

INDEPENDENT REPORTING MECHANISM (IRM):

# NEW ZEALAND END-OF-TERM REPORT 2014–2016



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First End-of-Term Report





# INDEPENDENT REPORTING MECHANISM (IRM): NEW ZEALAND END-OF-TERM REPORT 2014-2016

The New Zealand government made some improvements to access to information and civic participation. The government released new datasets and consulted CSOs on public engagement practices. However, the government's process falls short of OGP's co-creation guidelines, the commitments lacked clear activities for implementation, and the gains were marginal. With the next action plan, the government could focus on creating opportunities for stakeholders to be involved in implementing commitments.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP participating country. This report summarises the final results of the period July 2014–June 2016 and includes relevant developments up to October 2016.

OGP in New Zealand is led by the State Services Commission, with significant contributions to action plan development made by the Department of Internal Affairs and Land Information New Zealand. However, two of the commitments in the first action plan required implementation across a wide range of government entities.<sup>1</sup>

There was limited consultation with civil society groups leading up to the action plan, which largely consisted of pre-existing government programmes. There was no specific new budget for OGP commitments themselves, although some money was provided for the administration of OGP and at least one State Services Commission staff member was working on OGP coordination full time.

Midway through the two-year action plan period, the government formed the Stakeholder Advisory Group to assist with OGP commitments and processes. At the end of the period, an expert advisory panel replaced the advisory group.

At the time of writing this report, New Zealand had not presented a new action plan for the second cycle. The government has indicated that it will be presented in October 2016.

## TABLE 1: AT A GLANCE

NUMBER OF COMMITMENTS: 4  
NUMBER OF MILESTONES: 9

### LEVEL OF COMPLETION

	MID-TERM	END-OF-TERM
COMPLETED:	0	0
SUBSTANTIAL:	0	4
LIMITED:	4	0
NOT STARTED:	0	0

### NUMBER OF COMMITMENTS WITH:

CLEAR RELEVANCE TO OGP VALUES:	4	4
TRANSFORMATIVE POTENTIAL IMPACT	0	0
SUBSTANTIAL OR COMPLETE IMPLEMENTATION	0	4
<b>ALL THREE (★):</b>	0	0

### DID IT OPEN GOVERNMENT

MAJOR	N/A	0
OUTSTANDING	N/A	0

### MOVING FORWARD

COMMITMENTS CARRIED OVER TO NEXT ACTION PLAN:	UNKNOWN
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<sup>1</sup>Open Government Partnership New Zealand Action Plan 2014–2016, <https://www.ssc.govt.nz/sites/all/files/nz-ogp-action-plan-jul2014.pdf>.

## CONSULTATION WITH CIVIL SOCIETY DURING IMPLEMENTATION

Countries participating in OGP follow a process for consultation during development of their OGP action plan and during implementation.

**Table 2: Action Plan Consultation Process**

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT
During Implementation	Regular forum for consultation during implementation?	Yes
	Consultations: Open or Invitation-only?	Invitation only
	Consultations on IAP2 spectrum <sup>5</sup> ?	Inform

The New Zealand government selectively consulted parties it identified as having relevant interests to the action plan, which was described as a “living document” that would be supplemented during its two-year implementation period “in dialogue with civil society, citizens, businesses and others.”<sup>1</sup> In July 2015, the government established a Stakeholder Advisory Group (SAG) composed of two academics, two civil society leaders, a political commentator, and an information and communication technology (ICT) practitioner.

The SAG dealt with a variety of topics,<sup>2</sup> including providing advice on the progress and implementation of the first action plan, advising on self-assessment reports, developing a plan of engagement with stakeholders, and a broad range of other functions. However, after interviewing members of the SAG and examining minutes of its meetings,<sup>3</sup> the IRM researcher concluded that the SAG did not, in practice, perform many of those functions, and most of its time was spent being briefed by various officials on aspects of the government’s action plan and conducting preliminary discussions on the possible content of the next action plan. Moreover, because the SAG was formed so late, it concluded that it could provide only limited feedback on the government’s mid-term self-assessment.<sup>4</sup> The action plan was never updated, and the SAG was disbanded after a year of operation with little tangible effect on the OGP process.

The government acknowledged shortcomings with its consultation efforts and promised to improve its consultation for the second plan.<sup>5</sup> In December 2015 and early 2016, it identified “themes” for the next action plan and was discussing them with the SAG.<sup>6</sup>

In April 2016, the government announced in a statement that it was extending the time frame for preparing its second action plan “to allow time for wider engagement with New Zealanders and civil society organisations.”<sup>7</sup> It invited public input into the process of consultation and posted the invitation on the State Service Commission’s website.

The consultation and co-creation period ended in August 2016, and at the time of writing the government was considering which co-created recommendations to include in the second action plan.

<sup>1</sup> Open Government Partnership New Zealand Action Plan 2014–2016, <https://www.ssc.govt.nz/sites/all/files/nz-ogp-action-plan-jul2014.pdf>, 13.

<sup>2</sup> Terms of Reference for Open Government Partnership Stakeholder Advisory Group, April 2015, [https://www.ssc.govt.nz/sites/all/files/nz-ogp-sag-tor-apr-2015\\_0.pdf](https://www.ssc.govt.nz/sites/all/files/nz-ogp-sag-tor-apr-2015_0.pdf), 2.

<sup>3</sup> See for example, SAG meeting on 11 February 2016, <https://www.ssc.govt.nz/sites/all/files/ogp-sag-meeting4-summary-11feb2016.pdf>.

<sup>4</sup> Open Government Partnership New Zealand Mid-term Self-assessment Report, <http://www.ssc.govt.nz/sites/all/files/OGP-NZ-Mid-term-Self-Assessment-Jan2016a.pdf>, 29.

<sup>5</sup> *Ibid.*, 23–24. Also, see <https://www.govt.nz/browse/engaging-with-government/govt-nzopen-govt-partnership-nz/what-we-learned/>.

<sup>6</sup> See minutes of Stakeholder Advisory Group meetings in December 2015, February 2016, and March 2016.

<sup>7</sup> Change of time frame for New Zealand’s second national action plan, <http://www.ssc.govt.nz/change-timeframe-nz-nap>

## PROGRESS IN COMMITMENT IMPLEMENTATION

All of the indicators and method used in the IRM research can be found in the IRM Procedures Manual, available at <http://www.opengovpartnership.org/about/about-irm>. One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top between OGP-participating countries: the “starred commitment” (★). Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
3. The commitment would have a “transformative” potential impact if completely implemented.
4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of “substantial” or “complete” implementation.

Based on these criteria, at the mid-term report, New Zealand’s action plan contained no starred commitments. At the end-of-term, based on the changes in the level of completion, New Zealand’s action plan contained no starred commitments.

Commitments assessed as starred commitments in the mid-term report can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation cycle, which would mean they have an overall limited completion at the end-of-term, per commitment language. Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for New Zealand, see the OGP Explorer at [www.opengovpartnership.org/explorer](http://www.opengovpartnership.org/explorer).

## ABOUT “DID IT OPEN GOVERNMENT?”

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments with significant progress may appear relevant and ambitious but fail to open government. In an attempt to capture these subtleties and, more importantly, actual changes in government practice, the IRM introduced a new variable—“did it open government?”—in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation. This can be contrasted to the IRM’s “starred commitments” which describe *potential* impact.

IRM researchers assess the “did it open government?” question with regard to each of the OGP values that this commitment is relevant to. It asks, did it stretch the government practice beyond business as usual? The scale for assessment is as follows:

- Worsened: worsens government openness as a result of the measures taken by commitment.
- Did not change: did not change status quo of government practice.
- Marginal: some change, but minor in terms of its impact over level of openness.
- Major: a step forward for government openness in the relevant policy area, but remains limited in scope or scale
- Outstanding: a reform that has transformed ‘business as usual’ in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes as *implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed on government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

## GENERAL OVERVIEW OF COMMITMENTS

As part of OGP, countries are required to make commitments in a two-year action plan. End-of-term reports assess an additional metric, “did it open government?” The tables below summarise the completion level at the end-of-term and progress on this metric. Note for commitments that were already complete at the mid-term, only an analysis of “did it open government?” is provided. For additional information on previously completed commitments, please see the New Zealand IRM mid-term progress report.<sup>1</sup>

The New Zealand action plan contains four commitments. They generally relate to pre-existing programmes because the government felt the programmes were ambitious and aligned with OGP values. These include programmes to improve public service delivery, build ICT infrastructure, and collaborate with community partners. It is difficult to assess most of the commitments’ levels of completion and their roles in opening government because, as written, they contain few specific, measurable progress indicators. Some contain broad and ambitious policy plans in which only portions are relevant to OGP values. In such cases, only the parts of a commitment related to increasing access to information, civic participation, and public accountability were assessed. Because some commitments exclusively involve internal government processes and are framed in nonspecific terms, such as commitments to “review progress” (commitment 4) or “consult and report back to ministers” (commitment 3), there are few measurable indicators that conclusively link those commitments to opening government.

It is also necessary to note that Transparency International New Zealand (TINZ) assessed the government’s response to its recommendation to join OGP and formulate a national action plan. TINZ found that the first OGP action plan faced serious challenges in implementation due to a lack of funding and too few champions who could coordinate a strong effort to implement the action plan.<sup>2</sup>

The four initiatives that comprise New Zealand’s commitments are as follows:

### **The Better Public Services (BPS) Results Programme**

This is an initiative that sets ambitious and measurable targets for significant public policy goals, such as reducing assaults on children by five percent by 2017, and reports every six months on progress. One such target, Result 10, aims for New Zealanders to be able to complete their government transactions easily in a digital environment. The action plan commitment is to continue to report on progress towards the BPS targets and to “focus on Result 10.” In this capacity, the commitment relates to the OGP value of increasing access to information, as the government committed to regularly release detailed reports measuring progress on social policies. This information was previously spread out, sometimes difficult to find, and not aggregated in a user-friendly format.

To assess its progress on making digital transactions with government easier, the government developed an index on 10 public services to facilitate monitoring their transition to becoming digitally accessible. Appendix A of the action plan refers to the aim of having an average of 70 percent of New Zealanders’ most common transactions with government completed in a digital environment by 2017, though this does not form part of the commitment language. The uptake of that set of 10 digital services is, however, easier to assess than the broader commitment to enable New Zealanders to complete their transactions with government easily in a digital environment, which is more far-reaching and less specific and for which the action plan sets out no additional specific benchmarks.

The action plan notes that this broader commitment is to be fleshed out by adding specific actions contained in the government’s “Result 10 Blueprint,” a cross-government vision statement concerning the transition to digital

government.<sup>3</sup> The BPS programme relates largely to making social improvements, many of which are not relevant to OGP values. The IRM researcher assessed the government's BPS progress reporting, which is supposed to happen every six months; the Result 10 commitment to make citizens' access to digital government services easy (in particular, progress in relation to the basket of services); and the promise to supplement the commitment with specific actions from the Result 10 Blueprint.

### **The Government Information and Communications Technology (ICT) Strategy and Action Plan to 2017**

The ICT strategy and action plan is a cross-government roadmap for transforming government services in a digital environment. In particular, Action 13 aims to make information assets "open by default," which promotes the active reuse of government information assets. The action plan commitment aims to embody this ICT strategy and action plan, with a "focus on Action 13," which the government commits to implementing by June 2016. The government also commits to "refresh" the ICT action plan by the end of 2014. While relevant to OGP values promoting access to information and use of technology, this commitment lacked benchmarking or reporting on progress indicators under the ICT strategy generally and Action 13 (open by default) specifically. The government also recast the aims of Action 13 (renamed Action Area 4) in December 2014 and then replaced it with a broader ICT strategy before the conclusion of the commitment period. These changes arguably had the effect of weakening the commitment, which went from making government information "open by default" (Action 13) to "accelerate the release of public information and data for reuse" (Action Area 4) to "open data and sharing by default supported by privacy and security settings" (Government ICT Strategy 2015).<sup>4</sup> In addition, the vast scale of a commitment to open government data across all government agencies makes it difficult to assess implementation.

### **Transparency International New Zealand (TINZ)**

TINZ prepared the National Integrity System (NIS) Assessment report in 2013. The report examines twelve societal "pillars" that provide the foundation for national integrity, including the legislature, executive, judiciary, public sector, law enforcement, and electoral management. It makes recommendations for their improvement. The action plan commits the government to consulting and reporting to ministers about the NIS in February 2015. This commitment plainly relates, at least broadly, to OGP values. The government provided its report to ministers to the IRM researcher in September 2016. However, the commitment is merely to "consult and report back," so it presents a challenge to assess how it has made a practical difference to open government.

**The Kia Tūtahi (Standing Together) Relationship Accord:** The accord is a set of principles and expectations between the government and community groups to work together to achieve social, economic, and environmental outcomes. The commitment is to "review progress of the accord in 2015" by holding discussions and gathering evidence to try to improve government engagement practices and by collaborating to put the lessons into effect. The commitment text does not specify milestones or benchmarks, so holding discussions and conducting research are the only specific action items assessed, besides the completion of the review. The language and potential impact of this commitment is nonspecific, and it is difficult to conclusively link the accord evaluation processes with any practical changes to civic participation in government.

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<sup>1</sup> IRM: New Zealand Progress Report 2014–2015, [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_NEWZEALAND\\_ONLINE%C6%92.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_NEWZEALAND_ONLINE%C6%92.pdf).

<sup>2</sup> Transparency International New Zealand, "The Integrity Plus 2013 New Zealand National Integrity Systems Assessment Recommendations (draft)," 9 October 2016.

<sup>3</sup> [http://www.dia.govt.nz/wluResources/Result-10-Blueprint-v2/\\$file/Result%2010%20Blueprint\\_FINAL.pdf](http://www.dia.govt.nz/wluResources/Result-10-Blueprint-v2/$file/Result%2010%20Blueprint_FINAL.pdf), 36.

<sup>4</sup> See discussion in Part 2 below.

**Table 3: Overview: Assessment of Progress by Commitment**

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE <i>(as written)</i>				POTENTIAL IMPACT				COMPLETION		MID-TERM END-OF-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
1. Better Public Services Commitment			X		X	X	X		X				X					X			
2. ICT Strategy and Action Plan			X		X		X		X				X						X		
3. Responding to Transparency International Report				X	X	X			X				X						X		
4. Review Progress of Kia Tūtahi Accord			X		X				X				X						X		



# 1 | BETTER PUBLIC SERVICES

## **Commitment Text:**

*Report on progress towards Better Public Services Results - Ongoing six-monthly reports through existing reporting process.*

*Focus on Result 10 of the Better Public Services Results: New Zealanders can complete their transactions with government easily in a digital environment.*

*Editorial note: The above language was taken from the chart on page 5 of the action plan.*

*Our Action Plan will focus closely on Result 10. BPS Result 10 is about making it easy for New Zealanders to interact with government through the innovative use of technology.*

*New Zealand government agencies need to re-think the way they deliver public services, particularly given New Zealanders want to be able to access government services digitally. Customers expect service delivery that is increasingly digital, responsive and personalised.*

*Result 10 aims to:*

- put citizens at the centre of digital service delivery by involving them in the design process and learning how to deliver to their needs*
- work in new ways across government to deliver integrated services that reflect citizen needs and not government structure*
- ensure digital interactions are easy to access, use and understand by supporting access and use, and by testing and monitoring citizen uptake to inform iterative improvement, and*
- build citizen trust and confidence when interacting with government by providing clear, seamless, smart and secure digital services that meet their expectations, help them understand the decisions that are made about them, and provide easy access to information that government holds about them.*

*The Government is developing a Blueprint to make it easier for New Zealanders to complete online transactions. The Action Plan will be updated, with specific actions, once the Blueprint is completed.*

*Editorial note: The above language was taken from page 7 of the action plan.*

*Responsible institution: State Services Commission, Department of Internal Affairs.*

*Supporting institution(s): A variety of government agencies are involved in the various Better Public Services programmes. All government agencies interacting with the public are responsible for implementing the aspect of the commitment relating to "Result 10," (i.e., easy digital interaction with government.)*

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
			X		X		X	X		X				X			X				

## COMMITMENT AIM

While the Better Public Service (BPS) Results Programme includes a broad range of ambitious policy goals, only the every-six-months reporting commitment and Result 10 portions related to OGP principles, and these were assessed as increasing access to information and public accountability.

Besides aiming for improvement in a variety of selected social goals, the key feature of BPS is holding the government publicly accountable for its progress towards meeting those goals. The goals relate to issues—such as crime, welfare, and education—that have long been the subject of governmental programmes and political debate. Information relevant to these fields has been collected by the government and in the past has been included in official reports and available for release under New Zealand’s official information laws. What BPS adds is a commitment to collect and release specific data regularly and publicly and track progress over time against specific political targets, thereby allowing the citizenry to measure the government’s performance against those particular targets.

Result 10 seeks to make e-government become business as usual in improving citizens’ experience of interacting with the government. The government primarily assesses this through an index measuring citizens’ uptake of a range of common digital transactions. In terms of this index, only 39 percent of citizen transactions with government took place online prior to the commitment period.<sup>1</sup> The government aims to increase this to 70 percent by 2017. The language of the commitment promises to provide greater detail about how improvement will be achieved by updating the action plan to include actions from a strategic “Blueprint.”<sup>2</sup>

## STATUS

### Mid-term: Limited

The government published its progress reports on time, making information readily available to the public that could be used to assess the extent to which the government was making progress on its stated social policy targets.

Result 10 showed some improvement over the course of the year, as measured by the government’s index of services (an average of 45.3 percent of the transactions using selected government services were completed online, up from 39.3 percent the previous year and with an ultimate target of 70 percent by 2017).

The government also published its Result 10 Blueprint,<sup>3</sup> a vision statement for the digital evolution of government services and moved towards a focus on integrated and citizen-centric digital services. However, it

did not update the action plan with specific actions from the Blueprint and did not otherwise establish any other benchmarks with which to evaluate progress towards making digital transactions easy.

### **End-of-term: Substantial**

The government continued to publish its BPS progress reports showing how it was progressing against its BPS targets.<sup>4</sup> However, the last report was not quite every six months as expressed in the commitment: there were eight months between the last two reports, and some of the data reported in the March 2016 updates was not as up-to-date as the rest, dating back to June or September of 2015.

In relation to Result 10, which aims to enable New Zealanders to complete their government transactions easily in a digital environment, progress continued during the OGP period, according to the one measurable indicator—the index of services. The March 2016 results assessing the uptake of a basket of government digital services found that an average of 52.2 percent were conducted online, up from 39.3 percent in July 2014.<sup>5</sup> Thus, for example, increasing numbers of people were using Customs' new SmartGate passport technology at airports, applying for visas online, and paying fines and filing tax returns online. The government is on target to reach its ultimate goal of 70 percent by 2017, though this is not strictly part of the commitment language and falls outside the OGP period.

While some stakeholders and officials expressed reservations about whether the services included in the index were truly representative of government as a whole and noted that not all government services were quickly making the transition online, the IRM researcher agreed with the government that substantial progress has been made towards meeting this commitment. The progress reports were published in accordance with the commitment, and at least in terms of the government's index, significant progress has been made.

The government did not update the action plan with specific actions from the Result 10 Blueprint, however, and did not otherwise establish other benchmarks with which to evaluate progress. Therefore, this commitment remains incomplete.

## **DID IT OPEN GOVERNMENT?**

**Access to information: Did not change**

**Public accountability: Did not change**

The BPS programme aims to spur innovation and encourage government agencies to adopt new approaches to working together in order to improve the way in which public services are delivered. It was designed to demonstrate the government's commitment to public accountability and signal a commitment to transforming performance in areas that matter most to New Zealanders.<sup>6</sup> The BPS programme specifically identified social problems and metric targets to measure improvement. In this sense, the BPS programme is directly relevant to the OGP grand challenge of enhancing public services. Yet, while the goals and achievements may be laudable, they are mostly not relevant to OGP values since the programme largely focuses on internal government reforms. The BPS methodology of publishing progress reports, however, does relate to the OGP value of access to information. Result 10 was relevant to improving the quality of information available and making citizen-government interaction easier.

Prior to the commitment period, the BPS programme was already operating. BPS commenced in 2012; the commitment period began in 2014. Thus, in 2014, BPS progress reports were being released, many government services were already being made available online, and there was already a baseline of transparency and accountability under the BPS programme itself. For these reasons, the IRM mid-term progress report assessed the potential impact of this commitment as minor.<sup>7</sup> The government has acknowledged that since the commitment involved a pre-existing programme, the commitment needed to be "ambitious in terms of expediting outcomes and stretching existing government activities beyond baseline."<sup>8</sup> The language of the

commitment promised to incorporate further specific actions into the OGP action plan from the government's Result 10 Blueprint. Additional specifics had the potential to flesh out the ambition of the commitment in much greater detail, but this did not happen.

The IRM researcher asked the government to provide evidence or examples of projects under the BPS programme that were developed, expanded, or expedited within the OGP action plan period that demonstrate concrete improvements in transparency, accountability, or citizen participation, but the government did not do so.<sup>9</sup> Nor did the government's draft end-of-term self-assessment<sup>10</sup> report contain any such evidence. Some examples were provided in the government's mid-term self-assessment, but the IRM researcher found that the examples fell outside the commitment period or solely related to the use of technology and innovation without accompanying gains in transparency, accountability, or participation.<sup>11</sup> In addition, most stakeholders felt that improvements were about e-government and did not significantly advance values of access to information or accountability.

The government has argued that "there is an obvious additional benefit from including existing work in the action plan—namely the transparency and accountability arising from greater public and international exposure of the Government's intentions in each of these programme areas, as well as the annual reporting on progress for each programme in an international forum."<sup>12</sup> The IRM researcher concluded that this was not the sort of "stretch" contemplated under OGP rules and that it was undermined by the government's very limited awareness raising in relation to its action plan.

Given that the commitment implementation did not make any previously unavailable information accessible, nor did it create a system of consequences to improve accountability, the IRM researcher concludes that this commitment did not change government openness by increasing access to information or holding public officials more accountable.

## CARRIED FORWARD?

It is not yet clear whether any aspects of this commitment will be carried forward into the next action plan. It was not among the themes discussed with the Stakeholder Advisory Group before it disbanded, although there was mention of a "citizen-centric public service." The IRM researcher does not recommend carrying this commitment forward because the benefits in terms of OGP values are not specific or measurable.

However, the IRM researcher suggests that it may be useful to develop some aspects of the Result 10 Blueprint, such as adding a commitment ensuring that there are effective and accessible complaints mechanisms built into digital service environments.

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<sup>1</sup> Department of Internal Affairs, "Measuring Results Archive July-September 2014," <http://www.dia.govt.nz/Measuring-Results-Archive#July-Sept-2014>.

<sup>2</sup> OGP action plan, <https://www.ssc.govt.nz/sites/all/files/nz-ogp-action-plan-jul2014.pdf>, 7. Also, see Result 10 Blueprint: A strategy for digital public services, <https://www.ict.govt.nz/assets/Programmeme-and-iniatives/Digital-Transformation/Result-10-Blueprint-FINAL.pdf>.

<sup>3</sup> Result 10 Blueprint, <https://www.ict.govt.nz/assets/Programmeme-and-iniatives/Digital-Transformation/Result-10-Blueprint-FINAL.pdf>.

<sup>4</sup> <http://www.ssc.govt.nz/better-public-services>.

<sup>5</sup> <https://www.dia.govt.nz/Better-Public-Services-Measuring-Result-10>.

<sup>6</sup> OGP action plan, <https://www.ssc.govt.nz/sites/all/files/nz-ogp-action-plan-jul2014.pdf>, 6.

<sup>7</sup> IRM: New Zealand Progress Report 2014–2015, [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_NEWZEALAND\\_ONLINE%C6%92.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_NEWZEALAND_ONLINE%C6%92.pdf), 22.

<sup>8</sup> New Zealand's Open Government Partnership Self-assessment Report, draft, September 2016, <https://www.govt.nz/browse/engaging-with-government/have-your-say/ogpzn-self-assessment-report/ogpzn-end-term-self-assessment-report/>.

<sup>9</sup> Official Information Act response to IRM researcher, State Services Commission, 19 August 2016.

<sup>10</sup> OGP draft self-assessment report, <https://www.govt.nz/browse/engaging-with-government/have-your-say/ogpzn-self-assessment-report/section-3-implementation-of-national-action-plan-commitments/>.

<sup>11</sup> IRM: New Zealand Progress Report 2014–2015, [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_NEWZEALAND\\_ONLINE%C6%92.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_NEWZEALAND_ONLINE%C6%92.pdf), 25 and 42.

<sup>12</sup> OGP draft self-assessment report, <https://www.govt.nz/browse/engaging-with-government/have-your-say/ogpzn-self-assessment-report/ogpzn-end-term-self-assessment-report/>.

## 2 | ICT STRATEGY AND ACTION PLAN

### Commitment Text:

Government ICT Strategy and Action Plan to 2017 - ICT Action plan to be refreshed by the end of 2014

Focus on Action 13 of the Government ICT Strategy: Open by default – to be implemented by June 2016

Editorial Note: This language was taken from the chart on page 5 of the national action plan.

The Action Plan section will be updated by the end of 2014 and the strategy section is due for a refresh in 2015. A strategy will be developed to identify actions that promote awareness of available data, resources, tools, and websites to help citizens identify, access, and engage with government data and information.

The strategy will be implemented by June 2015.

The secretariat will also collaborate with other government initiatives that are engaging with civil society and business groups to align government activities and reduce duplication for all participants. This includes aligning how the secretariat measures the achievement of the expected Programme benefits alongside our selected OGP grand challenges and principles.

Editorial note: This language was taken from page 9 of the national action plan.

Responsible institution: Department of Internal Affairs

Supporting institution(s): Land Information NZ, State Services Commission

Start Date: 1 July 2014

End Date: 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
			X		X		X		X				X						X		

### COMMITMENT AIM

This commitment aims to make government data available for reuse and to use technology for the improvement of government service delivery.

At the time the commitment was adopted, the government had the Government ICT Strategy and Action Plan to 2017 (2013–2017) in place, which provided a general cross-government policy plan to transform and integrate government through the wider use of technology. The ICT action plan included a proposal to make government data open by default and a plan for the internal sharing of government data.<sup>1</sup> The ICT action plan was to be

refreshed each year. When the government's OGP action plan was released, the government was already operating a central government portal ([www.govt.nz](http://www.govt.nz)) for accessing a variety of government information and a government data portal ([www.data.govt.nz](http://www.data.govt.nz)) for accessing a limited range of government datasets. It had also created the Open Government Information and Data Programme to facilitate and encourage the release and use of government data.

The commitment undertook two main actions: to update the ICT action plan by 2014 and to focus on making government information "open by default" by June 2016. These measures sought to ensure that the ICT action plan maintained relevance and consistency with other government programmes and that government datasets previously not publicly available could be used for social and economic benefit. The government also aimed to conduct activities to help citizens understand and use government data.

The OGP action plan as written contained no benchmarks or criteria for assessing completion, which made it difficult to assess progress particularly as the general aims of transforming ICT infrastructure and releasing all government data are ambiguous without including parameters. Since these commitments reach across the whole of government, the IRM researcher sought to examine the extent to which useful government data had been made publicly available in the commitment period to assess completion, relying on a wide range of government, CSO, and publicly available sources.<sup>2</sup> The researcher also assessed whether the ICT action plan was refreshed by 2014 and the ICT strategy updated by 2015.

## STATUS

### **Mid-term: Limited**

As discussed in the IRM progress report,<sup>3</sup> the government completed its commitment to refresh the ICT action plan on time in December 2014. The new ICT action plan consolidated and refined the range of cross-government ICT actions, increased the focus on interagency collaboration, and clarified the relationship of the ICT action plan with the Better Public Services programme.

Notably, the part of the original ICT action plan (Action 13) that focused on making public information assets "open by default" by June 2016 was changed to "accelerate the release of public information and data for reuse." Government officials stated this did not change the substance of the commitment.<sup>4</sup> As discussed below, the researcher considered it possible that the change in fact weakened the commitment, but in the end the government discontinued the ICT action plan before any change could become evident.

The IRM progress report found this to be a very far-reaching commitment. It noted progress in a number of areas, in particular the release of new datasets, but concluded that it was impossible to say it was on course to be "implemented" by June 2016. The government did conduct some activities to raise public awareness of newly released data, though no formal strategy was implemented in the first year of the OGP action plan.

### **End-of-term: Substantial**

This commitment was assessed against two milestones. The first, discussed above, was the refresh of the ICT action plan by 2014, which was completed on time. The government updated the ICT strategy by 2015 as outlined in the OGP action plan.<sup>5</sup>

The second milestone is making government data open by default by June 2016 and includes a promise to conduct activities to raise awareness of open data. The government's end-of-term self-assessment report concludes that while progress has been made "a full culture change to achieve an 'open by default' approach across government has yet to be achieved."<sup>6</sup> Significant changes were made to the commitment as well, making it difficult to assess completion. The ICT action plan was narrowed during the refresh in 2014 and then subsequently cut back even further. In June 2016, the ICT action plan was abandoned and replaced by an "integrated programme of work,"

which the government describes as “a more flexible and adaptive approach” in which the highest ICT priorities are managed through interagency collaboration under the Government Chief Information Officer’s Partnership Framework.<sup>7</sup> It includes a working group aiming to “open data and sharing by default.”<sup>8</sup>

The Open Government Information and Data Programme has been assisting government agencies to make their data publicly available, including by running training programmes on open licensing,<sup>9</sup> and 1,860 new datasets were listed on data.govt.nz.<sup>10</sup> Most (including all 32 central government agencies) have appointed “data champions” to oversee reform. A beta.data.govt.nz site was launched in June 2016 to test an improved version of the government’s open data website.<sup>11</sup> Although issues still remain, as discussed below, steady progress has been made towards an “open by default” standard.

The Open Government Information and Data Programme has also conducted a wide range of innovative activities to raise awareness of the available data, including using social media outreach, publishing case studies and guides, holding meetings with data champions, and publishing a crowd-sourced list of datasets that citizens wanted to see released.<sup>12</sup>

## DID IT OPEN GOVERNMENT?

### **Access to information: Marginal**

The focus on making government data open by default was highly relevant to increasing access to information, though it lacked any clear benchmarks or progress indicators. The refresh had the potential to revitalise the commitment by providing a detailed programme to significantly expand access to datasets collected by government agencies. In turn, this new data could be used for a variety of business and democratic purposes, including evaluating the performance of government and identifying social problems requiring action.

However, three main challenges prevented this commitment from opening government in a more significant way: the scale of the task, a lack of resources, and the low quality of the data released.

The sheer scale of a promise to open all government data within the commitment period was a big challenge, and it is now clear that the government did not devote sufficient resources to achieving it. The unit within the Department of Internal Affairs tasked with facilitating data release was understaffed, lacked sufficient budgeting for the OGP commitment, and had been given no formal powers to compel the release of data.

The government’s Open Government and Data Chief Executives’ Governance Group identified a number of problems and frustrations in making government data available. It found that most government agencies are not fully meeting their open data requirements under the 2011 Declaration on Open and Transparent Government, in which the government committed to actively release high-value public data.<sup>13</sup> This overlaps with the OGP commitment and is mentioned as part of the context in New Zealand’s action plan. The Governance Group measured a series of criteria designed to rate agencies’ transitions to open data. It noted a range of problems:

“...Agencies having immature data management processes, open data formats that are not consistent, manual publishing processes, and some data still only released in proprietary formats such as Microsoft Excel. Agencies report challenges prioritising internal resourcing, understanding open and shared data, aggregating restricted data to allow its release as open data, and the long-term costs of sustaining public data release.”<sup>14</sup>

The Governance Group also found that there is also low public awareness of what data is available. In addition, many agencies are not working with users to identify high-value data, and many others had not released any data.<sup>15</sup> It found that local councils were particularly behind.

Stakeholders and some officials interviewed by the IRM researcher also corroborated the Governance Group’s view. and said that there was little prioritisation of high-value data. Additionally, the government office charged

with overseeing the transition to an open-by-default status had inadequate staffing, budget, or powers. Data transparency experts interviewed said that awareness raising was somewhat premature: the real focus needed to be on releasing useful data in usable formats.

In terms of concrete evidence of change that improved transparency, accountability, or public participation, the picture was mixed. More datasets were released via the government data portal ([www.data.govt.nz](http://www.data.govt.nz)), so access to information was improved. The central website providing information about the government was improved by adding information about current consultations, another improvement of access to information.<sup>16</sup> The government has also extended its licencing system to facilitate release and conducted a range of awareness-raising activities about open data. The government points to evidence that some of the released data was utilised in democratically useful ways; for example, The New Zealand Herald has utilised government data for reporting on election results and areas of deprivation.<sup>17</sup>

Nevertheless, the IRM researcher concludes that the amount of “stretch” provided by this commitment—measured against 2014 baselines of transparency, accountability, and public participation—is very limited. Accordingly, while this programme is laudable and has clear relevance to the OGP value of access to information, the IRM researcher concludes that the gains attributable to the implementation of the OGP action plan are no more than marginal.

## CARRIED FORWARD?

It is not yet clear whether any aspects of this commitment were carried forward into the next action plan. It was among the themes discussed with the SAG before it disbanded. The IRM researcher recommends that the government focuses on commitments that provide specific and measurable benefits to release and utilise democratically useful data and information (for example, the government could follow through on its previous suggestion to prioritise health, education, and environment data<sup>18</sup>), rather than a nebulous commitment to making data open by default.

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<sup>1</sup> Government ICT Strategy and Action Plan to 2017, <https://www.ict.govt.nz/assets/Uploads/Government-ICT-Strategy-and-Action-Plan-to-2017.pdf>, 39.

<sup>2</sup> These included an examination of the government’s information and data portals, [www.govt.nz](http://www.govt.nz) and [www.data.govt.nz](http://www.data.govt.nz); a report prepared by the Open Government Data Chief Executives’ Governance Group (<https://www.ict.govt.nz/assets/Uploads/Documents/2015-Report-on-adoption-of-the-Declaration.pdf>, para 8); information provided in the government’s end-of-term OGP self-assessment (<http://www.ssc.govt.nz/sites/all/files/New%20Zealand%20OGP%20final%20self-assessment%20report.pdf>); the government’s responses to a set of written questions from the IRM researcher; and interviews with officials and stakeholders.

<sup>3</sup> IRM: New Zealand Progress Report 2014–2015, [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_NEWZEALAND\\_ONLINE%20C6%92.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_NEWZEALAND_ONLINE%20C6%92.pdf).

<sup>4</sup> *Ibid.*, 27.

<sup>5</sup> Government ICT Strategy 2015, <https://www.ict.govt.nz/strategy-and-action-plan/strategy/>.

<sup>6</sup> Open Government Partnership New Zealand Final Self-assessment Report First National Action Plan 2014–16, September 2016, 20. <http://www.ssc.govt.nz/sites/all/files/New%20Zealand%20OGP%20final%20self-assessment%20report.pdf>.

<sup>7</sup> Government ICT Strategy Implementation, <https://www.ict.govt.nz/strategy-and-action-plan/government-ict-strategy-implementation/>

<sup>8</sup> Government ICT Strategy 2015, <https://www.ict.govt.nz/strategy-and-action-plan/strategy/>.

<sup>9</sup> New Zealand Government Open Access and Licensing (NZGOAL) framework, <https://www.ict.govt.nz/guidance-and-resources/open-government/new-zealand-government-open-access-and-licensing-nzgoal-framework/>; NZGOAL Online Training Videos, <https://www.ict.govt.nz/guidance-and-resources/open-government/new-zealand-government-open-access-and-licensing-nzgoal-framework/nzgoal-online-training-videos/>.

<sup>10</sup> Department of Internal Affairs, letter to IRM researcher, 29 July 2016, 8.

<sup>11</sup> [www.beta.data.govt.nz](http://www.beta.data.govt.nz).

<sup>12</sup> Top 10 Datasets Survey, <https://www.ict.govt.nz/guidance-and-resources/open-government/engagement-activities/top-10-datasets-survey/>.

Outreach activities include setting up a Twitter account and popular hashtags on open data, organising a data showcase at Parliament, publicising case studies on the use of government data, running lunchtime sessions to discuss open data, holding meetings with agencies’ data champions, hosting presentations by experts, launching an open data YouTube channel, publishing a newsletter, writing a blog, and providing extensive information, tools, and resources on its website.

<sup>13</sup> NZ Open Government Information and Data: 2015 Progress Report, August 2015, paragraphs 1, 3, 11, 12, 16, 26, 45, and 49, <https://www.ict.govt.nz/assets/Uploads/Documents/2015-Report-on-adoption-of-the-Declaration.pdf>.

<sup>14</sup> *Ibid.*, paragraph 8.

<sup>15</sup> *Ibid.*, paragraphs 11, 12, 26, 27, 45, and 51.

<sup>16</sup> <https://www.govt.nz/browse/engaging-with-government/have-your-say/consultations/>.

<sup>17</sup> [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11254032](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11254032).

<sup>18</sup> Open Government Partnership Mid-term Self-assessment Report, January 2016, <http://www.ssc.govt.nz/sites/all/files/OGP-NZ-Mid-term-Self-Assessment-Jan2016a.pdf>, 42.



# 3 | RESPONDING TO TRANSPARENCY INTERNATIONAL REPORT

## Commitment Text:

National Integrity System assessment report - Consult and report back to Ministers in February 2015

Editorial note: This language was taken from the chart on page 5 of the national action plan.

The third element of our Action plan is the work we are embarking on with Transparency International New Zealand (TINZ), the civil society organisation that works to identify and address corruption. In 2013, TINZ produced a National Integrity System Assessment (NIS report) which culminated in a detailed report that made a series of recommendations across 12 "pillars" of New Zealand's integrity system. These pillars are the legislature, the executive, the judiciary, public sector, law enforcement, electoral management, ombudsman, audit institutions, political parties, media, civil society and business.

The work with TINZ over the next two years will involve engaging in ongoing dialogue on TINZ's National Integrity System Assessment, and working with TINZ and other stakeholders to examine and respond to the recommendations.

Editorial note: This language was taken from page 10 of the national action plan.

Responsible institution: State Services Commission

Supporting institution(s): Transparency International NZ (TINZ)

Start Date: 1 July 2014

End Date: 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X	X			X				X						X		

## COMMITMENT AIM

This commitment aims to assess and respond to the National Integrity Systems report (NIS report) by Transparency International New Zealand (TINZ). The NIS report<sup>1</sup> contained a wide range of recommendations about policies affecting transparency, governmental integrity and accountability, electoral finance, whistle-blowing, parliamentary funding, procurement, anti-corruption efforts, and other matters vital to democracy. The government committed to completing an assessment and consultation with TINZ on the details of the report.

There are seven overarching recommendations, many of which could greatly improve access to information, civic participation, and public accountability if implemented. They were summarised in the IRM progress report as follows:<sup>2</sup>

1. Develop a comprehensive national anti-corruption strategy in partnership with civil society and the business community, combined with rapid ratification of the UN Convention against Corruption.
2. Initiate a cross-government programme of wide public consultation to develop an ambitious New Zealand Action Plan for the international Open Government Partnership.
3. Strengthen the transparency, integrity, and accountability systems of Parliament, the political executive (the Cabinet), and local government.
4. Strengthen the role of the permanent public sector with respect to public procurement, integrity and accountability systems, and public policy processes.
5. Support, reinforce, and improve the roles of the Electoral Commission, the judiciary, and the Ombudsman in maintaining integrity systems.
6. The business community, the media, and nongovernmental organisations should take on a more proactive role in strengthening integrity systems, addressing the risks of corruption.
7. Conduct further assessments and research in priority areas to understand better how to strengthen integrity systems further.

The NIS report also contains a series of sub-recommendations, including the following:

- Subject Parliament to the Official Information Act;
- Reform campaign finance rules; and
- Strengthen transparency in public procurement.

The aim of this commitment was to examine the NIS report and in consultation with TINZ and other relevant stakeholders identify any actions the government may need to take to address the TINZ concerns and recommendations.

Evaluating this commitment presents a challenge as the government has only committed to engage in dialogue and “respond” to the NIS report in a report to ministers. The position in 2014 was that these actions had not occurred. However, the commitment to engage in dialogue and report to ministers did not have clearly defined benchmarks or other measurable elements to assess the effect on OGP values.

The IRM researcher has assessed this commitment by examining the quality of the government’s dialogue with TINZ and other stakeholders, and the production and timeliness of the report to ministers.

## STATUS

### **Mid-term: Limited**

The government adhered to its commitment to meet regularly with TINZ to discuss the NIS report. However, it did not meet with any other stakeholders as it proposed in the commitment, nor did it report back to ministers with a response by February 2015 as promised. This was deferred until early 2016. TINZ was very satisfied with the initial consultations but was concerned that they seemed to end rather abruptly with little further communication.

In its mid-term self-assessment report,<sup>3</sup> the government determined that many of the TINZ recommendations are already being acted on. TINZ did not accept this assessment, and in the IRM progress report,<sup>4</sup> the researcher found little evidence to support completion, concluding that there remained much room for significant progress in relation to the TINZ recommendations. It is important to note, however, that no such progress was promised in this commitment.

### **End-of-term: Substantial**

The government held no meetings and had no communication with TINZ about this commitment from 8 June 2015 until it finalised its response in September 2016. The government did not consult any other external stakeholders and clarified that when it promised in the action plan to consult “TINZ and other stakeholders” it meant TINZ and government agencies.<sup>5</sup> The IRM researcher did not accept this as clear from the language of the commitment and notes that the government states it has no documentation of consultation with other agencies.<sup>6</sup>

Government officials state that, after consulting with TINZ about its NIS proposals, officials reported back to the minister on 21 June 2016 with their recommendations.<sup>7</sup> This was 16 months after the date promised in the action plan. The IRM researcher requested a copy of that report. The government initially declined to provide it, citing withholding grounds under official information laws that protect the provision of confidential advice and free and frank opinions. The government did not believe that the public interest in the release of the report outweighed the harm that may be caused by releasing it.<sup>8</sup> However, the report was made available to the IRM researcher on 20 September 2016 and has since been posted on the State Services Commission’s OGP webpage.<sup>9</sup>

The report is undated. It responds to the TINZ recommendations point by point, generally by summarising the actions that the government took, before and after the NIS report, that are relevant to the TINZ recommendations.

The IRM researcher finds that this commitment is substantially complete. Dialogue about the NIS report took place, but only with TINZ and not with other stakeholders, and it stopped before the report to the ministers was finalised. That report was completed and does address the TINZ recommendations, though it does not closely respond to each one. It is undated with no clear evidence about when it was presented to the ministers. But according to the government, it was at least 16 months after the due date in the action plan, and it was not approved for public release for a further three months, well after the OGP commitment period ended.

## DID IT OPEN GOVERNMENT?

**Civic participation: Marginal**

**Public accountability: Did not change**

The government committed to discussing the NIS report with TINZ and others and reporting back to the ministers in order to examine and respond to wide-ranging recommendations about various institutions, laws, and policies vital to democracy. By consulting with TINZ, responding to their recommendations, and implementing some changes from the NIS report, there was a marginal change in government practice that embodied civic participation in action.

TINZ identified progress on some of their key NIS recommendations, especially the ratification of United Nations Convention against Corruption (UNCAC), the passage of the organised Crime and Anti-Corruption Act, joining the Open Government Partnership, and developing an OGP national action plan. It also acknowledges the substantial work done, especially by the State Services Commission, in identifying and responding to the recommendations. However, TINZ remains concerned that the government did not respond to the serious issues outlined in the NIS report in many areas where action is required for implementation. Several recommendations called for wide public consultation, but there is no evidence that consultation has happened. In addition, TINZ found that the government misunderstood or ignored some recommendations. Therefore, because the government had only limited engagement with one CSO in responding to the NIS report, the improvement in civic participation was marginal.

In carrying out this commitment, the government failed to create a feedback loop to engage a wide range of nongovernment stakeholders in the process of reviewing progress on implementing NIS recommendations. The ongoing dialogue could have been used to involve a range of stakeholders in assessing and carrying out the NIS recommendations, perhaps even creating an accountability mechanism. However, this did not occur, and the government did not communicate with TINZ or other stakeholders for the second half of the commitment period.

The IRM researcher concludes that the overall effect on opening government according to OGP values was

marginal at best and concurs with TINZ in the belief that the response to the NIS report represents missed opportunities for the government to deliver on what could have been a genuinely transformative commitment.

## CARRIED FORWARD?

The government's second action plan has not yet been released. It is not clear whether any of the NIS recommendations will be included. The IRM progress report set out some NIS recommendations that TINZ believes should be given priority.<sup>10</sup> TINZ's submission on the second action plan calls for a greater degree of ambition and responsiveness to the wishes of the citizenry. It also asks for progress on many of the NIS recommendations, including safe channels for whistle-blowers, a citizens' budget, political party transparency, managing conflicts, improved integration of the Treaty of Waitangi, and environmental and social reporting. Its other priorities, many of which reflect the recommendations of the IRM progress report, are:

**Improve engagement with citizens**—Develop channels of communication, segmented for different citizen attributes, using existing (enhanced) public, civil society, local government, and digital processes where feasible and building new processes where there are currently major groups of marginalised citizens.

**Improve public integrity**—More effectively manage public resources and reform official information laws by extending them to parliamentary bodies and adopting the Law Commission's recommendation to create an official information authority responsible for training, culture, advice, best practice guidance, and identifying necessary reforms. Strengthen the integrity of the permanent public sector in regard to procurement, etc. Review current anti-corruption legislation, including a discussion of the Misconduct in Public Office Review and the expansion of the Official Information Act/IA to cover a Parliamentary code of conduct or guidance for relationships between ministers and public servants to complement the Cabinet Manual.

**Strengthen governance arrangements of the executive and Parliament**—Support and reinforce the roles of the Electoral Commission, the judiciary, and the ombudsman. Create a set of robust and government-wide practices in collaboration with civil society concerning timely public consultation on new bills, regulation, and policy; base them on international best practice; make them mandatory where feasible; and include an effective complaint resolution mechanism or ombudsman.

**Open voices**—Develop a public, cross-government policy formally permitting public servants, civil society, and all those receiving public funding to speak out on significant public issues without facing any form of retaliation. Instead of silencing civil society, find a mechanism to co-create with them.

**Increase corporate accountability**—Engage and encourage business, communities, NGOs, and the media to take on a more proactive role in building strong integrity systems. Create a cross-sector integrity taskforce to develop and enforce strategy. Develop a specific business anti-corruption/good governance framework to establish best practice in trade and also to ensure New Zealand business is up to speed with international best practice.

The IRM researcher recommends that concrete measurable activities to support these activities could be useful if included in the next action plan. The commitment in the first action plan was not sufficiently ambitious and did not provide for specific outcomes with clear practical effects on accountability and civic participation.

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<sup>1</sup> Transparency International New Zealand, *Integrity Plus 2013, New Zealand National Integrity System Assessment*, December 2013, <http://www.transparency.org.nz/docs/2013/Integrity-Plus-2013-New-Zealand-National-Integrity-System-Assessment.pdf>.

<sup>2</sup> IRM: New Zealand Progress Report 2014-2015, [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_NEWZEALAND\\_ONLINE%20C6%92.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_NEWZEALAND_ONLINE%20C6%92.pdf), 31-32.

<sup>3</sup> New Zealand Mid-term Self-assessment Report, <http://www.ssc.govt.nz/sites/all/files/OGP-NZ-Mid-term-Self-Assessment-Jan2016a.pdf>.

<sup>4</sup> IRM: New Zealand Progress Report 2014-2015, [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_NEWZEALAND\\_ONLINE%20C6%92.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_NEWZEALAND_ONLINE%20C6%92.pdf), 32.

<sup>5</sup> State Services Commission, Official Information Act response to IRM researcher, 19 August 2016, 4.

<sup>6</sup> Ibid.

<sup>7</sup> State Services Commission, Official Information Act response to IRM researcher, 19 August 2016, 4.

<sup>8</sup> Ibid.

<sup>9</sup> The government's final self-assessment report states that it has been made publicly available at <https://www.ssc.govt.nz/tinz>, 3 October 2016. Open Government Partnership New Zealand Final Self-assessment Report First National Action Plan 2014-16, <http://www.ssc.govt.nz/sites/all/files/New%20Zealand%20OGP%20final%20self-assessment%20report.pdf>, 21.

<sup>10</sup> IRM: New Zealand Progress Report 2014-2015, [http://www.opengovpartnership.org/sites/default/files/IRMReport\\_NEWZEALAND\\_ONLINE%20C6%92.pdf](http://www.opengovpartnership.org/sites/default/files/IRMReport_NEWZEALAND_ONLINE%20C6%92.pdf), 34.



engagement. It was to be achieved through a combination of surveys of government agencies and civil society as well as research on international approaches to community engagement. This commitment aims to carry out three steps: (1) review progress of the accord, (2) gather data about local challenges, and (3) evaluate international best practices.

## STATUS

### **Mid-term: Limited**

During the first year of New Zealand's action plan, a government contractor, Hui E! designed and distributed surveys to gather stakeholder views on local challenges.

The government states that it considered relevant international best practices when designing the scope of the Kia Tūtahi Accord review, citing links to documents containing similar compacts in the United Kingdom<sup>1</sup> and Australia<sup>2</sup> as well as the Quality Assurance Standard for Community and Stakeholder Engagement.<sup>3</sup> The government says these documents were discussed with the agency contracted to conduct the community survey, Hui E!, an umbrella group representing community organisations.<sup>4</sup> However, the government did not provide evidence demonstrating how international best practices were considered; nor did the scope or conduct of the review process appear to reflect recommended best practices.

The review did not contain reference to research analysis concerning how the UK or Australian compacts were created or implemented, how the practices were relevant to New Zealand, or how the Quality Assurance Standard was related. Hui E! recalls that it raised the UK compact with the government, and discussed the Australian one, in an effort to persuade the government to reform Kia Tūtahi along similar lines (in particular, by providing funding to community groups to facilitate their engagement and commitment to producing measurable outcomes and accountability mechanisms<sup>5</sup>). According to Hui E! staff, the government did not display interest in reforming Kia Tūtahi according to its recommendations.

Because the surveys were not received before the first year of the commitment period, the government did not take steps to develop a collaborative process to seek solutions until the second year.

### **End-of-term: Substantial**

The government did conduct a review of the accord. It consisted of two surveys, one of community organisations and one of government agencies, and two reports to the minister. The reports summarised the surveys and made recommendations. In light of the surveys, government agencies closely associated with the accord collaborated to consider how to make the accord more effective, and they took other steps to disseminate the lessons learned. Although it remains unclear how the research findings on international best practice were incorporated, the IRM researcher finds this commitment to be substantially complete.

## DID IT OPEN GOVERNMENT?

### **Civic participation: Marginal**

This commitment addressed the concern that the Kia Tūtahi Relationship Accord was not living up to its potential to transform the government's engagement with community groups about important policies and decisions. As the action plan acknowledges, stakeholders familiar with the accord viewed government engagement with community groups as weak. If concrete measures were identified and implemented to give life to the accord's commendable but vague principles, this commitment had the potential to significantly improve public participation in government laws and policies. However, because the commitment promised no more than to collaboratively seek solutions and initially gave no indication of how the survey findings might be acted upon, the IRM progress report assessed the potential impact of this commitment as minor.

Following the surveys, the government has not proposed any reform of the accord, which stakeholders suggested

should include more specific promises, accountability mechanisms, and a commitment to proper resourcing of community consultations. In addition, a range of structural and design issues further undermined the potential of this commitment to genuinely improve civic participation:

- The government stated<sup>6</sup> the results of the surveys would be used to update its *Ready Reference Engagement Guide*,<sup>7</sup> which provides guidance to government agencies conducting community engagement. As of October 2016, it had not done so.
- Stakeholders noted that the Department of Internal Affairs's one-page summary of the review's findings was misleading in some respects. They pointed out it overstated the level of community awareness of Kia Tūtahi, claiming it was 20 percent when the survey found only 13 percent, and they felt it emphasised the findings of good engagement while downplaying the criticisms and challenges.
- Several stakeholders said the survey of government agencies was poorly designed: the questions were too vague and relied on self-assessment of success. When survey respondents were asked whether the accord principles helped achieve social, economic, environmental, or cultural outcomes, two-thirds of respondents in each case skipped the question or said it wasn't applicable or they didn't know. Many commented that they had never heard of the accord.
- Stakeholders also noted that only fifteen government agencies responded, with two of the six agencies appointed as "champions" of Kia Tūtahi included among the agencies that did not respond. Nearly a third and sometimes half of respondents skipped the majority of the questions in the survey.

Overall, stakeholders felt that these flaws severely detracted from the usefulness of the survey results and hence any benefits they might provide in improving government relations with community organisations. However, the survey process itself and communication between government and CSOs represented a marginal improvement in practice of civic participation.

## CARRIED FORWARD?

It is not clear whether any commitment relating to Kia Tūtahi will be carried over to the next action plan. It is not among the themes that the government raised with the Stakeholders Advisory Group.

The IRM researcher has suggested that a new and separate commitment to identifying and incorporating international and local best practice into the wording and conduct of the accord, including an accountability mechanism and a commitment to providing funding and resources where appropriate to enable community groups to properly engage with government, would be a valuable commitment for the next action plan.

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<sup>1</sup> The Compact (UK), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/61169/The\\_20Compact.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61169/The_20Compact.pdf).

<sup>2</sup> The National Compact, [http://www.mdsi.org.au/pub/National\\_Compact.pdf](http://www.mdsi.org.au/pub/National_Compact.pdf).

<sup>3</sup> <https://www.iap2.org.au/documents/item/391>.

<sup>4</sup> Department of Internal Affairs, Official Information Act response to IRM researcher, 29 July 2016, 13.

<sup>5</sup> See the Compact (UK), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/61169/The\\_20Compact.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/61169/The_20Compact.pdf), 1.2, 1.3, 3.2, 3.4, 4.1; National Compact (Australia), [http://www.mdsi.org.au/pub/National\\_Compact.pdf](http://www.mdsi.org.au/pub/National_Compact.pdf), 2-4.

<sup>6</sup> Department of Internal Affairs, response to official information request by IRM reviewer, 29 July 2016, 13.


<sup>7</sup> *Ready Reference Engagement Guide*, [http://www.dia.govt.nz/Pubforms.nsf/URL/ENGAGEMENT\\_GUIDE\\_FINAL.pdf/\\$file/ENGAGEMENT\\_GUIDE\\_FINAL.pdf](http://www.dia.govt.nz/Pubforms.nsf/URL/ENGAGEMENT_GUIDE_FINAL.pdf/$file/ENGAGEMENT_GUIDE_FINAL.pdf)





## METHODOLOGICAL NOTE

This report is based on desk research into the relevant government programmes (BPS, the ICT strategy and action plan and later the integrated programme of work, and the Kia Tūtahi Relationship Accord); interviews with government officials and stakeholders during the two-year commitment period, including officials from the State Services Commission, the Department of Internal Affairs, and Land Information New Zealand (some of them on a not-for-attribution basis); interviews with members of relevant civil society organisations, including Transparency International New Zealand and Hui E!, academics, and media representatives; documents published by the government; media reports, online reports, and opinion pieces; and information supplied by the government in response to a request under the Official Information Act.



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