INDEPENDENT REPORTING MECHANISM (IRM):

NEW ZEALAND PROGRESS REPORT 2014–2015

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First Progress Report

Open Government Partnership

INDEPENDENT REPORTING MECHANISM

INDEPENDENT REPORTING MECHANISM (IRM):
NEW ZEALAND
PROGRESS REPORT 2014-2015

EXECUTIVE SUMMARY

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At mid-term, New Zealand has made some progress in achieving its commitments. In general, however, the goals could have been more clearly focused and ambitious with regard to key challenges in open government. Government will find its action plan more coherent and easier to implement if it is not as multi-faceted and if it relates directly to OGP values.

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. New Zealand began participating in OGP in September 2013. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country. This report covers the first year of implementation of New Zealand's action plan, from 1 July 2014 to 31 June 2015.

The State Services Commission (SSC) is the lead agency for OGP. The Department of Internal Affairs and Land Information New Zealand also were responsible for commitments.

OGP PROCESS

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

The consultation leading up to the New Zealand action plan was, by the government's own admission, limited. The time frame was tight, no consultation timeline was published in advance, and the government had decided upon the key elements of the plan already. Nevertheless, select stakeholders were invited to provide and provided their views. The views were largely critical, but resulted in few changes to the final action plan.

During the action plan implementation, the government established a "Stakeholder Advisory Group" (SAG) of two academics, two civil society leaders, a political commentator, and an ICT practitioner. Various other agencies and levels of government were also open to participation. There was some limited criticism of the group's capacity and appointment process, although stakeholders interviewed for this report generally were supportive, and the group remained accessible.

The government published a draft mid-term self-assessment report in October 2015. This report draws on that draft. The public could comment on the self-assessment report in three ways: through an online feedback tool, through the members of SAG (mandated to speak for the public), and by commenting on the draft after the government released it publicly. by releasing the draft text for public comment. The final mid-term self-assessment report was published in early February 2016. However, it is substantially similar to the draft. Findings from this report will be included in the End-of-Term Report.

This report was prepared by Steven Price, an independent researcher associated with the New Zealand Centre for Public Law

AT A GLANCE

MEMBER SINCE: 2013
NUMBER OF COMMITMENTS: 4

LEVEL OF COMPLETION:

COMPLETE:	0 of 4
SUBSTANTIAL:	1 of 4
LIMITED:	3 of 4
NOT STARTED:	0 of 4

TIMING:

ON SCHEDULE:	2 of 4
BEHIND SCHEDULE:	2 of 4

COMMITMENT EMPHASIS:

ACCES TO INFORMATION:	2 of 4
CIVIC PARTICIPATION:	2 of 4
PUBLIC ACCOUNTABILITY:	2 of 4
TECH. AND INNOVATION FOR TRANSPARENCY & ACCOUNTABILITY:	2 of 4

COMMITMENTS THAT ARE:

CLEARLY RELEVANT TO AN OGP VALUE:	4 of 4
OF TRANSFORMATIVE POTENTIAL IMPACT:	0 of 4
SUBSTANTIALLY OR COMPLETELY IMPLEMENTED:	1 of 4
ALL THREE (✪):	0

COMMITMENT IMPLEMENTATION

As part of OGP participation, countries make commitments in a two-year action plan. The New Zealand action plan contains four commitments. The following tables summarise for each commitment the level of completion, potential impact, where completion falls within a reasonable schedule for implementation, and the key next steps for the commitment in future OGP action plans.

The IRM method includes starred commitments. These commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. The New Zealand action plan contains no starred commitments. Note that the IRM updated the star criteria in early 2015 to raise the bar for model OGP commitments. The old criteria included commitments that have moderate potential impact. Under the old criteria, New Zealand would not have received starred commitments. See bit.ly/1n6xNHB for more information.

Table 1 | Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
1. Better Public Services	■	■			■	■			On schedule
1.1. Progress reporting	■				■		■	■	
1.2. Easy digital interaction with government	■				■				
1.3. Incorporate Blueprint into action plan	■	■	■		■				
2. ICT Strategy and Action Plan	■	■			■	■	■		On schedule
2.1. Refresh ICT action plan	■				■	■	■	■	
2.2. Implement open-by-default action	■	■			■				
3. Responding to Transparency International report	■	■			■	■			Behind schedule
4. Review progress of Kia Tūtahi accord	■	■			■	■			Behind schedule
4.1. Review progress of accord					Unclear				
4.2. Gather data about local challenges	■				■	■			
4.3. Evaluate international best practices	■				■				

Table 2 | Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
1. Better Public Services • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	The government's Better Public Services programme and regular progress reporting requirements aim to achieve significant and measurable social policy outcomes and to hold the government publicly accountable for its performance in attaining them. Appendix A of the action plan refers to the aim of having an average of 70 per cent of New Zealanders' most common transactions with government completed in a digital environment by 2017. During the reporting period, the government met all reporting requirements and some progress was made with 45.3 per cent of service transactions now conducted online (up more than five per cent from the start of the action plan). Public views on the ambition and relevance of this commitment to open government were mixed. For the next action plan, New Zealand may consider adding accessible and effective complaint mechanisms to the digital service environments.
2. ICT Strategy and Action Plan • OGP value relevance: Clear • Potential impact: Minor • Completion: Substantial	This commitment covers the broad government ICT Strategy and Action Plan. Of particular interest is Action 13 on the re-use of information assets. The ICT Action Plan was updated in 2014. In that year, www.govt.nz was created and www.data.govt.nz progressively expanded. The ICT Action Plan was updated in 2014, and both www.govt.nz and www.data.govt.nz were created and progressively expanded. Notably, users may request data sets for expansion. Further, an online engagement tool was made available, although it is not part of the revised action plan. For the next plan, if there is a focus on ICT, it will serve open government better to focus on opening and utilising democratically valuable government data or formally utilising published online engagement guidance.
3. Responding to Transparency International report • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	In the National Integrity System Assessment, Transparency International (TI) identified seven major reform areas for the government, including specific recommendations on parliamentary transparency, campaign finance rules, and public procurement transparency. The government met its commitment to meet regularly with TI New Zealand (TINZ). While further progress on meetings is likely, there has not been substantive progress yet. For the next action plan, New Zealand may wish to commit to a variety of ambitious reforms on disclosure and party finance laws.
4. Review progress of Kia Tūtahi Accord • OGP value relevance: Clear • Potential impact: Minor • Completion: Limited	The Kia Tūtahi Accord promises productive engagement between government and community groups. The government conducted surveys of community groups and government agencies to inform its review of the accord. There is no evidence it commenced research on international best practices. Stakeholders recommended that ensuring accountability and better conflict resolution would make the accord stronger. The IRM researcher concurs.

RECOMMENDATIONS

For the next action plan, the government plans to commence a consultation processes sooner and to develop ways and additional channels to enhance public consultation processes, including increasing public awareness and engagement through other government agency websites, social media tools, and the SAG's networks.[1] The government looks to develop a new action plan with more direct programme coherence, and it looks to consider and respond to the feedback it received on the first action plan.

The IRM researcher recommends that the government follow the online engagement strategy set out in the web toolkit it developed recently.[2] The action plan should be characterised by genuine co-creation. This sometimes may require additional resources to raise awareness of the action plan, to reach out to a range of stakeholders, to provide background information on the issues, and to foster genuine engagements, including adequate resources for the SAG.

The resulting commitments should be specific as to outcomes sought and milestones. They should be more ambitious than reviewing particular policies. Ideally, commitments should move beyond existing initiatives, or at least identify distinct elements of ongoing initiatives that can be expedited or expanded in ways that truly serve transparency, accountability, and participation.

TOP FIVE 'SMART' RECOMMENDATIONS

1. 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.

2. 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.

3. Commit to regular, standardised, technically independent, "state-of-the-nation" reporting on social policy and the environment.

4. Develop an express and public cross-government policy formally permitting public servants and those receiving public funding to speak out on significant public issues without retaliation.

5. Strengthen the transparency of political party funding from donations and parliamentary revenues.

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[1] Government of New Zealand, *Open Government Partnership New Zealand Mid-term Self-assessment Report: Draft* (Report, Wellington, September 2015), 4, 23, http://bit.ly/1LG7XQC

[2] "Engagement Strategy Template," New Zealand Government Web Toolkit, http://bit.ly/1LcodxQ

ELIGIBILITY REQUIREMENTS

To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section IX on eligibility requirements at the end of this report or visit http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

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The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

I | NATIONAL PARTICIPATION IN OGP

HISTORY OF OGP PARTICIPATION

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organisations, and the private sector, all of which contribute to a common pursuit of open government.

To participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of minimum performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. As stated in Section IX of this report on eligibility requirements, indicators produced by organisations other than OGP are used to determine the extent of country progress on each of the dimensions. See Section IX on eligibility requirements for more details.

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in a new area.

New Zealand began its formal participation in October 2013, when Prime Minister John Key declared his country's intention to participate in the initiative.[1] New Zealand developed its national action plan from October 2013 to October 2014. The New Zealand Action plan was published on 31 October 2014, but was dated July 2014. The period of implementation

for the action plan submitted was 2014 to 2016. The government published its draft self-assessment report on 30 September 2015.

To meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP partnered with Steven Price and the New Zealand Centre for Public Law at Victoria University of Wellington. Mr. Price carried out this evaluation of the development and implementation of New Zealand's first action plan. It is the aim of the IRM to inform ongoing dialogue around development and implementation of future commitments in each OGP-participating country. Methods and sources are discussed in a methodological annex in this report.

At the time of writing (October through December 2015), the government was seeking feedback on its draft self-assessment report. The government published the final self-assessment report in early February 2016. The OGP Articles of Governance require participating countries to publish a mid-term self-assessment report three months after the end of the first year of implementation.[2] To meet the IRM Charter's reporting deadline, seven months after the end of the first year of implementation, the IRM is unable to incorporate the findings from the government's final self-assessment report in this mid-term IRM report.[3] The findings will be included in the IRM end-of-term report.

BASIC INSTITUTIONAL CONTEXT

The State Services Commission (SSC), which provides leadership and oversight of the state sector, is the lead executive agency responsible for implementing New Zealand's OGP action plan. It has overall responsibility for the Better Public Services programme (commitment 1) and, is in charge of the government's response to Transparency International's (TI) National Integrity System Assessment Report (commitment 3).

The Department of Internal Affairs (DIA) and Land Information New Zealand (LINZ) were responsible for implementation of two out of the four commitments. The DIA is a diverse government agency with a broad range of responsibilities and functions that span ICT investment, information management, working with communities, and delivering a range of services to support and foster New Zealand's national and cultural identity. The DIA's chief executive is also the Chief Government Information Officer, with responsibility for leading the government's digital transformation. The DIA has responsibility for the government's ICT strategy (commitment 2) and its Kia Tūtahi Relationship Accord (commitment 4). LINZ is a government department with general functions related to geographical information. It is responsible for implementing the open-by-default aspect of the government's ICT strategy (commitment 2). They also are responsible for Result 10 under commitment 1.

During the period of assessment, one SSC staff member was dedicated to government-wide OGP co-ordination and policy response, although that person had limited involvement in implementation of the actual commitments. Another staff member was appointed to assist in 2014, but that appointment was not renewed for 2015. In addition, dedicated staff in the SSC, the DIA, and LINZ are working on the initiatives that make up the action plan, and many others across the public sector are tasked with implementing aspects of those initiatives in relation to their particular government agencies.

There was limited high-level support for OGP activities. The Prime Minister announced New Zealand's intention to join OGP in September 2013. His office is informed of OGP-related developments, but they have not played any active role in the OGP process. The lead agency, SSC, is central within the administrative framework and well placed to co-ordinate the government's OGP response. While the SSC derives general oversight authority from legislative statutes and directives from the Ministry, Cabinet, and State Sector Agencies, there is no formal, legal mandate for implementation of OGP activities. However, the final national action plan and some of the initiatives included have received Executive Cabinet approval, which in effect serves as a binding, executive-level directive for public servants.

Overall, monetary support for implementing the OGP activities was unclear. No extra funding was allocated for OGP activities. An initial annual cost estimate for the SSC as lead agency to provide OGP policy advice, administration and travel costs was $128,000 (or $108,000 for years with no international conference). This was to be absorbed within the existing SSC budget.[4] In the 2015 budget, only $67,000 of the SSC budget was marked for OGP for 2014-2015.[5]

More significantly, all of the initiatives that make up the New Zealand action plan are expected to be funded using existing agency budgetary funds. Budget documents do not report separately on the spending on these initiatives. Annual reports provide some information about spending but these do not correlate precisely to the commitments. The SSC and LINZ do not separately list expenditures related to the initiatives underlying the commitments.[6] In summary, New Zealand's OGP activities are mainstreamed within standard budgets.

METHODOLOGICAL NOTE

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In New Zealand, the IRM partnered with Steven Price and the Centre for Public Law at Victoria University. Steven Price reviewed the government's draft self-assessment report,[7] gathered the views of civil society, interviewed appropriate government officials and other stakeholders, and made various information requests to the government (see Section VIII). OGP staff and a panel of experts reviewed the report.

This report covers the first year of implementation of New Zealand's action plan, from 1 July 2014 to 31 June 2015. Beginning in 2015, the IRM published end-of-term reports to account for the final status of progress at the end of the action plan's two-year period.

To gather the voices of multiple stakeholders, Mr Price organised a stakeholder forum in Wellington on 14 September 2015. He also reviewed a large range of documents prepared by the government relating to the four initiatives. Numerous references are made to these documents throughout this report. He posted information

about the initiatives on his blog and the Centre for Public Law's website, and he invited public comment.[8]

Summaries of this forum and more detailed explanations are provided in the annex.

1   Right Honourable John Key, letter to the Open Government Partnership Co-chairs, 22 October 2013, http://bit.ly/1WL0e9H

2   "Articles of Governance," Open Government Partnership, http://www.opengovpartnership.org/node/1329

3   "Articles of Governance," http://www.opengovpartnership.org/node/1329

4   Action Plan for the Open Government Partnership, aras 36-42, 31 July 2014, http://www.ssc.govt.nz/sites/all/files/cab-paper-sec(14)-42-action-plan-ogp.pdf

5   Vote State Services 2015/2016, Ministry of State Services, http://www.treasury.govt.nz/budget/2015/estimates/v5/est15-v5-staser.pdf

6   New Zealand Government, Annual Report by the State Services Commission (SSC) (Report, Wellington, June 2015), http://www.ssc.govt.nz/sites/all/files/ssc-ar-15-web.pdf

7   New Zealand Mid-term Self-assessment Report: Draft, 4, http://bit.ly/1LG7XQC

8   "Open Government Partnership: Report Card," New Zealand Centre for Public Law, Victoria University of Wellington, http://bit.ly/1mZveXg; Steven Price, "Open Government: Your Chance to Have Your Say," blog, Media Law Journal, 7 September 2015, http://www.medialawjournal.co.nz/?p=642

II | PROCESS: ACTION PLAN DEVELOPMENT

The consultation leading up to the New Zealand action plan was, limited. The time frame was short, no consultation timeline was published in advance, and the government already had decided upon the key elements of the plan. Nevertheless, select stakeholders were invited to provide their views and did so. The views largely were critical, but resulted in few changes to the final action plan.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must do the following:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation;

- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views; and, make a summary of the public consultation and all individual written comment submissions available online;

- Undertake OGP awareness-raising activities to enhance public participation in the consultation;

- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

The OGP Articles of Governance set out a fifth requirement for consultation. This requirement is discussed in the Section III on consultation during implementation:

- Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is discussed in the next section, but evidence for consultation both before and during implementation is included here and in Table 1, for ease of reference.

Table 1 | Action Plan Consultation Process

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT?
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	No
	Was there advance notice of the consultation?	No
	Was this notice adequate?	No
	Did the government carry out awareness-raising activities?	Yes
	Were consultations held online?	Yes
	Provide any links to online consultations.	http://www.ssc.govt.nz/open-government-partnership https://web.archive.org/web/20141007092139/http://www.ssc.govt.nz/open-government-partnership http://www.ssc.govt.nz/open-government-partnership
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes[1]
	Provide any links to summary of comments.	http://www.ssc.govt.nz/sites/all/files/nz-ogp-action-plan-jul2014.pdf (Appendix C)
	Were consultations open or invitation-only?	Invitation-only
	Place the consultations on the IAP2 spectrum.[2]	Consult
During Implementation	Was there a regular forum for consultation during implementation?	No[3]
	Were consultations open or invitation-only?	N/A
	Place the consultations on the IAP2 spectrum.	N/A

ADVANCE NOTICE AND AWARENESS-RAISING

Advance notice varied for specific consultation and awareness-raising activities was limited in scope to a select group of stakeholders. The government constructed an invitation list based on existing networks and resources from government agencies, but did not issue an open call for public participation. No full consultation schedule or timeline was made available in advance. An online resource with a brief outline of the consultation process on the development of the OGP action plan was published on the SSC's website.[4] However, the resource was published on 7 May 2014, after the consultation activities listed by the government

on action plan development were completed. Therefore, the IRM researcher found that this online resource did not constitute advance notice.

Two groups, TI New Zealand (TINZ) and the Association of Non-Governmental Organisations of Aotearoa (ANGOA), were approached directly for input on how to engage civil society organisations in action plan development[5] and on how to provide feedback on the proposed action plan.[6] The meetings were held on 13 February 2014, 10 March 2014, and 17 April 2014. A Wellington City Council advisor also discussed ways of engaging the public at a meeting.[7] Little evidence was presented that this feedback was incorporated in the design of the consultation process.

In materials disclosed to the IRM researcher through an Official Information Act request, the government says it invited 32 civil society organisations[8] and 40 members of an Online Community Engagement email list to participate in the OGP action plan development process.[9] However, who was contacted, when, and under what terms is not clear in the documentation because the materials disclosed did not include email records. Government officials interviewed by the IRM researcher said that some participants were contacted by phone, but the IRM researcher was unable to verify this independently.

A roundtable meeting scheduled for 14 April 2014, was advertised in advance through a notice posted to SSC's website[10] and an invitation emailed to select groups approximately twelve days in advance.[11] Messages were posted to the "Open Government Ninjas" mailing list.[12] Victoria University, TINZ, and ANGOA advised their networks of the meeting. The invited stakeholders were given the opportunity to provide feedback on the action plan via email.

In April 2014, an online feedback forum on the Loomio platform was made available via email from a DIA staff member. It was made available to approximately 60 selected stakeholders,[13] although others could join if they asked. There was neither advance notice nor a public awareness-raising campaign for the online feedback forum. Stakeholders participating in the forum were given one month to engage. The questions asked are described in the section on depth and breadth of

consultation (below). The government also received some email responses. Business NZ and Porirua City Council sent substantive, but brief, email submissions. Others sent administrative queries. About a dozen people participated through the Loomio forum, but there were perhaps only six substantive suggestions.[14]

Overall, the IRM researcher was not able to find evidence that the broader public was invited to provide feedback on the action plan, even if they came across the information on the SSC's website. A SSC website post in July 2014 talked of consultation ending on 1 May 2014 and provided an email address for those who "would like to be involved or would like more information."[15] Not much substantive information was provided to assist those who wished to participate, although information about the initiatives, which became the commitments, was available online.

At the time of writing this report, the webpages concerning consultation were no longer available online, but a summary of stakeholder responses remained.

DEPTH AND BREADTH OF CONSULTATION

Stakeholders were mostly unhappy with the consultation process. Some were pleased they had been consulted and agreed that the proposed initiatives provided a good starting point for the action plan. Most felt disappointed that the government had already decided the basic shape of the plan, as evident in the Cabinet Paper. The Cabinet Paper proposed that the action plan focus on the Better Public Services Initiatives to "avoiding duplication of effort and minimising reporting impacts" and noted that "linking the OGP action plan to the BPS programme creates a risk of criticism that meaningful public participation has not been carried out in the development of the Action Plan."[16] Decision-making power over what to include in the action plan was not shared with stakeholders. They did not feel they had been given a real opportunity to provide input on the action plan content.

The government stated that there were "four public consultation meetings with civil society in Wellington."[17] As one stakeholder pointed out, this statement is not true. Members of the public could

attend only the meeting held on 14 April 2014. The others were small meetings held with a select group of invited stakeholders. There is no evidence that the four consultations were listed on the government's website on or before 14 April 2014.

While there was some diversity in the participants invited to consult on the action plan, little effort was made to consult outside the "usual suspects." The government accepts that the consultation process was "limited" because "the tight time frame restricted the opportunity to run a wide reaching process."[18] The government said that there was limited time to run a more thorough consultation process and that the process was also hampered by a looming election in September 2014. The government reached out to many major stakeholders, and in particular, to TINZ and ANGOA. Additionally, some indigenous groups were included in the process. The government also provided an online channel for stakeholder input, published the feedback it received, and made minor adjustments to the action plan in response to feedback, namely, the addition of Kia Tūtahi as commitment four.

However, the groups that were contacted are based mostly in Wellington and include few Maori groups. Few academics, watchdog, or lobby groups were contacted, and the IRM researcher was unable to find evidence that the mainstream media was contacted. Nearly a hundred individuals and organisations made submissions to the Law Commission's recent report on the Official Information Act.[19] Few were contacted. Political parties, public relations agencies, and lawyers were not contacted, although they are frequent users of the Official Information Act. The Official Information Act is at the heart of New Zealand's transparency regime. Many stakeholders mentioned reforming the Official Information Act as a good candidate for future OGP commitments. More than 80 groups signed the Kia Tūtahi Relationship, yet the vast majority were not contacted during the consultation about the development of the action plan.

The foundation for consultation was the government's proposal to use three pre-existing initiatives as the basis of the action plan, with anticipated future development within those initiatives. However, how the initiatives would address OGP values was not made clear during the consultation process. These three pre-existing initiatives are as follow:

1. The Better Public Services programme 2011, and specifically enabling New Zealanders to complete digital transactions with government easily

2. The Government ICT Strategy and Action Plan 2013, and particularly the aim to make government data open by default

3. The government's response to TINZ's National Integrity System Assessment Report 2013

The consultation documents explicitly stated, "[O]ur [OGP action] plan will be based" on these initiatives.[20] The consultation questions focused mainly on how to operationalise these initiatives, for example:

•   Should they be the "starting point for the action plan"?

•   Can they achieve the four OGP principles?

•   What are the "current issues with achieving these initiatives, in terms of technology and innovation in delivering public services, citizen participation, transparency, accountability?"

In addition, at the end, responders were asked, "What other ways might the government work towards achieving these goals?"

Two consultation meetings were held with ANGOA (13 February 2014)[21] and TINZ (10 March 2014). The purpose of the 13 February 2014 meeting was to work out how to develop a consultation plan for the action plan. The groups were told that Cabinet already decided that the Better Public Services programme would be the basis for the action plan, and that final decisions on the action plan would need to go before Cabinet in late March or early April 2014.[22] The stakeholders told the government, among other things, that the consultation would need to be based on principles of "real engagement in the form of partnership," properly resourced, adaptive, well-designed, use workshops and community participation events, and not be a "tick box" or decisions already taken. Perhaps because of the tight time frame, little of this advice was implemented. In a memo dated 10 March 2014, SSC noted TINZ's call for "new bold commitments and not simply existing initiatives" for the action plan. This was not heeded either.

Victoria University of Wellington organised and hosted a stakeholder meeting on 14 April 2014 in Wellington. An attendance sheet was circulated. Eight people signed, although the government indicated that about 35 people attended. The recording of the meeting and reports from attendees suggest an attendance of about 35, although about six of the attendees were government officials. Others included representatives from the NZ Council of Trade Unions, the NZ Taxpayers Union, the Blind Foundation, and the British High Commission. The discussion was robust. Although participants criticised the government for the lateness and limited scope of the consultation, they put forward a variety of suggestions for new commitments. Despite the fact that the meeting was not widely publicised, the meeting was so well attended that it had to be closed because more people wanted to attend than fit in the room.

ANGOA organised and hosted a smaller stakeholder meeting was held on 17 April 2014. The questions for consultation were the same as those set out above. Five officials, six invited stakeholders, and representatives from TINZ, ANGOA, Victoria University of Wellington, the Public Service Association, the New Zealand Council of Social Services, and the Social Service Providers Association attended the meeting. During the consultation, many people suggested improvements to the process of consultation and the action plan,[23] but stakeholders were disappointed that almost none of these were implemented. The government states that the Kia Tūtahi Accord review and the creation of the Stakeholder Advisory Group (SAG) were added as a result of stakeholder feedback.

Regarding the consultation process, stakeholders said the consultation was under-funded, shallow, and rushed. Some felt the consultation came too late and were confused about whether there was a difference between the OGP action plan and previous initiatives. Some pointed out that understanding the initiatives required a good deal of knowledge, and yet they were expected to comment immediately.[24] Many said they felt the government was merely ticking a "consultation" box. Many stakeholders contacted by the IRM researcher said they did not know it was happening at all.

Regarding the action plan content, stakeholders suggested, among other things, that they would prefer the following:

- New, bold commitments with clear milestones;
- A stakeholder-led steering group and a framework for meaningfully engaging with civil society, particularly during policy development;
- A focus on data security and privacy; and,
- Reforming the Official Information Act, with a focus on the Law Commission's recent recommendations.

As a result of the stakeholder feedback, the government says the action plan was amended to include the establishment of a stakeholder-led steering group and to embrace the 2011 Kia Tūtahi Relationship Accord, a broad, principle-based agreement about how the government and communities can work together. However, Kia Tūtahi was under consideration for inclusion in the action plan before the consultation commenced,[25] and the government was required to identify or establish a regular stakeholder forum under OGP rules.

Stakeholder feedback is summarised in the action plan at Appendix C.

1   A summary of the consultation was available afterwards, and the feedback was summarised in the action plan. All individual submissions were made available to the IRM researcher after an Official Information Act request.

2   "IAP2 Spectrum of Political Participation," International Association for Public Participation, http://bit.ly/1kMmlYC

3   A Stakeholder Advisory Group (SAG) was appointed in July 2015 and has met regularly since then.

4   https://web.archive.org/web/20141007092139/ http://www.ssc.govt.nz/open-government-partnership / and "Open Government Partnership," SSC, http://www.ssc.govt.nz/open-government-partnership

5   SSC, email to ANGOA, 10 February 2014; SSC, email to ANGOA, 12 February 2014; SSC, email to ANGOA, 13 February 2014.

6   SSC, email to ANGOA, 3 April 2014; SSC, email to ANGOA, 9 April 2014; SSC, email to ANGOA, 10 April 2014.

7   Wellington City Council Advisor, memo from meeting with Simon Wright, 21 March 2017 [sic]

8   The government invited the following organisations: Transparency International New Zealand (TINZ), Association of Non-Governmental Organisations of Aotearoa (ANGOA), Economic Strategy Group Ltd., Victoria University of Wellington, Wellington City Council, Philanthropy New Zealand, Volunteering New Zealand, Chambers of Commerce, Business New Zealand, Institute of Directors, Maori Business Network, New Zealand Retailers Association, Child Poverty Action Group, Institute for Study of Competition and Research, open.org.nz, New Zealand Marketing Association, Empowerment NZ, Hitashi Research Forums, Blind Foundation, Citizens Advice Bureau, Hospitality Association, NZ Maori Internet Society, Senior Net, NZ Federation of Family Budgeting Services, NZTech, NZRise, Iwi Chairs Forum, Porirua City Council, Taxpayer Union of NZ, Victoria University Students Association, NZ Council of Trade Unions, Maori Women's Welfare League, Pasifika Caucus and Rural Women of NZ. New Zealand Government, Official Information Act response to the IRM researcher, 8 May 2014.

9   Department of Internal Affairs, email about online form invitees to the Online Community Engagement List, 4 April 2014.

10   "Open Government Partnership," SSC, http://www.ssc.govt.nz/open-government-partnership

11   SSC, email invitation to selected groups titled, "Message for meetings, discussions and Lommio [sic] SSC," undated; Institute for Governance and Policy Studies, invitation to Open Government Partnership Roundtable, 2 April 2014.

12   "The Open Government Ninjas," Open New Zealand Online Groups, http://groups.open.org.nz/groups/ninja-talk

13   Department of Internal Affairs, email invitation to stakeholders, 4 April 2014.

14   Brian Anderson, email to SSC, 14 April 2014; Murray Petrie, email to SSC, 1 May 2014; print-out of Loomio posts, undated.

15   SSC, website post, Message for meetings, discussions and Lommio [sic] SSC, undated.

16   New Zealand Government, "Cabinet Paper ERD(13)25, Agreement to Join Open Government Partnership," Office of the Minister of Justice, 22 August 2013, paragraphs 4, 14, 29, http://bit.ly/1Qg9y57; *New Zealand Mid-term Self-assessment Report: Draft,* 4, http://bit.ly/1LG7XQC; Government of New Zealand, *Open Government Partnership New Zealand Action Plan 2014 -* 2016 (Report, July 2014), Appendix C, http://bit.ly/20WZUWr

17   New Zealand Mid-term Self-assessment Report: Draft, 4, http://bit.ly/1LG7XQC

18   Cabinet Committee Paper, Action Plan for the Open Government Partnership by the Office of the Minister of State Services, undated, paragraph 26, http://bit.ly/24rjxKP

19   Law Commission, The Public's Right to Know (Report, Wellington, June 2012), 401, http://r125.publications.lawcom.govt.nz

20   SSC, Message for Meetings, Discussion and Lommio [sic] SSC (Consultation documents, undated).

21   SSC, email to various possible attendees entitled "RE: Developing an Action Plan for the Open Government Partnership with communities", 13 February 2014.

22   SSC, notes from consultation meeting with ANGOA, ANGOA offices, 13 February 2014.

23   *New Zealand Action Plan 2014 -* 2016, Appendix C, http://bit.ly/20WZUWr

24   Stakeholder meeting on 17 April 2014 with ANGOA, meeting minutes, ANGOA offices, 16 April 2014 [sic].

25   SSC, email to various possible attendees entitled "RE: Developing an Action Plan for the Open Government Partnership with communities", 13 February 2014.

III | PROCESS: ACTION PLAN IMPLEMENTATION

As participants in OGP, governments commit to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one. This section summarises that information.

REGULAR MULTI-STAKEHOLDER CONSULTATION

In the action plan, the government proposed to set up a stakeholder steering group to oversee the ongoing development and implementation of the action plan. The government created and appointed (from those who responded to a public invitation to express interest in joining) a SAG in July 2015. Civil society was not involved in the appointment decisions. There was no other regular multi-stakeholder consultation on OGP implementation during the first year of the action plan, although there were elements of regular public consultation in some of the initiatives that make up the action plan commitments. The SAG's role is to assist with the development, implementation, and evaluation of the action plan, including the development of the next one.[1] Six people appointed by the government comprise SAG: two academics, two civil society leaders, a political commenter, and an ICT practitioner.[2] Two members are from outside the capital city and one is indigenous. SAG has five men and one woman, so there is a degree of diversity. In addition to itself, the SSC invited local government, central government, the Privacy Commissioner, the Controller and Auditor-General, and the Chief Ombudsman to serve as observers. The IRM researcher accepted an invitation to address the SAG about his role. He also spoke individually to five SAG members.

Under the terms of reference, the agenda, minutes, and all papers should be published on the SSC website. The agenda and papers for presentation should be published five working days in advance of each meeting "to enable public participation."[3] There should be up to seven meetings a year. Some of the documents were published on the SSC's website,[4]

but none were published in advance of meetings.[5] In response to an Official Information Act, the government said it had decided not to supply papers in advance, although the terms of reference remain unchanged.

The first two meetings of the SAG were held on 29 July and 1 September 2015. At the July meeting, members expressed concern about the short time frame for meeting OGP deadlines and providing effective comment and input on the mid-term self-assessment report.[6] At the second meeting on 1 September 2015, members were briefed on the initiatives that made up the four action plan commitments, and an hour was scheduled for them to discuss the self-assessment report.[7] The members provided comments on the draft and prepared a joint statement. The comments and the statement were not publicly available at the time of writing this report. Some comments from SAG members are summarised in SAG meeting minutes released in December 2015, but SAG stated it was unable to provide collective, detailed comments in the final mid-term self-assessment report published in early February 2016 because of the limited time frame. These matters will be included in the end-of-term IRM report.

Stakeholders generally supported the creation of this group. However, some stakeholders and SAG members expressed concern at the late appointment of the SAG and the group's lack of resources. Members are paid meeting fees, but the overall budget for the first year was $17,000 NZD, including costs associated with communicating with the members' networks. The SSC controls the budget. Some SAG members also were concerned that they had not been given enough time to deliberate together.

Apart from the creation of SAG, there is no evidence of any consultation or refinement of the action plan in the period of assessment. The government says it is working on an implementation plan,[8] as mentioned in the action plan,[9] but has provided no evidence of concrete progress. There appears to be no substantiation of the promise to make the action plan a "living document," periodically updated through ongoing consultation and revision.

[1]   SSC, "Terms of Reference for New Zealand Open Government Partnership Stakeholder Advisory Group," April 2015, http://bit.ly/1oJVF4V

[2]   *New Zealand Mid-term Self-assessment Report: Draft*, http://bit.ly/1LG7XQC

[3]   "Terms of Reference," 4, http://bit.ly/1oJVF4V

[4]   "Open Government Partnership Stakeholder Advisory Group," SSC, http://bit.ly/1Qgd1k5

[5]   "Open Government: SSC Changes Its Mind on Transparency and Participation," No Right Turn, 18 September 2015, http://bit.ly/1Q4hpkV

[6]   http://www.ssc.govt.nz/sites/all/files/opg-sag-meeting1-summary-29jul2015.pdf, p2.

[7]   OGP SAG, meeting agenda, SSC head office, 1 September 2015.

[8]   New Zealand Government, response to IRM reviewer questions, 11 December 2015.

[9]   P http://bit.ly/20WZUWr, p5, footnote 3.

IV | ANALYSIS OF ACTION PLAN CONTENTS

All OGP-participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific strategies and ongoing programmes. Action plans then set out governments' OGP commitments, which stretch practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. OGP commitments also should be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries. The IRM uses the following guidance to evaluate relevance to core open government values.

ACCESS TO INFORMATION
Commitments around access to information:

- Pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;

- Are not restricted to data but pertain to all information. For example, releasing individual construction contracts and releasing data on a large set of construction contracts;

- May include information disclosures in open data and the systems that underpin the public disclosure of data;

- May cover both proactive and/or reactive releases of information;

- May cover both making data more available and/or improving the technological readability of information;

- May pertain to mechanisms to strengthen the right to information (such as ombudsman's offices or information tribunals);

- Must provide open access to information (it should not be privileged or internal only to government);

- Should promote transparency of government decision making and carrying out of basic functions;

- May seek to lower cost of obtaining information;

- Should strive to meet the 5 Star for Open Data design (http://5stardata.info/).

CIVIC PARTICIPATION
Commitments around civic participation may pertain to formal public participation or to broader civic participation. They generally should seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (http://bit.ly/1kMmlYC).

Commitments addressing public participation:

- Must open up decision making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision making throughout the policy cycle;

- Can include elements of access to information to ensure meaningful input of interested members of the public into decisions;

- Often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include, but are not limited to, the following:

- Reforms increasing freedoms of assembly, expression, petition, press, or association;

- Reforms on association including trade union laws or NGO laws;

- Reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions;

- The following commitments are examples of commitments that would **not** be marked as clearly relevant to the broader term, civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as "access to information");

- Commitments on decentralisation that do not specify the mechanisms for enhanced public participation;

- Commitments that define participation as inter-agency cooperation without a mechanism for public participation;

- Commitments that may be marked of "unclear relevance" also include those mechanisms where participation is limited to government-selected organisations.

PUBLIC ACCOUNTABILITY

Commitments improving accountability can include the following:

- Rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of "Open Government," to be counted as "clearly relevant," such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability.

While such commitments may be laudable and may meet an OGP grand challenge, as articulated, they do not meet the test of "clear relevance" due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public facing element such as the following:

- Disclosure of non-sensitive metadata on institutional activities (following maximum disclosure principles);

- Citizen audits of performance;

- Citizen-initiated appeals processes in cases of non-performance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include:

- Improving or establishing appeals processes for denial of access to information;

- Improving access to justice by making justice mechanisms cheaper, faster, or easier to use;

- Improving public scrutiny of justice mechanisms;

- Creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability, but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change, would not qualify as an accountability commitment. See http://bit.ly/1oWPXdl for further information.

TECHNOLOGY AND INNOVATION FOR OPENNESS AND ACCOUNTABILITY

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by the following actions:

- Promoting new technologies that offer opportunities for information sharing, public participation, and collaboration,

- Making more information public in ways that enable people to understand what their governments do and to influence decisions, and

- Working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation:

- May commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and to promote transparency in government,

- May commit to supporting the ability of governments and citizens to use technology for openness and accountability, and

- May support the use of technology by government employees and citizens alike.

Not all e-government reforms improve openness of government. When an e-government commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

KEY VARIABLES

Recognising that achieving open government commitments often involves a multi-year process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyses them for their first year of 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. 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, New Zealand's action plan contained no starred commitments.

Note that the IRM updated the star criteria in early 2015 to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measurable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, New Zealand's action plan would have received no starred commitments.

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 data set for Greece, see the OGP Explorer at www.opengovpartnership.org/explorer.

GENERAL OVERVIEW OF THE COMMITMENTS

The New Zealand action plan sets out four commitments in the form of a chart[1] and provides more detail in later pages. All four commitments relate to broad initiatives that were already underway. However, the plan describes itself as a "living document that we will develop and enhance over time in collaboration with stakeholders"[2] that "will be inviting civil society, businesses, citizens and others to take part in the ongoing development and implementation of our Action Plan."[3]

The four initiatives that embody New Zealand's commitments are the following:

- The Better Public Services Results programme (BPS), an initiative that sets ambitious and measurable targets for significant public policy goals such as reducing assaults on children by 5 per cent by 2017, and promises to report every six months on progress. One such target, Result 10, aims for New Zealanders to be able to complete their transactions with government 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."

- The Government Information and Communications Technology (ICT) Strategy and Action Plan to 2017 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." The action plan commitment apparently embodies this ICT Strategy and Action Plan, with a "focus on Action 13" which the government commits to implement by June 2016. The government also commits to "refresh" the ICT Action Plan by the end of 2014.

- TINZ prepared the National Integrity System Assessment report (NIS) 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.

- The Kia Tūtahi (Standing Together) Relationship Accord is a set of principles and expectations agreed 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.

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1   *New Zealand Action Plan 2014 - 2016*, 6, http://bit.ly/20WZUWr
2   *New Zealand Action Plan 2014 - 2016*, 3, http://bit.ly/20WZUWr
3   *New Zealand Action Plan 2014 - 2016*, 13, http://bit.ly/20WZUWr

1 | BETTER PUBLIC SERVICES

Commitment Text:

Report on progress towards Better Public Services Results - Ongoing six-monthly reports though 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: This language was taken from page seven of the action plan.

Lead Institution: State Services Commission (SSC); Department of Internal Affairs

Supporting Institutions: 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.

Start Date: 1 July 2014   **End Date:** 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	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
1. Overall			✗		✗		✗	✗		✗				✗		
1.1. Progress reporting				✗	✗		✗	✗	✗							✗
1.2. Easy digital interaction with government	✗						✗	✗		✗				✗		
1.3. Incorporate Blueprint into action plan	✗				✗		✗	✗			✗		✗			

WHAT HAPPENED?

This commitment relates to a pre-existing initiative – the Better Public Services programme (BPS) that started in 2012. The government's BPS programme and regular progress reporting requirements aim to achieve significant and measurable social policy outcomes, as well as to hold the government publicly accountable for its performance in attaining them.

The BPS programme seeks to reduce long-term welfare dependency, to support vulnerable children, to boost skills and employment, to reduce crime, and to improve government interactions. The government publicly set ambitious targets for specific statistical improvements in these areas. The government also promised to provide progress reports against the targets every six months.[1]

Result 10 of the BPS programme is about making digital transactions with government easy for the citizenry. The specific aim of Result 10 is to have an average of 70 per cent of New Zealanders' most common transactions with government completed digitally by 2017. This target is mentioned in Appendix A of the New Zealand OGP action plan, but is not included in the language of the commitment.

The action plan is ambiguous as to whether the entire BPS programme is part of the commitment or whether the government only committed to reporting on results for all targets and implementing Result 10. The chart on page five of the action plan indicates that the "report on progress towards Better Public Services Results" is commitment 1 and has a milestone of "ongoing six monthly reporting." "Focus on Result 10" is indicated in the following row with a milestone of "ongoing six monthly reporting." The government appears to have taken the view that the entire BPS programme falls within the commitment,[2] although this seems at odds with the wording of the commitment on page five of the action plan, which focuses specifically on Result 10.

The commitment language describes the aims of the Result 10 programme but does not include specific activities to be completed during the action plan implementation cycle. The commitment references a secondary source: a "Blueprint" the government was developing to "make it easier for New Zealanders to complete online transactions."[3] The government indicates, "[T]he action plan will be updated, with specific actions, once the Blueprint is completed."[4] The Result 10 Blueprint was released in June 2014, four months before the publication of the final action plan.[5]

The Result 10 Blueprint is a cross-government vision statement, which focuses on ensuring public services are designed to operate digitally and attract customers. The language on activities to be undertaken in the Blueprint is often vague (e.g. "customers can elect to complete related transactions at the same time" and "on-line forms are smart and user-friendly"). But some parts are more specific (e.g. "customers can consent to the re-use of information government holds about them" and "human support is available for digital transactions"). This is not included in the language of the commitment, but it provides context to the initiative that the government is putting forward as Commitment 1.

The action plan has not been updated with specific actions based on the Blueprint.

The IRM researcher evaluated implementation of this commitment based on three activities: (1) the publication of progress reports for all BPS targets every six months (milestone 1.1); (2) the broad commitment in Result 10 to making it easy for New Zealanders to complete their transactions with government in a digital environment (milestone 1.2); and (3) updating the action plan to include Blueprint 10 (milestone 1.3)

Milestone 1.1

The IRM researcher found that the government has met its six-month reporting requirement by publishing three progress reports on the ten BPS targets in July 2014, February 2015, and July 2015.[6] The updates are available online on the BPS website[7], tracked with graphs, explained with accompanying notes, and often illustrated with videos and case studies. However, most of the case studies cited by the government[8] did not fall within the (time) scope of this report (July 2014 to June 2015), and two case studies related only to technology and innovation without connection to other open government values.[9]

The government says this commitment directly addresses relevant grand challenges, most particularly improving public services. Moreover, the government states that the reports provide an element of transparency, accountability, and public participation. There is some evidence to support the view that the

BPS programme furthered accountability. Since 2012, progress reports have shown, in many cases, significant progress towards the underlying social goals. In the past year, three of the targets (relating to welfare dependency, crime, and workforce skills) have been made more ambitious (although with a slightly longer deadline) during the first year of the action plan.[10] The latest reports assess progress against these more ambitious targets.

Since commitment language is limited to evaluating the completion of progress reporting every six months, the IRM researcher found that this milestone was completed.

Milestone 1.2

With regards to Result 10, progress is mixed.[11] The government did not update the OGP action plan with specific actions sourced from Blueprint 10, as stated in the commitment text. The government published progress reports on Result 10 in July 2014, February 2015, and July 2015. To assess progress towards the goal of making it easy for New Zealanders to complete their transactions with government in a digital environment, the government decided to measure a basket of services.[12] These include paying taxes, paying police fines, renewing passports, and applying for a visa. However, the government has not undertaken to report on progress in relation to Result 10 or the Blueprint generally, which has a much more diverse and far-reaching set of goals.

The goal is extremely difficult to assess without clear, actionable, and time-bound milestones. The fact that this goal is non-specific, somewhat subjective, applies to all government agencies, and is supplemented by dozens of directives of varying specificity in the Blueprint, exacerbates the difficulty in evaluating progress.

Nevertheless, it is clear that there has been progress towards improving the digital environment in which the government and citizens interact. The July 2015 progress report assessing the basket of services found an average of 45.3 per cent of transactions conducted online, slightly lower than the figure for the February 2015 report (45.8 per cent), but significantly up from the July 2014 figure of 39.3 per cent.[13]

Officials now accept that this measuring approach is somewhat flawed, and they are working to address it. In December 2014, the government completed research on the needs (and "pain points") of people transacting with the government. They learned that people preferred to have services integrated around key life events such as births and getting a job.[14] The Result 10 BPS framework is being adjusted in response to public feedback towards a more customer-centric model based on clusters of services and pivotal life events.[15]

Milestone 1.3

As indicated above, the government did not update this commitment with specific actions derived from Blueprint 10. Therefore, the IRM researcher found this commitment to be "not started."

Overall

The ongoing reporting requirements, although completed, were not the challenging part of this commitment. There has been some progress towards improving the digital environment for public services. However, due to the facts that that the action plan was not updated with specific actions from the Blueprint and that the government's measure of success (the basket of services) showed limited progress in the period under review, the IRM researcher found this commitment to have achieved minor overall completion.

The IRM researcher did not evaluate the government's claim that it made substantial progress on the goals of the BPS programme overall, as it fell outside the scope of the commitment language.[16] However, the evidence presented in the latest bi-annual report shows that only three of the ten targets have shown clear improvement during the first year of the action plan, and some have shown declines.[17]

DID IT MATTER?

While it is clear that the BPS programme and Result 10 contain elements relevant to OGP values, it is not clear that the inclusion of the BPS in the action plan stretches existing government practice. Nor is it clear that the BPS programme has made a significant difference to open government in New Zealand.

In relation to the reporting requirement, stakeholders applauded the government's readiness to assess its progress publicly, although some felt there was politicking, and one pointed out that many of the BPS statistics previously had been released publicly.

But many stakeholders pointed out that reporting requirements – and the BPS programme as a whole – pre-dated the OGP action plan. A director of TINZ described it as "low-hanging fruit – in fact it has already fallen off the tree." Stakeholders found it hard to see that BPS represented an improvement against current practice. Some pointed out that the decision to include BPS had been made before they were consulted about the action plan. Cabinet papers substantiate this.[18] The reporting requirement was not expedited or expanded as a result of the inclusion of the BPS programme in the OGP action plan.

The same is true of Result 10, which stakeholders criticised as unambitious. Most stakeholders felt that Result 10 was about e-government and not open government. They said that making it easy to access services digitally may be a laudable public policy goal, but it did not significantly advance the core principles of transparency, accountability, and participation. The government department in charge of digital transformation says that transparency and citizen participation were "not issues it was specifically set up to address."[19]

As a result, the IRM researcher found this commitment to be partly relevant to OGP values, but as written, it had no potential impact on the policy area.

Most stakeholders felt there was value in the BPS programme as a whole and in the innovative and cooperative solutions it entails. Some stakeholders noted that there had been genuine progress towards achieving many of the BPS goals.

The government believes that the mechanics of the BPS programme are steeped in OGP values of transparency, accountability, and participation. Some evidence supports the view that the BPS programme furthered these values. The progress reports led to some public discussion about the BPS programme and the underlying policies. The government issued press releases and speeches emphasising the improvements.[20] Some commentators praised the

programme.[21] Others used the data to inform their criticisms.[22] Furthermore, some of the projects under the BPS rubric involve cooperation with community groups, which the government classifies as public participation.

Nevertheless, many stakeholders felt the BPS programme was related to transparency and accountability only peripherally. Many did not accept that it was related to public participation. For most stakeholders, the fact that the bi-annual reports are integral to the BPS programme did not make BPS fundamentally about open government. The government identified this as a likely criticism before the action plan was released, writing in a Cabinet Paper that stakeholders may think it "would not adequately take account of the OGP principles and objectives."[23]

Examples provided in the draft self-assessment report are about the use of technology and innovation, but they do not connect to transparency, accountability, or participation, as required in the OGP Articles of Governance. The government believes that the OGP Articles in force at the time the action plan was developed did not expressly require technology to be

utilised in a manner that furthered other OGP values. However, the IRM reports and Procedures Manual dating back to January 2014 made this clear, and it was mentioned specifically in a communication with the New Zealand Government on 29 January 2014.

MOVING FORWARD

The IRM researcher recommends that the BPS programme not be included in the next action plan. The IRM researcher agrees with most stakeholders that it is not aligned closely enough to the core values of transparency, accountability, and participation. Benefits in those terms are not specific or measurable.

It may be possible to include some aspects of the Result 10 Blueprint in the next action plan. For example, committing to ensure accessible and effective complaints mechanisms in digital service environments may improve public services and serve the interests of accountability.

1   "Better Public Services," SSC, http://www.ssc.govt.nz/better-public-services

2   *New Zealand Mid-term Self-assessment Report: Draft,* http://bit.ly/1LG7XQC

3   *New Zealand Action Plan 2014 - 2016,* 7, http://bit.ly/20WZUWr

4   *New Zealand Action Plan 2014 - 2016,* 7, http://bit.ly/20WZUWr

5   *New Zealand Government, Result 10 Blueprint: A Strategy for Digital Public Services* by Internal Affairs (Report, June 2014), http://bit.ly/24rpqrz

6   "Better Public Services: Snapshot of Results at 6 July 2015," SSC, http://www.ssc.govt.nz/bps-snapshot (The reports constitute updates of these pages.)

7   "Better Public Services," SSC, http://www.ssc.govt.nz/better-public-services

8   *New Zealand Mid-term Self-assessment Report: Draft,* 7-8, 11, http://bit.ly/1LG7XQC; http://www.ssc.govt.nz/bps-interaction-with-govt

9   "Better Public Services," SSC, http://www.ssc.govt.nz/better-public-services

10   "Better Public Services Results: Refresh of Targets and Measures," Cabinet Business Committee, http://bit.ly/1oCS2gE

11   "Measuring Agency Results," Department of Internal Affairs, http://bit.ly/21jDR1I

12   "Result 10: New Zealanders Can Complete Their Transactions with Government Easily in a Digital Environment," SSC, http://bit.ly/1LHRyew

13   "Measuring Agency Results," Department of Internal Affairs, http://bit.ly/21jDR1I

14   New Zealand Government, Result 10 Customer Research: Understanding Customer Experience, Behaviours and Attitudes to Government Services by the Department of Internal Affairs (Report, December 2014), http://bit.ly/1R4kjng

15   "Better Public Services Results: 2014 End-Year Progress Report," Cabinet Committee on State Sector Reform and Expenditure Control, http://bit.ly/1LHRNpP

16   *New Zealand Mid-term Self-assessment Report: Draft,* 6, http://bit.ly/1LG7XQC

17   "Better Public Services: Snapshot of Results at 6 July 2015, SSC, http://www.ssc.govt.nz/bps-snapshot

18   "Cabinet Paper ERD(13)25, Agreement to Join Open Government Partnership," http://bit.ly/1Qg9y57

19   New Zealand Government, response to IRM reviewer questions, 11 December 2015, 8

20   "Better Public Services: Media Releases and Speeches," SSC, http://bit.ly/1Oxmk9B

21   Victoria Crone, "Victoria Crone: Stability, Cost Reduction for Small Business a Big Plus," Business, NZHerald.co.nz, 23 May 2015, http://bit.ly/1oK2eEJ

22   Kirsty Johnston, "Early Childhood Report Won't Have Effect on Government Target," National, NZHerald.co.nz, 7 August 2015, http://bit.ly/1XOS01A

23   "Action Plan for the Open Government Partnership" State Sector Reform and Expenditure Control Committee, paragraph 32, http://bit.ly/24rjxKP

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

The Action Plan section will be updated by the end of 2014 and the strategy section is due for a refresh in 2015.

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

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 nine of the national action plan.

Lead Institution: Department of Internal Affairs; Land Information New Zealand

Supporting Institutions: All government agencies that deal with data.

Start Date: 1 July 2014　　　　　　　　　　　　　　**End Date:** 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2. Overall			X		X			X		X					X	
2.1. Refresh ICT Action Plan			X		Unclear					X						X
2.2. Implement open-by-default action	X				X			X		X				X		

WHAT HAPPENED?

The government developed an ICT Strategy and Action Plan from 2013 to 2017. It contains 107 actions. It is a broad policy document, applying across all government entities and seeking to transform the way the government uses information and technology. The government describes it as a "business-led, ICT-enabled approach to transforming and integrating services across government."[1] In part, this is about opening data for re-use, and it is in part about using

technology to improve service delivery. There is some overlap between the initial ICT Strategy and Action Plan and the BPS Result 10 Blueprint. The government points out that the enterprise is an evolving one. The ICT Strategy and Action Plan "outlines a clear direction of travel," but the 107 actions range greatly in specificity.[2] The text commits to refreshing the ICT Strategy and Action Plan by the end of 2014.

One element of the ICT Strategy and Action Plan is Action 13, the active re-use of information assets for commercial and social use and co-production of services. This includes increasing the number of sources of government information and better utilising existing data hubs. The commitment language commits to implementing this by June 2016.

The narrative in the OGP action plan also commits to implementing an awareness-raising strategy by June 2015 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."[3]

This commitment has two interconnected milestones. Milestone 2.1 is updating the ICT Strategy and Action Plan. Milestone 2.2 is implementing Action 13, making government information open-by-default. Part of the second milestone is the implementation of the awareness-raising strategy.

Following the completion of Milestone 1 in December 2014, the activities of Action 13 were adjusted and renamed "Action Area 4." For the sake of clarity, the IRM researcher refers to all activities that took place before the December 2014 update as "Action 13" and post December 2014 activities as "Action 13/Action Area 4."

Milestone 2.1

Milestone 2.1 was completed in December 2014. The commitment is to update the ICT Strategy and Action Plan, which the government's chief information officer is required to do annually independently of the OGP.[4] The government's draft self-assessment report notes that it updated the ICT Strategy and Action Plan in 2014 and states that by the time of the update about half of the original action points had been achieved.[5] The update was designed to ensure that the ICT Strategy and Action Plan remains relevant. It introduced

changes in part based on user experience research. The government says it is "more effective" than the 2013 plan.[6] The changes consolidated and refined actions, increased the focus on inter-agency collaboration, and clarified its relationship with the BPS programme.

The IRM researcher found this milestone was completed. However, questions remain as to whether this update achieved open government objectives.

Milestone 2.2

The second milestone focuses on Action 13 of the ICT Strategy and Action Plan, making data open-by-default, active re-use of information assets for commercial and social re-use, and co-production of services. This includes issuing an awareness-raising strategy by June 2015.

The new ICT Strategy and Action Plan recasts Action 13 as Action Area 4: "Accelerate the release of public information and data for re-use."[7] Officials say this is not intended to change the meaning of Action 13. Specifically, Action Area 4 sets out to do the following:

- Drive the proactive release of high value public data, and promote open data across all New Zealand in machine-readable formats, licenced for re-use, and conforming to open standards; and

- Leverage the all-of-government shared capability for public data exchanges and release of open data for re-use.[8]

The ICT Strategy and Action Plan stated that both of these actions are "underway," but provides no further detail.

The ICT Strategy and Action Plan also states that other "Action Areas" are highly relevant to OGP, including:

- Action Area 1: Improve online information quality and accessibility

- Action Area 5: Accelerate secure information exchange

- Action Area 6: Enhance data and information policy, legislation, and governance

In the view of some stakeholders, it is difficult to assess progress against such non-specific goals. It is even more difficult to assess progress that occurred in the

reporting period of 1 July 2014 to 30 June 2015 when the features of government ICT varied from agency to agency and were evolving frequently.

The July 2014 launch of www.govt.nz significantly promoted transparency in OGP. This portal makes it easy for users to locate and use government information across the breadth of government. A consultation function with searchable listings of current policies out for public consultation was added in July 2015. Two people commented to the IRM researcher that the consultation function should include information about public submissions on government bills.

Another significant government website is www.data.govt.nz. It has catalogued an increasing number of government data sets and updated existing ones, facilitating their public availability for re-use. Users may also request data sets be added using a feedback mechanism. Members of the government's Open Information and Data Programme are working with government agencies to release data. They are making public appearances to promote awareness and use of the data. However, this portal is not explicitly mentioned in the commitment language.

The commitment promises a strategy will be implemented by June 2015 to "identify actions that will promote awareness of available data, resources, tools, and websites to help citizens identify, access and engage with government data and information."[9] The government says the Open Government Information and Data Programme commenced a civil engagement strategy on 1 July 2015 to "raise the awareness and knowledge of open government data, and drive the uptake and reuse of government data across wider forums."[10] In November, in response to a request from the IRM researcher, the government released an undated document entitled "Civil Engagement Strategy 2015/2016." The document discussed using mainstream and social media, emails, videos, articles, blogs, and an open government data forum to explain what the government is doing, to publicise case studies, and to describe how data is being reused productively. However, a government official confirmed that this document was not completed until November 2015. Accordingly, it is not clear that a formal strategy was implemented on time, although some activities to raise awareness took place beginning in 1 July 2015.

In September 2015, the government launched a toolkit for online government engagement, which it had been working on prior to and during the assessment period. The toolkit is directed at government and is designed to facilitate community engagement utilising best practice strategies.[11] While this was part of the initial ICT Strategy and Action Plan, it was not included in the revised ICT Action Plan, and it was effectively removed from the OGP action plan. Its status with respect to the OGP action plan is therefore ambiguous. There is no mention of the government aligning how it "measures the achievement of the expected programme benefits alongside our selected OGP grand challenges and principles"[12] to the implementation of the open-by-default action.

Progress towards transparency, and to a lesser extent, accountability and participation, in connection with innovative technology is clear under the auspices of this commitment. How much progress there has been is not clear. There does not seem to be benchmarking or reporting on progress under the ICT Strategy and Action Plan, generally, or Action 13/Action Area 4, in particular. There is an "ICT Update" newsletter, last published in December 2014, but it contains little information on progress towards OGP commitments.[13] It is not possible to say that Action 13/Action Area 4 is on course to be fully "implemented" by June 2016, especially as Action Area 4 has been recast in vague terms. Accordingly, the IRM researcher finds completion of this milestone to be limited.

DID IT MATTER?

The ICT Strategy and Action Plan (milestone 2.1) cannot be said to display great ambition. It is more in the nature of a refocus. Additionally, because the government's Chief Information Officer already was required to update the ICT Strategy and Action Plan annually, it is questionable whether this commitment stretched existing government practice.

The development of an awareness-raising strategy under milestone 2.2, while welcome to some stakeholders, did not strike them as ambitious either, even if it had been completed on time. Some stakeholders noted that the focus on awareness of open data was not the central concern. Instead, stakeholders believed the major issues concern what

data is gathered, kept, and released, and whether the data is accurate, sensibly coded, machine-readable, complete, consistent, and readily able to be compared to other data for different time periods and regions.

But the ICT Action Plan's Action 13/Action Area 4 is much more ambitious. It aims to transform the government landscape. More than 3,000 data sets were released in searchable form, including many that were added in the assessment year. Stakeholders universally welcomed this. There are examples of the use of this government data, both by government and by the media, for democratic purposes that have improved transparency, accountability, participation, and public integrity. For example, a government website developed in 2015 maps funding provided to social contractors, and the Auditor-General office's 2014 annual report used SSC data about a public survey concerning the quality of public services.[14] One example from the media is that the NZ Herald used open data to produce an interactive display comparing schools with different socio-economic status with student performance.[15]

Nevertheless, many stakeholders argued that this commitment is strictly about open data, rather than the release of government-held data. Some said the data sets released are generally of less value than existing information that has been compiled and standardised or that consists of descriptions of policy options or reasons for decisions. Particular skills are required to utilise data – sometimes even to understand it – and make it democratically useful. Several others said that open data initiatives were not well resourced. Others also believed that the data needed to be made meaningful for citizens by highlighting and explaining the most significant figures and trends, or at least publishing it in forms that make it accessible and understandable to non-experts.

Many also said that this commitment was not motivated primarily by democratic concerns, but by economic ones. One stakeholder commented that the proposals for open data in the action plan did not seem grounded in the rationale of increased accountability. Officials acknowledged that the main drivers of this policy are economic and governmental; that is, the expectation was that data would be released so that businesses and citizens could exploit it

productively and government could provide integrated services.[16] The government argues that it is unfair to characterise the primary motivation as economic, and it says the commitment is about open and transparent government. The documentation contains discussion of the benefit of "generat[ing] wider participation in the development of government policy."[17] Thus, there is evidence that the democratic use of data is at least one of the purposes of the open data commitment.

However, stakeholders expressed a range of other criticisms. Some pointed out that much of the ICT Strategy and Action Plan was about internal data sharing between government agencies and mechanisms to ensure security and privacy, activities not directly relevant to OGP values as they have no public-facing component. Others criticised the lack of specificity in the commitment.

Official information requesters said that official responses were almost invariably provided in PDF form, even when the requested information contained data sets and the requester explicitly requested the information be provided in Excel format. PDFs are not machine-readable, cannot be searched, and are difficult to re-use without time-consuming and costly data entry. The original data could have been provided in usable form.

Finally, some said that the timelines and content relating to these ICT initiatives were unchanged as a result of their inclusion in the OGP action plan. They doubted the government had been stretched beyond existing practice.

The government accepts that stakeholders felt there was too heavy an emphasis on business priorities, and the initiative was insufficiently bold.[18] Officials involved in open data expressed concern that they had no control over which data sets were made available or their content. Data sets that were released are not necessarily the most useful for accountability and participation. Various stakeholders commented that the open data programme lacked leadership with a firm mandate and government directive. The programme is patchy, sometimes selective, relies on voluntary cooperation, and is therefore dependent on the progressiveness of particular organisations. One stakeholder believed that although government officials often were enthusiastic about releasing data,

in practice they found it difficult to release when faced with competition for resources, lack of expertise, and fear of the repercussions of error.

MOVING FORWARD

The next steps listed by government in its draft self-assessment report often were vague and included statements such as the following:

- "[F]urther work is required to ensure all agencies apply an 'open-by-default' policy"

- "Work to broaden the [programme] is underway"

- "The programme continues to learn from what works and look for ways to accelerate and amplify results"

- "Engagement with citizens, civil society and businesses is also being strengthened through a work programme which is directed at what users see as high value public data and working with agencies to encourage the release of that data in open formats"[19]

The IRM researcher recommends the development of specific and measurable commitments.

The draft self-assessment report also mentions a new strategy to engage civil society stakeholders about open government and to prioritise the health, education and environment sectors.[20] This seems a promising starting point, particularly if combined with a commitment to identify (in consultation with

stakeholders) and to expedite the release of data sets significant to citizens in a readily usable format.

The next steps listed in the draft self-assessment report refer to a newly created ICT Partnership framework, a group of government executives aiming to create a "single coherent ICT ecosystem supporting radically transformed public services."[21] Various aims set out are not specific or measurable, and it is not clear how they relate to OGP values.

The IRM researcher concluded that a broad commitment relating to the ICT Strategy and Action Plan should not be included in the next action plan. Its content is not sufficiently specific and measurable, and its goals are not clearly relevant enough to OGP values. Instead, more specific projects to open and to use democratically valuable government data and information would be formulated. These may fall within the broad scope of the ICT Strategy and Action Plan or not.

Stakeholders emphasised that the quality and usability of the data is most important.

Many stakeholders commented that it would be helpful if an authoritative agency had powers to facilitate the release of information and data.

The government could also consider committing to implement an online engagement strategy, rather than simply making it available as a resource in its online engagement toolkit.[22]

1   *New Zealand Mid-term Self-assessment Report: Draft,* 12, http://bit.ly/1LG7XQC

2   *New Zealand Action Plan 2014 - 2016,* 8, http://bit.ly/20WZUWr

3   *New Zealand Action Plan 2014 - 2016,* 9, http://bit.ly/20WZUWr

4   New Zealand Government, ICT Action Plan 2014: Government ICT Strategy and Action Plan to 2017 by the Department of Internal Affairs (Report, Wellington, 2014), 5, http://bily/1UmQEuV

5   *ICT Action Plan 2014,* 13, http://bit.ly/1UmQEuV

6   *ICT Action Plan 2014,* 5, http://bit.ly/1UmQEuV

7   *ICT Action Plan 2014,* 13, http://bit.ly/1UmQEuV

8   *ICT Refreshed Action Plan 2015,* 13, https://www.ict.govt.nz/assets/Strategy-and-Action-Plan/ICT-Action-Plan-2014-NEW.pdf

9   *New Zealand Action Plan 2014 - 2016,* 9, http://bit.ly/20WZUWr

10 *New Zealand Mid-term Self-assessment Report: Draft,* 40, http://bit.ly/1LG7XQC

11 "Online Engagement," New Zealand Government Web Toolkit, http://bit.ly/1M4mwC8

12 *New Zealand Action Plan 2014 - 2016,* 9, http://bit.ly/20WZUWr

13 "Government ICT Update," News and Updates, ICT.govt.nz, http://bit.ly/1QAggOX

14 "Contract Mapping Gives You Easy Access to Information about Social Services that the Government Funds in Your Community," Contract Mapping, http://www.contractmapping.govt.nz/; "Part 1: Our Role and Outcomes," Controller and Auditor-General, http://bit.ly/1Rqg3kC

15 Harkanwal Singh, "Data Blog: Difference between Rich, Poor Schools," Opinion, NZHerald.co.nz, 9 November 2014, http://bit.ly/1VH1RoE

16 *New Zealand Action Plan 2014 - 2016,* 7, http://bit.ly/20WZUWr; ICT Action Plan 2014, 6, http://bit.ly/1UmQEuV

17 New Zealand Government, Government ICT Strategy and Action Plan to 2017 by the Department of Internal Affairs (Report, Wellington, June 2013), 16, http://bit.ly/21u6u92

18 *New Zealand Mid-term Self-assessment Report: Draft,* 15, http://bit.ly/1LG7XQC.

19 *New Zealand Mid-term Self-assessment Report: Draft,* 14-15, http://bit.ly/1LG7XQC.

20 *New Zealand Mid-term Self-assessment Report: Draft,* 40, http://bit.ly/1LG7XQC

21 *New Zealand Mid-term Self-assessment Report: Draft,* 14, http://bit.ly/1LG7XQC

22 "Online Engagement," New Zealand Government Web Toolkit, http://bit.ly/1M4mwC8

3 | RESPONDING TO TRANSPARENCY INTERNATIONAL (TI) 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 five 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 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.

Lead Institution: State Services Commission (SSC)

Supporting Institutions: Transparency International New Zealand (TINZ)

Start Date: 1 July 2014   **End Date:** 30 June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
				✗		✗	✗			✗				✗		

WHAT HAPPENED?

TINZ's New Zealand National Integrity System Assessment[1] (NIS) identified a range of reforms relating to the integrity of mostly public entities. They comprise seven overarching recommendations:

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.

It also contains a series of sub-recommendations such as the following:

•   Subject Parliament to the Official Information Act,

•   Reform campaign finance rules, and

•   Strengthen transparency in public procurement.

The government committed to engage with TINZ and report to Ministers. It sought to consult with TINZ to ascertain all relevant facts and policy considerations on integrity matters that the State Service has a role in or can influence, and the government sought to identify whether action related to the recommendations is required.[2] This is a low-level commitment on the part of the government, but it has the potential to promote some significant reforms co-created genuinely with civil society. Note that the Cabinet initially intended the commitment to include a response "with a view to adopting those [NIS recommendations] that are agreed upon", but this was not included in the final action plan.[3]

The NIS recommendations are numerous and some are broad. As of 1 July 2014, government practice related to the NIS report varied, but in general the NIS recommendations remained unimplemented.

In the narrative background section of the draft self-assessment report, the government stated that by the end of the assessment period (30 June 2015), several of the seven major recommendations were largely achieved or saw significant progress. In particular, it noted the second recommendation was completed.[4] The government also introduced to Parliament a bill to facilitate ratification of the UN Convention Against Corruption[5] (recommendation 1) and approved work on an anti-corruption strategy (recommendation 1). An Organised Crime and Anti-Corruption Legislation

Bill was enacted in the form of 15 smaller bills on 5 November 2015, and the UN Convention Against Corruption was ratified on 1 December 2015. The Ombudman's office is reviewing the Official Information Act (relevant to sub-recommendation 5ci) and a research project covering New Zealand's whistle-blowing law was approved (relevant to sub-recommendation 4bii). However, most of the government's responses to the NIS in the draft self-assessment report do not meet the recommendations. Activities in response to the NIS recommendations are not included in the text of the commitment and mostly describe work that already was underway independently.

Part two of the government's draft self-assessment report examines the commitment to consult on the NIS recommendations and report to Ministers. The government reports that this work is substantially complete. The achievements claimed in relation to this activity are modest: identifying relative priorities and facilitating greater understanding (see further discussion below).

The IRM researcher finds that the government adhered to its commitment to meet regularly with TINZ to discuss the NIS. It prepared a document of the recommendations and government responses. The commitment requires the government to "consult and report back to Ministers in February 2015."[6]

In mid-January 2016, the government provided the IRM researcher with a copy of the February 2015 report to the Minister and a March 2015 report to the Minister. The reports were brief. They contained no detail about consultations with TINZ or other stakeholders. They outlined the TINZ recommendations and described progress towards four of them, although this was unrelated to the OGP action plan. The reports foreshadowed a July 2015 report on "a proposed government response," detailing the "recommendations, progress, priority, gaps and any policy issues for your consideration."[7] That report was deferred to early 2016. Therefore, a finalised response to the NIS report was not completed during the period of assessment.

In addition, the government did not provide evidence of working with other stakeholders to examine and respond to the TINZ recommendations, as proposed in

the commitment. The only case study provided in the draft self-assessment report refers to the engagement with TINZ that was in the commitment text. Moreover, with reports to the Minister that did little more than summarise TINZ's recommendations and relevant—but pre-existing—government work, the IRM researcher finds only limited completion of this commitment in the assessment period. However, the fact that the second report containing recommendations is underway indicates that progress is likely and will be detailed in the end-of-term report.

DID IT MATTER?

Based on the narrow scope of the language of this commitment (consult with TINZ and report to the Minister), the IRM researcher finds this commitment to be an incremental but positive step forward in the policy area. The engagement process may have helped identify particular recommendations from the NIS that could be prioritised. The government says the exercise has been valuable in "identifying relative priorities" and facilitating "greater collective knowledge and understanding of New Zealand's integrity systems."[8] Officials at a public meeting in December 2014 suggested that some NIS recommendations could be added to the current OGP action plan, but that has not occurred yet.[9]

In the absence of the report to the Minister or intention to act on TINZ engagement, it is difficult to maintain that this commitment had practical effect. In addition, the government already was working on a response to the NIS assessment, even before the action plan, which calls into question whether this commitment stretched existed government practice.[10]

In interviews with the IRM researcher, TINZ leaders said they initially were encouraged by the SSC officials' open and responsive approach. The meetings seemed productive. TINZ prioritised concrete steps and felt the government was responsive. One nongovernmental stakeholder present at the meetings described TINZ as "incredibly privileged" to obtain this level of access and engagement.

However, TINZ has been disappointed at the lack of substantive progress. They felt that the government lacked the political will to take concrete action on the

recommendations. It is not clear what relevant facts and policies the government established from the review or what further policy action it proposes to take, if any.

Although they fall outside the narrow scope of the action plan commitment, implementing the NIS recommendations could have a potentially transformative impact on the policy area. There clearly has been some progress towards implementing some NIS recommendations during the first year of the action plan. In addition to the progress outlined above, the government, for example, expanded its Rules of Sourcing for Public Procurement and released anti-corruption training initiatives.

TINZ has mixed feelings about this progress. It was pleased that the government introduced legislation to pave the way to ratification of the UN Convention Against Corruption and agreed to develop a national anti-corruption strategy, which has been passed. TINZ agreed that these steps would significantly promote the grand challenge of public integrity.

TINZ also was pleased that the government joined the OGP, but TINZ believed the government did not hold wide public consultation or put forth an ambitious national action plan.

TINZ also believed that all these measures[11] pre-dated the action plan. The anti-corruption legislation was introduced to Parliament in June 2014, a month before the date of the action plan and ratification of the Convention took place in December 2015. The development of the anti-corruption strategy is on hold until 2017: the government is awaiting the development by the International Standards Organisation of an anti-corruption system standard before finalizing it. Thus, it is not clear that the steps noted by the government truly responded to the TINZ report or to the deliverables promised in the OGP action plan. The government wrote, "[M]ore can be done" in relation to this NIS recommendation.[12]

Viewed against the breadth and specificity of the NIS recommendations, examples of the government's progress are limited. TINZ does not believe the government achieved or made significant progress on the seven major NIS recommendations. Although the government updated public procurement rules

and completed anti-corruption training,[13] the NIS public sector integrity recommendations were much numerous and specific.[14] The same is true of the recommendations relating to improving the roles of key watchdog agencies. The Ombudsmen's review of the Official Information Act only partially addresses one of eight sub-recommendations. Similarly, the Australian-funded research grant awarded in July 2015 to examine whistleblowing in New Zealand and Australia is the only example to which the government points to show that recommendation seven is being addressed. The NIS calls for the whistle-blower law to be strengthened,[15] along with eighteen other relevant sub-recommendations.

The government believes, with some justification, that some recommendations are broad, such as the call to promote actively the importance of ethics, transparency, accountability and financial literacy to the public through civics education. The government also identified various problems with operationalising these recommendations.[16] Although both TINZ and the government's draft self-assessment report evaluate overall progress in implementing the NIS report recommendations, the government did not commit to implement any of the NIS recommendations within the framework of the OGP action plan. However, the IRM researcher concludes that this analysis of the NIS recommendations underscores the limited impact of this commitment on the policy area.

MOVING FORWARD

The government reported to the Minister on progress and will report again with detailed recommendations. The IRM researcher recommends the first reports be disclosed publicly and the second draft should be released for public comment before it is finalised. This would serve the core principles of transparency, accountability and public participation.

As part of the engagement exercise, TINZ identified a number of steps from the NIS that it believes should be prioritised.[17] These include the following:

- Extend the coverage of the Official Information Act 1982 to the Parliamentary Counsel Office, officers of Parliament, the Speaker in the role of Responsible Minister for parliamentary agencies under the Public Finance Act 1989, the Office of the Clerk, and the Parliamentary Service;

- Strengthen the Protected Disclosures Act for both the public and private sectors;

- Review public funding of political parties, the allocation of broadcasting time to political parties, and the restrictions on parties purchasing broadcast election advertising;

- Require greater transparency of the finances, including donations of political parties;

- Strengthen the Electoral Act 1993 to make the lines clearer between legal and illegal activities and to investigate the options for strengthening enforcement in response to complaints;

- Promote enhanced compliance with and understanding of the Official Information Act 1982, promote better processes for handling Official Information Act requests, and promote implementation of the Law Commission's recommendation for an Official Information Act oversight function, as well as instituting a similar oversight function for the Ombudsmen Act 1975;

- Initiate discussions with civil society and the business community on a general government-wide framework for timely consultation on developing new policy initiatives and encouraging direct public participation in policy development and implementation.

The IRM researcher believes that including concrete, measureable activities to support implementation of some of these measures could be considered for inclusion in the government's next action plan.

1. TINZ, *Integrity Plus 2013 New Zealand National Integrity System Assessment* (Report, December 2013), http://bit.ly/1QgiffN

2. *New Zealand Mid-term Self-assessment Report: Draft,* 41, http://bit.ly/1LG7XQC

3. Cabinet SEC(14) 42, 7 July 2014, paragraph 23, http://www.ssc.govt.nz/sites/all/files/cab-paper-sec(14)-42-action-plan-ogp.pdf

4. *New Zealand Action Plan 2014 - 2016*, Appendix B, http://bit.ly/20WZUWr NZ; New Zealand Mid-term Self-assessment Report: Draft, 18-20, http://bit.ly/1LG7XQC

5. New Zealand Government, "Organised Crime and Anti-Corruption Legislation Bill," No. 219/2, introduced to Parliament on 25 June 2014, and enacted in the form of 15 smaller Bills on 5 November 2015: http://www.parliament.nz/en-nz/pb/legislation/bills/divided/00HOOOCDividedBills1/schedule-of-divided-bills-51st-parliament; http://www.parliament.nz/en-nz/pb/legis-lation/bills/00DBHOH_BILL56502_1/organised-crime-and-anti-corruption-legislation-bill.The Convention was ratified on 1 December 2015 "United Nations Convention Against Corruption Signature and Ratification Status as of 1 December 2015," United Nations Office on Drugs and Crime, http://bit.ly/1BPvlHp

6. *New Zealand Action Plan 2014 - 2016,* 12, http://bit.ly/20WZUWr

7. SSC Report: Response to the Transparency International New Zealand National Integrity Systems "Integrity Plus" Report Recommendations [2/15-MoSS/3578], SSC, 27 February 2015, 2; "SSC Report: Further Information on Responding to Transparency International's National Integrity Systems Report Recommendations" 3/5MOSS/3626, 2.

8. *New Zealand Mid-term Self-assessment Report: Draft,* 41, http://bit.ly/1LG7XQC

9. Officials, suggestion at an event organised by the Institute for Governance and Policy Studies (IGPS), Victoria University of Wellington,, 17 November 2014.

10. New Zealand Government, memorandum of meeting with TINZ about the OGP action plan, 10 March 2014.

11. http://www.parliament.nz/en-nz/pb/legislation/bills/00DBHOH_BILL56502_1/organised-crime-and-anti-corruption-legislation-bill; "United Nations Convention Against Corruption Signature and Ratification Status as of 1 December 2015," United Nations Office on Drugs and Crime, http://bit.ly/1BPvlHp; SSC "2013 Transparency International National Integrity Systems Report – GOPAC allocated items – August 2015" (the government's spreadsheet of responses to TINZ).

12. *New Zealand Mid-term Self-assessment Report: Draft,* 19, http://bit.ly/1LG7XQC

13. *New Zealand Mid-term Self-assessment Report: Draft,* 19, http://bit.ly/1LG7XQC

14. *Integrity Plus 2013 New Zealand National Integrity System Assessment,* 341-343, http://bit.ly/1QgiffN

15. This is part of recommendation four, not recommendation seven, as the Draft Self-Assessment Report states.

16. SSC, "2013 Transparency International National Integrity Systems Report – GOPAC allocated items – August 2015" (the government's spreadsheet of responses to TINZ)

17. TINZ, "NIS 2013 Recommendations," undated

4 | REVIEW PROGRESS OF KIA TŪTAHI ACCORD

Commitment Text:

The Kia Tūtahi (Standing Together) Relationship Accord

Review progress of the Accord in 2015

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

During our consultation with stakeholders, civil society organisations suggested that further work is needed on best practice guidance for or standards for civil society engagement in decision-making. This stakeholder feedback will be considered both in the context of assessing progress with the Kia Tūtahi Relationship Accord in 2015 and our Action Plan.

In late 2014, the Department of Internal Affairs will begin scoping discussion with stakeholders and review overseas approaches to improve government engagement practices. In early 2015, the Department of Internal Affairs will gather evidence about the current challenges that community groups face in engaging with government. We will develop a collaborative process to seek solutions to those challenges.[1]

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

Lead Institution: Department of Internal Affairs

Supporting Institutions: Ministry of Health, Ministry of Pacific Island Affairs, Ministry of Social Development, Sport New Zealand, Te Puni Kokiri

Start Date: 1 July 2014 **End Date:** 31 December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to information	Civic participation	Public accountability	Tech. and innov. for transparency and accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
4. Overall			✗			✗				✗				✗		
4.1. Review progress of Accord	✗					✗				✗			Unable to tell from government sources			
4.2. Gather data about local challenges			✗			✗				✗					✗	
4.3. Evaluate international best practices	✗				Unclear				✗				✗			

WHAT HAPPENED?

The Kia Tūtahi (Standing Together) Relationship Accord was signed in 2011.[2] A Ministerial steering group appointed in 2010 oversaw the development of the Kia Tūtahi Accord. It is a set of principles agreed upon by government and community groups and signed by the Prime Minister and community representatives. Among other things, the Accord pledges the following:

- "[W]e will reach out to those who are not usually included and respond to the diversity in our communities,"

- "[W]e will increase opportunities for people to participate and flourish in their own communities,"

- "[W]e will be honest and open," and

- A commitment to achieve a position where "communities and government are in genuine and purposeful engagement on matters of mutual interest and importance" and "communities and government jointly resolve matters of longstanding concern, such as, participation in decision making around policy and service delivery issues, and funding arrangements."[3]

The commitment can be broken into three milestones: the overarching review (Milestone 4.1), the promise to gather data about local challenges (Milestone 4.2), and the promise to gather information about overseas approaches to community engagement (Milestone 4.3). The milestones are interrelated in that information gathered is intended to inform the review.

Milestone 4.1

The government's draft self-assessment report assesses the commitment to review progress of the Accord in 2015. The review already was scheduled for every three years. The government says it is conducting that review. It involves two surveys of community organisations and government agencies designed to gather examples of engagement that does and does not work.

The government says it is on track to completing the review in 2015. However, almost all activity falls outside the period of implementation covered in this report (1 July 2014 to 30 June 2015). In late 2014, the government

contracted a charitable trust that represents the community and voluntary sector to survey community organisations. The survey was about their knowledge of Kia Tūtahi and about practices that do or do not work in relation to government engagement. The survey was distributed on 29 June 2015 and completed in September 2015. The government also surveyed government agencies about similar questions, and 35 responses were received.[4] The government says it will report to the relevant Minister by the end of 2015 on the outcomes of the surveys.

It is not clear whether the review consists of anything other than the conduct and analysis of the surveys. The surveys were not completed during the assessment period. It is not clear what progress has been made on the review. Therefore, the IRM reviewer concluded that the extent to which this commitment was completed is unclear.

Milestone 4.2

During the assessment period, the government contracted with an organisation to survey community organisations about their experiences concerning government engagement. Although preparatory steps were taken, the surveys were not completed during the first year of the action plan. The IRM researcher finds limited progress on this milestone.

Milestone 4.3

The government's draft self-assessment report does not mention the commitment to gather information about international best practices on community engagement. There is no evidence that the government took steps to gather material about overseas approaches to community engagement during the first year of the action plan. Thus, the IRM researcher finds this aspect of the commitment has not been started during the assessment period.

During 2015, the government completed a guide to online engagement based on international best practice. It contains principles, checklists, and strategies, although it was not done under the Kia Tūtahi Accord and does not form part of this assessment.[5]

DID IT MATTER?

The government set out to review progress under the Accord and to gather information to facilitate its reform. The Kia Tūtahi Accord is potentially transformative, but community groups would say that it has not been living up to this potential. There is little evidence that the Accord had impact in the period under review, and little progress was made on this commitment during the first year of implementation. The government's Kia Tūtahi webpage lists examples of the Accord in action, but the most recent activities date back to November 2012.[6] Against that background, the commitment to conduct research about best practices and to perform a review is incremental. But if they act on the Accord, the government could have a large effect on community participation in government policy.

While the activities largely took place outside the period covered in this report, the government has made some progress on its commitment to review the Kia Tūtahi Accord and to gather pertinent research on community engagement.

The survey of the community sector gathered examples of good and bad community engagement practices. It found that community engagement may have been almost entirely unrelated to Kia Tūtahi, of which 87 per cent of community organisations had not heard.[7] Of those who had heard of Kia Tūtahi, only 19 were able to provide clear examples of its principles in action.[8] The report concluded, "[T]he current accord is not successfully engaging the NGO sector."[9]

Some stakeholders were concerned that this review did not consult the public. More fundamentally, many stakeholders commented to the IRM researcher that the Accord is so nebulous that it has no practical impact. One called it a "super-soppy saccharine love-fest."

The government has not released the survey of the government sector. The government accepts that a high number of respondents were unaware of the Kia Tūtahi Accord, but says respondents reported that they adhered to its general principles. The government provided no further information about this survey. The government explained that it was trying not to pre-determine the outcome of the review.

Nevertheless, the information in the surveys may be useful to improve Kia Tūtahi or its implementation. The community sector survey identifies a range of practices such as good communication, supportive advice, recognition of expertise, clinics, workshops, seminars, and government funding of consultation that could improve effective community participation significantly, if utilised more broadly. However, the government has not set specific next steps. It has undertaken to work with the SAG to "identify next steps in addressing key challenges and opportunities to improve community-government engagement practices."[10] The government has provided no information about how it might use the survey findings to reform Kia Tūtahi.

Stakeholders from the surveying organisation were pleased that the government gathered information from community organisations. They said the data was helpful. But they said that the Kia Tūtahi Accord needs to be reformed to be of significant use.

It is questionable whether the review commitment had impact since the review process was part of existing government practice. Surveys were used within the assessment period, but the IRM researcher questions whether the review represents an advance on current practice. If the goal of this commitment is strengthening relationships between government agencies and civil society organisations,[11] this commitment can be seen only as a modest and incomplete step forward.

MOVING FORWARD

Stakeholders say that reform of Kia Tūtahi is essential and not just a matter of raising awareness. They argue that it needs the following:

- An accountability or audit mechanism;
- A complaints process;
- Methods for dealing with disagreements that address the imbalance of power;
- Methods for dealing with the inherent tension when funded groups or groups seeking funding have an advocacy role that could bring them into tension with the government.

Stakeholders also believe the promises of Kia Tūtahi need adequate resources.

They also believe that it would be helpful if Accord promises were more specific. The results of the best practices survey of community organisations would be used to supplement the Kia Tūtahi Accord to make it more concrete. These could range from straightforward changes such as a promise to ensure up-to-date information on the relevant contact personnel and a promise to respond promptly to queries. It could include more substantial reforms such as commitments to provide funding for consultation. In addition, Transparency Consultant Murray Petrie suggested including a range of other recommendations:

> [I]nternationally recognised good practices in public consultation and engagement, such as: when seeking public input, public authorities should indicate the potential scope for changes in policy or implementation that are under consideration; should publish the basis on which they have invited individuals and groups to participate in a specific engagement exercise; should ensure well-informed participation by providing sufficient information in a timely and accessible manner prior to consultation; should ensure meaningful participation by consulting early in the process while a range of options is still open; should publish a summary of the public inputs received, and indicate in general how the issues were addressed; should seek to institutionalise ongoing engagement where appropriate; and so on.[12]

The government's online engagement practice toolkit makes similar recommendations.[13]

The IRM researcher believes these suggestions, if implemented, would represent a powerful improvement in public participation and could be included in the next action plan.

Further research into international best practices could be used to improve the Kia Tūtahi Accord. The next action plan could include a research report with a concrete deadline and a government commitment to making changes to the Accord in keeping with international best practices. The government says it is aware of these suggestions, but that the current review aimed at assessing progress during the first three years of Kia Tūtahi, rather than a complete overhaul of the accord. In the IRM researcher's view, this limited understanding of the review is not clear in the language of the commitment and detracts further from its ambitiousness.

1   New Zealand Action Plan 2014 - 2016, 10, http://bit.ly/20WZUWr

2   http://www.dia.govt.nz/vwluResources/The%20Kia%20Tūtahi%20Relationship%20Accord/$file/Kia_Tutahi_Standing_Together_Accord.pdf

3   Kia Tutahi: Standing Together, page 1 and 2, http://www.dia.govt.nz/vwluResources/The%20Kia%20Tutahi%20Relationship%20Accord/$file/Kia_Tutahi_Standing_Together_Accord.pdf

4   New Zealand Mid-term Self-assessment Report: Draft, 21, http://bit.ly/1LG7XQC

5   "Online Engagement," New Zealand Webtoolkit, https://webtoolkit.govt.nz/guidance/online-engagement/

6   "Kia Tūtahi Relationship Accord," Department of Internal Affairs, http://www.dia.govt.nz/KiaTūtahi

7   The report surveyed 25,446 contacts and received 991 responses. Hui E! Community Aotearoa Review of Community-Government Engagement Practices (Hui E! Report, September 2015), 31, http://www.dia.govt.nz/vwluResources/Review-of-Community-Government-Engagement-Practices_Sep-2015_pdf/$file/Review-of-Community-Government-Engagement-Practices_Sep-2015_pdf.pdf

8   Review of Community-Government Engagement Practices, 32, http://www.dia.govt.nz/vwluResources/Review-of-Community-Government-Engagement-Practices_Sep-2015_pdf/$file/Review-of-Community-Government-Engagement-Practices_Sep-2015_pdf.pdf

9   Review of Community-Government Engagement Practices, 46, http://www.dia.govt.nz/vwluResources/Review-of-Community-Government-Engagement-Practices_Sep-2015_pdf/$file/Review-of-Community-Government-Engagement-Practices_Sep-2015_pdf.pdf

10 New Zealand Mid-term Self-assessment Report: Draft, 21, http://bit.ly/1LG7XQC

11 New Zealand Mid-term Self-assessment Report: Draft, 43, http://bit.ly/1LG7XQC

12 Murray Petrie, "New Zealand and the OGP," blog, Open Government Partnership (OGP), 4 September 2015, http://bit.ly/1Um9baX

13 "Online Engagement," New Zealand Web Toolkit, https://webtoolkit.govt.nz/guidance/online-engagement/

V | PROCESS: SELF-ASSESSMENT

At the time of writing, the government had not provided a final self-assessment report, but released a draft self-assessment report in October 2015. The government admits shortcomings in the consultation process, but claims "significant progress" on "extremely ambitious commitments." However, evidence the government cites is vague and falls largely outside the assessment period. The final self-assessment report was released in early February 2016. Findings will be included in the end-of-term report.

Self-assessment checklist

Was the annual progress report published?	☐ Yes	☒ No[1]
Was it done according to schedule?	☐ Yes	☒ No[2]
Is the report available in the administrative language(s)?	☐ Yes	☒ No[3]
Is the report available in English?	☐ Yes	☒ No[4]
Did the government provide a two-week public comment period on draft self-assessment reports?	☒ Yes[5]	☐ No
Were any public comments received?	☒ Yes	☐ No
Is the report deposited in the OGP portal?	☐ Yes	☒ No[6]
Did the self-assessment report include review of consultation efforts during action plan development?	☐ Yes	☒ No[7]
Did the self-assessment report include review of consultation efforts during action plan implementation?	☐ Yes	☒ No[8]
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	☐ Yes	☒ No[9]
Did the report cover all of the commitments?	☐ Yes	☒ No[10]
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	☐ Yes	☒ No[11]

SUMMARY OF ADDITIONAL INFORMATION

Process

The government's self-assessment report was not published at the time of writing this report (October to December 2015). However, the government published a draft self-assessment report on 1 October 2015. The final self-assessment report was released in early February 2016. Findings from this report will be analysed in the end-of-term report.

The government has sought public comment for its draft self-assessment report in three ways: (1) through an online feedback tool, (2) from the members of a stakeholder advisory group, and (3) by releasing the text of its draft for public comment. Stakeholders almost unanimously regarded this process as inadequate.[12] One described it publicly as "the consultation you have when you're really just going through the motions."[13] Some people responding during the first consultation complained about the lack of a draft on which to comment.[14] Others commented on the lack of information about the consultation.[15] Most were not aware that it occurred.

Online feedback tool

The online feedback tool was made available in August 2015 through the SSC's website and the govt. nz portal. It sought feedback on New Zealand's OGP commitments "to find out if New Zealanders think that the government's meeting the OGP goals" and to help create self-assessment reports.[16] No media release accompanied this consultation. No draft of the self-assessment report was made available at that time. An individual asked for a copy of the draft under the official information laws, but the government declined the request.[17]

The feedback tool did not link clearly to the action plan or to the OGP website, although the government notes that the links to the action plan and OGP website were in the main SSC website. The main question was "tell us what you think about the Open Government Partnership and New Zealand's Action Plan." The tool gave limited information about the four commitments and the OGP. It did not ask broader questions about process or about what other commitments might be preferred. The tool constrained responses to 300 words per commitment. Stakeholders made negative comments about the word limit,[18] although respondents could email a lengthier submission.

Submissions from 20 respondents were published.[19] Most were short and did not seem to say much due to a general lack of knowledge about the action plan. Most were critical of the government's general lack of transparency. One respondent said the government was repeating the same mistakes it made in the original consultation process on the action plan: little awareness-raising, few resources, little background explanation but a wealth of complicated background material, a last-minute invitation to comment, and requiring quick responses. It is not clear whether the comments influenced the content of the self-assessment report beyond their mention. The draft self-assessment report published in October 2015 includes a summary of the responses to this online tool.[20]

Stakeholder Advisory Group (SAG)

The SAG was created more than a year after the date of the action plan. Some stakeholders complained that the government chose SAG members, not civil society. The government maintains that an open process invited expressions of interest. Representatives selected include members of civil society and community interests.

The first draft of the self-assessment report was written without SAG members' involvement, although they were given an opportunity to comment on it before it was released. At the second meeting on 1 September 2015, the SAG members provided comments on the draft self-assessment report and prepared a joint statement. The comments and the statement were not made available publicly at the time of writing the report but were included in the final self-assessment report published in February 2016. Although the government's draft self-assessment report states that the statement is appended,[21] the SAG statement is not appended. The government explained that it withheld the statement because the group may wish to revise its statement if the self-assessment report changes as a result of public feedback. The government refused the IRM researcher's request to provide a copy of the SAG comments before release of the final self-assessment report. The government also refused to supply copies of SAG members' comments on the draft, although selected comments were outlined. Many of the outlined comments recommended greater clarity about how the various government activities were advancing OGP goals.

In interviews with the IRM researcher, most of the SAG members were critical of the process leading to the self-assessment report. One of the SAG members described this process as "extraordinarily rushed," leaving him "no opportunity to consult people I might be representing." Some also were critical of the small budget that was allocated to them ($17,000), the fact that they did not even have control and

were not consulted over that budget, and the lack of time to deliberate on the issues. One expressed concern that the SAG may be used as a proxy for more comprehensive government consultation.

Draft self-assessment report

On 1 October 2015, the government published its draft self-assessment report on the SSC's website. It sought feedback from the public until 16 October 2015. It listed the consultation on the govt.nz portal. However, it did not release a media statement about the draft or the consultation, and it did not provide specific contextual information to those interested in providing feedback, although context is contained in the draft and on the SSC's website. It received four submissions.

In the draft self-assessment report, the government accepts that its consultation process leading up to the action plan was limited and should be improved for the next action plan.[22] It explains the challenges it faced: a tight time frame, limited public engagement, and high costs of co-ordinating department responses.

The time frame was tight. The action plan was due about nine months after the government agreed to join. However, there was time to conduct wider and more substantive consultation and co-creation than occurred.

There was limited public engagement. The IRM researcher also found that there is little interest beyond those who actively follow open government issues. However, that is partly the fault of the government for its limited awareness-raising activities.

The IRM researcher finds it difficult to understand why the internal costs of communicating with the various government departments should be high. The IRM researcher asked the government about the costs but the government has not responded as of this reporting. In any event, this is the role of the SSC as the lead agency, and there ought to be adequate budget for it.

Consultation on the original action plan

The draft self-assessment report does not discuss whether the action plan was truly co-created with civil society. Nor does it address the government's promise in the action plan that other initiatives could be added

in the course of implementation, in collaboration with stakeholders. The promise was reiterated in meetings with stakeholders.[23] No new initiatives have been added, and further consultation with stakeholders has been limited to the establishment of the SAG.

As indicated in Sections II and III, stakeholders found the consultation process to be lacking and provided detailed suggestions for improving the process. The draft self-assessment report does not acknowledge or address the suggestions, nor does it indicate how the process may be improved for the next action plan.

Content

The draft self-assessment report addresses all the requisite matters. It is lengthy and devotes much space to explaining the government's progress under the four initiatives underlying the commitments. The draft self-assessment report concludes that New Zealand has shown "significant progress against New Zealand's action plan commitments and reflects New Zealand's ongoing commitment to the values enshrined in the OGP." It describes the commitments as "ongoing, multi-faceted, and extremely ambitious."[24]

However, the language often is vague and refers to the way the initiatives "reflect" or are "consistent with" OGP values, without explaining how they have advanced them.

Specific analysis of many of the points made by the government about the scope and progress of the commitments is set out in Section IV of this report.

The draft self-assessment report accepts that there is "an expectation that where existing projects or programmes are included, they will be ambitious in terms of expediting outcomes and stretching existing government activities beyond baseline, in a manner that demonstrates a clear year on year advancement against the OGP's grand challenges."[25] However, the assessment provides little evidence of a stretch or expedition in relation to the commitments. The self-assessment report presents many case studies to illustrate progress. But almost all of the case studies concern activities that occurred before or after the self-assessment period of July 2014 to June 2015.

The government presents its involvement in OGP and its appointment of a stakeholder advisory group as a "stretch." However, to the extent that there is an extra degree of transparency and accountability by including the initiatives in the OGP action plan, it has been undermined by the government's limited awareness-raising around the action plan, including the lack of a timely final, published version of the self-assessment report.

In interviews, the government asserted a lack of clarity and consistency between the OGP Support Unit's advice on member obligations and the OGP's Independent Review Mechanism advice; thus, the OGP sent mixed messages to the government. For example, the feedback from the OGP's Open Data Working Group (ODWG) commented on the open data aspects of the action plan, saying: "New Zealand's Action Plan is very well thought out, thorough, clear, and specific."[26] Yet elsewhere, the OGP Support Unit said, "[T]he IRM needs specificity on the activities, products, leading Ministries and timelines to evaluate a plan with ease."[27] It should be noted that while the OGP Support Unit organises and facilitates the ODWG, the

Support Unit states in all communications that ODWG serves as a government-to-government peer exchange and learning opportunities, and subsequent ODWG recommendations do not serve as official guidance from the OGP Support Unit. However, it is fair to argue that the IRM Procedures Manual provides for stricter scrutiny than the OGP guidance. Nevertheless, most of the flaws in New Zealand's action plan cannot be attributed to OGP's mixed messages. The thrust of the OGP Support Unit's feedback and OGP guidance resources received by the government was that changes were needed.

Conclusion

Overall, the draft self-assessment report is long on justification but short on details. It provides little evidence of the significant progress and promotion of OGP values claimed by the government. Even the Assistant Auditor-General sent a submission questioning whether the action plan was really "extremely ambitious" noting "the feedback around the limited number of actions and the pre-existing nature of some of them."[28]

[1] A draft self-assessment report was made public on 1 October 2015, and further submissions were invited until 16 October 2015. New Zealand Mid-term Self-assessment Report: Draft, 22, http://bit.ly/1LG7XQC The submission date for the final self-assessment report was 30 September 2015.

[2] See n1 above.

[3] The draft self-assessment is in the administrative language, English.

[4] The draft self-assessment is available in English.

[5] See n1 above.

[6] The draft self-assessment is in the OGP portal.

[7] The draft self-assessment includes this.

[8] The draft self-assessment includes this.

[9] The draft self-assessment includes this.

[10] The draft self-assessment covers the commitments.

[11] The draft self-assessment assesses completion, but the action plan had few timelines and milestones.

[12] The draft self-assessment, 23. See also http://bit.ly/1SUYXP4

[13] Pattrick Smellie, "Government Transparency Consultation Period an 'Insult,'" Opinion and analysis, BusinessDay, 20 August 2015, http://bit.ly/1S1S6SX

[14] Malcolm Harbrow, Submission on New Zealand's Open Government Partnership Mid-term Self-Assessment Report, undated, 1, http://www.ssc.govt.nz/sites/all/files/ogp-submission-msa-consultation2.pdf

[15] "What Others Have Said," New Zealand Government, http://bit.ly/1SUYXP4. See feedback comment: "Transparency appears to be sadly lacking when it comes to actually putting the information out there. Firstly that the address to this webpage and information came from a comment on a news article rather than an official source should be noted."

[16] "Give Feedback on the Open Government Partnership," New Zealand Government, http://bit.ly/1Zb0P4N

[17] Harbrow, 1, http://www.ssc.govt.nz/sites/all/files/ogp-submission-msa-consultation2.pdf

[18] Harbrow, 1, http://www.ssc.govt.nz/sites/all/files/ogp-submission-msa-consultation2.pdf

[19] According to the self-assessment, 31 submissions were received. Each submission seems to be counted individually, not each respondent. See https://www.govt.nz/browse/engaging-with-government/ogp/#feedback; http://www.ssc.govt.nz/submissions-received

[20] New Zealand Mid-term Self-assessment Report: Draft, 22, http://bit.ly/1LG7XQC

[21] New Zealand Mid-term Self-assessment Report: Draft, 22, http://bit.ly/1LG7XQC

[22] New Zealand Mid-term Self-assessment Report: Draft, 4, http://bit.ly/1LG7XQC

[23] Minutes, stakeholder meeting with ANGOA, 13 November 2014; Institute for Governance and Policy Studies (IGPS) event, 17 November 2014.

[24] New Zealand Mid-term Self-assessment Report: Draft, 24, http://bit.ly/1LG7XQC

[25] New Zealand Mid-term Self-assessment Report: Draft, 3, http://bit.ly/1LG7XQC

[26] Feedback from the Open Government Partnership Support Unit, 7 August 2014, 7, http://www.ssc.govt.nz/sites/all/files/ogp-reviewer-feedback.pdf

[27] Feedback from the Open Government Partnership Support Unit, 7 August 2014, 1, http://www.ssc.govt.nz/sites/all/files/ogp-reviewer-feedback.pdf

[28] Assistant Attorney General, email to SSC, 16 October 2015.

VI | COUNTRY CONTEXT

New Zealand has strong official information laws backed up by an accessible and cost-free complaints process conducted by the Office of the Ombudsman. The Public Records Act requires that every public office and local authority create and maintain "full and accurate records of its affairs, in accordance with normal, prudent business practice."[1]

Officials and stakeholders alike acknowledge that New Zealand started participating in the OGP from a high baseline.

Several developments mentioned above represent advances in open government, although they fall outside the assessment period, including the re-launch of an improved govt.nz portal, the formation of a Data Futures Partnership, the ongoing release of data on the data.govt.nz portal, and the new Open Government Information and Data Programme's strategy.

Other positive developments include the Treasury's new trial practice of publishing Official Information Act responses on its website[2] and, in the private sector, the re-launch of the nongovernmental FYI (For Your Information) website, assisting people to make official information requests.[3]

In addition, officials almost uniformly insisted that although some commitments pre-dated the action plan and did not show any particular "stretch," they nevertheless were valuable and far-reaching initiatives that aligned with OGP values.

On the other hand, many stakeholders believe that New Zealand's commitment to open government is regressing. They cite developments such as the following:

- A recent court case that found that the Minister of Trade had not correctly applied the Official Information Act in responding to a request for significant information about the Trans Pacific Partnership negotiations;[4]

- The Office of the Ombudsman conducted a review of the operation of the Official Information Act because of concern that its processes were being circumvented;[5]

- Many stakeholders identified a serious concern about a growing culture of fear that prevents many experts—officials and people dependent on government funding—from speaking out in ways that the government might find uncongenial;

- In November 2014, the New Zealand Association of Scientists conducted a survey among its members and Crown Research Institute scientists that revealed that almost 40 per cent of respondents said they had been prevented from making a public comment on a controversial issue by management policy or by fear of losing funding;[6]

- An inquiry by the Inspector-General of Security and Intelligence found that the New Zealand Security Intelligence Service disclosed incomplete, inaccurate, and misleading information in response to Official Information Act requests; it failed to correct the record when this was used to criticise a former government minister, and it improperly denied media information requests, instead providing the information to a blogger;[7]

- An academic recently published an opinion piece criticising the police for refusing to supply official information to academics unless they agreed to allow the police to vet and potentially veto publication of the research, among other things.[8]

STAKEHOLDER PRIORITIES

Stakeholders generally were dismissive of the current action plan. However, most were not familiar with the details of the initiatives that comprise the commitments. Those who were familiar with the commitments most commonly believed the open data programme was valuable and the engagement with TINZ had the potential to be useful, if taken seriously.

Stakeholder priorities for the next action plan begin with process. They seek proper consultation: consultation that is better designed and resourced, provides more time, information, and outreach to a variety of stakeholders using a variety of engagement methods. They seek consultation that actively seeks

people out in their communities and facilitates communication, and consultation that is more open-minded about responding to their concerns and suggestions.

In general, stakeholders strongly sought more ambition and more specificity in the next action plan.

As for substance, the strongest areas for reform among stakeholders were the following:

- Reform official information laws and practices (in particular, extend the coverage of the Official Information Act to Parliament and implement the Law Commission's recommendation to establish an oversight body; tighten regulation around delays including in Ombudsman investigations and standardised delays for consideration by ministers and communications staff, evasions, and ministerial influence; and implement the Law Commission's other recommendations[9]);

- Institute protection for public servants and those receiving public funding that allows them to criticise the government if they feel it is necessary; base this on a review of constraints on public servants and those receiving public funding providing free and frank views internally and publicly;

- Improve official reporting on social and environmental indicators, and create a plain English citizens' budget;

- Create robust and systemic practices concerning public consultation in the development of laws, regulations, and policies;

- Strengthen whistle-blower legislation;

- Strengthen political party funding transparency through parliamentary allocations, private donations, and broadcasting allocations;

- Introduce measures that provide an adequate degree of transparency to ensure that public officials, citizens, and businesses can obtain sufficient information on and can scrutinise lobbying of members of Parliament and ministers;

- Commit to release government information and data in machine-readable format where possible, in response to official information requests and proactive releases.[10]

In addition, stakeholders also provided a number of thoughtful, concrete proposals for inclusion in the next OGP process in New Zealand. They are discussed in more detail in Section VII.

SCOPE OF ACTION PLAN IN RELATION TO NATIONAL CONTEXT

In light of these priorities, it would be helpful if the action plan were to include projects that were connected more directly with the principles of transparency, accountability, and public participation. This would include reform of freedom of information laws, protections for civil servants, and more systematic and technically independent social, environmental, and financial reporting against a range of key indices. The commitment relating to the Kia Tūtahi Accord addresses public engagement concerns, but it would need to be made more specific and ambitious to align better with OGP values.

These findings reflect the problems with the current action plan that were raised consistently by stakeholders and some officials. The current action plan is based on pre-existing initiatives that were not developed with OGP values in mind. There is nothing wrong with governments trying to integrate OGP commitments into existing programmes, but when they do, particular care must be taken to ensure that the commitments stretch government practice and manifestly advance transparency, accountability, and citizen participation in governmental affairs. That was not the case for this action plan.

1   "Public Records Act 2005," New Zealand Legislation, http://bit.ly/1TGnU0J

2   "Responses to Official Information Act Requests," The Treasury, Government of New Zealand, http://www.treasury.govt.nz/publications/oiaresponses

3   Caleb Tutty, "OIA Requests Website Relaunched by the Herald," Politics, NZHerald.co.nz, 14 April 2015, http://bit.ly/1RnXNIL

4   "Kelsey v. The Minister of Trade," New Zealand High Council, 13 October 2015, http://bit.ly/1TGmZNZ

5   Office of the Ombudsman, "OIA Review: Project Summary," http://bit.ly/1QdxHFU; Chief Ombudsman Dame Beverley Wakem DNZM, CBE, *Not a Game of Hide and Seek* (Report, Wellington, December 2015), http://bit.ly/1QsqwN9

6   "Survey on the Proposed Code of Public Engagement," Scientists.org.nz, http://bit.ly/1oBlrHW

7   Office of the Inspector-General of Intelligence and Security Report into the Release of Information by the *New Zealand Security Intelligence Service in July and August 2011* by Cheryl Gwyn (Public Report, Wellington, November 2014), http://bit.ly/1XN7GCv

8   Jarrod Gilbert, "Dr Jarrod Gilbert: The Police Have Deemed Me Unfit to Undertake Crime Research Because I Know Criminals," National, NZHerald.co.nz, 25 November 2015, http://bit.ly/1NCQHBK

9   The Public's Right to Know, http://r125.publications.lawcom.govt.nz/

10 Gilbert, 2015, http://bit.ly/1NCQHBK

VII | GENERAL RECOMMENDATIONS

This section recommends general next steps for OGP in general, rather than for specific commitments.

CROSSCUTTING RECOMMENDATIONS

The IRM researcher welcomes the government's undertaking to learn lessons from the experience of developing the first action plan. The government says it plans to commence consultation processes sooner and to develop ways and additional channels to enhance public consultation processes, including increasing public awareness and engagement through other government agency websites, social media tools, and the SAG's networks.[1] It looks to develop a new action plan with more direct programme coherence, as well as to consider and to respond to the feedback it received on the first action plan.

The IRM researcher recommends that the government follow its online engagement strategy, as set out in the web toolkit it developed recently.[2] The IRM researcher also recommends that the government focus its efforts on the next action plan, notwithstanding the promise to revise the existing one.

The action plan should be characterised by genuine co-creation. This may sometimes require additional resources to raise awareness of the action plan, to reach out to a range of stakeholders, to provide background information on the issues, and to foster genuine engagements. The IRM researcher also recommends that the SAG receive adequately resources to perform its broad range of functions. Further, the SAG should have control over its budget. In addition, the government should comply with the SAG's terms of reference relating to the disclosure of its working papers. When members of SAG are replaced, civil society should be given an active role in determining new members.

This process should be followed for the development of the action plan and the government's self-assessment report.

The commitments should have specific outcomes and milestones. They should be more ambitious than reviewing particular policies. Ideally, they should move beyond existing initiatives and at a minimum identify distinct elements of ongoing initiatives that could be expedited or expanded to serve transparency, accountability and participation. The IRM researcher suggests that the action plan would be more coherent and easier to implement and report upon if it is not as multi-faceted as the current one and if it relates more directly to OGP values.

Substance

Stakeholders provided a large range of suggestions for projects to include in the action plan. The Law Commission and the Chief Ombudsman, in her recent review of the OGP process in New Zealand, made other recommendations.

Some other thoughtful proposals included the following:

Leadership

- Establish an ombudsman for government consultations
- Establish a data ombudsman to ensure the quality of data collected and facilitate public release
- Establish a Minister for Open Government
- Require SSC to write open government commitments into agency chief executive performance targets
- Establish a public rating for government agencies on how well they contribute to open government
- Establish a select committee to review all agencies for open government performance

Official Information

- Introduce a centralised approach to the systematic proactive release of official information by all public entities, including Cabinet papers

- Identify frequently occurring Official Information Act requests and make them available proactively

- Require release in advance of the legislative programme and draft bills

- Review and standardise government agencies' Official Information Act policies based on the Model Policy[3]

- Create an induction programme on free and frank advice for public servants

- Require agencies to log official information requests and publish the responses

- Require organisations to pay the Ombudsmen's investigation costs if an Official Information Act complaint against them is upheld and/or create other sanctions for non-compliance with the Official Information Act, including criminal sanctions in cases of deliberate malfeasance

- Require the Ombudsman to make public "name and shame" statements when an agency has not complied with the Official Information Act

- Strengthen the Privacy Commissioner's powers to order agencies to release personal data to the people the data is about

- Implement and give effect to the Convention on Access to Information, Public Participation in Decision Making and Access to Justice[4]

Data management

- Make all reasonable attempts to align and standardise data collected within and among agencies so that it is coded sensibly and is comparable across regions, years, and internationally. Use data experts to ensure from early stages that the data collected will be useful.

- Ring-fence funding for government agencies for use facilitating open government.

- Prepare a national inventory of all government data collected, collated and released, to be used as a basis for a searchable digest containing information about what is collected and how it may accessed.

- Ensure public consultation about which data sets are no longer kept.

- Expand the "consultation" section on the govt.nz website to include parliamentary bills, petitions, and regulations; and, increase data sets on data. gov to include more data from local government, Crown entities, Crown Research Institutes, and State Owned Enterprises.

- Establish a publicly available compliance audit for online availability of government data and information.

- Increase the proportion of core government agencies that have established and resourced a specific function dedicated to discovering and publishing data of potential use outside government.

- Mandate open access to publicly funded research.

- Mandate that open standard software formats be used exclusively to store and to exchange files and data.[5]

- Create a compendium of data by topics and agencies, including submissions on all consultations.

Other

- Conduct regular integrity surveys of public servants.

- Compile and create a repository of information about community participation initiatives.

- Sign up to the International Standards for Lobbying Regulation,[6] the Declaration on Parliamentary Openness,[7] and the Declaration on Political Finance Openness.[8]

- Require public entities to publish management letters from the Office of the Auditor-General and to report their responses to issues of significance identified in these letters to Parliament for consideration in the annual select committee reviews.

- Improve access to justice by making legal aid more widely available and by increasing the provision of information about the legal system.

- Review practice of access to court files.

- Create a Twitter hashtag for government consultations.

- Develop a model policy for schools' Boards of Trustees to encourage teachers to collaborate on the creation of teaching resources, notwithstanding copyright issue that might arise.

- Improve civics education about what government does and how to interact with the government.

- Increase funding of public broadcasting.

The government notes that several of the recommendations made in relation to Internal Affairs functions are being progressed. In particular, they point to the Data Management section, which is being driven and supported by the Information Group of the Partnership Framework.

TOP FIVE 'SMART' RECOMMENDATIONS

1. 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.

2. 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.

3. Commit to regular, standardised, technically independent, "state of the nation" reporting on social policy and the environment.

4. Develop an express and public cross-government policy formally permitting public servants and those receiving public funding to speak out on significant public issues without facing any form of retaliation.

5. Strengthen the transparency of political party funding from donations and parliamentary revenues.

[1]   *New Zealand Mid-term Self-assessment Report: Draft,* 4, 23, http://bit.ly/1LG7XQC

[2]   "Engagement Strategy Template," New Zealand Government Web Toolkit, http://bit.ly/1LcodxQ

[3]   Wakem, *Not a Game of Hide and Seek,* http://bit.ly/1QsqwN9

[4]   "Public Participation," Environmental Policy, United Nations Economic Commission for Europe (UNECE), http://www.unece.org/env/pp/welcome.html

[5]   "Level the Software Playing Field in NZ," Open Standards NZ, http://openstandards.nz/

[6]   "International Standards for Lobbying Regulation," Lobbyingtransparency.net, http://lobbyingtransparency.net/

[7]   "Declaration on Parliamentary Openness," OpeningParliament.org, http://www.openingparliament.org/declaration

[8]   "Declaration on Political Finance Openness," Money, Politics, and Transparency, http://moneypoliticstransparency.org/declaration

VIII | METHODOLOGY AND SOURCES

As a complement to the government's self-assessment report, a well-respected governance researcher, preferably from each OGP-participating country, writes an independent IRM assessment report.

Experts use a common OGP independent report questionnaire and guidelines,[1] based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP Steering Committee) for peer review to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's self-assessment report and any other assessments of progress by civil society, the private sector, or international organisations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section). In national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

INTERVIEWS AND FOCUS GROUPS
Each national researcher will carry out at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g. online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment report or accessible online.

In this case, the IRM researcher did the following:

- Held a public meeting seeking views on the action plan,

- Contacted a range of stakeholders for comment,

- Conducted interviews with those willing to speak on or off the record, including a range of government officials,

- Assembled the available literature including media, academic, and online commentary about the plan,

- Read extensive online material about the government's initiatives,

- Examined submissions made to the government,

- Addressed a meeting of the SAG and interviewed most members individually,

- Published information about the action plan and the IRM researcher's role in assessing it, inviting feedback on the website of the New Zealand Centre for Public Law (based at the law school at Victoria University of Wellington), on his media law blog, and on the national online news service, Scoop, and

- Made requests for information from the government.

The public meeting was held in Wellington at the Victoria University School of Law on 14 September 2015 at noon for 90 minutes. The format was a discussion moderated by the IRM researcher. Eighteen

people attended.[2] The meeting was advertised though the online news service Scoop, the Centre for Public Law's mailing list, the IRM researcher's blog, and the open government ninjas discussion group as well as through invitations sent to all people on the government's online engagement list, NZ Law Society, Local Government NZ, FYI administrator Tony Randle, Open Source Society, and others the IRM researcher identified as having an interest.

Notes from the meeting are available on request from the IRM researcher.

Stakeholders spoken to or interviewed include the following:

- Murray Petrie, Public Policy Consultant
- Fuimaono Tuiasau, TINZ, SAG
- Dr. Michael Macaulay, Victoria University
- Dr. Miriam Lips, Victoria University, SAG
- Peter Glensor, Hui E!
- Dave Henderson, Hui E!, SAG
- Sir Geoffrey Palmer
- Dr. Bryce Edwards, University of Otago
- Suzanne Snively, TINZ
- Janine McGruddy, TINZ
- Jan Rivers, Public Good
- Amelia Loye, IT Consultant
- Oliver Lineham, FYI Website
- Caleb Tutty, FYI Website
- Nicky Hager, Investigative Journalist
- Sonja Cooper, Cooper Law
- Alastair Thompson, Scoop Website
- David Fisher, NZ Herald
- Keith Ng, Data Journalist
- Shaun McGirr, Data Consultant
- Matt McGregor, Creative Commons
- Lillian Grace, Figure.NZ

- Dave Lane, NZ Open Source Society
- David Farrer, Pollster and Political Blogger
- Clare Curran, Labour Party Spokesperson for Open Government
- Joanna Norris, Media Freedom Committee
- Government officials and former government officials including a former chief executive of a leading government department, who spoke off the record

Officials spoken to or interviewed include the following:

- Brian Hesketh, DIA
- Andew Royle, SSC
- Manjula Shivanandan, SSC
- Keitha Booth, DIA
- Paul Stone, DIA
- Tim Blackmore, SSC
- Andrew Eccleston, SSC, Office of Ombudsman
- Ross Boyd, SSC
- Howard Duffy, DIA
- Mike Smith, DIA
- Leilani Buchan, DIA
- Logan Fenwick, DIA

Many other stakeholders, including all New Zealand political parties represented in Parliament, were contacted for comment but did not respond.

ABOUT THE INDEPENDENT REPORTING MECHANISM

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Anuradha Joshi
- Debbie Budlender
- Ernesto Velasco-Sánchez
- Gerardo Munck
- Hazel Feigenblatt
- Hille Hinsberg
- Jonathan Fox
- Liliane Corrêa de Oliveira Klaus
- Rosemary McGee
- Yamini Aiyar

A small staff based in Washington, D.C. shepherds reports through the IRM process in close co-ordination with the IRM researcher. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

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[1] Full research guidance can be found in the IRM Procedures Manual, available at http://www.opengovpartnership.org/about/about-irm.

[2] Stakeholder Meeting Attendees (Former Prime Minister Sir Geoffrey Palmer; Barrister and Author of Access to Information, Graham Taylor; Academic and Environmental Activist Cath Wallace; Public Good Founder Jan Rivers; Open Government Data Programme Leader Paul Stone; VUW Public Law Lecturer Dean Knight; SSC Principal Policy Advisor Tim Blackmore; TI Representatives Janine McGruddy, Suzanne Snively, and Lynn McKenzie; Blogger Malcolm Harbrow; SSC and Ombudsman Official Andrew Eccleston; Assistant Privacy Commissioner Joy Liddicoat; Team Leader of the Investigations and Dispute Resolution of the Office of the Privacy Commissioner Riki Jamieson-Smyth; Ministry for Women Nominations Assistant Kay Jones; Co-Founder of TechLiberty and Chair of the Council for Civil Liberties Thomas Beagle; DIA Senior Policy Analyst Leilani Buchan; SAG Member and Media Commentator Colin James), Wellington, 14 September 2015.

IX | ELIGIBILITY REQUIREMENTS ANNEX: NEW ZEALAND

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the section on country context.

Criteria	2012	Current	Change	Explanation
Budget Transparency	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information	4	4	No change	4 = Access to information (ATI) law in force 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Civic Engagement (*EIU Citizen Engagement Score*, raw score)	4 (10.00)	4 (10.00)	No change	1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percentage)	16 / 16 (100%)	4 16 / 16 (100%)	No change	75% of possible points to be eligible

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[1]   For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

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