

Hon Chris Hipkins

Minister for the Public Service

New Zealand's Fourth Open Government Partnership National Action Plan

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Author: Te Kawa Mataaho Public Service Commission

The Hon Chris Hipkins, Minister for the Public Service is releasing the Cabinet paper and Cabinet Minute as part of the material of the New Zealand's Fourth Open Government Partnership National Action Plan

Explanatory note

Included in this release are the following documents:

- Cabinet Paper
- Appendix A
- Cabinet Committee Minute – SWC-22-MIN-0228
- Cabinet Minute - GOV-18-MIN-0051

In Confidence

Office of the Minister for the Public Service
Chair, Cabinet Social Wellbeing Committee

New Zealand's Fourth Open Government Partnership National Action Plan

Proposal

1. This paper seeks Cabinet agreement to adopt New Zealand's proposed Fourth Open Government Partnership (OGP) National Action Plan, incorporating eight commitments.
2. This Fourth OGP National Action Plan remains a draft to enable a final two-week round of public consultation, as required by OGP rules. To comply with OGP rules, the Plan needs to be finalised by the end of 2022. As part of recommendations outlined below, I request the Committee authorise the Minister for the Public Service to finalise the Plan after public consultation based on the agreed commitments and make any minor amendments required to finalise the Plan.

Executive Summary

3. As a government, we have made significant progress towards greater transparency and openness. We have introduced proactive release of Cabinet papers and improved agency performance under the Official Information Act 1982. This proposed Fourth National Action Plan for the Open Government Partnership (OGP) supports our open government agenda.
4. The attached draft 'New Zealand's Fourth National Action Plan 2023 – 2024' (**Appendix A**) provides a detailed overview of the supported eight commitments that have agency sponsors. The Plan was developed by members of the public, civil society representatives, the Expert Advisory Panel (EAP) and government agencies. The proposals seek to strengthen public participation in government, information to support financial accountability, the accessibility and usability of public information.
5. Openness in government encourages effective community and citizen engagement, an important area of reform in New Zealand being advanced through three commitments in the proposed National Action Plan:
 - 5.1. adopt a community engagement tool – to lift the quality of planning and levels of community engagement for significant initiatives
 - 5.2. research deliberative processes for community engagement – to examine how deliberative processes can be adapted to operate effectively in the New Zealand context.

- 5.3. establish an integrated, multi-channel approach to public services to address barriers people face when government services are delivered online with limited non-digital options
6. A reputation for high integrity, fiscal transparency, and ease of doing business are important attributes for a small trading nation like New Zealand. However, fraud and corruption risks are increasing worldwide. Three commitments in this National Action Plan aim to support business transparency and, collectively, counter fraud and corruption risks, including:
 - 6.1. design and implement a National Counter Fraud and Corruption Strategy that unites and coordinates government agencies' work to counter fraud and corruption risks in the public sector
 - 6.2. increase transparency of beneficial ownership of companies and limited partnerships – to help people find accurate information about who they are doing business with
 - 6.3. improve Government procurement transparency – to enable improve efficiency and competition, and to support government to make data-driven decisions.
7. Access to, and usability of, public information supports the transparency of government decision-making and bolsters public trust in government. One commitment in the Plan will strengthen the scrutiny of Official Information Act (OIA) exemptions in legislation to support public access to government information.
8. Government is increasingly using data and personal information to deliver services. Transparency on how this data is being used is crucial for public trust and confidence. One commitment included in the Plan will improve the transparency and accountability of algorithm use across government, which will increase public confidence in the use of algorithms by the public sector.
9. Finally, three further commitments proposed by civil society representatives do not have sufficient support from agencies to progress. These commitments relate to publishing Crown financial data in an open format, the creation of an independent fiscal institution and the co-production of National Interest Analysis of New Zealand acceding to the Aarhus Convention.

Background

10. New Zealand is one of more than 70 country members of the international OGP agreement. This is a multilateral initiative that supports governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. New Zealand's membership of OGP supports our open government agenda and provides international visibility to the work under the National Action Plans.
11. Under OGP requirements, governments must work with the public and civil society representatives on developing and implementing a National Action Plan, usually every two years. Te Kawa Mataaho Public Service Commission (the Commission) leads this process on behalf of the government.

12. The Commission is supported by an External Advisory Panel (EAP). EAP members are appointed by the Public Service Commissioner. The EAP's role is to advise the Commission as it works to develop and oversee the implementation of New Zealand's OGP National Action Plans. The EAP consists of seven members, with a broad range of expertise (including economic strategy, communications, research, urban planning and governance).

Development of commitments

13. Commitments included in a National Action Plan are expected to enhance transparency, accountability, and public participation in government. Commitments must be specific, time-bound, and measurable. OGP expects commitments to show an element of ambition, improve governance, or stretch current government practice. Each commitment must have a lead agency identified as responsible for coordinating and delivering on the agreed actions.

14. Work on the Plan began in 2019. Between 2019 and 2021, approximately 1500 ideas were generated through public workshops, meetings, and online contributions. This work was paused in 2021 due to COVID-19 and re-started in early 2022. Following review and discussion, the ideas generated were collated and synthesised under four key themes:

14.1. public participation

14.2. information to support financial accountability

14.3. access to and usability of public information

14.4. government use of data and personal information.

15. In 2022, the ideas under each of the key themes were discussed in workshops and meetings with the public, civil society representatives, government agencies, and the EAP. Potential commitments were developed and refined for the Plan. In the New Zealand context, open government work must also be considered in relation to The Treaty of Waitangi | Te Tiriti o Waitangi (Te Tiriti). Te Puni Kōkiri | Ministry of Māori Development and civil society representatives contributed to discussions on how best to support the process of applying Te Tiriti to OGP initiatives and commitments.

16. The development of the plan has followed OGP requirements with the draft plan and commitments agreed with stakeholders involved before seeking Cabinet endorsement.

Eight draft commitments agreed for inclusion in the Plan (by key themes)

17. This paper seeks Cabinet endorsement of the plan and eight proposed commitments outlined by key theme below. These commitments are those which have support across civil society organisations, the EAP, and agencies. Each commitment also has an agreed lead agency. The commitments are set out in more detail in **Appendix A**.

A – Public Participation

18. Inclusive participation is a core principle of the OGP, and a key theme in this Plan. Quality engagement helps create robust policy that reflects the values and aspirations of

the community. Today, more than ever, people want to have a greater say in shaping the policies that affect their lives beyond the opportunity to vote every few years. This is also reflected in the Te Kawa Mataaho 2022 Long-term Insights Briefing, *Enabling Active Citizenship: Public Participation in Government into the Future*.

19. To date, agencies' engagement with communities has tended to focus on informing and consulting, rather than seeking citizens' deeper involvement in decision-making. A dominant theme from people who contributed ideas for the Plan, was the desire for increased citizen participation, innovation, and a greater degree of public involvement in decision-making. Two commitments under the Plan advance public participation.

Commitment 1 – Adopt a community engagement tool

20. This commitment involves improving the quality of community engagement by ensuring it is well-designed, planned and delivered. It proposes that Public Service agencies adopt and use the Policy Community Engagement Tool (PCET) for significant engagements. This tool was designed by the Policy Project, a unit based in the Department of Prime Minister and Cabinet (DPMC) as part of a toolbox of resources to support agency feedback with communities. This will improve how engagement is designed from the outset, helping identify the people or groups to involve, who will lead the engagement, and what level of public participation is appropriate. It will ensure the methods and process used reflect the expectations about the level of public participation. Te Kawa Mataaho (as the lead agency) will develop and promulgate a model standard with the expectation that agencies will use the PCET for significant engagements, and report on the use of the tool on an annual basis.
21. This commitment builds on the work initiated under the Third National Action Plan, where a suite of six community engagement resources was created. The PCET was developed using those resources and is currently being piloted with agencies responding to the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain on 15 March 2019 (RCOI). Recommendation 38 of the RCOI seeks to require all public sector community engagement to be in accordance with New Zealand's OGP commitments. The PCET will be revised considering feedback on its use during the pilot, ready for adaption for all-of-government use. This commitment also supports the objective of recommendation 38, through development of a model standard to support all-of-government uptake of the PCET.

Commitment 2 – Research deliberative processes for community engagement

22. Democratic societies today face a broad set of challenges, which may require different methods of resolution or participation. Contributors during the idea generation phase of the plan wanted to see greater use of pilots and trials to increase innovation. Deliberative processes are innovative practices that can give people more involvement in shaping government decisions about matters that affect them.
23. This commitment seeks to advance inclusive participation by identifying and supporting at least two deliberative engagement processes being used in New Zealand, reviewing these, and sharing the lessons learned. The two deliberative processes will be identified through engagement with civil society and agencies. Two recent examples identified by civil society are:

23.1. WaterCare (New Zealand's largest water and wastewater company) has recently trialled the use of citizen juries as a decision-making process. This is in partnership with the University of Auckland and Koi Tū | The Centre for Informed Futures.

23.2. A Wellington-based iwi and their use of citizen assemblies (Talanoa/Wananga) to explore local issues with community groups.

24. It is intended that the audience for this work will be government agencies, and the work will help develop agency capability to engage with the public. The lead agency for this commitment is Te Kawa Mataaho.

Commitment 3 - Establish an integrated, multi-channel approach to public services

25. This commitment will address barriers people face when government services are delivered online, with limited alternative options for non-digital participation. The need for multi-channel access to support and services is an issue strongly supported by civil society representatives. This proposal aligns with the Citizen's Advice Bureau New Zealand petition to 'Leave no-one behind – Campaign to address digital exclusion'. While this petition was strongly supported and was the subject of a special debate in Parliament, no progress on this issue has been made. This commitment supports both theme A (Public Participation) and theme C (Access to and usability of public information).

26. This commitment will involve the Department of Internal Affairs (DIA) as the agency lead, working in partnership with civil society organisations and government agencies to identify best practice models and create a plan to implement integrated, cross-government, multi-channel public service delivery.

27. Improving service delivery and giving New Zealanders a better experience of government is something that DIA and the Government Chief Digital Officer (GCDO, as system lead) has a keen interest in, and features in the Strategy for a Digital Public Service. However, Commitment 3 is a potentially large reform of the public service's current service delivery model. For example, it may impact agency chief executives' authority to determine their service delivery channels. The Commitment requires further scoping and clear objectives, which would need to be considered in the context of capacity constraints in the GCDO. Consideration may also need to be given to the GCDO's mandate, as it currently has no powers to direct agencies to follow any particular service delivery model.

28. I propose Cabinet invite officials from the Public Service Commission and Department of Internal Affairs to scope the work programme of Commitment 3 in the context of resource constraints and appropriate levers for the GCDO, and report back if any mandate changes are needed.

B – Information to support financial accountability

29. This Plan proposes three commitments which aim to significantly advance integrity, financial accountability, and anti-corruption policy. The commitments involve: designing and implementing a National Counter Fraud and Corruption Strategy; improving

transparency around government procurement; and providing visibility of beneficial ownership of companies and limited partnerships.

Commitment 4 – Design and implement a National Counter Fraud and Corruption Strategy

30. Development of a National Counter Fraud and Corruption Strategy will initially focus on government agencies, and seeks to strengthen resilience to fraud and corruption risks. Fraud and corruption harms everyone by taking tax dollars from public services. New Zealand citizens quite rightly expect government agencies to act as responsible stewards when managing public funds. While the true figures across New Zealand are not known, New Zealand Police estimate between \$700m- \$1.4bn of public sector spending is lost to fraud every year. This commitment looks to improve the government's ability to tackle financial crime that targets public funds and fundamentally supports a trusted, transparent, responsive, and inclusive government.
31. While the initial focus of this commitment is on the public sector, civil society representatives would like it extended to cover the whole economy. The Serious Fraud Office as the lead agency has acknowledged this feedback and will consider expanding the scope of future iterations to include the whole economy.

Commitment 5 – Increase transparency of beneficial ownership of companies and limited partnerships

32. This commitment increases the public visibility of beneficial ownership of companies and limited partnerships by advancing legislative policy to make beneficial owners' identifying information available on a register. This aligns New Zealand's corporate governance laws and practice more closely with international standards. The lack of transparency of the beneficial ownership of companies and limited partnerships was raised as a concern by civil society groups. As such, it poses a risk to New Zealand's international reputation for high integrity by creating opportunities for tax evasion, money laundering, and corruption. Work on this commitment has commenced with engagement with the Parliamentary Counsel Office underway on legislative drafting. Further detailed policy decisions on this commitment will be made as this work progresses. The Ministry of Business, Innovation and Employment (MBIE) is the lead agency.

Commitment 6 – Improve Government Procurement Transparency

33. Government procurement comprises a significant part of New Zealand's domestic economy, with more than \$51b spent annually on procuring goods and services. The procurement commitment under this Plan builds on work from the Third National Action Plan. It will promote greater compliance with transparency requirements and improve data quality by making changes to the Government Electronic Tender Service (GETS). This will lead to better information sharing with the marketplace, improve efficiency and competition.
34. More significantly, the commitment's aim is to achieve greater transparency of government procurement by developing and trialling a digital data platform that will capture government procurement information. Establishing a digital data platform for government procurement data will also enable the New Zealand government to better align its practice with the Open Contracting Data Standard. This commitment will be led by MBIE.

C – Access to and usability of public information

35. Access to, and usability of, public information supports the transparency of government decision-making and helps to increase public trust in government. One commitment in the Plan will strengthen the scrutiny given to OIA exemption clauses in legislation.

Commitment 7 – Strengthening scrutiny of OIA exemptions in legislation

36. Civil society representatives have raised concerns that too often legislation is passed containing an OIA exemption. Submitters were concerned that this may result in OIA exemption clauses being introduced when they are not needed. More than 20 such clauses have been enacted since 2019, and there are at least 85 active statutes containing these clauses.

37. This commitment will improve information transparency, by enhancing the scrutiny of any future legislative clauses that propose to exclude certain information from being subject to the provisions of the OIA. It will involve strengthening existing processes and reviewing existing guidance (for example Legislation Design and Advisory Committee Guidelines) to identify any gaps in the application of guidance or the guidance itself and may include consultation with the Ombudsman.

D: Government use of data and personal information

38. The Plan includes one commitment that aims to improve government use of data and personal information. Government is increasingly using data and personal information to deliver services and it is important that this is done in a way that upholds public trust. The commitment would strengthen transparency and accountability of the government's use of algorithms.

Commitment 8 – Strengthen the transparency and accountability of government agencies' use of algorithms

39. The increasing use of algorithms, and perceived lack of transparency of government agencies' use of algorithms, was a significant concern raised in public consultation and workshops. While an Algorithm Charter has been implemented, participation is voluntary. A one-year review of the Charter (completed in December 2021) made several recommendations. These are yet to be progressed. This commitment aims to implement these key recommendations and strengthen agency charter participation. Stats NZ is the lead agency for this commitment.

Commitments that were consulted on that will not be progressed

40. Three further commitments were identified by civil society representatives, but not supported government agencies. These commitments were:

40.1. **Publish Crown financial spending data in open data formats.** This proposal would involve publishing Crown financial spending data in open format, training people in the use of the data and establishing governance to sustain its use. The Treasury was supportive in principle, but advised there would be more cost-effective measures for improving budget transparency. The Treasury currently publishes its key data sets in Excel files and noted that the main users of open data format are expected to be academics, analytical institutes and think tanks,

rather than the general public. New technology is also improving the ability to read from formats that are not open data. The Treasury estimates the proposal would cost approximately \$1.5 million to establish in addition to ongoing annual costs of approximately \$300,000.

- 40.2. **Create an independent fiscal institution (IFI).** Civil society organisations support the creation of an IFI. In 2018-19, Treasury consulted on establishing an IFI and Cabinet agreed on what the functions of an IFI would be. In December 2021, the Finance and Expenditure Committee reported on the matter, indicating moderate support for including the concept of an IFI in any future legislation to strengthen fiscal responsibility. However, there was no urgency for the proposal to be progressed at that time. As this has been recently considered by Cabinet, it is not included in NAP4.
- 40.3. **Co-production of a National Interest Analysis of the Aarhus Convention.** The Aarhus Convention is an international agreement that gives people the right to access information about the environment and promotes public participation on decision-making. Civil society representatives propose the establishment of a joint civil society and government working group to scrutinise the implications of accession to the Aarhus Convention. This would involve co-producing a National Interest Analysis of the Convention and advising Ministers on whether to accede to the convention. The Ministry for the Environment (MoE) notes that New Zealand is already a signatory to a range of instruments that impose substantively similar obligations.

Consultation

41. Consultation on NAP4 occurred at a number of stages. Public engagement (online, face-to-face meetings and workshops) has been integral to the development of the Plan for both gathering ideas and developing the commitments. Civil society representatives involved in this work include members from: Transparency International New Zealand; Citizens Advice Bureau; New Zealand Council for Civil Liberties; Trust Democracy New Zealand; Internet NZ; Network Waitangi Ōtautahi; and environment/conservation organisations.
42. Government agencies were also consulted in the development of the Plan. Agencies consulted in the development of the Plan include: MBIE; Serious Fraud Office (SFO); Ministry of Justice (MoJ); DIA; DPMC; IR; MoE; Ministry for Pacific Peoples (MPP); Ministry for Social Development; Whaikaha | Ministry of Disabled People; Ministry of Education; Ministry of Ethnic Affairs; Ministry of Health; Te Puni Kōkiri, The Treasury; Stats NZ; Parliamentary Counsel Office; Electoral Commission; and the Office of the Clerk.
43. Consultation on this Cabinet paper has also occurred with a significant number of agencies, including: MBIE; SFO; MoJ; Whaikaha; IR; DPMC; DIA; MPP; and The Treasury.
44. A further opportunity for public consultation will occur when, in accordance with OGP requirements, the endorsed Plan is published for public comment for at least two weeks after Cabinet's approval, with any feedback being considered before finalising the Plan. Any minor changes will be made by the Minister of Public Service to finalise the plan.

Financial Implications

45. Development of the Plan, and delivery of the agreed commitments included in the Plan, are resourced from within agencies' existing baselines and do not require additional funding.

Legislative implications and impact analysis

46. This paper has no legislative implications, and a regulatory impact analysis is not required. If legislation is required to complete a commitment (for example to create the register of beneficial interests in companies and limited partnerships), relevant Cabinet approvals will be sought through a separate process.

Human Rights, gender, and disability perspectives

47. Open government is positive from a human rights and diversity perspective. Agencies responsible for commitments will need to ensure commitments are delivered in a way that supports the needs and considers views of diverse communities and upholds the Crown's responsibilities under Te Tiriti.

Publicity

48. I will release the Plan for public comment before finalising and providing it to the OGP Secretariat for publication by end of 2022.

Proactive Release

49. I intend to release this paper proactively when the Plan is released for public comment.

Recommendations

I recommend that the Committee:

1. **Note** that New Zealand is a member of the Open Government Partnership (OGP) and committed to co-designing and implementing National Action Plans to improve transparency, accountability, and civic participation in government
2. **Note** that the OGP rules require the Fourth National Action Plan (2023-24) to be publicly released for two weeks for final comment, before being finalised and published by the end of 2022
3. **Agree** to adopt the draft Fourth Open Government Partnership National Action Plan (**Appendix A**), which incorporates the following eight commitments, each of which has a sponsor committed to progressing it without additional funding:
 - 3.1. Commitment 1 – Adopt a community engagement tool to lift the quality of planning and levels of community engagement for significant initiatives
 - 3.2. Commitment 2 – Research and trial deliberative processes for community engagement to examine how deliberative processes can be adapted to operate effectively in the New Zealand context

- 3.3. Commitment 3 – Establish an integrated, multi-channel approach to public services to address the barriers people face when government services are delivered online with limited non-digital options
 - 3.4. Commitment 4 – Design and implement a National Counter Fraud and Corruption Strategy that unites and coordinates government agencies’ work to counter fraud and corruption risks
 - 3.5. Commitment 5 – Increase transparency of beneficial ownership of companies and limited partnerships to help people find accurate information about who they are doing business with
 - 3.6. Commitment 6 – Improve Government procurement transparency to enable improve efficiency and competition, and to support government to make data-driven decisions
 - 3.7. Commitment 7 – Strengthen scrutiny of OIA exemptions in legislation
 - 3.8. Commitment 8 – Strengthen the transparency and accountability of government agencies’ use of algorithms to increase public confidence in the use of algorithms by the public sector
4. **Note** that three further commitments proposed by civil society organisations will not be progressed through the National Action Plan 4
 5. **Invite** officials from the Public Service Commission and Department of Internal Affairs to scope the work programme of Commitment 3 in the context of resource constraints and appropriate levers for the GCDO, and report back if any mandate changes are needed
 6. **Agree** to release the attached draft National Action Plan 4 for public comment
 7. **Authorise** the Minister for the Public Service to finalise the National Action Plan 4 for publication based on the agreed commitments and make any minor amendments required to finalise the Plan following the two-week public consultation.

Authorised for lodgement

Hon Chris Hipkins

Minister for the Public Service



Appendix A

Open Government Partnership

Draft

New Zealand's Fourth National Action Plan

2023-2024

Foreword

I am very pleased to present New Zealand's Fourth Open Government Partnership National Action Plan.

New Zealand has been a member of the Open Government Partnership for almost a decade now. The Open Government Partnership is based on the idea that an open government is more accessible, responsive, and accountable to its citizens. That improving the relationship between people and their government has long-term benefits for everyone. At a time when many countries are experiencing a decline in public trust, open government values are more relevant than ever.

Living in a country that has consistently performed highly in international rankings for public trust and confidence is no guarantee as to what our future may hold. An abiding theme of open government work is acknowledging that nothing stays the same. It is imperative to continue to embrace the challenge to do better in fostering transparency, accountability, and inclusion to improve how government serves its people and communities.

New Zealand has had its share of social disruption as well as health and environmental challenges in recent times. The country is now into its third year of the COVID-19 pandemic. COVID-19 has been accompanied by some constraint on freedoms, which has attracted diverging views and unprecedented discord. This experience has highlighted how important public trust and confidence in government is, to both social cohesion and the social licence government needs to be able to serve its people well.

As a government, we remain committed to developing a just and inclusive society. This means taking the opportunity to improve Māori-Crown relationships, and doing better in recognising the role of Te Tiriti o Waitangi in government policy and services. The Public Service is playing a critical role in supporting government to navigate this change.

The commitments in this National Action Plan reflect the input and views of the public and civil society and the desire for government and non-government to work together to improve the lives of New Zealanders.

In engaging with New Zealanders when developing this National Action Plan, we heard about where the government could do better. There has been a strong call for the Public Service to improve its engagement capability and to provide communities with opportunities to contribute to the development of government policy and services that affect them.

I would like to thank all of those who have been involved in the development of this National Action Plan. Those involved includes the many individuals, communities, civil society organisations, Public Service agency officials and Expert Advisory Panel members who have provided valuable input and perspectives for this Plan over many months and, in some cases, years.

Hon Chris Hipkins
Minister for the Public Service

Introduction

New Zealand is internationally recognised for its high transparency, politically-neutral Public Service, and low levels of corruption. Open Government Partnership (OGP) National Action Plans play an important role in maintaining these strengths and in supporting reforms to increase openness, transparency, democratic participation, and government accountability.

New Zealand has been progressing an open government agenda for many years. Open government values are expressed in many ways, including through laws, evolving government policy and institutional practice. The Official Information Act 1982 (OIA), which codifies the presumption of disclosure of government information, set the tone for openness in New Zealand some 40 years ago. Recent OIA education and reporting initiatives have helped the Public Service achieve high levels of OIA compliance. Other recent information transparency initiatives (such as the proactive release of Cabinet papers), continue to make government information more open and accessible.

The Public Service Act 2020 supports openness in government by requiring government departments to develop and publish Long-term Insights Briefings, independently of Ministers and in consultation with the public. These Briefings inform the public about medium and long-term trends, risks, and opportunities affecting New Zealand and its communities.

Openness in government encourages effective community and citizen engagement, an important area of reform in New Zealand being advanced through two commitments in this Plan. A commitment for the Public Service to adopt a common community engagement tool for 'significant' community engagements aims to lift the quality and consistency of community engagement by improving upfront critical thinking and planning. This commitment builds on work completed under the Third National Action Plan, that involved the development of tools and guidance to support the Public Service to apply the International Association for Public Participation (IAP2) Public Participation Framework (principles and spectrum). The quality of the tools and guidance developed was subsequently recognised by the IAP2 international body.

A second commitment to improve community engagement aims to explore how innovative, deliberative, democratic processes can be adapted and used to improve citizen engagement in the New Zealand context. There is currently little use of deliberative processes to improve community participation. There is real potential for government agencies, working together with communities, to trial and experiment on a range of topics through deliberative processes.

A third commitment focuses on the provision of integrated, multiple channels for public service delivery - channels to include options which meet diverse needs of all the people of Aotearoa and ensure access for all to public services and support. This will address the barriers people face when government services are delivered online, with limited alternative options for non-digital participation.

A reputation for high integrity, fiscal transparency, and ease of doing business are important attributes for a small trading nation like New Zealand. However, fraud and corruption risks are increasing worldwide. New Zealand has experienced some of its worst cases of public sector fraud and corruption in the last 10 years. Factors that may have contributed to fraud and corruption risks include increased

emergency spending to respond to COVID-19, as well as relatively low levels of transparency in both public sector procurement and the beneficial ownership of companies and limited partnerships.

Three commitments in this Plan aim to support business transparency and, collectively, counter fraud and corruption risks. The commitments comprise the design and implementation of a national Counter Fraud and Corruption Strategy, increasing the transparency of beneficial ownership of companies and partnerships, and lifting the transparency of public sector procurement.

This plan also includes a commitment to strengthen access to public information by examining proposed OIA exemptions in new legislation. This will reduce the unnecessary introduction of non-disclosure provisions.

Finally, the plan includes a commitment to support the government use of data and personal information. This commitment seeks to strengthen the transparency and accountability of algorithm use across government agencies through the creation of a community of practice to share lessons learnt and implementing the principles of the Algorithm Charter for Aotearoa New Zealand.

All aspects of open government (including participation and inclusion) must be considered through the lens of what government means in the New Zealand context. In recent years, the government has articulated policy on the Māori-Crown relationship and the Crown's obligations under Te Tiriti o Waitangi in various instruments. In 2019, Cabinet published agreed guidelines for policymakers to consider Te Tiriti in policy development and implementation. In 2022, Te Arawhiti (the Office for Māori Crown Relations) issued guidance to public servants on how to consider Te Tiriti implications in policy development and implementation. The guidance is supported by a range of tools and training on how to approach engagement with Māori.

More broadly, the Public Service Act 2020 (the Act) sets out the role of the Public Service in supporting the Crown's relationships with Māori under Te Tiriti and in achieving the government's objectives of improving services and outcomes for Māori. In developing this Plan, advice was sought from Te Puni Kōkiri and civil society organisations on how best to apply a Te Tiriti lens to this work.

Expert Advisory Panel's Observations

The Expert Advisory Panel (EAP) was appointed by Te Kawa Mataaho | Public Service Commission (the Commission). Its role is to advise the Commission as it works to develop and oversee the implementation of New Zealand's OGP National Action Plans.

COVID-19 has disrupted a lot of OGP activities, including the process of developing New Zealand's Fourth National Action Plan (NAP4). When the process started in early 2020, the focus was on commitments to improve the standard pillars of open government: participation; accountability; and transparency. In 2022, the context is different with democratic values and institutions being openly challenged here, to some extent influenced by social media originating in other countries. Accordingly, the EAP recommended greater priority be given to the OGP and the authentic co-production of ambitious, potentially transformative commitments.

The EAP commends the civil society organisations (CSOs) that wrote to the Minister responsible for the OGP in March 2021 – calling for a genuine, inclusive partnership and pushing for the co-production of an ambitious National Action Plan. These CSOs wrote to the Minister again in December 2021 with briefing materials on a range of issues. We are pleased that some of these issues have resulted in commitments in the plan. Civil society representatives have given hours of their time, energy, and expertise to the open government kaupapa.

The EAP would also like to acknowledge the considerable efforts of officials, as they developed a more collaborative process for developing NAP4. To deliver on its potential, however, the New Zealand OGP requires stronger political and strategic leadership from the government. Importantly, it requires a robust commitment to Te Tiriti o Waitangi and to how its principles will be integral in open government practice. Further, as practice to date has demonstrated, successful commitments are those with sufficient budgets to support innovation and the significant development of co-production capacities. Finally, for open government to succeed in rebuilding trust in democratic government, National Action Plans require significantly broadened and diversified participation by civil society representatives and a willingness to focus on issues that matter most to communities throughout New Zealand.

The EAP is looking forward to working with the Commission through the first quarter of 2023 to establish a new Multi-stakeholder Forum. This will be an important step forward to institutionalise the sort of co-governance and co-production that will be needed to strengthen New Zealand democracy through the OGP.

Developing the Fourth National Action Plan

The Fourth National Action Plan was developed by the Multi-stakeholder Forum (MSF), consisting of the EAP and officials from the Commission's open government partnership team. The development of the Fourth National Action Plan took place over three years due to time frames being formally extended as a result of COVID-19.

Public consultation and engagement on potential commitments was a core part of the development of the Plan and is discussed below. Following significant public workshops and engagement with civil society representatives in 2020 and 2021, in October 2021 the Minister for the Public Service identified four key themes for the Plan. Public workshops were then held on these themes and following this EAP, civil society organisations and officials met to discuss progress on fledgling commitments. In November 2022 Cabinet agreed to the publication of the draft Plan for final public comment.

Outreach and Process Improvements

Effective public engagement is essential to capture the community's views and ideas for the Plan. Process improvements to facilitate greater participation in developing this Plan involved significantly more outreach to gather ideas. In 2019-21, officials travelled to several locations around the country to conduct public meetings and workshops. This engagement was supplemented by an online, public platform, launched in early 2021. The platform used deliberative questions, developed to generate ideas and suggestions from the public about 'challenges for a public conversation on how we advance active citizenship, partnership, responsiveness and transparency of government'.

The greater public outreach resulted in approximately 1500 ideas being gathered for the Plan. After being assessed to determine whether ideas were already being actioned by government, the remaining ideas were collated under the following key themes selected by the Minister as Plan priorities:

- i) public participation
- ii) information to support financial accountability
- iii) access to, and usability of, public information
- iv) government use of data and personal information.

Running public workshops when New Zealand was experiencing high numbers of COVID-19 cases meant workshops to develop commitments had to be held online for the first time. The Commission employed an independent facilitator with expertise in online tools to assist. Preparation included: developing detailed assessment criteria for potential commitments; designing a new workshop process; and creating collateral for workshop participants. The EAP worked with officials on adapting the design of the workshop process mid-way, to improve the quality of participation and participants' experience.

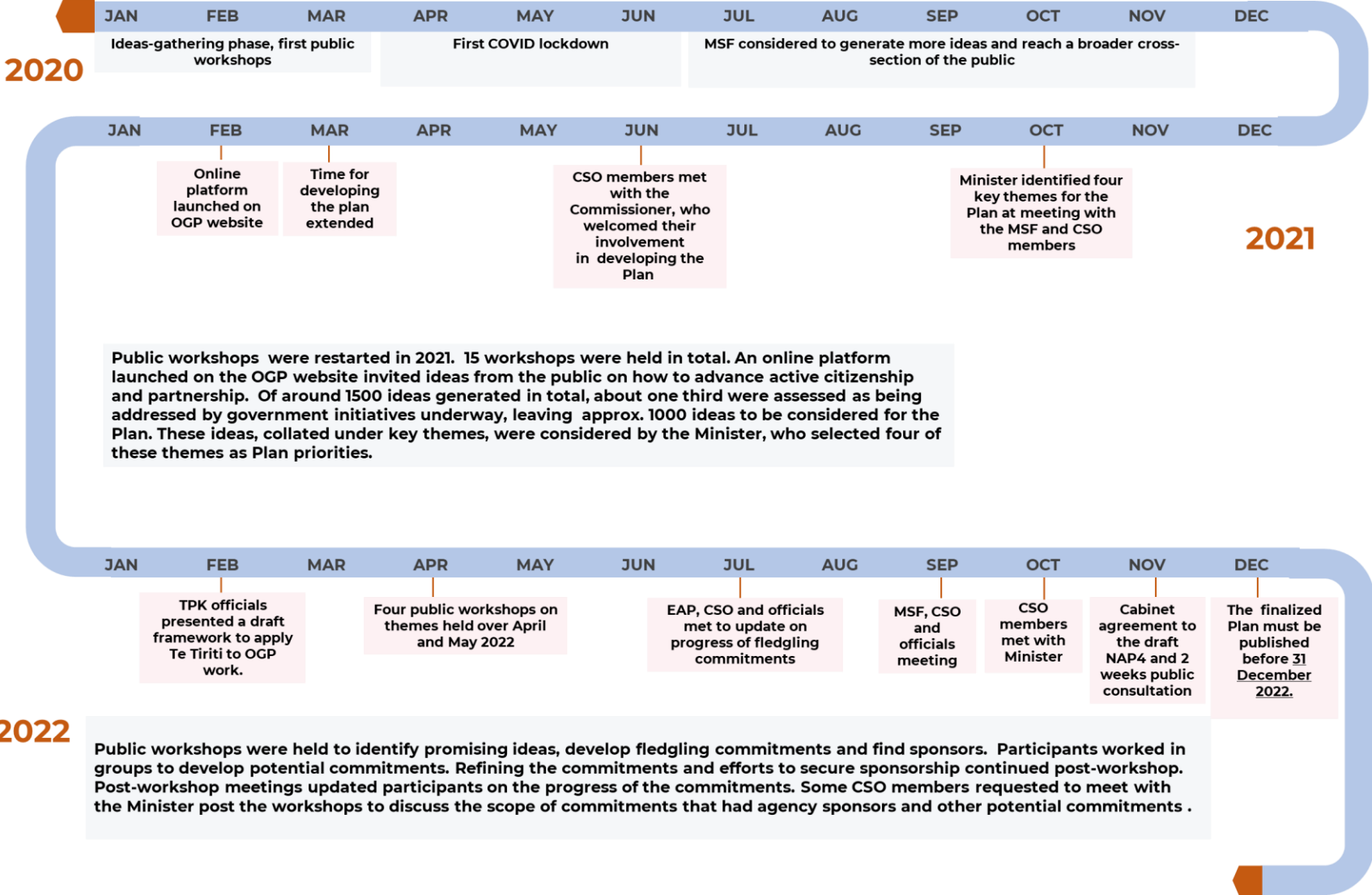
During and outside of the workshops, the MSF, officials, and members of the public and civil society representatives worked collaboratively, over several months, to develop potential fledgling commitments and identify priorities. Participants worked in large and small groups, during and after four online workshops in April-May 2022. A further two public meetings in July 2022 were held to discuss

the draft commitments. Participants continued to provide feedback on potential commitments after these workshops, and officials continued to discuss the commitments with key stakeholders to investigate potential sponsorship for some of the commitments.

Te Tiriti o Waitangi

A significant process matter discussed by officials, the EAP, and members of civil society during the Plan's development was the appropriate recognition of Te Tiriti. In particular, the appropriate way to apply a Te Tiriti lens to OGP work. The discussion led to Te Puni Kōkiri officials presenting to officials, the EAP and civil society representatives on a draft framework developed for applying Te Tiriti for OGP initiatives. The framework was incorporated into the detailed assessment criteria, and templates used by workshop participants in commitment development.

Timeline for the **Fourth National Action Plan**



The Commitments

Theme: Public participation

Commitment 1: Adopt a community engagement tool

Objective:

Adoption by the Public Service of the Policy Community Engagement Tool (PCET) to lift the quality of community engagement for significant initiatives.

Meaningful citizen engagement is core to open government, and critical to achieving better quality outcomes for all. Effective engagement allows those who are affected by a decision, or interested in an issue, to be involved in policy design, development and decision making. Quality engagement helps create robust policy that reflects the values and aspirations of the community. Policy decisions, resulting from an inclusive and collaborative process, have more credibility. Meaningful engagement with diverse people and communities (including communities empowered to make their own decisions on matters that are deeply important to them), will increase public trust and confidence in government.

Ambition:

The aim is to ensure that community engagement on ‘significant’ initiatives is well-designed, planned and delivered. Requiring Public Service agencies to use a Policy Community Engagement Tool will improve how they design engagements from the outset. The trust relationship between government and citizens is enhanced if all parties to an engagement understand their level of participation in the process at the outset, and what that means. It also includes ensuring the engagement methods and processes used reflect the expectations about the level of participation, and what has been promised. Applying this approach will increase public trust and supports a well-functioning democracy. It will enhance Māori-Crown relationships by providing the mechanism for those affected to work through complex long-term issues in a way that is inclusive of all interests and communities.

Status Quo:

Community engagement in government policymaking has often been at the level of “consult”. In addition, community engagement practice has not been consistent across government. Work to strengthen community engagement was initiated under Commitment 5 of the Third National Action Plan. The Policy Project, a unit based in the Department of the Prime Minister and Cabinet, surveyed policy advisors, community representatives and engagement specialists to better understand their experience of community engagement, and to gain insights to improve participation in policy making. The survey demonstrated a well-understood need to improve government’s approach to community engagement.

As a result, the Policy Project created a toolbox of resources to support agency engagement with communities. The Policy Project has since designed the PCET, which is being piloted by agencies involved in the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain (RCOI). The PCET supports RCOI recommendation 38, which requires all public sector community engagement to be in accordance with New Zealand’s OGP commitment. The PCET will be revised in light of feedback on its use during the pilot, ready for adaption for all-of-government use.

Te Tiriti O Waitangi:

Developing and applying the International Association for Public Participation’s spectrum of public participation to public engagement in the context of Te Tiriti is likely to: lead to more effective engagement with Māori as both citizens and iwi; produce better quality outcomes; and support Māori-Crown partnerships. There is a distinction between involvement of Māori as citizens and engagement with iwi as Treaty partners in public engagement processes. However, both can help to strengthen relationships between Māori and the Crown and improve decision-making. Lessons learnt and experiences can be shared between Māori-Crown partnership approaches and participatory approaches more broadly.

Lead Agency:

Te Kawa Mataaho Public Service Commission

Milestones:

Commitment 1: Adopt a community engagement tool		
OGP Values: Transparency, Accountability, Public Participation		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Review use of the policy community engagement tool in the RCOI pilot phase and prepare tool for adoption by all Public Service agencies	15 January 2023	30 June 2023
Develop a model standard to support the use of the community engagement tool by the Public Service for significant initiatives	15 January 2023	30 June 2023
Design reporting requirements for use of policy community engagement tool by Public Service agencies	15 April 2023	30 November 2024
Establish and maintain a community of practice	30 June 2023	Ongoing

Commitment 2: Research deliberative processes for community engagement

Objective:

To research how deliberative processes can be adapted to work well in the New Zealand context by identifying at least two examples of deliberative democratic processes on meaningful issues through a public sector/civil society/community alliance. Research to capture lessons learnt and share these to build capability. This will involve adapting the examples to the New Zealand context.

Ambition:

To strengthen the range of available options for public participation by identifying pilots and trials where deliberative democratic processes (such as citizens' assemblies, citizens' juries, participatory budgeting) are being used. Capture lessons learnt and share these to develop greater awareness and understanding of these innovative practices.

Status Quo:

Public authorities from all levels of government overseas increasingly use Citizens' Assemblies, Juries, Panels, and other representative deliberative processes to tackle complex policy problems ranging from climate change to infrastructure investment decisions. There is currently little use of deliberative processes in New Zealand. There is an opportunity to improve community participation over a range of topics by government agencies and communities trialling and experimenting with deliberative processes (for example, at a local level) and adapting these to the New Zealand context. Lessons learnt can be captured and used to improve deliberative processes and potentially to make them scalable to a national level.

The two deliberative processes will be identified through engagement with civil society and agencies. Two recent examples identified by civil society are:

- WaterCare NZ's largest water and wastewater company who has recently trialled the use of citizen juries as a decision-making process. This is in partnership with the University of Auckland and Koi Tū, the centre for informed futures
- A Wellington based iwi and their use of citizen assemblies (Talanoa/Wananga) to explore local issues with community groups.

During our workshops some agencies are considering the use of deliberate processes, but these were not confirmed at the time of finalising the plan. The final audience for this work is agencies to support capability development and share lessons learnt.

Te Tiriti O Waitangi:

Deliberative processes must consider Te Tiriti. Innovative processes to tackle complex problems that incorporate Te Tiriti concepts and values can strengthen community participation and create outcomes that have strong credibility and support.

Lead Agency:

Te Kawa Mataaho Public Service Commission

Milestones:

Commitment 2: Research and trial deliberative processes for community engagement		
OGP Values: Transparency, Accountability, Public Participation		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Identify at least two examples of the use of deliberative, democratic processes on meaningful issues	January 2023	December 2023
Adapt pilot deliberative processes to NZ context	June 2023	June 2024
Evaluate the deliberative processes pilot to identify lessons learnt	June 2024	October 2024
Build capability within government entities and communities to conduct deliberative processes based on lessons learnt	October 2024	December 2024
Identify future projects to use deliberative processes	October 2024	December 2024

Commitment 3: Establish an integrated, multi-channel approach to public services and support

Objective:

Provision of integrated, multiple channels for public service delivery - channels to include options which meet diverse needs of all the people of Aotearoa and ensure access for all to public services and support.

Ambition:

This commitment will address the barriers people face when government services are delivered online, with limited alternative options for non-digital participation.

The commitment will be achieved through civil society organisations and government agencies working in partnership, to identify best practice models, co-design, develop, and carry out a pilot or pilots, and to create a plan to implement integrated, cross-government, multi-channel public service delivery.

The need for multi-channel access to support and services is an issue strongly supported by civil society representatives. This proposal aligns with the Citizen's Advice Bureau New Zealand petition to 'Leave no-one behind – Campaign to address digital exclusion'.

By giving people the choice of channels, they need for connecting and engaging with public services, a multi-channel service delivery environment will allow people to more easily access their entitlements and fulfil their obligations in respect of government. It will prevent the individual and societal costs experienced when people are unable to easily connect with services and will enhance social inclusion and individual and community wellbeing.

Status Quo:

Over the past decade, there has been a push for digital transformation across the public sector. While this has provided benefits in several areas, many processes and interactions with government agencies are now designed to direct people to a digital pathway. While other channels for accessing services, such as public counters, in-person appointments, and phone services have been scaled back or removed.

To date there has been no coordinated across-government initiative with the primary purpose of ensuring the public's access to multiple channels for connecting with public services and support.

Te Tiriti O Waitangi:

Māori have much higher rates of digital exclusion compared to non-Māori and therefore face greater impacts of the Government's digital-first or digital-only approach to service delivery and the loss of in-person services, especially of kanohi ki te kanohi services. The current approach serves only to create additional barriers to services and support, deepening the disadvantage Māori already face.

Lead Agency:

Department of Internal Affairs

Milestones:

Commitment 3: Establish an integrated, multi-channel approach to public services and support		
OGP Values: Transparency, Accountability, Public Participation		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Phase 1: Scoping of Work Programme The Public Service Commission and Department of Internal Affairs to scope the work programme with relevant stakeholders.	November 2022	February 2023
Phase 2: Learning and Exploration Phase Establish relationships with relevant communities and agencies Establish a cross-agency / civil society / NGO / iwi working group	November 2022	March 2023
Obtain insights and best practices from other service models (Service NSW and Service Canada)	March 2023	April 2023
Identify quick wins	March 2023	April 2023
Phase 3: Planning and Building a Pilot Develop a model of what a best practice model could look like. Identify who is going to action it	April 2023	July 2023
Implement quick wins	August 2023	November 2023

Pilot the best practice model	November 2023	January 2024
Identify insights from pilot	March 2024	
2 nd pilot	April 2024	June 2024
Develop and publish plan for implementation across public service	June 2024	December 2024
Establish and maintain Community of Practice	June 2024	December 2024

Theme: Information to support financial accountability

Commitment 4: Design and implement a National Counter Fraud and Corruption Strategy

Objective:

Implement a national Counter Fraud and Corruption Strategy that unites and coordinates government agencies’ work to counter fraud and corruption risks. This will strengthen the system’s ability to identify and combat fraud and corruption risks and enhance transparency and accountability.

Ambition:

To design and implement a national Counter Fraud and Corruption Strategy that will support government efforts to address fraud and corruption risks. Phase One of the Strategy will focus on fraud and corruption that targets public funds and resources, helping tax dollars go to needed public services and projects. Implementation of the strategy will improve the ability to safeguard public funds, while increasing the public’s trust and confidence in government as a responsible steward of public resources.

The initial focus of this commitment will be on strengthening the capability of the public sector. Future development of the strategy may include business and the private sector.

Status Quo:

Despite its reputation for a high integrity Public Service, New Zealand is not immune to the increasing risks of fraud and corruption being faced in many parts of the world. Contributing factors include the rise of the digital economy, fragmented regulatory frameworks across jurisdictions, and trading with countries ranked as having higher levels of corruption. Government procurement has a relatively low

level of transparency and emergency public spending has increased dramatically in response to the COVID-19 pandemic.

New Zealand Police estimate between \$700m and \$1.4bn in government funds is lost to fraud every year. Research commissioned by the Serious Fraud Office estimates that, taking into account loss due to error, between \$5bn and \$10bn is lost due to fraud and error every year. These estimates do not include losses attributable to corruption. At a system level, a lack of information about the true extent of fraud and corruption, overlapping operational mandates, and different priorities of agencies involved can present obstacles to government working in a coordinated and consistent way to address fraud and corruption risks. New Zealand citizens quite rightly expect government agencies to act as responsible stewards when managing public funds.

Te Tiriti O Waitangi:

Implementing a national Counter Fraud and Corruption Strategy to address fraud and corruption risks may deliver positive benefits to Māori as both citizens and iwi, to the extent that Māori are over-represented in socio-economic indicators for need, use of public services and experience of inequality. Acts of fraud and corruption often target government funds and resources, reducing the available funds for quality public services, diverting aid away from those most in need, deepening inequality, and eroding trust in government.

Lead Agency:

The Serious Fraud Office

Commitment 4: Design and implement a National Counter Fraud and Corruption Strategy		
OGP Values: Transparency, Integrity, and Accountability		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Design a National Counter Fraud and Corruption Strategy that has clearly defined objectives and explains how they will be achieved	August 2022	August 2023
Implement Phase One of the Strategy focussing on lifting public sector capability, including an education programme for senior leaders	September 2023	December 2024

Commitment 5: Increase transparency of beneficial ownership of companies and limited partnerships

Objective:

Increase the transparency of the beneficial ownership of New Zealand companies and limited partnerships by introducing legislative policy to make beneficial owners' identifying information available on a register.

Ambition:

To establish a register of beneficial ownership of companies and limited partnerships to help people find accurate, up-to-date information about who they are doing business with. The register will hold biographical, contact, and corporate information about the beneficial owners of New Zealand companies and limited partnerships. Companies and limited partnerships will be required to inform the registrar who their beneficial owners are. Beneficial owners will be required to provide their information to the registrar. Beneficial owners will need to prove their identity when providing this information and will be issued with a unique identifier. Subject to safeguards, enforcement agencies will be able to access all register information while the general public will have access to high-level information (name, date of becoming a beneficial owner, and grounds for qualifying as a beneficial owner).

Status Quo:

Companies and limited partnerships are two of the most common “for profit” entities in New Zealand. These entities are only required to disclose information to the Companies Office about individuals who directly own, and who directly run, the entities. There is no legal obligation to disclose the individuals who ultimately own or control companies and limited partnerships (the “beneficial owners”). The current level of disclosure makes it difficult to determine, for instance, who is benefiting when public funds go to private entities, whether entities are paying the correct amount of tax, or if they may be involved in money-laundering or other forms of corruption.

Te Tiriti O Waitangi:

Increase the transparency of the beneficial ownership of New Zealand companies and limited may benefit Māori as both citizens and iwi, to the extent that the current lack of transparency around beneficial ownership of companies and limited partnerships can have an impact on Māori as citizens and iwi due to systemic inequality and disadvantage.

Lead Agency:

The Ministry of Business, Innovation and Employment

Milestones:

These planned milestones are indicative only as they are contingent on the Parliamentary process and passage of legislation.

Commitment 5: Increase transparency of Companies and Limited Partnerships		
OGP Values: Transparency, Integrity, and Accountability		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Prepare instructions to draft legislation to increase transparency of beneficial ownership of companies and limited partnerships	September 2022	February 2023
Draft new legislation to require beneficial ownership information of companies and limited partnerships to be made available	January 2023	December 2023
Introduce the legislation to the House	January 2023	December 2023
Design policy and guidance documentation to support the introduction of the register	March 2023	December 2023
Develop publicity and information to support the enactment of the new legislation	June 2023	December 2024

Commitment 6: Improve Government Procurement Transparency

Objective:

Improving the transparency of government sourcing activity by making changes to the Government Electronic Tender Service (GETS) and by developing a digital data platform (or leverage existing platforms) to capture procurement information, in alignment with the Open Contracting Data Standard (OCDS).

Aligning with OCDS will enable government to share better information with the marketplace and improve efficiency and competition. It will also enable better monitoring and data-driven decision making to improve performance. Greater transparency also supports feedback and engagement by business and citizens.

Ambition:

To design and develop a digital data platform (or leverage existing platforms) that will capture procurement information from agencies and join up GETS data, All-of-Government panel, and agency procurement data, in alignment with the Open Data Contracting Standard. Fully developing and implementing the digital data platform will take time beyond NAP4 but will significantly increase transparency by making procurement information available to agencies and the public via a suite of dashboards.

Also, to make changes to GETS to improve compliance with government contract award publication requirements. The changes will improve collation of data and increase the transparency of government sourcing processes.

Status Quo:

Each year, the New Zealand Government spends \$51.5 billion on the goods and services to support public services, infrastructure, economic growth, and the wellbeing of New Zealanders. How this money is spent not only determines consumer and national outcomes. It also affects the efficiency, fairness, and inclusivity of the public procurement system for its providers.

Currently, transparency of government procurement is limited. Only a subset of government agencies must advertise contracts over \$100,000 through GETS. While the quality of that information has improved, with contract award notices being published as open data on a quarterly basis since July 2019, there is room for improvement. Procurement data is currently difficult to combine due to the lack of integrated data systems to aggregate procurement data in real time. Collation of procurement data outside of GETS is largely dependent on manual data collections which is time consuming, places considerable administrative burden on both agencies and suppliers, and is subject to compliance issues.

Te Tiriti O Waitangi:

Open contracting makes government procurement fairer and more efficient. Improving transparency of government procurement has benefits to Māori as both citizens and iwi, as it enables data and insights to better inform key policies and initiatives relevant to Māori, such as the progressive procurement policy.

Lead Agency:

The Ministry of Business, Innovation and Employment

Milestones:

Commitment 6: Improve Government Procurement Transparency		
OGP Values: Transparency, Integrity, and Accountability		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Design and make changes to the GETS application for improved information publication compliance	January 2023	March 2024
Lay the foundations for integrated data system capability and future data management, through: <ul style="list-style-type: none">• developing a data governance framework• identifying service design, reference architecture, and Data as a Service model• defining data transparency requirements and developing a structured approach for delivery of new reporting requirements, standards, and formats• developing the blueprint for an integrated data system and prioritised implementation pathway• utilising data.govt to publish data insights and sources.	January 2023	February 2025
Pilot the digital data platform and system within NZGP	June 2024	September 2024

Theme: Access to and usability of public information

Commitment 7: Strengthen scrutiny of Official Information Act exemption clauses in legislation

Objective:

To strengthen the scrutiny of legislative clauses that propose to override the disclosure requirements of the Official Information Act 1982.

Ambition:

To strengthen the guidance and procedures agencies must follow in relation to the scrutiny of new legislative clauses that propose to override the disclosure requirements of the Official Information Act 1982 in relation to certain information.

Status Quo:

Civil society representatives are concerned that current legislative processes regarding proposed clauses to exempt certain information from the release provisions of the Official Information Act 1982 are not adequate. This may result in OIA exemption clauses being introduced when they are not needed.

There are now more than 85 clauses in legislation that override the presumption of availability of official information found in section 5 of the Official Information Act 1982. More than 20 have been added as a result of legislation introduced since 2019.

Civil society representatives consider such confidentiality provisions may be applied too broadly or only permit disclosure in limited circumstances. This can result in OIA requests being refused under the OIA as being 'contrary to the provisions of a specified enactment'.

There are current safeguards in place, which include the legislative process, guidelines and the Legislative Design and Advisory Committee. It is also the Ministry of Justice's (MoJ) role, for example, to provide advice on Bills that interface with the OIA. This commitment will propose recommendations to strengthen guidance and controls around this process. This may include consultation with the Office of the Ombudsman.

Te Tiriti O Waitangi:

There may be greater opportunities for Māori to participate in government, as both citizens and iwi members, if more official information is made available.

Lead Agency:

The Ministry of Justice

Milestones:

Commitment 7: Strengthen Scrutiny of Exemption Clauses in legislation		
OGP Values: Transparency, Accountability, Public participation		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Review current legislative processes and guidance in relation to the scrutiny of legislative clauses that propose to override the presumption of disclosure under the Official Information Act 1982	January 2023	Mid-September 2023
Strengthen processes and guidance to better reflect the presumption of disclosure of government information and the application of the public interest test under the OIA	June 2023	December 2023
Rollout and communicate the new processes and guidance that support a strengthened test for scrutiny.	January 2024	December 2024

Commitment 8: Improved transparency and accountability of algorithm use across government

Objective:

To strengthen the transparency and accountability of algorithm use across government through improved supports to implement the principles of the Algorithm Charter for Aotearoa New Zealand.

Ambition:

To embed the principles of the Algorithm Charter consistently across government data management practice and use through shared practice, tools and supports, and system stewardship focussed on the ethical and transparent use of algorithms.

Status Quo:

The intention of the Algorithm Charter is to increase public confidence and visibility around the use of algorithms within the public sector. An independent review of the Algorithm Charter's first year of operation found that there is almost universal support for the Algorithm Charter amongst government agencies and subject matter experts, and that the Charter has been influential in changing practice.

As a result of the Charter, agencies have implemented new risk management policies; established ethics committees and review boards; created new roles to oversee emerging technologies; performed stocktakes and reviews of their algorithms; evaluated the potential for risks that would have previously been unforeseen; and been transparent with the public about the types of algorithms that are being used. The review also found that agencies would not have made the move towards publishing their algorithms online, if it had not been for the Charter.

However, the review also identified that most agencies have addressed their Charter commitments largely on their own and without knowledge of how other agencies were going about it. Several agencies expressed concern that perhaps their approach wasn't optimal and that other agencies may have a better approach. Agencies also expressed a need for information on what is considered 'best practice' in respect to different charter commitments and a medium for accessing expert support when needed.

The review recommended the need to deliver additional support to agencies to implement the Charter.

Te Tiriti O Waitangi:

This commitment could help to embed Māori perspectives and reflect the principles of te Tiriti o Waitangi in the way algorithms are designed and used.

Lead Agency:

Stats NZ

Milestones:

Commitment 8: Improved transparency and accountability of algorithm use across government		
OGP Values: Transparency, Accountability		
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Establish a community of practice or network to share knowledge and best practice, and build capability across signatories of the Charter	January 2023	June 2023
Work with stakeholders to prioritise recommendations from the Charter's One Year Review and design an implementation plan for the high priority recommendations.	January 2023	December 2023
Provide tools, guidance and other supports to signatories to help them meet the transparency and accountability objectives of the Charter	June 2024	December 2024

Undertaking the Plan

Implementation

Following the publication of the Fourth National Action Plan, the key stakeholders involved in the work under each commitment will continue to work on the implementation process. While the commitments may have milestones and specific outputs, the details of the specific activities required of stakeholders to realise the milestones will typically have more detailed plans.

Self-assessment reports are a key OGP accountability mechanism and document the overall progress of the National Action Plan. The self-assessment report is completed at the end of the implementation of the National Action Plan. The draft Self-assessment Reports is open to public comment and published on the country's OGP website, along with the comments and how the comments were addressed.

The Multi-stakeholder Forum

The Multi-stakeholder Forum (MSF) is an established space for ongoing dialogue and collaboration between government and civil society representatives and leads the open government processes within a country. While early MSFs focused on developing action plans, in many jurisdictions they now oversee implementation and engage with stakeholders to advance the OGP process and proactively communicate progress of open government reforms.

Key responsibilities of the MSF may include:

- strategic and tactical planning, including on the best ways to approach the development, implementation, and monitoring of action plans
- engagement on different open government processes (both within and outside government), including the development, implementation, and monitoring of the action plan
- communication activities to inform open government stakeholders and the broader public about open government processes and how they can participate
- oversight of domestic processes related to OGP. Ensuring the development, implementation, and monitoring of action plans and identifying ways to approach these processes in future iterations.

This work will bring opportunities for public participation in the design of the new MSF. During the first half of 2023, New Zealand's current MSF, comprising Commission officials and the EAP, will be leading work on the design and establishment of a new Multi-stakeholder Forum

The Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is OGP's accountability arm and monitors the progress of National Action Plans. The IRM provides independent, evidence-based, and objective reporting to hold OGP members to account to support their open government efforts. A key output of the IRM is the

“Transitional Results Report”, delivered at the end of the implementation of a National Action Plan. Elizabeth Eppel was appointed in 2022 as the new IRM for New Zealand. Elizabeth succeeds Keitha Booth, who was New Zealand’s IRM until the end of 2021.



Cabinet Social Wellbeing Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

New Zealand's Fourth Open Government Partnership National Action Plan

Portfolio **Public Service**

On 23 November 2022, the Cabinet Social Wellbeing Committee, having been authorised by Cabinet to have Power to Act [CAB-22-MIN-0512.01]:

- 1 **noted** that New Zealand is a member of the Open Government Partnership (OGP) and committed to co-designing and implementing National Action Plans to improve transparency, accountability, and civic participation in government;
- 2 **noted** that the OGP rules require the Fourth National Action Plan (2023-24) to be publicly released for two weeks for final comment before being finalised and published by the end of 2022;
- 3 **agreed** to adopt the draft Fourth Open Government Partnership National Action Plan, attached under SWC-22-SUB-0228, which incorporates the following eight commitments, each of which has a sponsor committed to progressing it without additional funding:
 - 3.1 Commitment 1 – Adopt a community engagement tool to lift the quality of planning and levels of community engagement for significant initiatives;
 - 3.2 Commitment 2 – Research and trial deliberative processes for community engagement to examine how deliberative processes can be adapted to operate effectively in the New Zealand context;
 - 3.3 Commitment 3 – Establish an integrated, multi-channel approach to public services to address the barriers people face when government services are delivered online with limited non-digital options;
 - 3.4 Commitment 4 – Design and implement a National Counter Fraud and Corruption Strategy that unites and coordinates government agencies' work to counter fraud and corruption risks;
 - 3.5 Commitment 5 – Increase transparency of beneficial ownership of companies and limited partnerships to help people find accurate information about who they are doing business with;
 - 3.6 Commitment 6 – Improve Government procurement transparency to enable improve efficiency and competition, and to support government to make data-driven decisions;

- 3.7 Commitment 7 – Strengthen scrutiny of Official Information Act exemptions in legislation;
- 3.8 Commitment 8 – Strengthen the transparency and accountability of government agencies’ use of algorithms to increase public confidence in the use of algorithms by the public sector;
- 4 **noted** that three further commitments proposed by civil society organisations will not be progressed through the National Action Plan 4;
- 5 **directed** officials from Te Kawa Mataaho Public Service Commission and the Department of Internal Affairs to scope the work programme for Commitment 3 in the context of resource constraints and appropriate levers for the Government Chief Digital Officer, and report back to the Minister for the Digital Economy and Communications if mandate changes are required;
- 6 **agreed** to release the draft National Action Plan 4 for public comment;
- 7 **authorised** the Minister for the Public Service to finalise the National Action Plan 4 for publication based on the agreed commitments, and make any minor amendments required to finalise the Plan following the two-week public consultation.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Poto Williams
Hon Willie Jackson
Hon Jan Tinetti
Hon Dr David Clark
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan
Hon Meka Whaitiri

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC



Cabinet

Minute of Decision

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New Zealand's Fourth Open Government Partnership National Action Plan

Portfolio **Public Service**

On 21 November 2022, following reference from the Cabinet Government Administration and Expenditure Review Committee, Cabinet:

- 1 **referred** the submission *New Zealand's Fourth Open Government Partnership National Action Plan* [GOV-22-SUB-0042] to the Cabinet Social Wellbeing Committee (SWC) for consideration at its meeting on 23 November 2022;
- 2 **invited** the Minister for the Public Service to submit a revised paper to SWC;
- 3 **authorised** SWC to have Power to Act at its meeting on 23 November to take decisions on the submission.

Rachel Hayward
Secretary of the Cabinet

Secretary's Note: This minute replaces GOV-22-MIN-0042.
