



## **Joint Report: Potential focus areas for New Zealand's fourth Open Government Partnership National Action Plan**

**Date:** 22 October 2021                      **Security Level:** IN CONFIDENCE

**Report No:** 2021/0312

**Contact:** Catherine Williams, Deputy Commissioner, Integrity, Ethics and Standards

**Telephone:** 021 714 867

	<b>Actions Sought</b>	<b>Due Date</b>
Hon Chris Hipkins, Minister for the Public Service	Review this advice prior to your meeting on 28 October	28 October 2021

Enclosure: No

### **Minister's Office Comments**

<b>Comments:</b>	
<b>Date returned to Te Kawa Mataaho:</b>	

## Recommended Action

---

We recommend that you:

- a **Note** the advice in this joint report has been developed with the OGP expert advisory panel (EAP), a range of civil society organisations (CSOs) and government agencies
- b **Note** the potential focus areas for New Zealand's fourth National Action Plan, based on ideas received from the public, and analysed with the EAP, CSOs and government agencies
- c **Note** you will meet with the EAP, representatives of CSOs, Commission officials and officials from other agencies on 28 October 2021
- d **Note** we received a number of ideas regarding environmental and climate change issues. We will consider what opportunities there are in relation to these as commitments are developed under sub-themes (such as enabling public participation; or access to and usability of public information), involving the relevant agencies in these discussions
- e **Advise** which sub-themes you would like to progress for further work towards commitments, based on this advice and your discussions at the meeting on 28 October 2021
  - i. Enabling participation by individuals and groups Yes / No
  - ii. Access to and usability of public information Yes / No
  - iii. Government use of data and personal information Yes / No
  - iv. Information to support financial accountability of the government Yes / No
- f **Agree** that Te Kawa Mataaho release this briefing in full once it has been considered by you.

*Agree/disagree*

## Potential focus areas for New Zealand's fourth Open Government Partnership National Action Plan

### Purpose of Report

---

- 1 You will meet with New Zealand's Open Government Partnership (OGP) expert advisory panel (EAP), representatives of civil society organisations (CSOs) and Te Kawa Mataaho officials and officials from other agencies, on 28 October 2021. This report discusses potential focus areas for New Zealand's fourth National Action Plan (NAP4), based on ideas received from the public. It identifies for your consideration areas that could be prioritised for further work that could eventually become commitments under NAP4.
- 2 The advice in this report has been developed with the EAP, CSOs and a range of government agencies. It summarises the conclusions from our joint work.

### Development of NAP4

---

- 3 As you are aware we have carried out a public engagement process to gather ideas for potential inclusion in the fourth National Action Plan (NAP4). This plan will cover the period 2022-2024. We invited conversations under the three themes which made up the 2018-21 plan, in order to get continuity between the plans. Those themes were: active citizenship and partnership, responsiveness, and transparency and accountability. The process has generated some 1500 ideas.
- 4 The OGP sets out participation and co-creation standards that partners are required to meet when developing a National Action Plan. These include requirements related to consultation, co-creation and decision-making when working with the public and civil society. Countries are expected to move towards "collaborate" on the IAP2 spectrum<sup>1</sup>. New Zealand's NAP3 was rated as "involve" by the OGP independent reviewer.
- 5 In the spirit of the expectation that New Zealand will progressively move towards "collaborate", we have worked closely with the EAP, the civil society organisations who wrote to you earlier in the year and relevant agency officials to analyse the ideas and to identify themes and groupings of ideas which could form the basis of commitments for inclusion in NAP4.
- 6 Most of the suggestions we have received are not targeted at individual agencies, but at the way that government works, and will require a broader response. We have endeavoured to identify the range of agencies likely to be involved in a response. Other agencies may be identified as we progress through the process of commitment definition. This work will continue to be undertaken alongside the Expert Advisory Panel, representatives of civil society organisations, and government officials as we design and implement the process for each stage of Plan development. Commitment development will need to result in the identification of an agency lead or co-lead for each commitment.

---

<sup>1</sup> Consult on the IAP2 spectrum is defined as: To obtain public feedback on analysis, alternatives and/or decisions.

Involve on the IAP2 spectrum is defined as: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Collaborate on the IAP2 spectrum is defined as: To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution. <https://iap2.org.au/resources/spectrum/>

## **Potential focus areas for New Zealand's fourth National Action Plan**

---

### **Analysis of the ideas received – sub-themes**

- 7 Three themes were used to frame the public engagement:
  - Theme 1: Active citizenship and partnership;
  - Theme 2: Responsiveness; and
  - Theme 3: Transparency and accountability.
- 8 While the three themes proved good conversation starters for public engagement, their breadth and overlapping nature meant the analysis had to go down further levels to start getting into meaningful action areas.
- 9 The following sub-themes came out of this work, and were tested and agreed with the group above:
  - Enabling participation by individuals and groups (over one third of all ideas)
  - Access to and usability of public information (over one fifth of all ideas)
  - Government use of data and personal information
  - Information to support financial accountability of the government.
- 10 Sub-themes were also considered separately relating to:
  - Māori-Crown relationship
  - Local Government
  - Parliamentary integrity
  - Environment and climate change response.
- 11 Please see the appendix for potential focus areas under each sub-theme.
- 12 The sub-themes, the potential focus areas and the original ideas have been discussed with the stakeholder group comprising the EAP, representatives of the civil society organisations that wrote to you earlier in the year, officials from agencies leading work currently underway in relevant areas, officials from population agencies engaging with diverse New Zealand communities and Te Kawa Mataaho staff. Officials and civil society representatives have valued the opportunity to share perspectives and work together to consider the potential impacts of the ideas proposed and what would be required to deliver them.
- 13 Where ideas relate to an area where there is significant work underway, the group has discussed potential fit with officials responsible for that work.

#### Ideas related to te Tiriti and the Māori Crown relationship

- 14 The ideas we received suggested a role for the National Action Plan in continuing work to honour te Tiriti, improve Māori representation and improve equity. There is significant work already underway across the Public Service both with respect to the Māori Crown relationship and developing capability in working in and understanding of te Ao Māori.
- 15 In the NAP context the best step for us to support the relationship between the Crown and Māori is to ensure that we invite Māori to participate in the development and implementation of commitments to reflect both te Tiriti and te Ao Māori. We will seek advice from Te Arawhiti and Te Puni Kōkiri on how to achieve this as we develop the approach for creating commitments.

#### Local Government

- 16 Officials from the Department of Internal Affairs reviewed the ideas submitted in relation to improving responsiveness, participation and transparency in local government, and reviewed with the wider group the connection between those ideas and the Future for Local Government review. The group have agreed that most ideas submitted fall within scope of the proposed reform and will be submitted for inclusion in that work programme. DIA also invited civil society to make submissions to the review process.

#### Parliamentary integrity/electoral reform

- 17 Ideas within scope of the independent review of electoral law recently announced by the Minister of Justice will be referred to that review. However, ideas outside the scope of the review, and which connect to other sub-themes, such as enabling public participation, will be included under those sub-themes for further consideration.

#### Addressing Environmental and Climate Change issues

- 18 Climate change is an important issue for New Zealand. The relatively small number of ideas raised in the engagement process reflects the way we framed the conversation around active citizenship, responsiveness and transparency and accountability. Civil society asked for ideas relating to the environment to be reviewed as a group because of the importance of this issue.
- 19 We will consider what opportunities there are in relation to these as commitments are developed. They will be considered as part of the policy process to identify Commitments under sub-themes (such as enabling public participation or access to and usability of public information), involving the relevant agencies in these discussions.
- 20 Civil society representatives have asked that attention be drawn to four suggestions related to exploring New Zealand's accession to and implementation of the Aarhus Convention (United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters). This Convention has been in place since 1998 and was supplemented in 2018 by the parallel Escazú Agreement covering Latin America and the Caribbean. This convention fits under the sub-themes of enabling public participation and access to and usability of public information.

What happens to ideas not progressed?

- 21 All ideas under each sub-theme that are not reflected in commitments will be shared with relevant agencies for their information and consideration, noting that those agencies will likely have been involved during the prioritisation process already.

**Next Steps**

---

- 22 The Commission will work with the EAP, representatives of civil society organisations, other interested community representatives and government officials, to identify priority areas for actions under the sub-themes you agree for further work.
- 23 It is noted that concepts such as access, accessibility, and participation have different meanings to different groups and therefore how we may approach increasing/removing barriers to access, accessibility, and participation will differ accordingly. We will consider who else needs to be involved as this work progresses to ensure these different perspectives and experiences inform future work.
- 24 We will come back and advise you on these priority areas and discuss which ones you would like to progress for inclusion as commitments in the fourth National Action Plan early in 2022.
- 25 Our objective is to have a draft plan ready for consideration by Cabinet mid-2022, prior to public consultation, and submit the plan to OGP in the third quarter of 2022.

## Appendix: Potential focus areas under each sub-theme

- Readiness reflects both alignment with current government work programmes and priorities and the maturity of the ideas received.
- Readiness and impact are rated on a low (L), medium (M) and high (H) scale. They are high-level initial assessments and may be revised as the work progresses.
- Number of ideas relates to how many of the 1,500 ideas sit under each focus area.
- The categorisation of ideas is indicative only, as some will move in response to confirmation of this advice, and as we progress the process of commitment development.

Sub-theme descriptions	Readiness	Impact	No of ideas
<b>Enabling participation by individuals and groups</b> <b>Agencies:</b> Department of Prime Minister and Cabinet (Policy Functional Lead), Department of Internal Affairs, Ministry of Justice, Parliamentary Counsel Office, Ministry of Social Development, Ministry of Education, Ministry of Youth Development, Parliament/Office of the Clerk, the Electoral Commission, population agencies and other agencies identified during the process			
Advisory Panels	M	M	6
Building or supporting strong engagement with democracy	M	M	22
Civics education and encouragement of voting	M	H	134
Community focus, social cohesion	M	H	146
Deliberative processes	L	H	49
Easier to contribute to the development of new laws	H	H	7
Make it easier to engage and provide feedback	M	M	54
Mandatory guidelines/standards covering fit for purpose processes and tools and approaches	M	H	24
Meaningful engagement and consultation	M	H	191
Ownership of work on democracy	H	M	9
Recognise and include the voice of diverse communities	M	H	37
Other	L	L	6
<b>Access to and usability of public information</b> <b>Agencies:</b> Department of Internal Affairs, Statistics New Zealand, Archives New Zealand, Ministry of Justice, Parliamentary Counsel Office, Ministry of Business, Innovation and Employment, Department of Prime Minister and Cabinet (Policy Functional Lead), Ministry of Social Development, Parliament/Office of the Clerk, population agencies			
A central trusted site to get accurate information	M	H	38
Ability to find out who you are dealing with in government	M	M	15
Consistent published, mandated and enforced standards for websites and information	M	M	14
Free access to case law	H	M	3
Improve public access to information and make it more user friendly (plain English, more languages)	H	H	103

Improve usability of information and information management practices	M	H	24
Increase access to information about Ministerial activities/lobbyists engagements with govt	L	M	9
Information brokers in communities	M	M	3
Legislation as code	M	H	5
Misinformation and disinformation - finding information you can trust	M	M	24
Non-digital access to information and services	M	M	10
OIA (Official Information Act) education for the public	H	L	4
OIA/LGOIMA, compliance, practice and reform	H	H	33
Recognise diverse communities and enable better access	M	H	13
Share information from consultation and engagement	M	M	7
Other	L	M	30
<b>Government use of data and personal information</b>			
<b>Agencies:</b> Department of Internal Affairs, Ministry of Social Development, Ministry of Business, Innovation and Employment, Inland Revenue, Statistics New Zealand, Ministry of Justice			
Citizen data collection (crowd sourcing)	M	M	2
Collect and use data to develop insights and improve services	M	H	21
Facilitating access to and sharing of data	H	H	6
Need for more digital security measures	M	M	11
Understanding use of artificial intelligence e.g. algorithms, facial recognition	H	H	15
Other	L	M	6
<b>Information to support financial accountability of the government</b>			
<b>Agencies:</b> Treasury, Ministry of Business, Innovation and Employment, Ministry of Justice, the Electoral Commission			
Anti-corruption measures	M	H	2
Beneficial ownership	M	H	7
Creation of independent fiscal institution	L	M	1
Easy to understand information on allocation of government money	M	M	16
Information on use of third parties to deliver government functions	M	M	8
More information about who the government spends its money with, e.g. open contracting standards	H	H	22
Others - research, grant-making	L	L	2