety of multi-year funding that enabled them to plan ahead.

MFAT follow up actions

This table lists actions that MFAT will undertake in response to the findings, lessons and recommendations of the evaluation.

Lesson learned / Recommendation	Action	Who will action	When	Resource Implications
Continue to focus on the Cook Islands and Niue	Agree, include in design of next phase	PCO, supported by MFAT	During design of next phase	Within work programme.
Re-engage with Tokelau to assess the level of need	Agree, do this prior to finalising the ADD for the next phase	PCO, supported by MFAT	As part of the development of the ADD for the next phase	Within work programme
Continue to offer ad hoc drafting assistance to other PICs on request	Agree, subject to PCO resources and funding on a case by case basis.	PCO	As part of the development of the ADD for the next phase	Within work programme
Continue to provide drafting assistance	Agree	PCO	As part of the development of the ADD for the next phase	Within work programme
Increase the annual on-island time of NZ PCO Counsel	Agree, this be considered as part of the ADD, and the more structure approach to capacity building and mentoring.	PCO	As part of the development of the ADD and implementation plan for the next phase	Within work programme
Broaden the scope and provide a more structured approach to the training and mentoring component of the Activity	Consider as part of the design for the next phase.	PCO/MFAT to discuss, and consider implications of cost and other PCO resources.	When developing the ADD for the next phase	Additional PCO human and funding resources would be required

Lesson learned / Recommendation	Action	Who will action	When	Resource Implications
Offer assistance to other PICs interested in developing local drafting guidelines and templates	This should be manageable under the next phase, as guidelines/templates should be largely generic. This would be a valuable resource for the activity to provide.	PCO/MFAT to discuss, and consider implications, including for cost and other PCO resources under this activity	When developing the ADD for the next phase	Within work programme
Strengthen governance arrangements using MOUs between PCO and CLOs, outlining roles, responsibilities and expectations	PCO are more in favour of 'formal advice' or letters of instruction, rather than MOUs. Needs further consideration in the design of the next phase.	MFAT/PCO/SRU countries to further consider	As part of the development of the ADD for the next phase	Within work programme
Results Management Frameworks need to accurately reflect the intended outputs, outcomes and impact of the Activity, and allow for review and update where these change in response to emerging needs or are achieved early in the implementing period.	Agree, review RMF annually with PCO	PCO and MFAT	Annually	Within work programme
Continue funding the Activity on a 3+2 year implementation cycle.	Agree, subject to funding being identified	PCO and MFAT	Develop ADD for approval	Within work programme.

Dissemination plan

The evaluation will be shared with partner organisations, MFAT staff and other stakeholders in the following ways:

No.	Method of dissemination	Responsibility of	When
1	Evaluation report published on the New Zealand Aid Programme website.	Development Support Officer, Evaluation Team, DSE	On signing of the Evaluation Management Response
2	Evaluation report website link provided to the interviewed stakeholders.	Allen + Clarke	On release of the report by MFAT
3	Evaluation report website link provided to the other interested stakeholders, as required.	Activity Manager	As above

Report Release Checklist

Note: This checklist must be used for all evaluations that will be published in full on MFAT's website. Where the report has been commissioned by a partner organisation and is published on their website, MFAT should simply seek written permission from the partner to provide a link to the published evaluation from our website. Attach a copy of the partner's permission to this MFAT Response to Evaluation template in lieu of this Report Release Checklist.

NAME OF THE REPORT: PARLIAMENTARY COUNSEL OFFICE LEGISLATIVE DRAFTING ASSISTANCE TO PACIFIC NATIONS EVALUATION REPORT

AUTHOR(S): ALLEN + CLARKE

REPORT MONTH AND YEAR: OCTOBER 2015

All evaluation reports should be able to be publicly released in accordance with the principle of availability (Section 5 of the Official Information Act (OIA)). However, this principle can be overridden if there is 'good reason' (as set out in the OIA) to withhold information. Use this checklist to help you decide if sections in the evaluation report should be withheld.

If any of the answers to these questions is 'yes' then:

- *A hard copy of the report should be marked up with brackets around the information to be withheld, and the OIA section under which the information is to be withheld noted (refer to MFAT Style and Practice Guide OIA Requests)*
- *The PDF copy of the report that is submitted to the Development Support Officer (DSE) for the library and public release will have the withheld information whited out and the reasons for withholding noted in the margins. The following note should be placed in the report: Certain information in this report has been withheld in accordance with the Official Information Act and the grounds for withholding, as at the time of publication, are noted in the margins.*

If you are unsure whether a good reason to withhold exists seek advice from the IDG staff member responsible for OIAs or the MFAT corporate legal team.

OIA Section 6 Conclusive Reasons: Are there words in the evaluation that are likely to:

- a) Prejudice the security or defence of NZ or NZ's international relations? Yes No
- b) Prejudice the entrusting of information to the Government of NZ on a basis of confidence by (i) the Government of any other country or (ii) any international organisation? Yes No
- c) Prejudice the maintenance of the law? Yes No
- d) Endanger the safety of any person? Yes No
- e) Damage seriously the NZ economy? Yes No

OIA Section 7 Special Reasons: Are there words in the evaluation that are likely to:

- a) Prejudice the security or defence of the Cook Islands, Niue, Tokelau or the Ross Dependency? Yes No
- b) Prejudice relations between the governments of NZ, and governments of the Cook Island and Niue? Yes No
- c) Prejudice the international relations of the governments of the Cook Islands or Niue Yes No



OIA Section 9 Other Reasons: Are there words in the evaluation that need to be withheld to:

(Note: There is need to balance Section 9 grounds for withholding against 'public interest considerations'. Consider the negative consequences from release, and whether or not these consequences are outweighed by the public interest in access to the information.)

- a) Protect the privacy of natural persons? Yes No
- b) Protect trade secrets and commercial positions? Yes No
- c) Protect information that is subject to an obligation of confidence where release of the information would be likely to i) prejudice the supply of similar information from the same source and it is in the public interest that such information should continue to be supplied or (ii) otherwise damage the public interest? Yes No
- d) Avoid prejudice to measures protecting the health or safety of members of the public? Yes No
- e) Avoid prejudice to the substantial economic interests of New Zealand? Yes No
- f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public? Yes No

- a) Maintain the constitutional conventions including the confidentiality of advice tendered by ministers and officials? Yes No
- b) Maintain effective conduct of public affairs through free and frank expressions of opinion and protection from improper pressure or harassment? Yes No
- c) Maintain legal professional privilege? Yes No
- d) Enable a minister department or organisation holding information to carry out commercial activities without prejudice or disadvantage? Yes No
- e) Enable a minister, department or organisation holding the information to carry on negotiations without prejudice or disadvantage? Yes No
- f) Prevent the disclosure or use of official information for improper gain or advantage? Yes No

Other Reason: Is there any other reason for withholding information?

- If the answer is yes then seek advice from the IDG staff member responsible for OIA or the MFAT corporate legal team. Yes No

RECOMMENDATION

- Withhold selected parts, noting sections of the OIA applying to these in a copy of the report that is filed, and white-ed out in the copy of the report to be forwarded to the Development Support Officer (DSE) for public release and the library
- Release entire report

Signed by Cooper Schumann (Evaluation Manager)

Signed by Chris Day Acting Deputy Director, Partnerships and Funds, PHM

Date: 21/12/2015

