Independent Reporting Mechanism (IRM): New Zealand Design Report 2018–2020

Keitha Booth, Independent Researcher

Table of Contents

Executive Summary: New Zealand

New Zealand's third action plan focuses on three core areas: participation in democracy, public participation to develop policy and services, and transparency and accountability. An improved action plan development process yielded two commitments of twelve with a transformative potential impact. Future action plan development could benefit from iterative dialogue between civil society and government throughout the development to further improve the cocreation process, a formalised multi-stakeholder forum that better reflects the country's diversity, and full reform of the Official Information Act.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. New Zealand joined OGP in 2013. Since then, New Zealand has implemented two action plans. This report evaluates the design of New Zealand's third action plan.

General overview of action plan

Development of New Zealand's third action plan took place in an environment of high governmental openness and transparency. New Zealand is a full democracy and scores highly on international indices measuring transparency, anti-corruption, and good governance. The action plan's 12 commitments are structured under three broad themes of open government: participation in democracy; public participation to develop policy and services; and transparency and accountability. Deficiencies remain around the scope and applicability of the country's official information legislation; all previous IRM reports have recommended reforming the law.

New Zealand's State Services Commission (SSC) remains the lead agency responsible for the country's OGP activities. The State Services Commissioner or delegate chairs the invitation-only Expert Advisory Panel (EAP), commissioned during the previous action plan cycle, which functions as the multi-stakeholder forum. Though the maximum capacity of the EAP has been six civil society members, it currently has only four. The SSC has sought nominations from the public to fill the vacancies.

Table 1. At a glance

Participating since: 2013
Action plan under review: 2018-2020
Report type: Design
Number of commitments: 12

Action plan development

Is there a Multi-stakeholder forum: Yes
Level of public influence: Involve
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 12 (100%)
Transformative commitments: 2 (17%)
Potentially starred: 2 (17%)

Action plan implementation

Starred commitments: *N/A*
Completed commitments: *N/A*
Commitments with Major DIOG*: *N/A*
Commitments with Outstanding DIOG*: *N/A*

*DIOG: Did it Open Government

The SSC's public engagement to develop the action plan started four months ahead of formal consultations with a survey of its 800 mailing list subscribers on how to engage on developing the plan. The Associate State Services Minister (Open Government) sought wide engagement with the public to determine the action plan contents through official workshops and social media outreach and was actively involved through to her resignation around the time the plan was being finalised. A total of 200 people attended regional workshops with civil society in the four main centres to gather commitment ideas and 449 submissions were received at these meetings or online. At least one EAP member attended each of the five regional workshops. Delegates from the workshops attended a synthesis workshop with the EAP and government officials where they confirmed the action plan priority themes which government had collated from the submissions and voted on commitment proposals presented by government officials that day. While the SSC and EAP were active and engaged widely in the development of the action plan and provided feedback on the proposals received through the initial consultations and regional meetings, civil society stakeholders had no further opportunity to determine the final contents of the plan after the synthesis workshop.

The three commitment themes of the action plan continue the focus of the previous action plan with most covering access to information and civic participation. Of note are a commitment relating to the government's use of operational algorithms, a burgeoning area of open government, and the creation of a master dataset of government organisations, to be released as open data. Eleven agencies now lead action plan commitments, representing almost one third of core public service agencies. New activities for consideration during the development of the fourth action plan include an enlarged multi-stakeholder forum, continuing to strengthen media reporting of local government, and activities building on commitments in the plan: reforming official information law, creating a public engagement community hub, next steps for civics education learning and continuing to progress the secondary legislation work.

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle.
4. Making New Zealand's secondary legislation readily accessible Publish all secondary legislation (from mostly non-central government bodies) on the New Zealand Legislation website.	The commitment currently does not apply to local government legislation so a potential future commitment could explore options for making local authorities' legislation and by-laws accessible to the public.	*Note: this will be assessed at the end of action plan cycle.*
11. Authoritative dataset of government organisations as open data for greater transparency Develop a master dataset of all central and local government organisations that is publicly available in machine-readable format.	The government could consider shortening the timeframes for agreeing upon the open data standards to apply to the dataset, who will maintain the dataset and release ownership data earlier than proposed.	*Note: this will be assessed at the end of action plan cycle.*
8. Review of government use of algorithms Work with civil society to review the use of operational algorithms	As a new frontier in open governance that closely relates the latter to e-governance, deeper engagement with the public on how algorithms are used	*Note: this will be assessed at the end of action plan cycle.*

by the government toward increased transparency.	as well as making their usage(s) publicly available is recommended.	

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

Reform official information laws
Strengthen the role and mandate of the EAP as it continues to act as New Zealand's Multi-stakeholder Forum.
Create a joint civil society/government public engagement Community of Practice or Hub
Apply civics education learning at community and local government level
Strengthen high-quality public media reporting by continuing the Local Democracy Reporter pilot to ensure transparency and public accountability of local government.

ABOUT THE AUTHOR

Keitha Booth is an independent consultant advising and commenting on open government and information-related matters. She has wide experience in e-government matters and led New Zealand's Open Government Information and Data Programme. Keitha has over 30 years of research experience and has regularly presented internationally. She is a fellow of InternetNZ; a senior associate of the Institute for Governance and Policy Studies, Victoria University of Wellington; associate of the Open Data Institute (UK); and a former member of the Digital New Zealand advisory board and the Creative Commons Aotearoa NZ advisory panel.

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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

New Zealand joined OGP in 2013. This report covers the development and design of New Zealand's third action plan for 2018-2020.

The Independent Reporting Mechanism of OGP has partnered with Keitha Booth, Independent Researcher, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit https://www.opengovpartnership.org/about/independent-reporting-mechanism.

II. Open Government Context in New Zealand

The development of the third national action plan occurred in an environment of high standards of openness and transparency. The new commitments reflect this environment and benefit from wider public engagement than in previous years. The action plan aligns with numerous domestic priorities, primarily relating to increasing access to information, with room to expand the commitments' ambition as well as involvement of New Zealand's diverse society in the future.

New Zealand's participation in OGP has a high baseline of openness. A representative democracy, it has a tradition of civic engagement in three-yearly national elections (79.8 percent of enrolled electors voted in 2017) and local elections (43 percent voted in 2016). Civil society groups and individuals routinely participate in parliamentary and local legislative processes.

The 2018 Democracy Index describes New Zealand as one of 20 full democracies in the world, ranking it 4 out of 167 countries, and scoring it 9.26 out of 10.[1] Its electoral process and pluralism, civil liberties, functioning of government, political participation and political culture all scored above 80 percent. The Freedom in the World Report scores New Zealand at 100 percent for freedom, political rights and civil liberties.[2]

The country ranks highly on other international indices measuring transparency, anti-corruption and good governance ratings. It is second in the Transparency International Corruption Perceptions Index,[3] and ranks close to the 100th percentile on indicators such as voice and accountability, political stability, regulatory quality, rule of law and controlling corruption, as shown in the World Bank's Worldwide Governance Indicators for 2019.[4] It is second in the 2019 International Civil Service Effectiveness (InCiSE) Index, scoring top for integrity, capabilities and procurement.[5] While it has a top rating in the Open Budget Index and consistently good results in the Open Data Barometer, these indices report that New Zealand provides limited opportunities for the public to engage in the budget process[6] and needs better evidence of the impact of opening up data.[7] Transparency International New Zealand's National Integrity System Assessment's 2018 update finds promising developments in the past five years, with pockets of greater focus on strengthening integrity systems.[8] This confirms its earlier 2018 emerging finding that there is a greater awareness of integrity issues, particularly in government and the public sector, a lesser increase in awareness of the importance of building strong integrity systems in the business sector, little progress on issues that require Parliament to consider its own processes and practices, and some strengthening of watchdog institutions.[9]

New Zealand retains its 100 percent score for OGP eligibility criteria (budget transparency, access to information, asset declaration and citizen engagement).

Access to Information
At the time of writing this report, New Zealand ranked 51 of 123 countries in the Global Right to Information (RTI) rating, scoring 91 out of 150 points. The Global RTI Rating states in August 2019 that:

> "*New Zealand's access regime is one that, according to our information, functions better in practice than its legal framework would suggest. The law's major problems include its limited scope (it does not apply to the legislature, the courts, or some bodies within the executive) and the fact that it allows information to be classified by other laws*".[10]

All earlier IRM reports have recommended reforms of the OIA and the Local Government Official Information and Meetings Act 1987 and supported adoption of the recommendations by the New Zealand Law Commission in 2012.[11] The Law Commission concluded that, while New Zealanders have benefited from official information legislation's ground-breaking change toward openness:

"After 30 years, change is needed to ensure proper flows of information, to create more comfort for those dealing with government, particularly in the commercial arena, and also to provide reasonable limits on the workloads of government departments".[12]

The key OIA issue is that it excludes Officers of Parliament (Parliamentary Services, the Office of the Clerk, the Office of the Auditor General and the Office of the Ombudsman). While there have been administrative and legislative developments such as the Parliamentary Privilege Act 2014, there is a concern, as expressed by the former Prime Minister, Sir Geoffrey Palmer, that 'there are blocks against getting information that in a modern democracy is really quite dangerous'.[13] He expanded on this in a discussion with the IRM researcher on 1 September 2017, stating that "the system is broken" and that "the OIA is a playground for Ministers, that this was not constitutional, and that this had been the case for more than nine years". Other issues set out by earlier IRM reviews include the unclear withholding grounds in the legislation, inadequate protection of commercially sensitive information, no statutory oversight functions and minimal use of technology to improve agencies' operational processes.

Commitment 2's activities in the 2016-2018 action plan, led by the State Services Commission and supported by the Office of the Ombudsman, have resulted in agencies now offering more consistent OIA request advice and improved response rates for meeting routine OIA requests,[14] but there remains a lack of public accountability when the law is not being met. This action plan's Commitment 7 takes a step forward by testing whether to formally review official legislation but falls very short of starting the comprehensive reform demanded over many years.

Media freedom continues to thrive, with New Zealand up six places to 7th in the 2019 World Press Freedom Index, despite its score dropping marginally.[15] However, the Index notes that its independence and pluralism are often undermined by the profit imperatives of media groups trying to cut costs. The Index records concerns about editorial integrity following major staff cutbacks while also supporting the decisions of the New Zealand Commerce Commission to block proposed mergers between leading media groups. The 2018 Index noted that political pressure, such as the initial suit that the Deputy Prime Minister brought against two journalists (a civil action that was taken in his personal capacity) over a leak during the 2017 election campaign, posed a threat to the confidentiality of reporters' sources.[16]

Public concern continues around media businesses struggling with funding and regularly reducing staff.[17] Except for Radio New Zealand and a small number of locally-owned media outlets, local reporting is minimal, meaning less scrutiny of local government, raising concerns that it is now more vulnerable to corruption.[18] This action plan reports increased funding for public media and for supporting new investigative journalism initiatives. The BBC's work sharing local council reporting, data, and video and audio content with the wider local news industry in the United Kingdom[19] is a model for the current New Zealand pilot.[20]

Trust in Government, Voter Turnout

Surveys since 2016 show increased trust in government. 2019 results find that trust in government-related institutions rose between 2016 and 2019. There is a slight decline (63 percent from 65 percent) from 2018, but trust is well ahead of the level of 48 percent in 2016.[21]

They also find that New Zealanders are least trusting of the way political parties are funded and suggest that who is in political power matters, noting that:

"a change in government in 2017 coincides with a small to medium-sized rise in trust in various dimensions of government between 2016 and 2019. There is an additional suggestion that this effect may wear off over the duration of a government, but this hypothesis, while tantalising, requires stronger evidence."

In August 2019 Cabinet recommended to the Officers of Parliament Committee that an independent entity, the Parliament Budget Office, with the status of an Officer of Parliament, be set up to

monitor the government's fiscal strategy as well as provide independent costings of political party policies.[22]

The *Kiwis Count survey of New Zealanders' satisfaction with public services* found increasing trust in, and satisfaction with, their public services. In 2018, 80 percent of New Zealanders trusted public services based on their personal experience and trust in the public sector brand was 50 percent, six percent higher than 2014, and a new high. The overall service quality score (SQS) for 2018 was a record high 77, nine points higher than 2007, and has been slowly increasing over the past year (up one point).[23]

Following one of the lowest voter turnouts since World War II in the 2014 general election, with 77.9 percent of the population voting,[24] the Electoral Commission and civil society worked to increase youth enrolment and voting at the 2017 election. The 18-24 age cohort showed the most improvement at the election, increasing its voter turnout by 6.5 percent between 2014 and 2017. The turnout rate for those aged 25-29 increased 5.5 percent, while the turnout for those between 30 and 34 improved by 3.5 percent. However, despite this improvement in turnout for younger cohorts, nearly half (48.9 percent) of those who were enrolled but did not turn out to vote were aged under 40.[25] The School Leavers' Toolkit in this action plan's Commitment 3 could raise understanding of central and local government and be used to help migrant students from countries without New Zealand's democratic tradition to consider how they can play a full role in New Zealand society. Youth and education experts advocate that complementary practical experience at community and local levels is equally important. Another option is to act on the Children's Commissioner's recommendation to lower the voting age to 16 or 17 years to rejuvenate the voting system.[26] The Minister of Justice's 20 June 2019 announcement that "New Zealand's democracy is to be enhanced, with voters gaining the right to enrol on election day at next year's general election and allowing ballot boxes to be placed in supermarkets and malls to make it easier for people to vote," could increase voting turnout at the 2020 general election.[27]

Civic Participation
The Coalition Government's active public consultation on policy matters[28] surpasses the standard for public participation and is in progress to meeting the ideal level sought by the International Association for Public Participation (IAP2) and OGP.[29][30] In the spirit of OGP, most countries should aspire for "collaborate". Both the Department of Prime Minister and Cabinet and the Ministry of Education spoke to this at the Synthesis Workshop during the development of the action plan. One outcome was Commitment 5 which will trial a 'live' policy issue, and some agencies are engaging at the collaborative end of the spectrum, for example, the Ministry of Education[31] and the Department of Conservation.[32]

Only commitments 2 and 10 in this action plan offer public engagement across the breadth of New Zealand's diverse society, despite the government's commitment in the action plan to developing "a just and inclusive society".[33] In response to recommendations made in the 2016-18 IRM End-of-Term Report and challenges from government's Expert Advisory Panel (EAP), quarterly updates by government's commitment leads to the EAP in 2019 now report on how diverse communities are being included and informed during commitment implementation.[34]

Demand continues for piloting a citizen assembly[35] and building on 2016-2018 action plan open budget work to trial participatory budgeting. One key supporter of OGP in New Zealand has withdrawn his support, stating that:

> *"I have given up on NZ Open Government; the lack of achievement, ambition and commitment have led me to conclude that I am no longer interested in providing commentary or inputs.[36]*

Civic Space
The Intelligence and Security Act 2017[37] created a new offence of wrongful communication, retention, or copying of classified information which only applies to individuals specifically cleared to have access to classified information or who have been provided with such information in confidence to comply with the obligations to protect the information. The powers of the Inspector-General of Intelligence and Security to receive complaints or disclosures from employees of the intelligence and

security agencies have been strengthened. The Government Security and Communications Bureau's powers to gather information on New Zealand citizens have been extended. According to SSC this will cover circumstances where "only signals intelligence will provide a proper understanding" of an 'act' by a New Zealand citizen or person thought to be a New Zealand citizen. Independent oversight mechanisms have also been strengthened.[38]

Some free speech issues surfaced during 2018, for example, about decisions by a local council and a university to not allow the use of their facilities for public events featuring far-right speakers from Canada[39] and a speech by a former Leader of the Opposition to Massey University students. The speech was presented without issue at the university later and hailed as "a victory for free speech."[40] Massey University Council reviewed the initial decision and released publicly the results and recommendations about how the university can better manage risks and communicate.[41] An academic at the University of Canterbury expressed concern that she may have been targeted by the Chinese Government for her research on its influence in campaigns in areas in New Zealand like party politics, media and education and sought police protection.[42] Political donations, including foreign donations, came to public notice in 2018 and the Green Party and National Party are proposing bans on this practice, due to its potential influence on elections.[43] Following a report on some agencies' surveillance practices, the SSC has released standards ensuring they do not undertake surveillance or information gathering without careful consideration and a consistent process.[44] In direct response to the tragic mosque attacks in Christchurch on 15 March 2019, the Minister of Justice announced a review of New Zealand's hate speech laws,[45] and the Chief Censor banned the "manifesto" relating to those attacks and the livestream of the event.[46]

[1] The Economist Intelligence Unit, EIU Democracy Index, http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=Democracy_Index_2018.pdf&mode=wp&campaignid=Democracy2018

[2] Freedom House, Freedom in the World 2019, https://freedomhouse.org/report/freedom-world/2019/new-zealand

[3] Transparency International New Zealand, https://www.transparency.org.nz/

[4] World Bank, Worldwide Governance Indicators, http://info.worldbank.org/governance/wgi/#reports

[5] International Civil Service Effectiveness (InCiSE) Index, https://www.bsg.ox.ac.uk/sites/default/files/2019-04/InCiSE%202019%20Results%20Report.pdf

[6] International Budget Partnership, New Zealand, https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=nz

[7] Open Data Barometer, Leaders Edition, https://opendatabarometer.org/?_year=2017&indicator=ODB

[8] Transparency International New Zealand, https://www.transparency.org.nz/national-integrity-system-assessment-2018-update/

[9] Transparency International, New Zealand, https://www.transparency.org.nz/2013-national-integrity-assessment-second-edition/

[10] Centre for Law and Democracy, https://www.rti-rating.org/country-data/New%20Zealand/. RTI ratings measure the legal framework, not quality of implementation.

[11] The Public's Right To Know: Review of the Official Information Legislation, Law Commission, June 2012, www.lawcom.govt.nz/sites/default/files/projectAvailableFormats/NZLC%20R125.pdf, p374-381.

[12] Ibid. para 16.13, page 376.

[13] One News at 6, TVNZ, 24 August 2017.

[14] See https://www.opengovpartnership.org/wp-content/uploads/2019/03/New-Zealand_End-Term_Report_2016-2018.pdf, p14-18.

[15] Reporters Without Borders, https://rsf.org/en/new-zealand

[16] Mr Peters notes that this has been amicably resolved, https://www.radionz.co.nz/news/political/349518/peters-drops-superannuation-suit-against-journos

[17] 2018 research on NZ's media, https://www.aut.ac.nz/__data/assets/pdf_file/0013/231511/JMAD-2018-Report.pdf

[18] IRM researcher's interview with Simon Chapple, Institute of Governance and Political Studies, 9 January 2019; Scoop Independent News concern about decision making of a by-law, http://www.scoop.co.nz/stories/HL1902/S00092/lime-told-to-prove-safety-of-e-scooters-or-remove-them.htm

[19] Journalism.co.uk, https://www.journalism.co.uk/news/how-the-bbc-s-local-news-partnership-supplies-regional-newsrooms-with-staff-training-and-content/s2/a734622/

[20] NZ On Air and Radio NZ announce new Local Democracy Reporting. https://www.rnz.co.nz/media/134

[21] Simon Chapple and Kate Prickett. Who do we trust in New Zealand? https://www.victoria.ac.nz/__data/assets/pdf_file/0011/1762562/trust-publication-2019.pdf

[22] Stuff, https://www.rnz.co.nz/news/political/397123/govt-wants-independent-watchdog-to-keep-eye-on-election-campaign-policy-costings

[23] Kiwis Count survey 2018: http://www.ssc.govt.nz/assets/Legacy/Kiwis-Count_annual-report-final-2018.pdf

[24] 'The New Zealand General Election: Final Results and Voting Statistics,' 25 February 2015, https://www.parliament.nz/en/pb/research-papers/document/00PLLawRP2015011/final-results-2014-general-election

[25] Final results for the 2017 NZ General Election, Parliamentary Library research paper 2017/04, https://www.parliament.nz/resource/en-NZ/00PLLawRP17041/4107f6fef63135f9e2e297af9318a7edf69cd3c3

[26] Newshub, https://www.newshub.co.nz/home/politics/2017/03/should-new-zealand-s-voting-age-be-dropped-to-16.html

[27] Beehive, https://www.beehive.govt.nz/release/strengthening-new-zealanders%E2%80%99-voting-rights

[28] Many consultations are listed here, https://www.govt.nz/browse/engaging-with-government/consultations-have-your-say/consultations-listing/

[29] "IAP2's Public Participation Spectrum," IAP2, 2014. https://www.iap2.org.au/Tenant/C0000004/00000001/files/IAP2_Public_Participation_Spectrum.pdf

[30] The World Bank's Regulatory Governance Index finds that New Zealand's public consultation practices extend beyond what is required by law and report back on results from consultations. For more information see: https://rulemaking.worldbank.org/en/data/explorecountries/new-zealand#

[31] Ministry of Education, https://conversation.education.govt.nz/

[32] Department of Conservation, Scoop and PEP. http://www.scoop.co.nz/stories/HL1908/S00014/scoop-hivemind-restoring-and-protecting-biodiversity.htm#4

[33] Forward by Minister of State Services in this 2018-2020 action plan, p2.

[34] See progress reports at http://ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020.

[35] Wikipedia, https://en.wikipedia.org/wiki/Citizens%27_assembly

[36] Advice from Laurence Millar, former NZ Government Chief Information Officer, 14 February 2019.

[37] Intelligence and Security Act 2017, www.legislation.govt.nz/act/public/2017/0010/37.0/DLM6920823.html

[38] State Service Commission advice to the IRM, 12 August 2019

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[40] RNZ, https://www.radionz.co.nz/news/national/368841/don-brash-speaks-at-massey-university-after-controversy

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[42] Stuff, https://i.stuff.co.nz/national/education/108934012/academics-call-for-academic-freedom-police-protection-for-burgled-colleague-annemarie-brady

[43] National Party, https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12195007; and Green Party, https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12208293

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[45] RNZ, https://www.radionz.co.nz/news/national/385955/little-plans-fast-track-review-of-hate-speech-laws

[46] Mosque attacks in Christchurch, https://www.classificationoffice.govt.nz/assets/PDFs/Classification-Decision-The-Great-Replacement.pdf, and https://www.classificationoffice.govt.nz/assets/PDFs/Christchurch-Attack-Livestream-Classification-Decision.pdf

III. Leadership and Multi-stakeholder Process

During the development of the action plan the then Associate State Services Minister (Open Government) and the State Services Commission exhibited leadership in conducting the co creation process. The wider engagement across the main centres was efficient and professional. 200 members of the public attended workshops and 449 submissions were received. The Expert Advisory Panel was involved from early planning through to seeing the draft Cabinet Paper. The final synthesis workshop informed the early stages of the draft action plan subsequently finalised by government, approved by Cabinet and released for public comment.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in New Zealand.

The State Services Commission (SSC) continues to be the executive agency leading New Zealand's OGP activities, deriving general oversight authority from legislative statutes and directives from Ministers and Cabinet. As a central government agency, the SSC is well placed to co-ordinate the government's OGP response - the Deputy Secretary, Integrity, Ethics and Standards and two staff led the action plan development, assisted by other SSC staff and an Officials Group representing agencies with existing and potential OGP commitments. As at 14 August 2019 only one staff member is supporting the Deputy Secretary on the OGP programme.

Cabinet's approval of OGP membership and the national action plans in effect serves as a binding, executive-level directive for public servants. The Coalition Government, elected in October 2017, appointed an Associate State Services Minister (Open Government) to a new open government portfolio. Goal 20 of the Confidence and Supply Agreement aims to 'strengthen New Zealand's democracy by increasing public participation, openness, and transparency around official information'.[1] The Associate Minister was active, meeting civil society organisations such as Transparency International New Zealand, launching the third action plan's formal consultation, attending a regional action plan workshop and meeting with the multi-stakeholder forum, the Expert Advisory Panel (EAP). Following her resignation from Cabinet on 7 September 2018, the open government portfolio was absorbed into the responsibilities of the Minister of State Services, who announced the proactive release of Cabinet papers and launched the draft third action plan,[2] approved the release of the Cabinet Paper,[3] and announced that summary information from Ministerial diaries will be released from January 2019 onwards.[4] As of 14 August 2019, the Minister had not met with the EAP.[5]

In common with many OGP members, there is no single budget for staffing and monetary support across government for implementing OGP activities. New Zealand does not treat OGP as an "output in its own right but rather a means to a broader open government end."[6] The OGP programme is not highlighted in The Head of State Services Overview in the SSC's 2018 annual report, but reported in the Integrity, Ethics and Standards section.[7] The annual report has a budget line for the allocation of NZ$200,000 per annum for 2017/18 and 2018/19 for New Zealand's membership of the OGP, but no other itemised OGP detail.[8] By contrast, Stats NZ continues to itemise the budget for its open data work programme, which included Commitments 3 and 4 in the 2016-2018 national action plan.[9] As with the earlier plans, the third action plan has no local government-led commitments.

The Deputy Secretary, Integrity, Ethics and Standards displays very active OGP leadership, ensuring completion of the second action plan, driving improved engagement with civil society to develop the third plan and committing the SSC to continuous improvement in the action plan development process. On 19 February 2019, the Minister of State Services reaffirmed the Government's open government intent, saying: "Rather than taking the new plan as being the ultimate end state, I'm going to push hard to go even further and faster."[10]

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. **New Zealand did not act** contrary to OGP process.[11]

Please see Annex I for an overview of New Zealand's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[12] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	
Involve	The government gave feedback on how public inputs were considered.	✔
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

Multi-stakeholder forum

New Zealand's multi-stakeholder forum, the invitation-only, six-member Expert Advisory Panel (EAP), is mandated to advise the SSC on implementation progress by agencies, engage with stakeholders to raise awareness of and promote OGP, shape how government assesses and reports on its OGP work, participate in stakeholder and engagement events, consider independent review reports and advise on open government matters when requested.[13] It currently has four invited civil society members (two women and two men; three Pakeha (New Zealand Europeans) and one indigenous Māori), all appointed through to September 2020, with the other two positions vacant.[14] Its interaction with government's commitment leaders during action plan implementation is through the receipt of formal progress reports at quarterly meetings with the SSC, discussions with them at those meetings and at occasional commitment-based events.

One EAP member is Auckland-based and three are Wellington-based; all have extensive professional and civil society experience, covering Transparency International New Zealand, TearFund New Zealand, Inspiring Communities (community-led development) and HuiE! (connecting community groups); there is no representation of other stakeholder groups, such as business, significant ethnicities in New Zealand, such as Pasifika, or newly arrived New Zealanders from numerous countries.

The EAP meets quarterly in Wellington except during the development of a national action plan, when meetings may be held monthly,[15] and it offers email contact with the public via OGPNZ's

organisational email address, ogpnz@ssc.govt.nz, managed by the SSC. However, there is no evidence that it has been used this way.[16]

The SSC developed the Terms of Reference for the EAP, however since their appointment EAP members have been involved in decisions regarding changes to membership, process for seeking new members, criteria to appoint new members and determining their role in the different stages of the OGP process.

The State Services Commissioner or his designated lead chairs the EAP, the SSC provides secretarial services and publishes EAP documents on the OGP website,[17] members receive the meeting agenda and progress reports in advance of each meeting, review draft minutes and approve final minutes to be published online on the OGPNZ website.[18] As at 21 August 2019 the latest online documents cover the EAP's 24 July 2019 meetings with SSC and with officials.

In November 2017, ahead of formal consultation on the new plan starting in April 2018, the EAP agreed its role: to help prioritise ideas from the initial regional workshops with civil society and online engagement right through to the development of the final commitments.[19] During the plan's development, the EAP met seven times in Wellington, including a session with the Officials Group to identify themes from ideas received during public engagement and agree on themes that were out of OGP scope. At least one EAP member attended each of the five regional workshops with civil society and all attended the Synthesis Workshop on 2 July 2018 where action plan themes were agreed, and commitment proposals presented by officials.[20] The EAP contributed to final commitment decisions with officials on 9 July, reviewed a draft of the action plan, met the Associate Minister on 8 August, saw a draft of the Cabinet Paper, and attended a debriefing with officials after the new plan was released. This represents a step forward from the process of finalising the second action plan.

The regional workshops with officials and the EAP were public, representatives of workshop attendees attended the Synthesis Workshop, the SSC published details of the topics raised at the workshops and the online submissions,[21] and some EAP members then publicised the action plan in their newsletters, for example, Transparency International New Zealand.[22]

Participation and engagement throughout action plan development
The SSC first engaged with the public some four months ahead of starting formal work on the action plan in April 2018. From 23 November 2017 to 8 January 2018 it surveyed about 800 subscribers on the OGPNZ mailing list, ran an online survey on how New Zealanders wanted to engage when developing the next plan,[23] sought feedback from the EAP, and interviewed representatives from CSOs active in OGP in NZ.[24] In December 2017 it engaged an external firm, Maven Consulting, to support its engagement on the new plan and to develop the approach for the work.[25] While Maven's website does not explicitly list public engagement as one of its services,[26] the personnel involved in the action plan development engagement had experience facilitating public discussions.

On 4 April 2018, the then Associate Minister launched the formal development process at a workshop for newly graduated public servants, noting that the SSC sought the views of as many New Zealanders as possible to determine the actions in the plan, the engagement process would include workshops and social media, the foundation platform would be the revamped OGPNZ website,[27] and she invited online submissions.[28]

The SSC set out the rules of participation and background information about open government and OGP on the OGPNZ website and actively promoted engagement on Twitter, Facebook and LinkedIn. On 18 April 2018, it announced workshop dates and a timeline for developing the plan, subsequent timelines, channels to be used and roles for civil society.[29] All New Zealanders were welcome to participate. On 23 April 2018 the SSC invited the public to attend regional workshops to be held from 21 to 29 May 2018.

The 2018-2020 action plan records that almost 200 people attended the workshops, comprising secondary school students, members of the public and CSOs, the EAP and government officials, including a group of newly graduated government employees, and that the SSC captured 449 ideas through these processes. Maven Consulting led each workshop using an agenda set with the SSC.

Government officials attended formally rather than as individuals but were welcome to contribute to the conversations in their personal capacity as encouraged by the OGP. At each workshop, Maven described the process, EAP members spoke, each attendee documented ideas and the SSC collated them. Attendees then formed groups and discussed potential commitments or themes. The SSC published the workshops' outputs and the workshop and online submissions on the OGPNZ website.[30] As no data was collected on gender or ethnicity of workshop attendees, it is not possible to draw conclusions about how representative of New Zealand these sessions were. The IRM researcher assumes, based on discussions with attendees, that while a range of ethnicities did attend, overall the sessions were not representative of New Zealand's wide ethnic mix.[31] The SSC advises that about one third of attendees at the three main public workshops were public servants.

Civil society delegates selected at the earlier workshops attended the 'Synthesis Workshop' on 2 July 2018 with Maven Consulting, officials and the EAP. Delegates considered and confirmed the three action plan priority themes collated by the SSC following their detailed analysis of all 449 submissions, and listened to commitment proposals by government officials. As the proposals were not sent out in advance, delegates could not prepare or consult with others. While government had openly sought public input into developing the action plan, there was no time during this final one-day session to discuss the officials' proposals, other priorities or to address the recurrent theme at the workshops for government to openly listen and build commitments with civil society. Each delegate then used three votes to prioritise the proposals. Thereafter Synthesis Workshop delegates and members of the public had no further involvement in developing and finalising the commitments beyond receiving advice that the draft action plan was out for public comment.[32] Officials finalised the prioritised proposals, the EAP reviewed them, the SSC submitted the draft action plan to the Minister for State Services, Cabinet reviewed and approved it, and the SSC released it for public comment from 20 September to 17 October 2018. SSC received 24 responses to the draft, mostly covering the engagement process or improving the commitments or government services in general.[33]

Government published on the OGPNZ site all public and workshop submissions, its collation of submissions into themes,[34] feedback on the draft action plan, papers to the Minister and the Cabinet Paper noting that the action plan was updated following this feedback.[35] The OGPNZ Twitter (with 282 followers as at 22 August 2019) and Facebook accounts were used from November 2017 through to the release of the plan in December 2018 to encourage involvement and advise of document release. There was no evidence of interactive social media conversation with followers.

The 15 November 2018 paper to the Minister recommended amendments strengthening and clarifying aspects of the commitments rather than material changes or new commitments as a result of feedback on the draft action plan.[36] Government's rationale for prioritisation and exclusion of submissions is described in the action plan. The final action plan was published by the SSC on 7 December 2018 and announced on the OGPNZ website and on Twitter and Facebook but without a media release.

The action plan development meets the 'involve' level of the IRM's adaptation of the International Association for Public Participation, (IAP2) "Spectrum of Participation" as government gave feedback on how it considered the public's submissions. It did not reach the 'collaborate' level as there was no iterative development of the commitments with the public beyond the decisions on themes and the voting at the Synthesis Workshop. Ongoing EAP involvement was a step forward, but the EAP did not interact with its civil society colleagues after the Synthesis Workshop.

Co-creation and participation recommendations throughout development
New Zealand showed evidence of achievement and strong performance in the mandate for its Multi-stakeholder Forum's conduct during development, high-level government representation on the Forum, and by having a specific OGPNZ website. The Expert Advisory Panel is chaired by the State Services Commissioner or his delegate, and its Terms of Reference,[37] meeting agendas, minutes, all third action plan documents and some documents relating to commitments are on the OGPNZ website.

Some areas where New Zealand can improve are:

- Representation of New Zealand's diverse society in the Expert Advisory Panel (EAP);
- As the EAP's primary role is to advise the State Services Commissioner, clarification of the EAP's role and functions;
- Face-to-face engagement with civil society and outreach beyond the four main centres;
- Civil society participation and decision in making final action plan commitments; and
- Advanced notice of relevant information during action plan development.

In order to improve performance on these areas the IRM researcher suggests that moving forward, the following actions are taken:

- If the EAP continues to function as New Zealand's MSF consider revising its mandate to clarify its role and adjust practices to meet OGP co-creation and participation standards. According to OGP guidance, the MSF should meet regularly, have an even balance of government and civil society representatives, and lead the OGP process in the country. For more information and examples on how MSFs are structured and function in other OGP members, please refer to the OGP Participation and Co-Creation Standards;[38]
- SSC to increase EAP (or MSF) civil society membership by advertising vacant positions publicly and ensuring the forum represents NZ's diverse population, in particular, youth, Māori, Pasifika, representatives of Asian and other migrant communities and local government. Civil society membership may also be strengthened if they are encouraged to lead their own selection and appointment process;
- The SSC may also consider engaging a variety of civil society umbrella groups, such as Hui E!, ECO (umbrella group for many environment and conservation groups in NZ), Social Service Providers Aotearoa, NZ Council of Trade Unions, Multicultural NZ or Business NZ to expand the reach of the civil society membership in the EAP;
- Expand the funding of the SSC and EAP (or MSF) to enable engagement on OGP matters across New Zealand over the duration of the action plan, not just during action plan development;
- SSC to user-test the accessibility of the OGPNZ website and commit to regular content updates and improvements where identified by users and stakeholders; and
- SSC and EAP to work together to define a process to evaluate the effectiveness of engagement during the co-creation of the action plan.

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[1] Department of the Prime Minister and Cabinet, https://dpmc.govt.nz/publications/co-17-10-labour-new-zealand-first-coalition-confidence-and-supply-green-party, para 2.1.

[2] Hon Chris Hipkins, Minister of State Services, https://www.beehive.govt.nz/release/government-proactively-release-cabinet-papers-%E2%80%93-and-open-government-action-plan-be-issued

[3] OGPNZ, Third National Action Plan 2018-2020, http://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/

[4] Beehive, https://www.beehive.govt.nz/release/government-proactively-release-ministerial-diaries

[5] Advice to the IRM researcher from an EAP member, 6 April 2019.

[6] State Services Commission advice to the IRM 12 August 2019

[7] State Services Commission. 2018 Annual Report. http://www.ssc.govt.nz/assets/Legacy/resources/State_Services_Commission-Annual_Report_2018.pdf

[8] State Services Commission, Estimates of Appropriations 2018/19. B5, Vol 5: p 3, https://www.budget.govt.nz/budget/2019/by/vote/staser.htm

[9] Estimates of appropriations 2018/19 – Finance and government administration sector B5 vol5, p31, https://www.budget.govt.nz/budget/2019/by/dept/stats.htm

[10] Hon Chris Hipkins, Minister of State Services, https://www.newsroom.co.nz/2019/02/18/449883/marginal-open-govt-progress-under-national

[11] Acting Contrary to Process = Country did not meet (1) "involve" during the development or "inform" during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

[12] "IAP2's Public Participation Spectrum," IAP2, 2014. http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

[13] Expert Advisory Panel, Terms of Reference, September 2018, https://www.ogp.org.nz/assets/Resources/eap/9d045fe081/expert-advisory-panel-terms-of-reference-1.pdf

[14] All but one member joined in April 2018. The SSC sought nominations from the public for the two vacant positions.

[15] OGPNZ, http://ogp.org.nz/assets/Resources/eap/9d045fe081/expert-advisory-panel-terms-of-reference-1.pdf

[16] State Services Commision advice to the IRM researcher on 8 April 2019

[17] OGPNZ, Expert Advisory Panel, http://ogp.org.nz/open-governmentpartnership/expert-advisory-panel./ These papers are meeting agendas and minutes.

[18] Ibid.

[19] Expert Advisory Panel Meeting minutes, 23 November 2017, https://www.ogp.org.nz/assets/Resources/EAP-new/07bcf7a4f5/ogp-2334148.pdf

[20] Advice from the EAP to the IRM researcher, 9 January 2019.

[21] OGPNZ, Third National Action Plan 2018-2020, http://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/

[22] Transparency International, https://www.transparency.org.nz/newsletter/transparency-times-december-2018/#third-ogp-plan-readied-for-publication

[23] State Services Commission, https://www.research.net/r/OGPConsultation, and Twitter, 27 November 2017.

[24] NZ's action plan 2018-2020, page 43.

[25] Maven Consulting, http://www.consultmaven.co.nz/. Government engaged Maven using government's panel process, an alternative to the Government Electronic Tenders (GETS) open process.

[26] Maven Consulting, Our Work, https://consultmaven.co.nz/about/our-work

[27] OGPNZ, Our Conversation, http://www.ogp.org.nz/our-conversation/

[28] OGPNZ, https://www.opengovpartnership.nz/what-is-an-open-government-partnership-action

[29] OGPNZ, http://www.ogp.org.nz/check-progress/#2018

[30] OGPNZ, Third National Action Plan 2018-2020, https://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/

[31] New Zealand's primary ethnicities are European descent: 74%; Indigenous Maori: 14.9%; Asian 11.8%; Pasifika 7.4%. The national action plan (p8) notes population projections to 2038 that Chinese, Indian, Samoan, and Middle Eastern/Latin American/African population groups will increase, with Chinese and Indian groups doubling.

[32] The IRM researcher interviewed ten Synthesis Workshop attendees: all four current EAP members, one former EAP member and five members of the public who were selected as delegates

[33] Summary of Public Comments, http://www.ogp.org.nz/assets/Publications/0e5de0eeea/Summary-of-Public-Comments-on-draft-Plan-2018-2020-and-Responses.pdf

[34] OGP Third National Action Plan, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf

[35] OGPNZ, Third National Action Plan 2018-2020, https://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/

[36] SSC Report, http://www.ogp.org.nz/assets/Publications/4585c5b791/Report-to-Minister-OGP-National-Action-Plan-2018-20-Finalisation-15-Nov-2018.PDF

[37] OGPNZ, http://www.ogp.org.nz/assets/Resources/eap/9d045fe081/expert-advisory-panel-terms-of-reference-1.pdf

[38] OGP Participation & Co-Creation Standards, https://www.opengovpartnership.org/ogp-participation-co-creation-standards/

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1] The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[2] A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
  - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report.*
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report.*

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Based on these criteria, New Zealand has two potentially starred commitments:
- Commitment 4: Making New Zealand's secondary legislation readily accessible
- Commitment 11: Authoritative dataset of government organisations as open data for greater transparency

Starred commitments

One measure, the "starred commitment" (✪), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:
- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

The action plan describes New Zealand's unique cultural setting: its core founding document, Te Tiriti o Waitangi/the Treaty of Waitangi, signed in 1840;[3] its increasingly diverse society; its tradition of openness since the Official Information Act was enacted in 1982;[4] and its more representative government following the introduction of the Mixed Member Proportional Voting System (MMP) in 1994.[5] It states that understanding, harnessing and making the most of New Zealand's diversity underpin the plan.

The 12 commitments are presented under three themes:

- Theme one: *Participation in democracy*, with four commitments focusing on New Zealanders knowing how government and Parliament work and how they can participate;
- Theme two: *Public participation to develop policy and services*, with two commitments focusing on government, civil society, non-government and other organisations partnering to develop policy and design service processes;
- Theme three: *Transparency and accountability*, with six commitments focusing on better and easier access to government information and services.

The plan lists New Zealand's non-OGP open government work at the central government level, including the Service Innovation Lab, new investigative journalism initiatives, enhanced anti-corruption measures, work to improve the effectiveness of government, a well-being Budget, Treasury's Living Standards Dashboard and Stats NZ's Indicators Aotearoa New Zealand which will measure wellbeing and sustainable development.

The IRM researcher notes that the State Services Commission (SSC) and Expert Advisory Panel (EAP) have advised that local government involvement has been noted for consideration during development of the fourth national action plan 2020-2022.[6]

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[1] "Open Government Partnership: Articles of Governance," OGP, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf
[2] "IRM Procedures Manual," OGP, https://www.opengovpartnership.org/documents/irm-procedures-manual
[3] Signed between the Crown and Māori rangatira/chiefs; https://nzhistory.govt.nz/politics/treaty-of-waitangi
[4] Official Information Act 1982, http://legislation.govt.nz/act/public/1982/0156/107.0/DLM64785.html
[5] Elections, https://www.elections.org.nz/voting-system/mmp-voting-system
[6] OGPNZ, http://www.ogp.org.nz/assets/Publications/0e5de0eeea/Summary-of-Public-Comments-on-draft-Plan-2018-2020-and-Responses.pdf
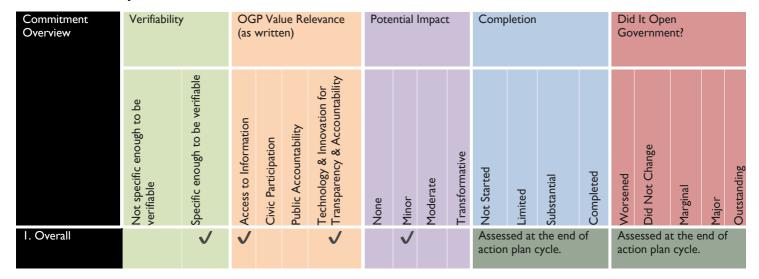
1. Engagement with Parliament[1]

Objective: "To improve public understanding of how Parliament works and engage a greater number of people with its work".

Milestones:

1. "Expand the use of Parliament TV to provide information about Parliament, in addition to coverage of the House";

2. "Make Parliament more interactive by holding three public events every year";

3. "Develop and publish content showing 'real people' start petitions and make submissions to select committees and make the options for having your say transparent and easy to understand";

4. "Develop and enhance a 360 degree Virtual Reality Tour of Parliament".

Start Date: July 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Overall		✓	✓			✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to improve public understanding of how Parliament works and to engage a greater number of people in its work. It is the first time that Parliament has agreed to participate in New Zealand's OGP work. Research commissioned by the Office of the Clerk of the House of Representatives in 2018 with 1,200 New Zealanders, revealed that only 21 percent feel a sense of ownership of Parliament and only 16 percent feel connected to Parliament.[2] Many raised this issue during the development of the action plan.[3] Academic research found that trust in MPs and Government Ministers increased from 46 percent in 2016 to 62 percent in 2018, but only 14 percent had "complete trust" or "lots of trust" in Government Ministers and 12 percent in MPs.[4]

Stats NZ's research found that "if people trust government institutions, they're more likely to take part in government processes. For example, they're more likely to vote".[5] The State Service Commission's regular research into trust in public services found variations by age and ethnicity: trust based on personal experience of public services was high at 79 percent, except for those aged less than 25 years (71 percent), and trust in the public service brand ranged from a top score of 53 percent for those of Asian ethnicity, to 47 percent for NZ Europeans, to 31 percent for Māori.[6]

This commitment picks up existing work delivering Parliament's Engagement Strategy 2018-2021.[7] Its ambition is for people to have easier access to information on how Parliament works, engage with Parliament more, and for Parliament to reach a larger and more diverse audience across more digital and broadcasting channels. It meets OGP's access to information and technology and innovation for openness and accountability values by providing broader access to content, showing people how to

participate in Parliament's business and by using various channels to reach different audiences, including the Parliament website, Parliament TV, Facebook, Twitter, LinkedIn and Instagram.

In response to the above 2018 research result that 26 percent of New Zealanders surveyed viewed or listened to Parliament in the past year, the commitment plans to broadcast Parliament's business more widely by adding new content about Parliament. This would augment Parliament's current seven channel options (free-to-air TV, pay TV, live via the Internet, Radio, YouTube, video on demand from website, and the Virtual House app).[8] It also plans to hold three annual public events to raise awareness that Parliament is for everyone; create and publish content about 'real' people starting Parliamentary petitions and submitting to Parliamentary Select Committees; and create a 360 degree Virtual Reality Tour for future voters to find out what Parliament does.

The milestones are specific enough to allow objective verification. Milestone completion can be measured by new content published and increased TV and social media followers, and future annual research commissioned by the Office of the Clerk will also monitor impact. Parliamentary officials have advised they are considering how to measure growth in the numbers presenting petitions and submitting to Select Committees.[9]

If fully implemented as designed, more people of all ages and ethnicities could know about and engage with Parliament and more generally in their communities. The activities are directly based on 2018 research of 1,200 respondents aged over 18 years, including specific feedback from Māori, Pasifika and youth aged between 16 and 18.[10] Key findings were that only 26 percent of all respondents had viewed or listened to Parliamentary broadcasts in the past year, younger New Zealanders were more likely to be uncommitted to participating in Parliament's democratic processes, 5 percent or fewer of all respondents had visited Parliament on Facebook, Twitter or Instagram in the past year and overall there was low knowledge of how to make a petition or submission to Parliament.

This commitment's potential impact is minor. The numbers viewing the new content on the ETV subscription channel and Parliament TV channel could increase, but, as identified by the 2018 research, Parliament TV does not affect or impact young people or many New Zealanders. Mainstream media will continue to cover Parliament's public events, and event attendees are likely to understand Parliament better. Stories about real people of all ages and ethnicities participating in Parliament's business could have wide impact through social media feeds if received by youth and others not currently engaged.[11] A member of Ara Taiohi, New Zealand's peak body for youth development, advised the IRM researcher that connecting the Virtual Reality Tour to New Zealand's National Certificate of Educational Achievement (NCEA) assessment credit process could have an impact for youth.[12]

Using structured data formats on Parliament's website for Hansard,[13] Order Papers, Lists of Members of Parliament, and Select Committee details would allow machine-readable re-use, enable innovation by technical users and new channels to access core Parliamentary information. This long-term open data issue has been raised with the Office of the Clerk and picked up by individuals and at GovHacks[14] with no visible progress to date.[15]

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends that:

- this commitment is resourced to allow content creators and developers to target uptake across all media and channels;
- content and channel choice are tested and agreed by a range of age, ethnic, professional and social groups; and
- an activity is added to commence work to release Hansard and other core Parliamentary information in structured formats.

The IRM researcher recommends that consideration of a commitment by the Office of the Clerk, Ara Taiohi, the Office of Ethnic Communities and the Ministries of Māori Development and Pacific Communities to encourage more of New Zealand's ethnicities to participate more actively in the business of Parliament is fed into the development process for the next action plan.

[1] OGPNZ National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p15-16.

[2] House of Representatives, Survey of the New Zealand Public, https://www.parliament.nz/media/5555/report-survey-of-the-nz-public-2018.pdf, Colmar Brunton, November 2018.

[3] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf, p1-2

[4] Victoria University of Wellington, Institute for Governance and Policy Studies, 2018 trust in government survey, https://www.victoria.ac.nz/__data/assets/pdf_file/0007/1616380/IGPS-Trust-Presentation-June2018.pdf

[5] StatsNZ, http://archive.stats.govt.nz/browse_for_stats/snapshots-of-nz/nz-social-indicators/Home/Trust%20and%20participation%20in%20government/trust-govt-instit.aspx

[6] Kiwiscount 2017, SSC, June 2018, http://www.ssc.govt.nz/sites/all/files/2017-kiwiscount-ar-v2.pdf

[7] Parliament Engagement Strategy, https://www.parliament.nz/media/5268/parliament-engagement-strategy-2018-2021.pdf

[8] New Zealand Parliament, https://www.parliament.nz/en/watch-parliament/. The company "eCast" clips live Parliamentary sessions which are added to Parliament's In the House YouTube channel and the Parliamentary TV website for public access.

[9] Email advice to the IRM researcher, 20 February 2019.

[10] Survey of the New Zealand Public, 1200 New Zealanders were surveyed, including 1000 aged over 18 years (including 170 indigenous Maori, 70 Pacifica) plus 200 16-18 year olds.

[11] Interview with 'TheHouse' journalists, 4 February 2019. They report daily on Parliamentary business when in Parliament is in session.

[12] Advice from a member of Ara Taiohi, NZ's peak body for youth development, 27 February 2019.

[13] New Zealand Parliament, Hansard Reports, https://www.parliament.nz/en/pb/hansard-debates/rhr/

[14] Open Voices project from GovHack 2017, https://2017.hackerspace.govhack.org/project/open-voices parsing Hansard to Akoma Ntoso XM. Other examples include They Work For You by Rob McKinnon, Open New Zealand, http://groups.open.org.nz/r/topic/23yZenGQ9Vgg88hTfSnScY; National Digital Forum, https://ndf2018.sched.com/event/ExDs/parsing-parliament-parliaments-proceedings-as-researchers-data; Open New Zealand, http://groups.open.org.nz/r/topic/7pIPsJ40EDt2gfqMDFKjOD, and GitHub, https://github.com/Br3nda/legislation

[15] Interview with Jonathan Hunt, IT developer, and synthesis workshop delegate, 11 February 2019.

2. Youth Parliament[1]

Objective: "To improve understanding among young people of how Parliament works and to highlight topics that matter to young people, the Ministry of Youth Development will work with the Office of the Clerk and the Speaker of the New Zealand House of Representatives to deliver an enhanced Youth Parliament 2019."

Milestones:

1. "Widely promote the opportunity to submit to the ten planned Youth Parliament select committee hearings ahead of the July Youth Parliament event to a diverse range of young people";

2. "Hold two-day Youth Parliament event";

3. "Explore (with the Ministry of Education) how footage of Youth MPs speaking in the debating chamber of the NZ House of Representatives could be utilised as part of a civics or citizenship educational resource for schools";

4. "With the Office of the Clerk of the House of Representatives maximise opportunities to profile Youth Parliament via social media channels";

5. Circulate Youth Parliament select committee reports to policy agencies relevant to the topics discussed and publish them on the Ministry of Youth Development's website as soon as they are available after the Youth Parliament event.

Start Date: October 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓	✓	✓		✓		✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to improve young people's understanding of how Parliament works by delivering an 'enhanced' Youth Parliament in 2019.[2] At the time of the 2017 General Election, just under 50 percent (230,107) of the estimated 460,890 young people in Aotearoa New Zealand aged 18-24 years did not vote.[3] The Children's Commissioner said in 2018 that one of his biggest concerns is that youth voices are not heard: "Voter turnout showed young people were the least engaged in New Zealand's democratic process and we needed to do better as a country."[4]

This commitment seeks to address this issue which the public also raised during the development of the action plan.[5] The Youth Parliament event, held every three years (NZ's parliamentary term) since 1994,[6] provides young people with the opportunity to learn and share information about New Zealand's democracy by holding a Youth Parliament in the House of Representatives when the House is not in session, holding select committee hearings and carrying out other electoral activities. From 1 March to 31 August 2019, 120 young people (each representing a current Member of Parliament (MP)) will replicate the work of existing MPs and attend a two-day Youth Parliament, and

20 Youth Press Gallery journalists will report on this work. Topics submitted by young people and ranked by the Multi-Party Steering Committee and Youth MPs will be discussed at Youth Parliament select committees and in a legislative (mock bill) debate. The Youth MPs will lead projects and hold other public events over the six months.[7] Government hopes that the longer duration of the event this time will mean connection with more youth.

The commitment's ambition is the Youth Parliament's ambition: to replicate the Parliamentary process, involve as many young people as possible, maximise the event's educational opportunities, enhance Parliamentary public relations and pass on Youth MPs' views to government policy agencies. It meets OGP's access to information, civic participation, and technology and innovation for openness and accountability values by broadcasting the Youth Parliament and creating and publishing resources, public engagement activities, and by using technology to show how Parliament works.

Proposed actions are the Youth Parliament and related activities, exploring how to utilise its broadcast outputs for civics education, profiling the Youth Parliament via social media channels and placing topics of importance to youth before government's policy agencies.

While the milestones are specific enough to allow objective verification, the addition of clear indicators of success would add specificity and strengthen the commitment. If fully implemented as designed, more youth and members of the public will know how Parliament and the Press Gallery work, the civics education curriculum and social media will cover real-time Youth Parliament and Youth MPs, and policy agencies will be well-briefed about youth's issues.

Youth Parliament is well covered by television and newspapers. Some parliamentary journalists felt that, "while the event is spectacular, it only appeals to parliamentary geeks which is not the way to reach all young people".[8] Stakeholders applauded the longer six-month term and all want its coverage to be an everyday social media profile. A youth development professional praised the work, saying it provides a "regionally diverse group of young people who go back and engage in their regions", and felt more youth development was needed in the programme.[9]

The commitment will have minor potential impact through continuing to extend its reach and its longer timeline. Long-term impact will depend on its influence after the events, associated work with other groups of youth, and civics education during compulsory schooling. Several stakeholders suggested that legislative change enabling students to pre-register to vote while still attending school could contribute to more engagement and voting.

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends work to:

- provide clear indicators of success for this commitment; and
- consider how current MPs' promotional videos developed for encouraging 2019 Youth Parliament applications can be used more widely.

The IRM researcher recommends that consideration of a commitment to strengthen the current ability for school-age students to pre-register to vote is fed into the development process for the next action plan.

[1] OGPNZ National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p16-17.
[2] Briefing for Incoming Minister, Youth, https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/corporate/bims/2017/youth-bim-2017.pdf; p10; Ministry of Youth Development, http://www.myd.govt.nz/young-people/youth-parliament/youth-parliament-2019.html
[3] Email advice to the IRM researcher from the Ministry of Youth Development, 12 February 2019.
[4] NZ Herald, https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12003769
[5] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf, p1-2.
[6] The 1994 Youth Parliament commemorated 20 years since the voting age was reduced to age 18.
[7] Ministry of Youth Development, http://www.myd.govt.nz/young-people/youth-parliament/youth-parliament-2019.html

[8] 4 February 2019 interview with TheHouse journalists who report daily on Parliamentary business when Parliament is in session.
[9] Advice from a member of Ara Taiohi, NZ's peak body for youth development, 27 February 2019.

3. School Leavers' Toolkit[1]

Objective: To develop a Schools Leavers' Toolkit, comprising a suite of tools, resources and curriculum supports making it much simpler for schools to:

- Integrate civics, financial literacy and workplace competencies into their local curriculum;

- Understand and respond to learners' levels of civic and financial literacy, and work readiness;

- Effectively teach civics, financial literacy and workplace competencies.

Milestones:

1. "Stocktake of existing Toolkit resources complete";

2. "Ministers consider Ministry of Education analysis of opportunities to support expanded access to Toolkit opportunities";

3. "Exploratory co-design phase concludes and is used to inform detailed implementation support plan";

4. "Pilot implementation reporting and evaluation complete".

Start Date: June 2018

End Date: November 2019

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to create a School Leavers' Toolkit to help students learn civics, financial literacy and workplace skills before leaving compulsory schooling, and which will be a key resource for their teachers. It considers the issue that many young people leave school unprepared to participate actively in the community, which is seen as a factor in low youth enrolment and voting at general and local elections.[2] Research commissioned by the Office of the Clerk of the House of Representatives in 2018 revealed that 76 percent of the 1,200 surveyed agree that schoolchildren should be taught about Parliament and the democratic process as part of the curriculum.[3] The IRM Progress Report on the 2016-2018 action plan recommended introducing citizenship education to increase democratic participation.[4] Civics education was a top submission for this action plan.[5]

While civics, financial literacy and workplace skills fall within NZ's social studies curriculum, many schools and kura (schools where lessons are generally taught in the Māori language) do not include them in their local curriculum. Academic research reveals that teachers are only moderately confident teaching aspects of civics such as legal, political and constitutional topics and that schools vary in their understanding of what should be taught.[6] A civics and citizenship summit, run by civil society in November 2018, considered this issue in depth.[7] This School Leavers' Toolkit where students "learn how our political system operates through civics education at school" was a 2017

election pledge by the NZ Labour Party,[8] and received initial funding of $1.7m for "design work" in the May 2018 budget.

The Toolkit employs a flexible approach that will allow teachers to create tailored resources that students will be able access directly. The commitment meets OGP's access to information and civic participation values by creating a public resource and releasing it on student and school-facing websites and co-designing its implementation with young people to ensure the community is at the forefront. The Ministry of Education (the Ministry) will stock-take existing resources, report to Ministers, and, with youth, co-design, test and evaluate a pilot Toolkit implementation which will include resources in English and Te Reo (Māori language).[9]

The action plan's milestones are specific enough for objective verification. If fully implemented as designed, teachers and students will have access to civics education resources, and implementation planning will be completed and tested. The commitment's potential impact will be minor as the toolkit is only a stock-take and this stage of the work is a pilot. Experts whom the IRM researcher interviewed supported this work and offered advice on the next steps. A youth development professional sought more sustained civics learning to engage youth and rigorous exploration of New Zealand's bicultural issues, citing Austria's strong citizenship education programme and Canada's complementary work with charities.[10] This was endorsed by academics, with one noting that the commitment as written has no practical component which "gives students the values and skills that support a democracy,"[11] though the toolkit website notes that it will be updated with details on what schools can use to implement the program at a later date to provide a functional aspect to the toolkits.[12] Training teachers to teach civics and engaging experts to design resources for specific ages and ethnicities would enable more lasting outcomes.[13] An expert proposed that a Professional Development Hub lead this work so teachers can talk about, share and reassemble their work, and affirmed the use of the curriculum website Te Kete Ipurangi[14] to show how practitioners are teaching civics education, thereby inspiring other teachers to teach it.[15]

Further funding was allocated in the 2019 Budget.[16] Government advises that Phase Two of this work includes training for teachers to use the new civics education resources and guidelines for schools on how integrate Toolkit learning into their local curricula and that the Ministry will also implement an evaluation programme to measure the impact of Toolkit tools and resources.[17]

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, given Budget 2019's allocation of further funding, the IRM researcher recommends that:

- the Ministry also publishes the Ministry's School Leavers' Toolkit Phase Timeline for further specificity;
- the Ministry releases a Request for Interest from teachers in creating the Toolkit;
- a new activity is added to require and drive schools and kura to learn about and apply the School Leavers' Toolkit; and
- trainee and practising teachers are taught how to teach civics education.

The IRM researcher recommends that a commitment to measure the success of schools' and kura use of the Schools Leavers' Toolkit for effective civics education is fed into the development process for the next action plan.

[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p18-19.

[2] NZ Political Studies Association, Our civic future: civics, citizenship and political literacy in New Zealand: a public discussion paper. 2018: p12, https://nzpsa.com/resources/Documents/Our%20Civic%20Future.pdf

[3] Pre-publication survey of the New Zealand public: Colmar Brunton, November 2018; 20 November 2019.

[4] OGP, IRM, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf

[5] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf, p1-2.

[6] Wood, B.E. and Milligan, E. (2016) Citizenship education in New Zealand policy and practice. Policy Quarterly: p65-73, https://ojs.victoria.ac.nz/pq/article/view/4599/4088, and endorsed in the IRM researcher's interview with Dr Bronwyn Wood, Victoria University of Wellington, 14 February 2019.

[7] https://www.publicgood.org.nz/2018/11/13/invitation-to-education-and-political-literacy-in-new-zealand-civics-and-citizenship-summit/; run by New Zealand Political Studies Association (NZPSA). Related paper, Our Civic Future, https://www.nzpsa.co.nz/resources/Documents/Our%20Civic%20Future.pdf

[8] The Standard, https://thestandard.org.nz/labours-school-leavers-toolkit/

[9] Set out in the School Leavers' Toolkit Phase Timeline, emailed to the IRM researcher, 1 February 2019.

[10] Advice from a member of Ara Taiohi, NZ's peak body for youth development, 27 February 2019.

[11] Interview with Dr Bronwyn Hayward, Associate Professor, University of Canterbury, 11 February 2019.

[12] School Leavers' Toolkit, http://www.school-leavers-toolkit.tki.org.nz/

[13] NZPSA, https://nzpsa.com/resources/Documents/Our%20Civic%20Future.pdf, p12.

[14] Te Kete Ipurangi, https://www.tki.org.nz/

[15] Advice from a senior researcher, School of Government, Victoria University of Wellington, 18 February 2019.

[16] $3,500.000 was allocated in the 2019 Budget, https://www.budget.govt.nz/budget/docs/estimates/v2/est19-v2-educ.doc

[17] State Services Commission advice to the IRM, 12 August 2019.

4. Making New Zealand's secondary legislation readily accessible[1]

Objective: "To make New Zealand's secondary legislation readily-accessible".

Ambition: "This commitment will continue the work that was started in the National Action Plan 2016-2018. Parliamentary Counsel Office will work with the makers of secondary legislation to gather information about their secondary legislation and make it available on the New Zealand Legislation website.[2] As a first step New Zealanders will be able to access a complete list (and related information) of current secondary legislation, including where the full text can be found".

Milestones:

1. "Compile a complete list of makers of secondary legislation";

2. "Engage with makers of secondary legislation to:

- encourage them to create a list of their secondary legislation in preparation for the commencement of the Legislation Bill "list" duty;

- advise them of additional information about their secondary legislation that will be required to accompany the list;

- encourage them to make their current in-force legislation publicly available on a website";

3. "Creation of technology and processes to enable lodgement and publication of information on the NZ Legislation website".

Start Date: October 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓	✓			✓				✓	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to make New Zealand's secondary legislation, excluding that created by local authorities and council-controlled organisations, easy to find. Typical secondary legislation comprises most regulations and rules, and many notices, orders, determinations, and warrants,[3] published in the New Zealand Gazette, newspapers and websites, or not at all. Much of this secondary legislation is not available in open machine-readable formats or published at all.[4]

This commitment is the next stage of OGP Starred Commitment 6 of the 2016-2018 action plan[5] which continued earlier work to address the issue that much of New Zealand's secondary legislation is not easy to find. This is the Parliamentary Counsel Office (PCO)'s Access to Secondary Legislation Project, whose goal is to create a single authoritative source of all secondary legislation to address major issues identified by several reviews.[6] This commitment's ambition is to have a full list of secondary legislation on the legislation website[7] with a hyperlink to the owner's website where the full text is currently found. This secondary legislation is not drafted by PCO but made by around 160 mostly non-central government bodies. Local government legislation and by-laws are excluded. This

interim procedure requested by Parliament's Justice Select Committee on 1 June 2018 provides improved public access on the NZ legislation website to a list of the secondary legislation.

This work will improve access to and transparency of secondary legislation and subject it to review by Parliament's Regulations Review Committee. It meets OGP's access to information and technology and innovation for openness and accountability values by providing open access to information and preparing the new infrastructure, technology and drafting processes to enable full text publication on the NZ Legislation website. This commitment comprises the preliminary work to prepare for future full publication on the NZ Legislation website. A future stage will introduce a standard drafting template and require publication through a secure online portal.

The resulting single source for primary and secondary legislation will enable the public to understand more readily what government does and help them influence decisions.

PCO will compile a list of all makers of secondary legislation and encourage them to publish this legislation on their websites at this stage, and to list it also with the PCO. The PCO will publish the list on the Legislation website and create the IT infrastructure and processes for lodging it on the New Zealand legislation website once the enacting legislation is passed.

If fully implemented as designed, this commitment could have transformative impact as government, firms and the public will be able, for the first time, to access an authoritative list of and links to secondary legislation created under the delegated law-making of Parliament. This single list will enable the public to understand and meet their regulatory rights and obligations more easily. The New Zealand Law Society[8] advised the IRM researcher in 2017 that this work will have 'considerable consequential benefits in improving the quality of legislative instruments and public confidence in the law-making process'. The Law Society had recommended in 2014 that Parliament's Regulations Review Committee 'consider proposing the adoption of a register of legislative instruments to ensure enforceability, publicity and notification of legislative instruments'.[9]

The activities are specific but the dates are general due to this work being dependent on Parliament enacting the Legislation Bill and a companion Secondary Legislation (Access) Bill which is expected to be introduced to Parliament in December 2019.[10] This Bill will make about 4,000 amendments to 600 Acts. Milestone 3 will only be needed if these two Bills are enacted and commenced. Completion also relies on the secondary legislation makers completing their work in the allotted time. All need to publish online their various rules, notices of appointments, declarations, etc., in some cases, for the first time. As some agencies have no publishing experience, they have to prioritise this work over other commitments and resource and train law drafters to publish online. The New Zealand Transport Agency, a maker of secondary legislation, advises that a cross-government benefit has been the creation of a drafting practice group which shares advice and experience.[11] Others want interpretation guidance included in this commitment's scope.

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends work to:

- carry out the next stage of the Access to Secondary Legislation Project - publishing the full text of each piece of secondary legislation on the NZ Legislation website. This will require new activities, completing the PCO's IT technology and process work, and depends on Parliament enacting and commencing the Bills currently before it; and to
- carry out Cabinet's directive to the Department of Internal Affairs to explore options for making local authorities' legislation and by-laws more accessible to users.[12]

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[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p20-21.
[2] New Zealand Legislation, http://www.legislation.govt.nz/
[3] Parliamentary Counsel Office, www.pco.govt.nz/about-legislation/

[4] OGP, IRM, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf; p49.

[5] OGPNZ, National Action Plan 2016-2018, http://www.ogp.org.nz/assets/Publications/953677eaeb/New-Zealand-Action-Plan-2016-2018-updated.pdf; p14-15.

[6] Parliamentary Counsel Office, http://www.pco.govt.nz/access-project-why

[7] New Zealand Legislation, http://legislation.govt.nz/, provides open machine-readable formats of up-to-date versions of NZ Acts, Bills (proposed Acts), and Legislative Instruments drafted by the Parliamentary Counsel Office.

[8] The New Zealand Law Society was established by statute in 1869 to control and regulate the practice of the profession of law in NZ and assist and promote the reform of the law (for the purpose of upholding the rule of law and the administration of justice. See the Lawyers and Conveyancers Act 2006.

[9] NZ Law Society, e-mail to IRM researcher, 12 September 2017.

[10] Parliamentary Counsel Office. Advice to the IRM researcher, 22 July 2019

[11] New Zealand Transport Agency, interview with IRM researcher, 22 November 2019.

[12] OGPNZ, https://www.opengovpartnership.org/wp-content/uploads/2018/11/New-Zealand_End-term_Self-Assessment-Report_2016-2018.pdf, page 31.

5. Public participation in policy development[1]

Objective:

"The Department of the Prime Minister and Cabinet (DPMC) will assist the New Zealand public sector to develop a deeper and more consistent understanding of what good engagement with the public means (right across the International Association of Public Participation's spectrum of public participation)".

Milestones:

1. "Extend existing Policy Method's Toolbox public participation guidance[2] to include a decision tool that will assist agencies and Ministers to:

- Choose the appropriate engagement approach on the public participation spectrum when they tackle a specific policy or service design issue;
- Understand the characteristics and enablers of effective public participation at whichever point on the spectrum they choose;
- Ensure that the engagement approaches selected appropriately include and reflect the diversity of those interested and affected by the policies.";

2. "Develop and share recent case studies documenting New Zealand innovation success stories in public participation in the policy development process";

3. "Identify a 'live' policy issue in which to trial public engagement in policy development that is higher on the public participation spectrum than inform or consult, as a demonstration project";

4. "Widely disseminate the results of the above actions".

Start Date: October 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is for all public sector departments and agencies to understand clearly what good public engagement means and to apply that knowledge when inviting the public to participate in policy creation. It considers a key issue raised during engagement on the action plan and earlier: that co-design of government policies and services with New Zealanders of different cultures, ages, genders and localities is rare.[3] These submissions reinforced concern expressed in the IRM progress report on the 2016-2018 action plan that the Department of Prime Minister and Cabinet (DPMC) was developing Commitment 7's Policy Methods Toolbox only with and for policy agency colleagues and not consulting with the public.[4] Subsequently, DPMC consulted the Expert Advisory Panel, which advised that the guidance was fit-for-purpose and endorsed a key

recommendation by the IRM researcher to develop standards for public consultation on policy initiatives.[5]

This commitment picks up on that recommendation and embarks on foundation work by DPMC to fundamentally change how government agencies create policy and engage with the public. The then Head of the Policy Profession[6] said in December 2018:

> "*There are many potential benefits of government actively drawing citizens more into its policy decision-making processes, including: gaining more insight into the impacts and causes of policy issues, and the nature of policy opportunities, a fuller appreciation of possible policy options [and] a better understanding of the likely benefits, costs and risks of all policy options.*
>
> *Collectively, these insights can markedly improve the quality of our advice … Done really well, our engagement with the public and key stakeholder groups can have another important benefit: mobilising support for implementation – with implementation then happening more smoothly as a result".*[7]

This work meets OGP's access to information and public participation values by releasing new government guidance on public engagement and addressing the broader operating environment to enable participation in civic space. DPMC will add an engagement approach decision tool to the Policy Methods Toolkit for government policymakers to develop and share success stories of public participation in policy development, trial public engagement in policy development at the International Association for Public Participation's (IAP2) Spectrum of Public Participation level above 'inform' or 'consent',[8] and disseminate results. This guidance could be read with the Guide for Central Government Engagement with Local Government, released and published online in June 2019, following DPMC work with a working group of central and local government representatives.[9] The Cabinet Guide has been updated to link to that guidance from within the consultation section.[10]

The milestones are specific enough to verify objectively. If fully implemented as designed, this commitment would have only a minor impact on policy creation unless usage of the Toolkit is made mandatory in the Cabinet Manual. Then engaging the public in policy creation would become the norm. They would acquire expertise through these activities and by using the guidance developed by DPMC. Transformational change could follow a trial at IAP2's top level of 'empower', which would test the wisdom of the crowd and any agency concerns that have been precluding engagement at this level. Full evaluation would also be needed, in addition to the planned case studies.

Next steps

While this guidance might encourage more co-creation of policy, the IRM researcher was advised that without a lot more work guidance by itself does not have a history of making change without leadership, a direction to change, training and action.[11] This view supports another stakeholder's recommendation that DPMC's 'live' policy trial tests policy co-creation at the IAP2 'empower' level.[12] Government advises that as part of the discovery phase of the work on the public participation guidance and decision tool, it is considering the wider issues that act as barriers for effective engagement with the public and identifying initiatives outside of guidance that could support greater participation in policy making.[13] This analysis needs to consider whether standards for public consultation on policy initiatives are still needed.

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends that:

- The DPMC considers supplementing this commitment and increase impact by building capacity to understand and apply the Toolkit. This new work would give further strength to the work of the Policy Project.

The IRM researcher recommends that in future action plans, if this commitment is carried over, consider including elements such as:

- continue to apply IAP2 co-creation policy, create Cabinet Guidance, and train policy staff;
- Develop minimum standards for government consultation exercises, such as providing adequate timeframes for the public to effectively engage with consultations;
- measure policy agencies' uptake of the Policy Methods Toolkit; and,
- with civil society, evaluate whether this form of public engagement has made implementation of policies smoother, as anticipated by the Head of Policy Profession in December 2018.

[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p24-26.

[2] DPMC, Policy Methods Toolbox, https://dpmc.govt.nz/our-programmes/policy-project/policy-methods-toolbox-0

[3] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf; p4-9.

[4] OGP, IRM, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf, p53.

[5] OGPNZ, National Action Plan 2016-2018, http://www.ogp.org.nz/assets/Publications/52cf8fb192/National-Action-Plan-2016-18-End-term-Self-assessment.pdf, p34.

[6] DPMC, The Head of the Policy Profession, https://dpmc.govt.nz/our-programmes/policy-project/policy-community/policy-leaders/head-policy-profession

[7] The Future of the Policy Profession, p12, https://dpmc.govt.nz/sites/default/files/2019-01/Future%20of%20the%20Policy%20Profession%20speech%20and%20presentation%20Dec%202018.pdf

[8] IAP2, https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf

[9] DPMC, Guide for central government engagement with local government. https://dpmc.govt.nz/sites/default/files/2019-06/Engagement%20guidance%20final%2020.6_1.pdf

[10] DPMC, Cabinet Guide. https://dpmc.govt.nz/publications/guidance-central-government-engagement-local-government

[11] Simon Wright, Public Engagement Projects, 30 January 2019.

[12] Advice from a senior researcher, School of Government, Victoria University of Wellington, 18 February 2019.

[13] State Services Commission advice to the IRM, 12 August 2019

6. Service design[1]

Objective: *"To develop an assessment model to support implementation of the all-of government Digital Service Design Standard (the Standard)[2] by public sector agencies. The Standard provides the design thinking to support the objective of New Zealanders being able to work collaboratively with government to shape the design of public services."*

Milestones:

1. "Identify suitable assessment (conformance) models for supporting agency uptake of the standard, including options for assessment and measurement of performance against the standard";

2. "Publication of preferred assessment model for implementation";

3. "Public engagement on a refresh and review of the Digital Service Design Standard".

Start Date: October 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to develop an assessment model to support implementation of the government's 2018 Digital Service Design Standard (the Standard), which is a "set of principles and guidance encouraging public sector agencies to transition to "a more user-centric driven mode of delivery".[3] The commitment contributes to an issue publicly expressed, including at action plan workshops, that all-of-government services are not user-centred and often require knowledge of which agency is delivering the service they wish to use,[4] despite government's extensive work to address this issue.[5]

The Department of Internal Affairs (DIA) seeks to measure whether agencies' uptake of the Standard and subsequent performance meet the commitment's ambition that people experience more responsive, open, citizen-centred, user-focused service delivery. This work meets the OGP's access to information value and, following clarification from DIA that Milestones 1 and 3 engage with the public on the assessment model, the civic participation value.[6]

DIA will identify assessment and measurement models, publish the preferred model for agencies to implement and then engage with the public on implementation of the assessment model ahead of the refresh and review of the Standard. All the milestones are specific enough to verify following DIA's clarification that Milestone 2 will implement the 'preferred' assessment model and about Milestone 3, as noted above.[7]

Many stakeholders are concerned that implementation of the Standard is not mandatory and recommend parallel work in this commitment to lead implementation of the Standard.[8] Otherwise they see no reason for assessment and measurement. Government advises that this assessment

commitment is only one of the initiatives that will support the implementation of the standard though.[9] If the commitment is fully implemented as designed, and with parallel action to implement the Standard across the public sector, these assessments will indicate whether system change is taking place and whether more agencies are designing more "responsive, open, citizen-centric and user-focused" services. Without active parallel implementation of the Standard, only minor impact is likely as there will be no need to assess the agencies that chose not to adopt the Standard.[10]

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends that:

- the title of this commitment is changed to "Digital service design" as this would replicate the language of the parent Digital Service Design Standard;
- there is parallel implementation of the Digital Service Design Standard in order to prepare for subsequent useful assessment and measurement.

The IRM researcher recommends that consideration of a commitment to engage with the public to evaluate whether government services are more responsive, open, citizen-centric and user-focused as a result of the Digital Service Design Standard and assessment model is fed into the development process for the next action plan.

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[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p26.

[2] Digital Identity, https://www.digital.govt.nz/home/digital-design-service-standard/

[3] Digital Service Design Standard, https://www.digital.govt.nz/standards-and-guidance/digital-service-design-standard/

[4] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf, p4-7.

[5] https://www.ict.govt.nz/.

[6] Digital Service Design Standard, Assessment & Support Model, https://discuss.digital.govt.nz/g/fzbqiPmy/digital-service-design-standard-assessment-support-model

[7] DIA and SSC advice to IRM Researcher on 25 February 2019.

[8] Discussions with NZGov Tech, 18 February 2019.

[9] State Service Commission advice to the IRM, 12 August 2019

[10] Conversation with NZRise, 23 January 2019.

7. Official Information[1]

Objective: "To improve the availability of official information by providing advice to the Government on whether to initiate a formal review of official information legislation; and progressively increasing the proactive release of official information by publishing responses to requests for information made under the Official Information Act 1982 (OIA).

This commitment builds on work, undertaken as part of the National Action Plan 2016-2018, on official information to make information more accessible, which promotes good government and trust and confidence in the State Services".

Milestones:

1. "Test the merits of undertaking a review of the Official Information Act 1982 and provide and publish advice to Government";

2. "Achieve a measurable increase in the proactive publication of official information request responses";

3. "Implement a policy to publish Cabinet papers proactively within 30 days of final decisions, unless there are good reasons to withhold specific papers".

Start Date: October 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Overall		✓	✓	✓	✓			✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment's objective is to improve the availability of official information by advising government on whether to initiate a formal review of official legislation and by progressively releasing more responses to OIA requests. Its aim is for the public to have confidence in government's regulation of information and equitable access to OIA request responses. The commitment responds to ongoing public and international concern about the age of the OIA and availability of online responses to OIA requests.[2,3] Previous IRM reports documented these issues and recommended extending the OIA's scope to include the Office of the Clerk, Parliamentary Services and Officers of Parliament, while retaining parliamentary privilege, in line with recommendations of the Law Commission and others, and building on administrative change since then, such as the Parliamentary Privilege Act 2014.[4]

The Global Right to Information Rating for New Zealand is 51 out of 123 countries and states in August 2019:

> "New Zealand's access regime is one that, according to our information, functions better in practice than its legal framework would suggest. The law's major problems include its limited scope (it does

not apply to the legislature, the courts, or some bodies within the executive) and the fact that it allows information to be classified by other laws ".[5]

The Ministry of Justice (MOJ) and the State Services Commission (SSC) will test the merits of undertaking a formal review of the OIA and provide and publish their advice to government, drive increased proactive release of responses to OIA requests and implement government policy to publish Cabinet Papers proactively within 30 days of final decisions unless there are good reasons to withhold specific papers. The activity to release Cabinet Papers is an unexpected milestone as it is beyond the commitment's objective.

MOJ and SSC officials advised the IRM researcher on 18 February 2019 that they are seeking approval from the Minister of Justice for Milestone 1 activity to involve 'targeted engagement with groups with expertise in the OIA, plus some government departments and media commentators". This expanded on the Minister of State Services' advice as set out in his Cabinet Paper[6] and the Cabinet minute relating to proactive release.[7] They also advised that they would also invite public submissions on the Ministry of Justice's consultation website, but they did not plan any campaign alerting the public to this invitation. They did not envisage "big public consultation with people and bodies".[8] They expected Milestone 1 work to be completed in June 2019.

Most stakeholders commenting on this commitment felt the OIA review work is a limited and unambitious step towards OIA reform and expressed concern about its limited public engagement. They want public clarification of what the term "test the merits" means, details of the measures that MOJ and SSC plan to use to test the merits, and any decisions following government's response added to this commitment's scope.[9] They sought a full review, addressing implementation issues such as political interference, frivolous questions, a Centre of Expertise for agencies responding to questions and adoption of the Law Commission's recommendations as described above. They applauded the recent work by the State Services Commission and the Office of the Ombudsman to improve agencies' practice responding to routine OIA requests.

Proactive publication of OIA request responses increases the availability of official information; and publishing Cabinet Papers realises the previous and current governments' pledges. The commitment meets OGP's access to information and public accountability values as it pertains to government-held information, and by publishing responses to requests for information made under the OIA, officials could disclose non-sensitive information that calls upon specific agencies to justify their actions. The Minister of Justice's plan to carry out targeted engagement meets OGP's narrower public participation value.

All milestones are specific enough to verify. MOJ advises Milestone 1 will continue as planned despite the Privacy Bill's late report-back to Parliament on 13 March 2019, and the SSC confirms it has added measurement of Milestone 2 to the six-monthly OIA statistics it releases.[10] Stakeholders recommend also adding measurement of Cabinet paper releases.[11]

If Ministers and all agencies subject to the OIA fully implement Milestones 2 and 3 as designed, the Commitment's potential impact will be minor. This prediction is based on the results of 2016-2018 action plan's Commitment 2.[12] Transformational change depends on Milestone 1's advice to government and government's subsequent decision. Stakeholders want OIA reform to address the effects of the 'no surprises policy', extend proactive release classes, set non-compliance penalties, and develop an OIA release platform.

Next steps
If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends that:

- the limited scope of Milestone 1 is expanded to become a full review covering the matters raised in all of New Zealand's OGP IRM reviews and by stakeholders interviewed for this report;
- measures are taken to deepen and increase engagement with civil society;

- should Milestone 1 continue, new activities which set out next steps following government's response to Milestone 1's advice are drawn up;
- implementation of Milestone 3 is measured, as set out in the Cabinet Paper; and the IRM encourages new activities during implementation to:
    - acknowledge the required report back to Cabinet on the proactive release of Cabinet Papers policy and its effectiveness by 1 December 2019; and
    - for the SSC and the Department of Internal Affairs to work on a possible centralised platform for the release of OIA information.[13]

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[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p30-31.

[2] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf, p15-16.

[3] https://www.transparency.org.nz/wp-content/uploads/2019/05/National-Integrity-System-Assessment-2018-update-full-report.pdf; NZ Council for Civil Liberties, https://nzccl.org.nz/content/a-better-official-information-act

[4] OGP, IRM, https://www.opengovpartnership.org/sites/default/files/New-Zealand_End-Term_Report_2016-2018.pdf

[5] Centre for Law and Democracy, https://www.rti-rating.org/country-data/New%20Zealand/

[6] Minister of State Services. http://www.ssc.govt.nz/assets/Legacy/resources/cabinet-paper-strengthening-proactive-release-requirements-20180903.pdf

[7] Cabinet Minutes, http://www.ssc.govt.nz/sites/all/files/cab-18-min-0418-20180903.pdf, paragraph 11.

[8] IRM interview with MOJ and SSC officials, 18 February 2019.

[9] IRM interviews with EAP, Dave Lane, Chairperson, NZ Council for Civil Liberties, Andrew Ecclestone, Dr Miriam Lips, NZGov Tech, Dr Rowena Cullen, Craigie Sinclair, Dr Koenrad Kuiper, between 9 January and 4 March 2019.

[10] SSC, OIA Statistics,http://ssc.govt.nz/official-information-statistics

[11] Discussions with NZGov Tech, 18 February 2019.

[12] https://www.opengovpartnership.org/wp-content/uploads/2019/03/New-Zealand_End-Term_Report_2016-2018.pdf

[13] Cabinet paper, http://www.ssc.govt.nz/sites/all/files/cabinet-paper-strengthening-proactive-release-requirements-20180903.pdf

8. Review of government use of algorithms[1]

Objective: To increase the transparency and accountability of how government uses algorithms.

Milestones:

1. "Complete an initial review of existing operational algorithms and their use across a range of government agencies";

2. "Consider next steps for all-of-government assurance related to the use of algorithms in collaboration with Civil Society representatives";

3. "Update this commitment (and its milestones) to reflect progress made in previous milestones".

Start Date: June 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall		✔		✔				✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The commitment's objective and ambition are to increase transparency and accountability around government's use of algorithms by ensuring the public is informed about and has confidence in their use. It notes that there is no agreed cross-government approach to algorithms or the decisions that they support. This supports views expressed by submitters and participants during the development of the action plan that government's use of algorithms needed to be more transparent and accountable,[2] with one commenting that "it is disempowering to citizens to be subject to digital processes that are opaque and may contain hidden biases and assumptions".[3] The feedback reinforces the importance of the topic and the mutual desire to increase transparency and accountability.

This is work that Stats NZ and the Government Chief Digital Officer started in May 2018 following advice to Ministers that many government agencies already use data modelling and algorithms to assist with decision making; there is a need to ensure algorithms are used appropriately, ethically, and free from bias; and there is no centralised record of these tools and the decisions that they support.[4] As this work is a new field its initial scope is limited and needs to be broadened and specified based on the initial review. It meets OGP's value of civic participation as the commitment will collaborate with civil society representatives to consider the next steps regarding the use of algorithms.

The work involves completing an initial review,[5] working with civil society representatives to consider the next steps for all-of-government assurance of the use of algorithms and subsequent actions arising from progress of Milestones 1 and 2. Following Stats NZ's advice that they will report publicly on Milestones 2 and 3 and that Milestone 3 is a holding place for adding subsequent activities through to June 2020,[6] the IRM researcher concludes the milestones are specific enough to verify.

External algorithm experts advised the IRM researcher that the initial review's approach for 14 agencies to self-identify their algorithms was minimal and lacked depth.[7] Another noted the lack of a full list, the omission of some important algorithms, the need for more public debate about the ethics, and requested a specific timeline for reporting to Ministers.[8] Looking ahead to milestones 2 and 3, these stakeholders expect government policy mandating that all algorithms used by government are known, catalogued in a register and transparent; work done to increase officials' capability to understand what algorithms do and develop skills to update them; and that government has an open first policy with guidelines for open algorithms across government.[9] Others sought assurance that this work would achieve the trust sought by government, and were pleased it would build on the Principles for the safe and effective use of data and analytics, released by the Privacy Commissioner and the Government Chief Data Steward in May 2018.[10] They supported an auditable process assessing risk and other security-related factors. Another noted that the Data Futures Partnership, which gave advice in this area, is no longer operating as it was established for a specific length of time and felt that this commitment as written does not engender trust.[11] Others noted artificial intelligence (AI) often revolves around the use of algorithms and wish to know if this review covers AI.[12] The focus of the commitment is on increasing the transparency and accountability of algorithms however, and the IRM researcher was advised on 12 August 2019 that 'there is currently no capacity to extend the scope of this work to cover AI.'[13] All supported wider public engagement.

If fully implemented as designed, the commitment would have minor potential impact as the milestones as stated cannot achieve the ambition statement nor deliver the outcomes Ministers agreed to in May 2018. Transformative reform would require a programme to train officials to understand what algorithms do and how to update them, and the wider public engagement and detailed cross-government policy and implementation work identified by stakeholders. Milestone 3 in the action plan enables Stats NZ to consider the next steps in consultation with civil society representatives and to establish further milestones.

Next steps
If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends work to:

- document all algorithms used by government and make the register publicly available;
- engage widely with the public during this work; and
- develop and implement policy, guidelines and training requiring open algorithms across government.

[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p32-33.

[2] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf p 12-13.

[3] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p29.

[4] Paper to Minister of Statistics and Minister for Government Digital Services, https://data.govt.nz/assets/Blog-files/Review-of-Government-Algorithms-Report-14-May-2018-for-release.pdf

[5] The initial review, published in October 2018, reports on 14 government agencies that self-assessed the algorithms they use to deliver their functions, focussing on areas most directly impacting decisions related to people, https://www.data.govt.nz/assets/Uploads/Algorithm-Assessment-Report-Oct-2018.pdf

[6] IRM researcher's meeting with commitment leads, 14 February 2019.

[7] Meeting with NZ Rise representative, 23 January 2019, and endorsed by NZGov Tech, 18 February 2019.

[8] Suggested by Miriam Lips, Professor Digital Government, Victoria University of Wellington, 18 February 2019.

[9] Meeting with NZ Rise representative, 23 January 2019, and endorsed by NZGov Tech, 18 February 2019.

[10] Stats NZ, https://www.stats.govt.nz/assets/Uploads/Data-leadership-fact-sheets/Principles-safe-and-effective-data-and-analytics-May-2018.pdf

[11] Interview with Jan Rivers, 22 January 2019.

[12] IRM researcher's discussion with NZGov Tech, 18 February 2019.

[13] State Service Commission advice to the IRM, 12 August 2019.

9. Increase the visibility of government's data stewardship practices[1]

Objective: "Because the Government stewards and uses data on behalf of New Zealanders it has a duty to ensure that this national data asset is well managed, used responsibly and ethically, and protected. The aim of this commitment is to provide a cohesive and integrated view of the various components that guide how government collects, manages, and uses data. This will provide New Zealanders with assurance that mechanisms are in place to ensure government handles their data responsibly, ethically, and safely".

Milestones:

1. "Develop and publish an overview of government's data stewardship practices";

2. "Engage with citizens and government on the data stewardship overview to ensure it provides visibility of the right things and is addressing key needs";

3. "Promote the data stewardship practices to government agencies and support them to implement good practice";

4. "Engage with citizens and government to identify where effort should be focused to address gaps in government's data stewardship practices".

Start Date: August 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough verifiable	Specific enough to be	Access to Information	Civic Participation	Public Accountability	Technology & Innovation Transparency & Acc	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to increase the visibility of government's data management practices so the public knows and trusts that government agencies manage the public data they collect responsibly, ethically and safely.

The commitment seeks to assure the public that the government is managing the 'national data asset' well on their behalf. It also wants more consistent all-of-government data stewardship so that government data can be used to drive innovation and growth in New Zealand and lead to better government service delivery, policy development and operational decision making. The Chief Executive of Stats NZ, as Government Chief Data Steward,[2] will engage with the public to demonstrate the value of government data, discuss their concerns and drive improved data stewardship practices across government. Action plan submitters want transparency about how government and non-government organisations use and share their data.[3] Better data management is a regular topic at GOVIS meetings and conferences[4] and is a priority for the Office of the Privacy Commissioner[5] who in May 2018 jointly released with Stats NZ the *Principles for the safe and effective use of data and analytics*.[6] Data security and sovereignty of government-held data stored outside New Zealand are ongoing concerns.[7]

This commitment will start a process to inform the public of government's data stewardship practices and identify and act on public concerns. It therefore meets OGP's access to information and civic participation values. The commitment is an initial foundation in establishing standardised practices as they relate to data stewardship.

The work develops and publishes an overview of government's data stewardship practices, engages with the public on the overview, supports government agencies to implement good practice and continues to engage with the public. Following Stats NZ's advice that this work will be regularly reported online and that subsequent work will continue through to June 2020,[8] the IRM researcher concludes the milestones are specific enough to verify.

If fully implemented as designed, this commitment which focuses on promotion of government's data stewardship practices has a minor potential impact as it only offers incremental improvement on what is currently done. There is no parallel work driving implementation and measuring practice and impact. After completing both pieces of work Stats NZ could survey whether uptake has increased agencies' ability to meet growing public expectations for quick, effortless and smart services, as described in this commitment's status quo statement, and increased public confidence that mechanisms are in place to ensure government handles their data responsibly, ethically, and safely, as set out in the objective.

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends:

- public engagement to at least the 'involve' level of the International Association for Public Participation's (IAP2) Spectrum of Public Participation, so that the public receives feedback on how its contribution was considered;[9]
- that a methodology to measure changes in data stewardship practice across government agencies as a result of this commitment is developed, through a participatory process;
- that the Office of the Privacy Commissioner participates throughout this commitment by feeding its protection and trust expertise into the work, as recommended by stakeholders.[10]

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[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p34-35.
[2] The Government Chief Data Steward was authorised by Cabinet in September 2018 to set guidelines for the collection, management and use of data by government agencies.
[3] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf p13.
[4] Govis NZ, http://govis.org.nz/
[5] Privacy Commissioner, https://privacy.org.nz/the-privacy-act-and-codes/privacy-act-and-codes-introduction/
[6] Stats NZ, https://www.stats.govt.nz/assets/Uploads/Data-leadership-fact-sheets/Principles-safe-and-effective-data-and-analytics-May-2018.pdf
[7] Raised by Don Christie, CE, Catalyst IT, 30 January 2019.
[8] IRM researcher's meeting with Commitment leads, 14 February 2019.
[9] IAP2 Spectrum of Public Participation, https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf, accessed 25 January 2019.
[10] IRM interview with Jan Rivers, 22 January 2019, and NZRise, 23 January 2019.

10. Monitoring the effectiveness of public body information management practices[1]

Objective: "To make the management of government information more visible and therefore transparent by developing and implementing a monitoring framework that supports public reporting on the effectiveness of information management by central and local government agencies".

Milestones:

1. "Develop a proposed monitoring framework that reflects the Information and Records Management Standard and includes a suite of consistent and relevant measures to enable public visibility of the effectiveness of agency information management";

2. "Communication and engagement: the proposed framework and its potential options will be consulted on with regulated parties and other potential users";

3. "Rolling it out. Ensuring that the implemented monitoring activity is useful for, and easily used by, the regulated agencies to improve performance and that a common view of results is available to all stakeholders (including the public)".

Start Date: July 2018

End Date: July 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
10. Overall		✔	✔	✔				✔			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to measure the effectiveness of central and local government agencies' information management practices and make the results publicly visible.

This commitment considers government's issue that the public does not know and cannot monitor how well government agencies and Ministers of the Crown subject to the Public Records Act 2005 (PRA)[2] comply with it and the Information and Records Management Standard.[3] Understanding how well government-held information is managed was raised in the action plan's public submissions and during the action plan development.[4] Archives NZ's (Archives) engagement work on its Regulatory programme in 2018 found "dissatisfaction" with the current monitoring and reporting function.[5]

This work will provide a framework for Archives to monitor and report publicly on the information management practices of all public sector (central and local government) agencies and Ministers of the Crown subject to the PRA, thus filling a current gap. Public access to the results could increase trust in central and local government's information management practice and encourage under-performing agencies to raise their performance. Archives advise that the public will be able to find out which organisations have practices in place that support easily locatable, usable information and who Archives will need to work with more closely to lift performance.[6] However, this commitment lacks actions to address under-performance.

The commitment meets OGP's access to information and civic participation values as it discloses new government information and engages with the public to consider framework options.

Archives will consult with the public and government agencies on the proposed framework, finalise and implement it, publish 'a common view' of the results and work with agencies to use the results to improve their performance. This work is part of Archives' ongoing Regulatory Programme.[7] The milestones are specific enough to verify their completion objectively through Archive's relevant webpages. Should Archives implement a technology solution, an approach that includes an open by design system is recommended. A stakeholder suggested that the Government Chief Digital Office (GDCO) joins as a commitment lead to assist with this stage.[8] Archives advise that they are using agile methodologies, that co-leadership would compromise the powers vested in the independent Chief Archivist through the Public Records Act 2005, but that they are working closely with the GCDO around potential tools.[9]

If fully implemented as designed, this commitment would have only minor potential impact due to its limited scope, no new activities after April 2019 and the lack of specificity about how Archives will drive improvement by under-performing agencies. Transformative reform would require Archives to actively lead and drive improved sector performance, introduce a technology solution that provides easy public visibility of the results and survey the public as to whether the rates of progress have met this commitment's ambition.

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends work to:

- commence and implement a programme to drive improvement by under-performing agencies; and to
- commence work to seek public feedback on whether this commitment's objective has been met.

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[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p36-37.

[2] Archives New Zealand, https://records.archives.govt.nz/resources-and-guides/key-obligations-public-records-act-2005/

[3] Archives New Zealand, Information and Records Management Standard, https://records.archives.govt.nz/resources-and-guides/information-and-records-management-standard/

[4] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf, p14.

[5] https://discuss.digital.govt.nz/system/documents/files/000/000/855/original/Report_on_external_engagement_for_the_Regulatory_Programme_-_Final.pdf; p6.

[6] https://archives.govt.nz/about-us/open-government-and-oias/open-government-third-national-action-plan; under heading: What can I expect to see?

[7] https://discuss.digital.govt.nz/g/BCwGI3H1/archives-new-zealand-regulatory-programme

[8] Suggested by Miriam Lips, Professor of Digital Government, Victoria University of Wellington, 18 February 2019.

[9] State Service Commission advice to the IRM, 12 August 2019.

11. Authoritative dataset of government organisations as open data for greater transparency[1]

Objective: "To release and maintain an authoritative dataset of government organisations as open, machine-readable data to enhance the transparency of government structures to the public".

Milestones:

1. "Identify owners, contributors and maintainers of the data held in the proposed dataset";

2. "Investigate and agree on the appropriate open standards for the dataset";

3. "Work with identified dataset contributors to agree process for ongoing maintenance of the dataset";

4. "Release the open data set on data.govt.nz and make it available via the data.govt.nz open data Application Programming Interface (API) and promote the opportunities of reuse that the dataset provides with government agencies, nongovernmental organisations, business, and the public".

Start Date: October 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Overall		✓	✓			✓				✓	Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is for government to compile, maintain, use and release publicly a new authoritative dataset of New Zealand's central and local government organisations as open, machine-readable data.

Infrastructure to increase transparency and accountability was a theme in the submissions received during development of the action plan, with one submission to "extend organisational accountability information" in the government A-Z directory on govt.nz.[2] Current multiple lists about the structure of government and the history of current and former government agencies confuse the public and limit capability for private sector innovation.[3] A Department of Internal Affairs (DIA) blog states that no current list is complete and machine-readable, "duplicated effort across government is enormous", a single list would detail all the services and functions of government and create opportunities for research and analysis.[4] Members of the public would welcome one up-to-date real-time list of current agencies, their sub-agencies and working brands and responsibilities given New Zealand's very regular machinery of government changes. It would become the foundation authoritative resource on present and past government agencies.

This work meets OGP's access to information and technology and innovation for openness and accountability values by providing open access to information describing current and former government agencies and their functions, using international standard(s) and releasing this authoritative list of government organisations as open machine-readable data, allowing innovative re-

use such as visualisations and for service delivery. This work meets the international Open Data Charter's requirements.[5]

DIA will identify and work with the agencies responsible for creating and describing the official names of government agencies and their functions, investigate and agree on open standards for the dataset, agree dataset maintenance processes and procedures with dataset contributors, release it on data.govt.nz and as an application programme interface (API), and promote its re-use opportunities with government and the public. The intention of the commitment is to build a final dataset from a smaller group of datasets from targeted agencies.

The commitments are specific enough to be verified objectively. The IRM researcher interviewed business stakeholders who describe this commitment as 'fantastic', but want a shorter timeline, Milestone 1's data released when complete, shorter timelines for Milestones 2 and 3, and certainty the dataset will be released as both open data for citizens and as an API for business.[6] They referred to New Zealand's Digital 9 (D9) commitments,[7] suggesting that the other D9 countries could shorten the timeline by advising New Zealand on the open standards for this dataset. They also suggested StatsNZ become a joint lead agency given its data stewardship leadership role. Others[8] sought certainty that the list would be granular, providing full details of organisational structures, that the architecture was extensible, that it lists the legislation that agencies administer, and that all other lists are discontinued.[9]

If fully implemented as designed this work could be transformative, particularly for digital government service delivery. As well as simplifying work for those people and businesses who rely on legal lists of government organisations. This machine-readable dataset would assist development work for IT companies who work with government to deliver services. They say they currently 'have to find a set, where it is and then ask for it'.[10]

This dataset could merge or be the source for at least six government directories,[11] feed commercial products such as the New Zealand Government Sector Directory[12] and offer researchers, academics, students and the public the primary source on the history of and present status of government agencies.[13] Visualisations of New Zealand's government structure will aid civil society and government itself to understand how government works.
According to an independent consultant on open government and access to information laws, the transformative potential of this commitment resides on the authoritative quality of the datasets and in its adoption by core government agencies for their tasks.[14]

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends that:

- there is commitment to maintain and further develop the governance structures for its sustainability and mandate;
- DIA releases the ownership data collated for Milestone 1 as soon as the list is completed and shortens the timeframes for Milestones 2 and 3;
- DIA consults with its D9 counterparts regarding applying their open standards experience for Milestone 2;
- StatsNZ continues the close collaboration with DIA and/or joint leadership given its data stewardship leadership role and national statistical office experience releasing official statistics in open formats; and that
- legislation that agencies administer is included in this list.

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[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p38-39.
[2] OGPNZ, http://ogp.org.nz/assets/Resources/2794098f7c/ideas-3rd-action-plan.pdf, p14.
[3] IRM researcher interviews on 23 and 30 January 2019 with Co-Chairs of NZ Rise, which represents the Kiwi-owned and operated IT companies, https://nzrise.org.nz/about-us/

[4] Open data, open government, https://www.digital.govt.nz/blog/open-data-open-government

[5] Open Data Charter, https://opendatacharter.net/

[6] NZ Rise, https://nzrise.org.nz/about-us

[7] D7 Charter, https://www.digital.govt.nz/dmsdocument/28-d7-charter, signed by NZ Government on 22 February 2018. See Principle 2: Open standards and Principle 5: Open government (transparency).

[8] IRM researcher discussion with NZGov Tech (business/civil society,government members), 18 February 2019.

[9] IRM interview with Jan Rivers, 22 January 2019.

[10] NZ Rise, https://nzrise.org.nz/about-us

[11] These are the Directory of Official Information, Blue pages (details of government agencies) in telephone directories, the government A-Z directory on govt.nz, Archives New Zealand's list of all former agencies, the current lists maintained by the State Services Commission, the Office of the Auditor General and others.

[12] New Zealand Directory Ltd, https://www.nzgsd.co.nz/

[13] Archives New Zealand's Archway, https://www.archway.archives.govt.nz/

[14] Input received by independent consultant Andrew Ecclestone during the review process of this report.

12. Open procurement[1]

Objective: "To publish the data on government-awarded contracts that is currently publicly available on the Government Electronic Tenders Service (GETS) as open data".

Milestones:

1. "Design with Stats NZ and the public a more usable format for this data";

2. "Publish the results of the first milestone, for example information on what format the data will be released in and if we need to publish supporting material to help people interpret the data";

3. "Publish the Contract Award notices online in the agreed usable format".

Start Date: October 2018

End Date: June 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
12. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The objective of this commitment is to publish as open data government-awarded contracts data currently available on the Government Electronic Tenders Service (GETS).[2]

This commitment considers the issue of transparency of New Zealand's public procurement. Transparency International New Zealand's National Integrity System Assessment 2013 noted "serious shortcomings in transparency because, in a highly decentralised system by international standards, systematic procurement records are not readily available within departments and agencies"[3] and endorsed this in its update in 2019.[4] The 2016-2018 IRM Progress report recommended increased transparency of public procurement.[5] The Open Contracting Data Standard has had wide uptake outside of New Zealand,[6] Asia Pacific OGP countries are committing to open up public contracting and procurement processes,[7] and Australia's 2nd OGP National Action Plan commits to using the Open Contracting Data Standard schema to publish an additional AusTender dataset on data.gov.au.[8]

This proposal is a first step towards open procurement by the Ministry of Business, Innovation and Employment (MBIE), but it is confined to contracts awarded using the GETS Service and already listed online but not as open data. Its ambition statement is narrow – it seeks increased trust in procurement and better access to information but does not articulate higher-level outcomes, for example, the potential economic benefits to New Zealand that public notification of contracts brings. This work does not extend to government's numerous other procurement processes such as self-sourcing by agencies, the panel procurement process and agencies procuring more work directly from incumbent vendors. The IRM researcher was advised that publicly disclosed procurement seems to account for only about a quarter of the total value.[9]

The commitment meets OGP's access to information and civic participation values by proactively releasing government information and seeking input from interested members of the public. It will co-design and publish with government and the public an open format for the contract awards data listed on GETS, seek feedback and agreement on that format and publish the contract award notices in the agreed open data format.

The milestones are specific enough to be verified through a subsequent assessment process, but the commitment's scope is too narrow to deliver on its title of 'Open Procurement'. The IRM researcher notes also that GETS' current online notices, which list the name of the successful contractor but no other details, such as price, do not meet the requirements of Rule 45 of the current *Government Rules of Sourcing*.[10] Access to full details currently requires registration on the GETS website, which stands in comparison with the level of detail about the New Zealand government's social service contracts set out on the view-only website contractmapping.govt.nz.[11] While a good start, this commitment has little of the ambition sought by the National Integrity System Assessment and NZRise[12] and illustrated by those countries taking up the Open Contracting Standard.

To meet the commitment's ambition as stated, all listings must include the details specified in Rule 45 of the current Government Rules of Sourcing and its replacement Government Procurement Rules,[13] agencies need to be mandated to list all their awarded tenders as open data and the public must be able to access the open contract data without needing to join GETS. If implemented fully as designed, the potential impact will be minor because only a very small percentage of government tenders awarded will be published as open data on GETS. Extending it to all government tenders could be transformative though the country's de-centralised procurement system could complicate the feasibility of publishing all government contracts in open data.

Next steps

If this commitment is carried forward to the next action plan or if there are improvements to the implementation of this commitment, the IRM researcher recommends that:

- MBIE considers this commitment as a pilot and if feasible commences works with the public and government agencies to extend it to cover all awarded government contracts; and
- MBIE considers publishing historical contract data that can allow users to analyse patterns of procurement, as well as incorporating protocols to guide how documentation from tenders is archived once the contract is awarded. This will support monitoring and accountability regarding the outcomes of the procurement process.

The IRM researcher recommends that consideration of a commitment is fed into the development process for the next action plan to work with business, the public and government agencies to:

- release all awarded government contracts as open data;
- adopt the Open Contracting Data Standard; and
- update the Government Procurement Rules accordingly.

[1] OGPNZ, National Action Plan, http://www.ogp.org.nz/assets/Publications/91b28db98b/OGP-National-Action-Plan-2018-2020.pdf, p40-41.

[2] New Zealand GETS, https://www.gets.govt.nz/ExternalAwardedTenderList.htm

[3] Integrity Plus 2013, https://www.transparency.org.nz/docs/2013/Integrity-Plus-2013-New-Zealand-National-Integrity-System-Assessment.pdf, section 4.3.3, p163

[4] Transparency International New Zealand. NZ National Integrity System Assessment 2018 update. Section 4.3.2. https://www.transparency.org.nz/wp-content/uploads/2019/05/National-Integrity-System-Assessment-2018-update-full-report.pdf

[5] OGP, IRM, https://www.opengovpartnership.org/sites/default/files/New-Zealand_MidTerm_2016-2018.pdf, p 29.

[6] Open Contracting Partnership, https://www.open-contracting.org/why-open-contracting/worldwide/#/

[7] Discussions at the OGP Asia Pacific Regional meeting, Seoul, 5-6 November 2018, https://www.open-contracting.org/2018/11/26/asia-rising-the-next-frontier-for-open-contracting/

[8] https://ogpau.pmc.gov.au/commitment/expand-open-contracting-and-due-diligence-procurement, accessed 1 February 2019

[9] Advice from Transparency International New Zealand to IRM researcher, 24 February 2019.

[10] Rule 45, https://www.procurement.govt.nz/procurement/principles-and-rules/government-rules-of-sourcing/awarding-the-contract/contract-award-notice/ Note that this Rule will be replaced by Rule 48 of the Government Procurement Rules on 1 October 2019.

[11] http://www.contractmapping.govt.nz/. Note that at 22 August 2019 this site is "currently unavailable while maintenance is being carried out. Updated figures will be available in the near future".

[12] NZRise represents the Kiwi-owned and operated IT companies, https://nzrise.org.nz/about-us/

[13] Government Procurement Rules. 4th edition, to come into effect on 1 October 2019. https://www.procurement.govt.nz/procurement/principles-and-rules/government-procurement-rules/

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

New Zealand's third national action plan meets more OGP values than the second action plan, but it still focuses mostly on the access to information value. All 12 commitments improve access to information, nine involve some level of public participation, four offer technology and innovation for openness and accountability, and one is concerned with public accountability. The action plan reflects an effort of moving beyond the traditional focus of increasing access to information with two of the twelve commitments meeting three of the four OGP values. While this action plan is an improvement on previous action plans, there remain opportunities to improve the ambition of the commitments, increase the level of public participation, and expand citizen-related activities for public accountability.

The action plan has attracted new key government agencies: the Office of the Clerk of the House, the Ministries of Justice; Education; Youth Development; Business, Innovation and Employment and Archives New Zealand, while retaining the State Services Commission, the Department of Prime Minister and Cabinet, the Parliamentary Counsel Office, Stats NZ and the Department of Internal Affairs. These eleven agencies are core central government policy, information and technology agencies. This breadth of departmental involvement demonstrates successful advocacy across government by the States Services Commission and its serious consideration and adoption of earlier IRM recommendations. It remains noteworthy, though, that most of this plan's commitments seek to show the public what government does rather than respond to what the public says they need.

The action plan continues to only pertain to central government activities, although the IRM researcher notes advice from the SSC and Expert Advisory Panel that they will consider local government involvement in the development of the fourth National Action Plan 2020-2022.[1] This statement creates a level of optimism that this involvement will result in specific local government commitments in the next plan, as sought regularly by the public.

The recommendations below have been drawn up to feed into the development process for the next action plan. They build on the increasing maturity of the OGP programme and seek greater commitment to address the long-standing open government engagement and content issues raised by the public.

Reform official information laws

Section Four of this report records continuing public concern about the scope of the Official Information Act 1982 and continued compliance issues despite the State Services Commission's and the Office of the Ombudsman's active and ongoing efforts to improve agency practice. Stakeholders anticipate improved disclosure as a result of the government's proactive release decisions but are concerned about the limited reach of Commitment 7 of this action plan. They seek a wider scope for the Act and repeat their call for the actions proposed in earlier IRM reports:

Initiate work to amend the OIA legislation to encompass Parliamentary Services, the Office of the Clerk, the Ombudsman and the Controller and Auditor General, whilst retaining parliamentary privilege, in line with the recommendations by the Law Commission report in 2012 and others and building on administrative and legislative developments since then such as the Parliamentary Privilege Act 2014.

Strengthen the role and mandate of the EAP as it continues to act as New Zealand's Multi-stakeholder Forum
The Expert Advisory Panel proved its value during the development of this action plan and is forming a professional relationship with government officials. The IRM researcher recommends that building on this progress the EAP's role and mandate are revised if it will continue to act as New Zealand's OGP Multi-stakeholder forum. On the one hand to follow OGP co creation and participation standards the forum should be comprised of an even balance of civil society and government members, meet regularly and lead the OGP process. On the other hand, the EAP already has the skills and experience to start to engage with civil society regularly and to facilitate the action plan workshops for the SSC. It is well-positioned to lead discussions to resolve the deep concerns of many CSOs that do not have the resources or funding to add OGP work to their core work activities.

Create a joint civil society/government civic participation Community of Practice or Hub
Despite an increased commitment to civic participation in this action plan, there are only two commitments (2 and 10) with programmes which engage or seek to engage with the breadth of New Zealand's society, which the Minister of State Services referred to in his forward to the action plan. Stakeholders also expressed concern about the low level of civic engagement proposed by lead agencies for most commitments. They want more ambition and courage to test participation at co-creation or co-design levels. Jointly developing a civil society/government Hub or Community of Practice could start to address these concerns and build expertise. A model could be the co-design and engagement activities at the Service Innovation Lab, referred to on page 9 of the action plan, and covered in detail at discussion.digital.govt.nz.[2] However, its actual form would be co-designed with and agreed on by civil society and government. This would complement the results achieved under Commitment 5 of this action plan.

Apply civics education learning at community and local government level
The School Leavers' Toolkit (Commitment 3 in this action plan) focuses on civics education resources for teachers and students in the classroom. Members of the public support academic research findings that parallel practical work to give "students the values and skills that support a democracy" is also necessary.[3] A practical commitment developed with civil society for the 2020-2022 action plan could aim to increase youth trust in and understanding of New Zealand's democratic way of life, and look ahead to increased voter turnout at local government elections in 2022 and central government in 2023. Local or community initiatives could build on the wisdom set out in the *Our Civic Future* report, released in November 2018, which notes that "effective citizenship education requires not only civic knowledge but also opportunities to actively respond to issues that matter to them and their community…this results in stronger patterns of future civic participation".[4] It could also learn from the results of Porirua City Council's current trial of that report's recommendations[5] and would be the very first New Zealand OGP action plan local government commitment, long sought by the public.

Strengthen high-quality public media reporting by continuing the Local Democracy Reporter pilot to ensure transparency and public accountability of local government
Stakeholders have increasing concern about the erosion of public media and the dominance of social media. This has meant a declining ability among the public to discern between fake or weak news compared with news that has rigorous editorial oversight. There is also growing unease that local government is inadequately reported by the media across much of the country, raising corruption worries. Government needs to ensure independent oversight of the media system. There is an opportunity for central and local government, the Newspaper Publishers Association, Radio New Zealand and New Zealand on Air to build on

the recently announced 2019 Local Democracy Reporter funding one-year pilot[6] to ensure continued transparency and public accountability of local government decision making. The BBC's current work at the local level continues to be a potential model for New Zealand.[7]

Table 5.1: Five Key Recommendations

1	**Reform official information laws**
2	**Strengthen the role and mandate of the EAP as it continues to act as New Zealand's Multi-stakeholder Forum.**
3	**Create a joint civil society/government public engagement Community of Practice or Hub**
4	**Apply civics education learning at community and local government level**
5	**Strengthen high-quality public media reporting by continuing the Local Democracy Reporter pilot to ensure transparency and public accountability of local government**

5.2 Response to Previous IRM Key Recommendations

Governments are required to respond to IRM key recommendations. This section provides an overview of how stakeholders addressed IRM recommendations and how the recommendations were incorporated into next action plan process or content.

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	Expand the Expert Advisory Panel to include greater civil society representation	✓	**Full adoption**
2	Reform official information laws and refocus the Open Data and Information Programme to publish social, environmental and budget expenditure data	✓	**Partial adoption**
3	Develop standards for public consultation on policy initiatives	✓	**Partial adoption**
4	Include anti-corruption commitments covering whistleblower protection and a public register of company beneficial ownership	✓	**Full adoption**
5	Introduce citizenship education to increase democratic participation.	✓	**Full adoption**

Government addressed all five recommendations in its self-assessment report in 2018. It has integrated two fully and two partly in the third action plan and fully addressed the other one with activities outside this action plan. In particular:

Recommendation One: Full adoption. New members filled vacancies in March 2018. The Terms of Reference, updated in September 2018, do not state a maximum membership. Applications from the public to fill two current vacant positions closed on 8 April 2019, denoting a change from the earlier policy for the SSC to appoint members directly.[8] The SSC advises that four new members will be announced in 2019.

Recommendation Two: Partial adoption. Milestone 1 of Commitment 7 only provides advice on whether to initiate a formal review of the Official Information Act 1982. A formal review is beyond the scope of this commitment. Government's 2018 self-assessment report advises that Stats NZ is working on publishing social, environmental and budget expenditure

data through its development of data indicators with Indicators Aotearoa NZ – Nga Tutohu Aotearoa. However, this does not address the issue which led to this recommendation - that there has been no progress publishing in open formats the government's social, environmental and budget expenditure data assessed annually by the Global Open Data Barometer to rank countries and which is regularly affecting New Zealand's ranking.[9]

Recommendation Three: Partial adoption. Commitment 5 does not develop standards as recommended. Its intent to introduce an engagement approach to government's policy methods toolbox, publicise successful public engagement, carry out a public engagement trial of a 'live' policy issues and disseminate its results is commendable. Measurement of this approach will indicate whether standards are still required.

Recommendation Four: Full adoption. Government is working actively on anti-corruption actions outside of the scope of the action plan. The Ministry of Business Innovation and Employment has sought feedback from the public on proposed measures to stop misuse of companies to disguise criminal activity and to ensure people appointed as company directors are appropriate,[10] and is fast-tracking customer protection measures in the financial sector.[11] The State Services Commission is engaging with the public on the Protected Disclosures Act, with a report back to the Minister on the outcome of the consultation and next steps planned for early 2019.[12] No timelines are known for these activities. Public submissions were released on 2 August 2019.[13]

Recommendation Five: Full adoption. Commitment 3 introduces a School Leavers' Toolkit comprising civics education, which students can access before they leave compulsory schooling. 2019 Budget funding allows for teacher training, guidelines for schools and an evaluation programme.

Other Recommendations in 2016-2018 IRM reports

There are no new commitments to continue incomplete 2016-2018 action plan milestones: work with other agencies that have experience in presenting Budget data (Milestone 4 of Commitment 1: Open Budget); review the NZ Open Data and Information Management Principles (Milestone 2 of Commitment 3: Improving open data access and practices); and to complete the work to improve government's access to and use of digital engagement tools (Milestone 1 of Commitment 5: Ongoing engagement for OGP).

The IRM researcher's midterm recommendations relating to specific 2016-18 action plan commitments - setting data standards, keeping raw data consistent over future years, progressing participatory budgeting, determining changes to the NZ Data and Information Management Principles and clarifying functional leadership responsibility for government information policy development – have not been progressed.

Stakeholder priorities raised during consultation on either the first or second action plans covering sustainable and regular high-level interaction between government officials and civil society representatives and aligning OGP and UN Sustainable Development Goals work (see Progress report p 14) have not been progressed. While the action plan does not need to reference work on SDGs or have specific commitments to that effect, it was included as this alignment was raised as a stakeholder priority in previous action plan cycles.

Stakeholder recommendations covering increases in OGP programme funding and expanding public participation in budgetary matters are not included.

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[1] OGP, Summary of Public Comments, http://www.ogp.org.nz/assets/Publications/0e5de0eeea/Summary-of-Public-Comments-on-draft-Plan-2018-2020-and-Responses.pdf
[2] Discussion on digital.govt.nz, https://discuss.digital.govt.nz/dashboard
[3] Interview with Dr Bronwyn Hayward, Associate Professor, University of Canterbury, 11 February 2019.
[4] NZ Political Studies Association. Our civic future: civics, citizenship and political literacy in New Zealand: a public discussion paper. 2018: p12, https://nzpsa.com/resources/Documents/Our%20Civic%20Future.pdf
[5] Partners Porirua, About Us, https://partnersporirua.org.nz/about-us/

[6] Stuff, https://www.stuff.co.nz/business/113021230/new-public-media-fund-allocates-1-million-to-regional-reporting

[7] BBC Local News Partnerships, https://www.bbc.co.uk/lnp/

[8] OGPNZ, Nominations, https://www.ogp.org.nz/assets/Resources/039cfc2b80/New-EAP-Members_Nomination-and-Selection_March_April-2019_updated.pdf

[9] Open Data Barometer. Leaders' Edition, 2018. https://opendatabarometer.org/country-detail/?_year=2016&indicator=ODB&detail=NZL

[10] Beehive, https://www.beehive.govt.nz/release/govt-shine-light-misuse-new-zealand-companies-and-directorships

[11] Beehive, https://www.beehive.govt.nz/release/govt-act-protect-bank-insurance-consumers

[12] Beehive, https://www.beehive.govt.nz/release/should-whistle-blowers-get-more-protection

[13] State Services Commission. https://ssc.govt.nz/resources/consultation-protected-disclosures-act-reform/

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control 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, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in New Zealand's OGP repository website,[1] findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[2]

Interviews and stakeholder input

When selecting stakeholders to interview, the IRM researcher sought to speak to members of the public who had either submitted commitment ideas for the action plan, attended workshops, made public comment on the earlier action plans, or who responded to her invitation on discussion lists and social media to contact her. She used common questions, asking about open government issues, specific issues relating to a commitment and how the milestones if fully implemented would address these issues.

She held 35 interviews or discussions with civil society organisations, individuals and government officials. The following interviews were held:

- 1 meeting with the four members of the Expert Advisory Panel, 9 January 2019.
- 7 meetings with government officials leading commitments between 8 and 25 February 2019.
- 3 separate discussions with NZ Rise business leaders, Victoria Maclennan, Don Christie and Laurence Millar, 23 and 30 January and 15 February 2019.
- 1 Meeting with NZGov Tech attended by 12 members, 18 February 2019.
- 2 separate meetings with 3 journalists, 4 February and 15 February 2019.
- 1 meeting on open government issues with 5 Senior Associates of the Institute of Governance and Political Studies, Victoria University of Wellington, 20 December 2018.
- 7 separate interviews with academics specialising in commitment topics, between 20 January and 18 February 2019: Dr Bronwyn Hayward, University of Canterbury, Dr Simon Chapple, Dr Miriam Lips, Dr Rowena Cullen, Dr Bronwyn Wood, Dr Elizabeth Eppel, and Max Rashbrooke, Victoria University of Wellington.
- Email correspondence with Beryl Anderson, National Council of Women, 29 February 2019.
- Interview with Ara Taiohi, the peak body for youth development, 28 February 2019.

- Phone conversation with the CoChair, NZ Council for Civil Liberties, 15 February 2019.
- Separate discussions with 8 members of the public or officials who attended the regional workshops and/or the Synthesis Workshop from 22 January to 15 February 2019: Jan Rivers, Simon Wright, Andrew Ecclestone, Kay Jones, Victoria Wray, Nadia Webster, Paula Escott, and Jonathan Hunt.
- Discussion with Craigie Sinclair, Manager, Information and Records Management, Victoria University of Wellington, 1 March 2019.
- Interview with Dr Koenraad Kuiper, former Professor, University of Canterbury, 4 March 2019.

The IRM researcher participated as an observer and member of the public at the Wellington regional workshop on 23 May 2018, which sought submissions and ideas from the public, and was asked to briefly explain the IRM role to attendees.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

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[1] OGPNZ, Third National Action Plan, http://www.ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/

[2] IRM Procedures Manual, V.3, https://www.opengovpartnership.org/documents/irm-procedures-manual

Annex I. Overview of New Zealand's performance throughout action plan development

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Multi-stakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Green
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Yellow
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	Green
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives	Yellow
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Red
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Yellow
2d. High-level government representation: The forum includes high-level representatives with decision-making authority from government	Green
3d. Openness: The government/forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Green
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	Green

Key:
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

Action Plan Development	

4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Green
4b. Documentation in advance: The government shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Green
4c. Awareness-raising: The government and/or multi-stakeholder forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	**Green**
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Green
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Green
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g links to databases, evidence of meetings, publications).	Green

Editorial note*: If a country "meets" the six standards in bold IRM will recognize the country's process as a <u>Starred Process.</u>*