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Public Works for a Better Government

February 4, 2013

Hon. Bill English, MP
Deputy Prime Minister
Parliament Buildings
Wellington, New Zealand

Dear Deputy Prime Minister:

The Magna Carta, as enacted March 28, 1297 and **further reaffirmed** by the people of New Zealand on September 3, 2007, states “We will sell to no man, we will not deny or defer to any man either justice or right.”

This principle applies to far more than the sale of decisions in a court of law. New Zealand has long held that access to the materials produced by government is a fundamental principle of good governance. The Cabinet stated in the New Zealand Government Open Access and Licensing (**NZGOAL**) Framework that access to the works of government will yield “creative, cultural and economic benefits for New Zealand.”

Access to the workings of government has long been recognized as an important component of the freedom of expression. (See **Mafart v. Television New Zealand Ltd.** [2006] 3 NZLR 18, (2006) 22 CRNZ 720.) The government of New Zealand has been at the forefront of making these materials available under the liberal provisions of the Copyright Act of 1994 with special regard to the provisions of the New Zealand Bill of Rights Act of 1990.

While most of the edicts of government are available through systems such as the award-winning legislation.govt.nz and the excellent systems operated by the New Zealand courts, there is a notable exception, which is the technical standards and deemed regulations produced by Standards New Zealand, a Crown Entity operating under the authority of the Standards Act of 1988.

As part of an effort to make available technical standards that have the force of law and are required for the public safety, Public.Resource.Org (a registered nonprofit charity under U.S. law) has made 10,062 such edicts of government from around the world available on a noncommercial basis. We have done so to promote public education and public safety, equal justice for all, a better informed citizenry, the rule of law, world trade and world peace. We do so under basic provisions of human rights law and internationally-accepted provisions of the rule of law.

This collection of public safety codes covers a huge swath of issues vital to our modern technical society. Standards that have been released include the Eurocode and the building codes of India, the U.S., Australia, Kenya, and South Africa. Other public safety standards cover the safety of personal protective equipment, legally-mandated standards for toy safety and other products used by infants, and vitally important industrial safety standards covering food processing machinery, agricultural

machinery, wood working machinery, and medical devices. You may find more information on this noncommercial release at the following URL:

<https://law.resource.org/pub/12tables.html>

In the case of New Zealand, I'm delighted to let you know that your country plays a prominent role in this global public safety code collection. The standards created under the authority of the Biosecurity Act of 1993 are comprehensive, widely available on the net from the Ministry of Primary Industries, and serve as an example for other countries around the world. In addition, the collection includes a number of previously unavailable standards vital to the public safety. Some examples include:

- **AS-NZS 1249 (2003)**, Standard for Children's nightwear and limited daywear having reduced fire hazard, as required under the New Zealand Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 (SR 2008/199).
- **AS-NZS 1841-1 (2007)**, Standard for Portable Fire Extinguishers, Part 1, General Requirements, as required under the New Zealand Hazardous Substances (Compressed Gases) Regulations 2004 (SR 2004/43). (Parts 2-8 of this standard have also been posted.)
- **AS-NZS 1927 (1998)**, Pedal bicycles – Safety requirements, as required under the New Zealand Product Safety Standards (Pedal Bicycles) Regulations 2000 (SR 2000/167).
- **AS-NZS 2172 (2003)**, Cots for household use – Safety requirements as required by the New Zealand Product Safety Standards (Household Cots) Regulations 2005 (SR 2005/212).

I would invite you to examine the **full docket of New Zealand standards**. You will note that in many cases we have transformed the standards into HTML, making them more accessible. You will note also that the standards are absolutely vital to our modern lives, covering topics such as fire safety (and the safety of firefighters), electrical safety, seismic considerations passed in response to the Canterbury earthquakes, and topics such as the safety of pool water quality in facilities for public use.

One can argue that “ordinary” people have no need for these documents as they would not understand them, but I'm sure you would join me in considering such a view elitist. One can argue that the standards are voluntary and do not have the force of law, but that argument is merely a shell game to preserve a revenue stream. Making technical edicts of government only to a few well-heeled interests is fundamentally unfair.

It is my hope that a leader such as yourself could call all the parties to the table and ask if the present system meets the needs of the citizens of New Zealand and is properly protecting the public safety. Please let me know if I may be of any assistance and I look forward to your comments.

Sincerely yours,

Carl Malamud
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