



Open Government Partnership

Independent Reporting Mechanism (IRM)

New Zealand Comments Received on the 2016-2018 Year I IRM Report

Dear Open Government Partnership Feedback Administrator,

My comments on the Independent Reporting Mechanism's Year I Progress Report for New Zealand's second action plan are noted below.

The short time period given for feedback on this paper, especially over this holiday period, only recently brought to my attention, unfortunately requires compressed feedback. I note that reference to the opportunity to provide feedback by 6 February 2018, invited and posted on the Open Government Partnership New Zealand website on 29 January 2018, offering a timeframe of just 7.5 days, is in conflict with the information hosted at <http://ogp.civcomment.org/new-zealand-mid-term-report-2016-2018-public-comment> which places an earlier deadline. For those of us needing to search online to find information about how to submit feedback upon hearing about the invitation by word of mouth, ironically the information is hidden from the website's front page and is not easy to access.

A fundamental principle of engagement is openness and equitable sharing of information (which is supported by reciprocated involvement in research and design and implementation of initiatives). There is opportunity for vast improvement in relation to New Zealand's commitment to, and implementation of, activities to positively advance an open government relationship.

My comments may be fully disclosed, there is no reason for anonymity in relation to my feedback.

I. Valuing Stakeholder and citizen engagement on an ongoing basis

The achievement of commitments made as part of New Zealand's agreed participation in the Open Government Partnership (OGP) requires the application of adequate resources and funding and a timeline of implementation that enables meaningful information sharing and engagement with the public of New Zealand, or at least those interested in participating.

We are in a position to learn from the engagement work that has been outlined in the report. The community networks operating across New Zealand offer superb value to both citizens and government. There is much information to harvest and knowledge to utilize. We need to apply those learnings so that we invest to create real and impactful conversations that support diverse groups of New Zealanders to know more about government and its operations and what those mean for them. These include supporting: promoted open engagement methodologies, the use of easy to use channels for participation and ensuring that all work is scheduled with appropriate timelines to achieve a real and valuable outcome (not simply a hygienic output that offers little value to the aims of open government).

To purposefully improve the public's opportunities to participate in open government, and to co-create a next action plan, requires commitment and monitoring. Including co-creation activities, monitoring and reporting as part of ongoing OGP operational activity is practical. However, there must be a designated realistic budget and ongoing funding to engage appropriately, using modern customer/citizen-centric methods.

Additionally, the Government needs to build core capability in citizen engagement in order to fulfil its commitment. It cannot simply rely on outsourced capability if the commitment to OGP is authentic.

The Government's vision for New Zealand both domestically and internationally can advance successfully through the planned implementation of activities that truly support transparency about the work of government. This will directly contribute to an improvement of the current low rated assessments relating to citizen participation in the report.

Citizen education is connected to stakeholder engagement

The recommendation to introduce citizen education will help increase democratic participation. However, it is important to consider that prioritisation of specific areas of education will provide greater value than others so ensuring focus is placed on those areas that will add the greatest value first is necessary to avoid a scattergun approach.

It will be important to ensure cohesion between citizen education and engagement activities and to strategically plan all activities over the long term so there is strategic benefit for the government and citizens and to ensure that investments are therefore (and remain) cost effective for tax payers.

2. Improving open government data release

An enormously valuable example of the benefits to New Zealanders (and others) of open source data is the New Zealand Geotechnical Database. The innovative geo technical initiative created by the Earthquake Commission, and now managed together with MBIE relies on an 'open by default' approach. Geonet, an initiative of the Earthquake Commission and GNS Science is another example. The benefits of this open approach to data access and use have been substantial to New Zealanders as well as to the international community.

The report reiterates the ongoing importance of developing and implementing an open government data action plan; this does need to be prioritised if it is to occur. Implementing lessons from the four-month consultation period in 2016 and the subsequently drafted action plan requires prioritisation. It would be disappointing if this Government chose not to prioritise the leveraging of such important and beneficial data assets, or the communication of these for education purposes, which are primarily in the interest of the public in New Zealand (and secondarily but importantly to others).

It is also important that advances are made to enable practical monitoring of agencies' progress in opening up data stores. I therefore suggest that the impact of this commitment is greater than the 'minor' rating it has been given.

3. Require publication of foreign beneficial ownership for all legal entities

A fundamental principle of openness in government is the transparency of beneficial ownership of public and private companies. It is also important that the foreign beneficial owner of trusts, nominee companies, and shell companies is accessible and can be scrutinized by the citizens and voters of New Zealand. Creating openness in this regard strengthens the integrity pillars that support a democracy, as well as Civil Society, and ensures the most positive outcomes for New Zealand.

While some positive work has progressed since the release of the Panama Papers to determine ownership of foreign trusts, the Government's inattention to this issue simply supports the smoke screen of ownership models and indeed ensures ongoing opportunity for the channelling of illegal funds and tax avoidance, nepotism and corruption. New Zealand's reputation is better than that and most New Zealanders in my view expect an even-handed and favourable approach in relation to asset ownership and one that ensures our country's reputation and actions are aligned.

I therefore support the recommendation to take measures to establish a public, central, open and searchable register of company beneficial ownership information.

4. Additional Comment

The Government must provide sufficient priority and accompanying budget in order to advance the vision of the Open Government Partnership. Many of the activities are inter-related to work already underway in Government. Commitment to the obligations requires financial backing and should not unrealistically rely on the narrow and limited resources of interested voluntary groups across the country to harness membership contribution. New Zealand community networks are strong; support of community networks (including local government networks) for genuine co-creation activity can and will make an enormous difference to the achievement of the obligations and also to any new aims of the New Zealand government.

It remains then that the current Government has a new and unique opportunity to show New Zealand's leadership in open government through its commitment to OGP obligations. To do so means it must sufficiently back the outcomes it wants to achieve and in doing so genuinely support citizens of New Zealand to fully and constructively participate in government as intended.

Kind Regards,

Suzanne Carter, Brooklyn, Wellington

suzanne@javelin.co.nz

TINZ submission to IRM mid-term review of New Zealand OGP-NAP 2016-18

Transparency International New Zealand's Chapter (TINZ) is very impressed with this IRM report and would like to acknowledge the excellent research that IRM's Independent Researcher, Keitha Booth, has done.

We have already commented on a number of levels that, from earlier time constraints, are not yet fully reflected in this Version for Public Comment. In terms of TINZ specific feedback on the content, and the reasons for taking time to polish this report, there are three key themes to be considered:

(1) With the recent elections on 23 September and the formation of a Coalition Government under Prime Minister, Jacinda Ardern, there is an engaged Government. In addition, there is an interested, focused Minister, Hon Clare Curran, the Associate Minister of State Services (Open Government).

Note that these are factual observations, not party political.

With a government genuinely interested in Open Government, this IRM report is an opportunity to demonstrate how a genuine commitment to OGP lays the foundations for all the other ambitious things the Government plans, eg the reasoning behind why the content of the imminent 3rd OGP National Action Plan (2018-2020) needs to be made a Government priority (and hence, why it is an investment). TINZ has identified some of the priority activities in its earlier comments to IRM. The OGP secretariat could assist further with examples of where open government has enhanced overall wellbeing.

(2) A key priority is genuine engagement with the public. Alongside the 7 commitments in its 2nd OGP National Action Plan being progressed effectively to show good will, it is timely to encourage the new Coalition Government to lead a major exercise to ask the public what it wants (the topics raised are likely to be quite different from the 7 commitments in the current action plan and can be integrated in the 3rd National Action Plan).

(3) An investment (an increase in the appropriation budgeted for NZ's OGP) by Cabinet will make the difference between apparent focus on OGP and effective OGP outcomes. As well as increased funding to existing organisations that are progressing with the NAP commitments, there may be value in increased funding to the Electoral Commission so it can assist with the public engagement (it already made a good start in increasing voter turnout at the last election), more funding to the SSC so it can lead OGP as well as pay the international fees for it, more funding for the Government agencies leading respective commitments so that they can achieve effective outcomes (not just the appearance of doing something).

Dear Laura,

Please find attached the comprehensive New Zealand IRM draft report with comments from me and my fellow TINZ Board member with delegated authority for OGP, David Dunsheath.

We both were very impressed with the report and would like to acknowledge the excellent research that the IRM Researcher, Keitha Booth, has done.

We have commented on a number of levels:

- (1) Some comments identify gremlins, mainly technical issues, eg lack of visible scoring within all the Tables 3.x.
- (2) We also comment about some possible changes to the scores, briefly providing rationale.
- (3) Where we saw typos, we edited possible corrections
- (4) We said so where there are statements TINZ concurs with
- (5) We suggest some style considerations including referring to Keitha as the IRM Researcher (with a capital "R" for researcher)
- (6) Where we had some useful examples or updated information, we edited in our examples

Other things to consider:

- A glossary to clarify terms such as NAP, OGP, IAP2, Commitment, unicameral, citizen vs residence,
- Clarification at some point in the document, timing of the new Administration. Instead of keeping the report as written before the new Coalition government, update it for things they are doing
- Any examples OGP successes in increasing wellbeing, reducing inequality from you and your team would assist.
- Finally, this excellent report has taken many hours of David and my time to provide feedback. While encouraging those who wish to do to the same (this is real consultation, after all), is there an OGP template for feedback that provides an opportunity to feedback more quickly?

In terms of TINZ specific feedback on the content, and the reasons for taking so much time to polish this report, there are three key themes that I have discussed with Keitha:

(1) With the recent elections on 23 September and the formation of a Coalition Government under Prime Minister, Jacinda Ardern, there is an engaged Government, In addition, there is an interested, focused Minister, Hon Clare Curran, the Association Minister of State Services (Open Government). Note that these are factual observations, not party political. With a government genuinely interested in Open Government, the IRM report is an opportunity to demonstrate how a genuine commitment to OGP lays the foundations for all the other ambitious things the Government plans, eg the reasoning behind why the 3rd National Action Plan needs to be a priority (and hence, why it is an investment). TINZ has identified some of the priority activities in its comments inside the report. The OGP secretariat could assist further with examples of where open government has enhanced overall wellbeing.

(2) A key priority is genuine engagement with the public - as well as the 7 NAP commitments in its 2nd Plan being progressed effectively to show good will, it is timely to encourage the new Coalition Government to lead a major exercise to ask the public what it wants (the topics raised are likely to be quite different from the 7 commitments in the current action plan and can be integrated in the 3rd National Action Plan)

(3) An investment (an increase in the appropriation budgeted for NZ's OGP) by Cabinet will make the difference between apparent focus on OGP and effective OGP outcomes. As well as increasing funding to existing organisations progressing the NAP commitments, there may be value in increased funding to the Electoral Commission so it can assist engaging with the public (it already made a good start in increasing voter turnout at the last election), more funding to the SSC so it can lead OGP as well as pay the international fees for it, more funding for the Government agencies leading commitments so that they can achieve effective outcomes (not just the appearance of doing something).

.Happy to comment further. Please feel free to email me. I could talk by skype early Friday morning NZ time (Thursday afternoon, US time).

I wasn't sure whether it was appropriate to circulate our comments to Keitha at the same time. If it is, please forward this to her.

Warm regards,
Suzanne Snively, ONZM
Chair, Transparency International NZ
[+6421925689](tel:+6421925689)

From: **Dave Henderson** <davehendersonnz@gmail.com>

Date: 1 February 2018 at 18:04

Subject: Re: Independent Review Mechanism (IRM) Progress Report on New Zealand's National Action Plan 2016-2018 released for public comment today

To: Keitha Booth <keithabooth@gmail.com>

Hi Keitha,

Thanks for this draft report - you've covered a lot of ground very well, and quite diplomatically! I think it's good to go except for the one paragraph that concerns me: "Workshop members then drafted 14 templates which built on some of the themes. After the workshop, the SSC finalised the seven commitments with its officials, the EAP, and a member of the HuiE civil society organisation. There was no further public participation. Five of the final commitments related to elements of the eight themes drafted by Engage2. Commitment 6 (improving access to legislation) and Commitment 7 (improving policy practices) were not discussed at the workshop."

Firstly, I was the person who met with SSC staff, and I'm not a 'member' - Hui E! does not have members - at that time I was a representative of Hui E! (note the spelling)

Also, the sentence implies Hui E! was part of the finalising of the commitments, which was not the case - the meeting had no discernable effect on SSC's finalised set of commitments.

I was asked to meet with SSC staff as a result of a complaint I had laid about the process. I had organised a process of consultation involving 18 - 20 national civil society organisations in drafting, editing and prioritising a set of proposals that were to be put to SSC and to the wider community as part of the overall process. In effect, having been excluded from the EAP when it was created to replace the SAG we, at the suggestion of the Deputy Commissioner, created a parallel Expert Panel comprising civil society representatives. The very professional set of proposals we developed and carefully prioritised, over a series of meetings, were not acknowledged at the workshop as a coherent input from civil society leaders - the prioritisation was ignored and the proposals were inserted randomly into the papers for the workshop.

Further, some of the proposals that had been allocated the highest priority by the civil society consultation process were not discussed at all at the workshop, and so none at all of the civil society proposals made it on to the table when SSC worked with the EAP to finalise the set of commitments.

I'm sorry to labour this point, but I think it's important to acknowledge there was a consultation process that took place within nationally organised civil society, coordinated through Hui E!, but the results of that were not reflected in the final set of commitments.

Thanks again, and warm regards!

Dave Henderson

Formerly Manager External Relations, Hui E! Community Aotearoa

Formerly Coordinator, ANGOA, the Association of NGOs of Aotearoa

to me, Juan, Keitha

Dear IRM,

I would like to comment on the draft independent New Zealand Mid-Term Report 2016-2018, as posted on the OGP web site. My comments are intended for publication.

These comments are from the Global Initiative for Fiscal Transparency (GIFT). I am Lead Technical Advisor for GIFT, but I am based in NZ, where I have had some involvement with NZ's OGP membership and action plans. I participated at an event at Victoria University of Wellington on 31 January 2018 at which the 2017 Open Budget Survey results were released, Keitha Booth gave a presentation on her draft OGP IRM report (concentrating on the fiscal openness elements), and I gave a presentation from GIFT's perspective. A copy of my presentation is attached to this email.

As an aside, there was a very good discussion following the presentations, focusing on the legitimacy, usefulness and practicality of increasing direct citizen engagement in fiscal management, and on participatory budgeting.

First, the draft IRM report is an excellent report. It is well researched, well analysed, and well written. The report's five recommendations appear to be well grounded in analysis and to reflect the input received from a range of stakeholders.

Our comments should be read against that overall assessment of the draft report.

We focus on commitment 1 (Open Budget), but, given the importance of public participation both to the OGP and to GIFT, we also comment on commitments 5 (On-going engagement for OGP), and commitment 7 (Improving policy practices).

As a general observation, GIFT has been suggesting that countries develop their Action Plans in a more medium term perspective to increase impact (in a similar way that a medium term approach to budgeting is more effective in achieving fiscal policy objectives, compared to a series of 'one-off' annual budgets). Many countries' Action Plans contain isolated, one-off commitments that are small, do not relate to each other, and are not designed to be built on over time. They have had limited impact.

From that perspective, commitment 1 (open budget) and commitment 7 (improving policy practices) in NZ's current Action Plan, are good candidates for a medium term and more integrated approach. The open budget commitment in particular contains a vision of an accountable process for public participation that can be achieved progressively over time.

In the following comments, we draw on this perspective of the desirability of a medium term approach, and commitments that are linked and build on each other, to increase impact.

With respect to the draft report's five recommendations for the next (Third) Action Plan 2018-2020, we would suggest that consideration be given to:

- Recommendation 1: in addition to expanding the Expert Advisory Panel, the recommendation could refer to increasing the budget for implementation of NZ's OGP activities, and increasing the profile of OGP in NZ. On the latter, one possibility would be to hold a major event in NZ, headed by Helen Clark in her role as an OGP Ambassador. Such an event could be related to a high profile commitment in NZ's next action plan (some suggestions for ambitious fiscal transparency commitments are contained below).
- Recommendation 3: developing standards for public consultation on policy initiatives. This might be more of a medium term objective, to be realised over the third and fourth action plans. For the 2018-2020 Plan, one approach that could be considered would be a sub-commitment to trial new approaches to public engagement in policy making, linking commitments 1, 5, and 7. That is, new approaches to public engagement could be trialled as part of moving beyond the internal focus of commitment 7; as part of developing the next OGP Action Plan (commitment 5); and as part of

realising the vision for commitment 1 (open participatory budgeting). This would bring together the currently somewhat disparate OGP activities involving the three central agencies (Department of Prime Minister and Cabinet, the State Services Commission, and the Treasury) and the Department of Internal Affairs. A second sub-commitment for 2018-2020 related to recommendation 3 could be a review of NZ and international experience in direct public engagement in public policy design and implementation (including the innovative use of new ICT tools to facilitate two-way interactions and deliberation).

- Recommendation 5: introducing citizenship education to increase democratic participation. This could be recast as a medium term objective of increasing democratic participation through citizenship education, with specific sub-commitments in the 2018-2020 Action Plan, to be built on in the subsequent (2020-2022) Action Plan.

For instance, for the next Action Plan, a sub-commitment of this could be producing and publishing a Citizens' Guide to the Budget (with Treasury responsible for leading this component).

This is a specific, and achievable commitment. A Citizens' Guide to the Budget would be a good early practical example of 'citizenship education', in the sense that one of the aims would be that the Guide would attract the interest of secondary school teachers of social studies, economics, accounting and related subjects to use it to teach this core component of citizenship in the classroom. At the same time, a separate sub-commitment could be to complete a review of what citizenship education there currently is in the school curriculum and to develop proposals for new and expanded content. The outcome of this could in turn be a further commitment in the 2020-2022 Action Plan to implement (some of) the review's findings.

Turning to the initiatives to improve public participation in budgetary matters put forward by stakeholders consulted by the IRM researcher (page 52 of the report), we offer the following comments:

- We strongly endorse the first bullet, on introducing new public engagement practices during the development of the annual budget.
- In that regard, one ambitious and potentially transformative commitment that the government should consider would be a commitment to consult publicly on the introduction of a new independent fiscal policy advisory body – an area on which the new government has indicated it intends to take action. Such a body could be a mechanism that combines independent expert review of fiscal strategy and the annual budget proposal, with opportunities for inputs from the wider public and public deliberation. Consulting publicly on this initiative would be a good way to build the legitimacy and effectiveness of such a body and to increase its impact.
- A further ambitious and important commitment that could be considered would be to wide public consultation and engagement as part of the government's announced taxation review, which it has indicated will commence in 2018 and be completed by 2020.
- We also endorse the fourth bullet on increasing the transparency of public procurement. An independent review of transparency and accountability for procurement in NZ by an international procurement expert found significant shortcomings in NZ's highly decentralised procurement system (see Transparency International NZ National Integrity Study 2013, section 4.3.3, at <https://www.transparency.org.nz/docs/2013/Integrity-Plus-2013-New-Zealand-National-Integrity-System-Assessment.pdf>). Some countries are now placing all public procurement data (budget data linked to contracts) on-line in open data format – see the Open Contracting Partnership (<https://www.open-contracting.org/>)
- The third bullet point refers to piloting participatory budgeting at central or local government. To date internationally, participatory budgeting – in the sense of a line(s) in the forthcoming budget on which citizens are invited to vote on how it should be spent - has been confined almost without exception to sub-national government level (for reasons of the 'distance' between citizens and the issues involved, information requirements, and ability to deliberate). At the Open Budget Survey event on 31 January referred to above, there was a clear sense that participatory budgeting in NZ should be considered for local government, but not for central government. While it would be for decision by a local government whether to pilot the approach, one or two governments have included commitments in their OGP Action Plans to activities to promote participatory budgeting at local government level in their country e.g. commitment 34 in the USA's 2016-2018 Action Plan is to advance participatory budgeting in the United States.

Thank you for the opportunity to comment.

Yours sincerely,
Murray

Dr. Murray Petrie,
Lead Technical Advisor,
Global Initiative for Fiscal Transparency.
www.fiscaltransparency.net

From: David Bagnall <David.Bagnall@parliament.govt.nz>
Date: Tue, 13 Feb 2018 at 7:25 pm
Subject: Suggested text for OGP progress report p.10
To: Keitha Booth <keithabooth@gmail.com>
Cc: David Wilson <David.Wilson@parliament.govt.nz>, Andie Lindsay <Andrea.Lindsay@parliament.govt.nz>

Dear Keitha

Thank you for our meeting yesterday about the draft OGP progress report. As discussed, here is suggested text to replace the paragraph at the bottom of page 10 (fifth para under heading 2.1):

Public concern about the availability of information from Parliament continues. One case in August 2017 that attracted considerable comment related to a draft report prepared by an independent adviser to the Officers of Parliament Committee about the suitability of the Auditor-General (an Officer of Parliament) to continue to hold the role based on his career history and performance. The background to this review was that, during his previous tenure as Chief Executive of the Ministry of Transport, one of his senior managers had committed a major fraud. The adviser's draft report was provided to the Auditor-General, without it being seen by members of the committee, so he could have the opportunity to respond. The Auditor-General resigned and the committee therefore concluded its consideration of the matter without receiving the report, and it was not made available to the public.

The draft report was prepared in connection with parliamentary proceedings, and was not official information held by an organisation under the OIA. However, the level of public commentary about this case nevertheless brought to the fore the issue of the availability of information held by parliamentary agencies. The Law Commission noted in 2012 that "there are legitimate and significant public interests that weigh in favour of a principle of availability of information held by Parliament and its administration just as much as in the case of the Executive"* and made detailed recommendations to apply the OIA to certain parliamentary information.* It should be noted, though, that the draft report prepared for the Officers of Parliament Committee probably would still not have been official information if the Law Commission's recommendations had been incorporated in the law.

In preparing this text, we have sought to improve its accuracy without watering down the sentiment of what is being said.

Let me know if you need further information.

Regards

David Bagnall

David Bagnall

**Principal Clerk (Procedure)
Parliamentary Law and Practice Team
House Services**

Impartiality – Trustworthiness – Openness – Innovation – Courage

9-12 Bowen House, Parliament Buildings,
Private Bag 18041, Wellington 6160

P Error! Hyperlink reference not valid. | M Error! Hyperlink reference not valid.

Visit us
Parliament.nz

Follow us
@NZParliament

Watch & Listen
Parliament TV

Connect with us
NZParliament

From: judynrog@gmail.com [mailto:judynrog@gmail.com]
Sent: Saturday, 3 February 2018 2:32 PM
To: Open Government Partnership New Zealand [SSC] <ogpnz@ssc.govt.nz>
Subject: enquiry from Roger Bryant

Name: Roger Bryant

Email: judynrog@gmail.com

Phone:

Message: Re: Progress Report. rnOnce again there is another lengthy 'progress' report on yet another 'plan' which does no more than provide employment for researchers rather than solve the problems of pathetic 'public consultations' by both the government and local government.rnReplies under the OIA and responses to public submissions to local board hearings are never included in the final plan.rnl would recommend that Key Recommendation 5 be rewritten to state: Introduce education for government staff and local government officers to increase democratic participation.rnRoger Bryant, judynrog@gmail.com

Ben Creet <ben@internetnz.net.nz>

Jan
24

to keithabooth, me

Kia ora Keitha,

Thank you for contacting Jordan to give InternetNZ the opportunity to comment on the Independent Report on the Government's action plan under the OGP.

Unfortunately due to resource constraints and conflicting priorities we will be unable to provide detailed feedback by 5 February. However, we would like to offer some high level comments as feedback for the process.

Concerns about the Official Information Act

We note the focus and environmental issues relating to the Official Information Act. We consider that, while it has been a powerful and useful tool for open government, the OIA should be replaced with more modern, "open-first" law and standards. The practices that have built up around the OIA through the last 30 years mean that cultural or administrative changes is unlikely to bring about changes that are needed.

Commitment 6: improving access to Legislation

We also see this as a potentially powerful commitment if realised in the right way. We are watching the work of the Service Innovation Lab to provide machine readable, logic based statute and law to not only enable openness, but increased usability and integration of New Zealand legislation into society. This focus on usable open data and information will be the key to unlocking the benefits of open government data, information and processes.

If you have any further questions I am more than happy to meet with you to discuss further over a coffee.

Many thanks,

Ben Creet
Issues Manager
InternetNZ

+64 21 246 3228

Email: ben@internetnz.nz

A better world through a better Internet

Anonymous

Fe
b 8

to me

Kia ora

Here is my late response to the opportunity to provide comment on the Year One Progress Report on New Zealand's Open Government Partnership (OGP) National Action Plan 2016-2018. I prefer my comments to remain anonymous as I am taking on a contract with a Government agency and public comment would be inappropriate. I am happy to be contacted for clarification of any points.

Comment on Process:

I found the two week reporting time frame inadequate and believe that this restriction is indicative of the barriers to members of civil society and community groups from participating in this process. I am a member of such groups but am commenting as an individual, not as representing their views specifically. During the course of New Zealand's work on the OGP in 2014 to 2016 I worked in Government as well as being involved in civil society and community undertakings. My experience is that few people in either the public sector or civil society had knowledge of the Open Government Partnership and Action Plan unless they worked directly on an area reported on. In my view this has not changed significantly and I have seen few efforts to bring a general New Zealand wide understanding of the OGP. I also wish to commend the efforts and commitments to a range of people in the public sector and civil society who work tirelessly towards the same ends as the OGP, in part because of their commitment to openness and because it reflects New Zealand values of fairness and equality.

Comment on Report:

I wish to commend Keitha Booth for the thorough work she has applied to reviewing and reporting on New Zealand's progress and to endorse the reports's findings as summarised below. In particular I would commend recommendations to involve civil society in improving New Zealand's Open Government practices, both through consultation on issues, and through participation in advisory bodies for policies and practices.

Key findings:

NZ's Open Government Environment in 2016/17

- Concerns about Official Information Act 1982 scope and government's compliance
- Decreasing trust and low voter turnouts
- Several whistleblowing revelations
- Transparency of trusts and beneficial ownership processes
- Strengthening the environment for more civil society engagement and co-creation
- Continued demand for published budget expenditure data; details of government procurement contracts, sustainable and regular high-level interaction between government, officials and civil society representatives; and linking OGP work to NZ's work programme on the UN Sustainable Goal 16: to provide access to justice for all.

Stakeholder Advisory Group/Governance

- Members invited by State Services Commission; no opportunity for civil society applications; no evidence of ongoing engagement with civil society nor public presence.

2016-18 National Action Plan Development Process

- Better process for civil society participation than for first action plan
- Limited time for consultation; restricted technology for making submissions
- Little success in attracting civil society participation beyond the usual groups
- No government/civil society co-creation of final commitment decisions and Cabinet Paper

2016-18 National Action Plan Commitments

- The final seven commitments described by stakeholders as top-down, discrete activities and “not bold”
- *Commitment 6: Improving access to legislation* rated a top commitment by OGP, having transformative impact potential
- Content recommendations by the first IRM researcher not adopted
- 5 of the 7 commitments link directly to the public’s 87 submissions; 2 added by government
- Remaining public submissions for first and second action plans not progressed, namely, published budget expenditure data; details of government procurement contracts; and sustainable and regular high-level interaction between government, officials and civil society representatives.

2016-18 National Action Plan Progress

- Limited completion as at 30 June 2017 (note only started October 2016)
- On target to be completed by 30 June 2018
- IRM researcher has recommended further work for each Commitment.

Key Recommendations for 2018-2020 National Action Plan

1. Reform official information laws and refocus the Open Data and Information Programme to publish social, environmental and budget expenditure data
2. Expand the Expert Advisory Panel to include greater civil society representation
3. Develop standards for public consultation on policy initiatives
4. Reform whistleblowing laws to increase awareness and protections for whistleblowers and take measures to establish a public central register of company beneficial ownership
5. Introduce citizen education to increase democratic participation.

Additional Comments:

Additionally I would add that Improving Policy Processes and the work of the Policy Project understates the need for much greater clarity. Processes to deliver good policies within government agencies are needed. Agencies also need a shared knowledge base of what the overarching policy of the new Government on areas is or will be. I have heard concerns by public servants of uncertainty on how the different parties making up the new coalition Government will share their combined vision. This makes it harder to deliver implementation plans.

Openness in theory must be accompanied by accessibility in practice. For example the advice on Cabinet related processes in the CABGuide have been streamlined to be clearer. <https://www.dpmc.govt.nz/publications/cabguide> However it is likely that many public sector workers are still unfamiliar with using the online portal for accessing information and common training in the business of government appears uneven. People don't know what they don't know and contract staff lack institutional memory of where to seek answers.

Note:

I am willing to participate in structured follow up activities in relation to OGP and related Government improvement areas.

Anonymous

Penny Bright

Jan
29

to me

29 January 2018

My name is Penny Bright, and I am a NZ 'Anti-privatisation/ Anti-Corruption whistle-blower / campaigner.'

I have now attended 7 International Anti-Corruption Conferences, and last year was invited to, and attended the 2017 World Justice Project International Rule of Law Forum at The Hague, as a NZ 'Rule of Law Expert'.

Given that I have never attended University, or had a day's formal legal training in my life - to be invited to The Hague was a great honour.

People who support my NZ anti-corruption work donated money to help me get to The Hague, and I raised the \$5000 required in 7 days, through Facebook.

I am an unprotected NZ 'whistle-blower' who has recently received (more) significant publicity, regarding my long-standing rates dispute with Auckland Council, regarding their failure to provide the 'democracy' services to which I am lawfully entitled, namely transparency and accountability in the spending of public rates monies on private sector consultants and contractors in accordance with the NZ Public Records Act 2005, s.17 :

Recordkeeping requirements
Subpart 1—Key duties

17 Requirement to create and maintain records

(1) Every public office and local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.

(Auckland Council is attempting to force the rating sale of my freehold home, which is, IMO, a draconian abuse of municipal power and authority, when Auckland Council is not complying with their statutory obligations under the Public Records Act.)

I am deeply concerned and disappointed that there is no mention anywhere in your document of the NZ Public Records Act 2005.

IMO - as an experienced Anti-Corruption 'whistle-blower' / campaigner, the urgent implementation and enforcement of the Public Records Act 2005, would transform transparency in New Zealand.

The OIA and LGOIMA would not need to be relied upon, if public information was already made available (as it should be) under the Public Records Act 2005.

Given my proven knowledge and experience in the fight for transparency in NZ, and my personal experience of effectively being victimised as a 'citizen whistle-blower', I would like to assist this NZ OGP project.

I have significant and growing public support, and I don't charge for my services.

I'm based in Auckland.

My address is 86A School Rd, Kingsland
Auckland 1021.

My mobile is
021 211 4 127

I look forward to your contacting me.

Kind regards,

Penny Bright

Attendee: 2009 Australian Public Sector Anti-Corruption Conference.

Attendee: 2010 Transparency International Anti- Corruption Conference.

Attendee: 2013 Australian Public Sector Anti-Corruption Conference.

Attendee: 2014 G20 Anti-Corruption Conference.

Attendee: 2015 Australian Public Sector Anti-Corruption Conference.

Attendee: 2017 Transparency International Australia Anti-Corruption Conference.

Attendee: 2017 Australian Public Sector Anti-Corruption Conference.

Attendee: 2017 World Justice Project International Rule of Law Forum - The Hague.