

28 July 2005

Office of the Domain Name Commissioner
InternetNZ
PO Box 11-881
Wellington

Application for a New Second Level Domain - .parliament.nz

I refer to your letter of 30 May 2005 advising that a decision to the application by the Parliamentary Service for a 2LD name had been deferred, subject to the provision of further information on the moderation policy, including a clarification of the intended use and potential constituent membership of the domain, and a simple layman's guide to the distinction between the Executive and Parliament.

Domain Name Moderation Policy

Discussions over the Domain Name Moderation policy have taken place with Peter Andrews, Business Services Manager for Executive Government Support. He has reviewed the new policy and has indicated that he has no further objections that the use and application of the 2LD namespace has been more clearly defined.

A copy of this policy is attached (*Annex 1*).

Parliament.govt.nz and parliament.nz

To address your concern over the potential confusion in the minds of the public over the use of parliament.govt.nz and parliament.nz, it would be fair to say that the intention of the Parliamentary Service in moving forward will be to retire the .parliament.govt.nz 3LD domain name and thus remove any confusion.

The dropping of the "govt" makes a clear distinction over the role and institution of Parliament in the democratic process, which will be reinforced by the introduction of a new web site towards the end of the year.

At present, the agencies using this namespace are the Parliamentary Service, Ministerial Services, Office of the Clerk, Parliamentary Counsel Office, and the Department of Prime Minister and Cabinet.

There is a trend within the parliamentary agencies to move towards a 3LD that reflects their unique identity, and there is also the requirement of the State Services Commission's web guidelines that a government organisation requires an e-mail

address reflecting the web address of a site i.e. www.dpmc.govt.nz requires an e-mail address of the format username@dpmc.govt.nz.

Both the Department of Prime Minister and Cabinet and Ministerial Services have adopted e-mail addresses of this format respectively. I am unable to comment on the longer term plans of the Parliamentary Counsel Office. However, already the parliamentary agencies are beginning to develop unique internet identities reflecting their individual characters and roles.

Coming back to the application under evaluation, I would like to take the opportunity to reiterate once again the two significant criteria that underlie this application, which are:

- it represents an identifiable community of interest; and
- it will create a unique identity that will not be confusing to the general public.

Indeed, the application seeks a clearer separation of the identity of Parliament and its agencies from the Executive Government and its agencies, while providing the basis for expanding a nascent but discrete community of interest that currently is not apparent to the general public.

Parliamentary and Political

As the [.govt.nz](http://www.govt.nz) domain has become so strongly identified with the government of the day, rather than the broader association with the three branches of government, there is confusion when the parliamentary political parties, which have a strong partisan political profile, become associated with the neutral public service profile associated with Executive Government and the [.govt.nz](http://www.govt.nz) domain name. In this respect, staff of the E-Government Unit of the State Services Commission, the moderator of the [.govt.nz](http://www.govt.nz), has expressed a view that it is not appropriate for the names of parliamentary political parties to be associated with the [.govt.nz](http://www.govt.nz) domain name.

The second level domain name of [.parliament.nz](http://www.parliament.nz) is intended to be used to create a presence for those agencies and organisations associated with Parliament that are part of the broader public service, yet not part of Executive Government, and are covered by the definition "Offices of Parliament". Whilst this would include the parliamentary departments (Office of the Clerk and the Parliamentary Service) it would extend to other parliamentary agencies such as Office of the Ombudsmen, Parliamentary Commissioner for the Environment, and the Office of the Controller and Auditor-General.

In addition to these publicly funded bodies, the parliamentary political parties will be eligible to use a domain name based on the parliamentary party, for example, labour.parliament.nz. This would distinguish the parliamentary presence and activities of the parliamentary political parties (recognised under the Standing Orders of the House of Representatives and funded by the taxpayer) from political parties outside of Parliament and not funded by the taxpayer.

The creation of this domain will also provide unique identities for members of Parliament, for example Joe.Bloggs.parliament.nz, allowing them to create a web presence that identifies them as part of a larger community based on Parliament. The creation of separate identities for select committees is another possible development. For example, the Constitutional Arrangements Select Committee is currently using a fourth level domain name.

The Functions of Parliament and the Executive Government

As set out in the Constitution Act 1986, New Zealand's system of government has three separate branches, each of which has different powers and is intended to act as a brake on the power of the others. This is known as the separation of powers and is a key part of New Zealand's constitution.

The three branches of government are: Legislative (Parliament), the Executive (Cabinet and the public service) and Judicial (the courts).

- Parliament consists of the 120 members of the House of Representatives and the Sovereign (the Queen and her representative, the Governor-General). Only Parliament can pass laws.
- The Executive consists of ministers of the Crown, parliamentary under-secretaries and public servants. Cabinet gets its authority from Parliament and is responsible for the administration and carrying-out of laws passed in Parliament.
- The Judicial branch consists of the judges.

The Executive and members of Parliament belonging to the parties represented in Cabinet are often referred to as "the Government". The distinction between Parliament and the Executive in New Zealand has been obscured for many years because governments with a parliamentary majority have controlled Parliament.

The functions of Parliament are:

- To provide a Government from among its members;
- To act as the legislature and to pass the legislation by which the country is governed;
- To provide representation for the people of New Zealand in Parliament's decision making processes;
- To consent to taxation and public expenditure; and
- To scrutinise the Government's activities.

Attached are three Parliament Briefs that provide more detailed information (*Annexes 2, 3 and 4*). They are titled:

- What is Parliament?
- Government Accountability to the House; and
- The Legislative Process.

The briefs and further information are available on the Parliament website.

The Executive Government, or the 'Executive', is the branch of government that is charged with implementing the law and running the day to day affairs of government. The Executive Government of New Zealand is carried out on behalf of the Sovereign (represented by the governor-general) by Ministers of the Crown who make up the membership of the Executive and the Executive Council. Ministers are responsible to Parliament for their official actions.

The functions of the Executive are:

- To enforce the law;
- To conduct New Zealand's foreign relations;
- To command the armed forces;
- To appoint officials, including judges and diplomats;
- To administer government departments and services; and
- To issue secondary legislation.

Attached is a paper entitled "*On the Constitution of New Zealand: An Introduction to the Foundations of the Current Form of Government*", which is an extract from the Cabinet manual (*Annex 5*). The Cabinet manual is available online at the website of the Department of Prime Minister and Cabinet.

John Preval
Group Manager, Information Systems and Technology