

Chair  
State Sector Reform and Expenditure Control Committee

## **ACTION PLAN FOR THE OPEN GOVERNMENT PARTNERSHIP**

### **Proposal**

- 1 This paper seeks agreement to:
  - 1.1 the content of New Zealand's 2014 – 2016 Open Government Partnership (OGP) Action Plan, which is attached to this paper
  - 1.2 present New Zealand's OGP Action Plan, including the stakeholder feedback, to the Open Government Partnership Steering Group on 31 July 2014 for their review and approval
  - 1.3 delegate authority to the Minister of State Services to make any technical or minor changes to New Zealand's Action Plan as a result of feedback from the OGP review process
  - 1.4 the State Services Commission (SSC) publishing this Cabinet paper and the OGP's report of its review of New Zealand's Action Plan on the State Services Commission's website, subject to New Zealand's Action Plan being approved through the OGP Steering Group review process
  - 1.5 funding New Zealand's commitments to OGP including annual membership contributions of
    - 1.5.1 \$60 000 in 2014/15 and \$240 000 from 2015/16 onwards, and
    - 1.5.2 policy advice, administrative support and travel costs of up to \$128,000 per annum.

### **Executive summary**

- 2 In September 2013, Prime Minister John Key was invited to join the OGP. I announced New Zealand's intention to join the OGP at the OGP summit held in London in November 2013.
- 3 The OGP is an international organisation, committed to making governments more open, accountable, and responsive to citizens. The OGP objectives resonate with New Zealand values and with our goals for international, economic and social development. By joining the OGP, New Zealand can continue to build and strengthen our system of open government, while also playing a strong leadership role in the OGP by sharing our experiences and expertise. OGP membership will also strengthen New Zealand's ties with many countries who participate in the OGP. Joining the OGP also provides a platform for the government to further explore new and innovative ways of working with civil society to deliver better public services.
- 4 The OGP has 64 member countries, with France being the latest to join. In the lead up to New Zealand joining the OGP the Honourable Peter Dunne attended the OGP Regional Conference in Bali in May 2014 on behalf of the New Zealand Government. The conference was attended by both Heads of State and civil society.

- 5 On 31 July 2014, New Zealand will formally join the OGP when our first two year Action Plan is submitted to the OGP Steering Committee for review, and subsequent publication.
- 6 In preparing the OGP Action Plan, there was a need to balance the pressures of a short timeframe with selecting worthy projects, and engaging with civil society. Cabinet previously agreed that New Zealand's first Action Plan would focus on the Better Public Services Results Programme (BPS) [CAB Min (13) 31/3]. However, the BPS programme in itself will not adequately meet the OGP objectives, in particular the need to work in partnership with civil society from an initiative's inception. Stakeholders consulted during the development of the Action Plan stressed the need to broaden the scope of the Action Plan beyond existing government programmes such as the BPS Results programme.
- 7 For these reasons, the Action Plan not only encompasses the BPS Results programme, but also the ICT Strategy and Action Plan to 2017, the Transparency International NZ (TINZ) National Integrity System Assessment Report and the review of the Kia Tūtahi Relationship Accord. It also sets out a path in which a full engagement process with civil society can occur over the next 18 months. Achieving this latter objective provides the opportunity to gain real traction on the OGP initiative and to explore new and innovative ways of working with civil society.
- 8 Civil society representatives have agreed that developing a work programme with TINZ to respond to the recommendations of its National Integrity Assessment is a positive first step and one which can be built on to foster further citizen engagement. To further address stakeholder concerns and adopt best practice other countries have implemented, the SSC will set up a stakeholder steering committee to oversee the development and implementation of the Action Plan.
- 9 The OGP Steering Committee, and other technical reviewers selected by New Zealand and the OGP, may provide feedback on the Action Plan that New Zealand will need to consider before the Action Plan is published. I recommend that Cabinet delegate authority to me, as Minister of State Services, to make any technical or minor changes to the Action Plan arising from the OGP Action Plan review process.
- 10 As a demonstration of New Zealand's commitment to open government, I am recommending that this Cabinet paper and the OGP's report of its review of New Zealand's Action Plan be published on the SSC's website.
- 11 New Zealand is required to complete an annual self-assessment of its performance towards its OGP commitments, take part in a biennial independent review process, which will involve independent experts assessing New Zealand's performance towards its OGP commitments, and contribute to peer learning within the OGP.
- 12 There are financial implications of New Zealand joining the OGP. I propose that the voluntary membership contribution of \$60,000 in 2014/15, and the on-going mandatory fee of \$240,000 from 2015/16 onwards be funded by a fiscally neutral adjustment (FNA) from Vote Foreign Affairs and Trade non-departmental other expense appropriation "Subscriptions to International Organisations" to Vote State Services. SSC as the lead agency, will fund from its baselines the policy advice, administrative and travel costs. To mitigate the increased costs to Vote State Services, I recommend that Vote State Services retain under-spends from 2013/14 to 2014/15 and 2015/16, with final amount(s) to be confirmed in the October Baseline Update following completion of year-end accounts.

## Background

- 13 The OGP was launched in 2011 by eight founding members including the United States, the United Kingdom and Canada. The multilateral initiative aims to secure firm commitments from governments to promote transparency, empower citizens through information and participation, address corruption, and optimise new technologies to strengthen and improve governance. There are now 64 members, with France being the latest country to join.
- 14 In 2013, New Zealand accepted an invitation to join the OGP by former co-chair of the OGP, Rt Hon Francis Maude, Minister of State, United Kingdom<sup>1</sup>.
- 15 New Zealand's participation in the OGP presents a number of opportunities for New Zealand. Membership of the OGP will:
  - 15.1 enhance and safeguard New Zealand's reputation on matters of transparency and openness, build on our successes, and open us to international review and challenge to do even better, and
  - 15.2 provide an opportunity for New Zealand to strengthen ties with a range of countries who participate in the OGP.

## Process to formalise New Zealand's membership of the OGP

- 16 To formalise our membership, New Zealand is required to present to the OGP Steering Committee its Action Plan by 31 July 2014 for their review and approval, which is expected to take two weeks.<sup>2</sup> As part of this approval process New Zealand can also request technical feedback from any of the following:
  - 16.1 the OGP Steering Committee countries or civil society members
  - 16.2 OGP Working Groups (Access to Information, Open Data, Legislative Openness, Fiscal Openness and Openness in the Extractives), and / or
  - 16.3 multilateral partners (UNDP, OECD, World Bank).
- 17 Given the content of New Zealand's Action Plan (which is discussed in the next section) and advice from the OGP, I recommend New Zealand seek feedback from the Access to Information, Open Data, and Legislative Openness OGP Working Groups, the OECD and the World Bank.
- 18 The OGP Steering Committee and technical reviewers may provide feedback that New Zealand will need to consider before the Action Plan is published. I recommend that Cabinet authorise me, as Minister of State Services, to make any technical or minor changes to the Action Plan arising from the OGP Steering Committee's review.
- 19 The Action Plan must link to at least two of the five OGP "grand challenges", meet OGP principles, and be developed and implemented (over the next two years) in collaboration with stakeholders, particularly civil society organisations (CSOs). The OGP "grand challenges" are: improving public services; increasing public integrity; more effectively managing public resources; creating safer communities, and increasing corporate accountability. The OGP "grand challenges" that New Zealand has selected are: improving public services, increasing public integrity and more

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<sup>1</sup> This initiative was previously managed by the Ministry of Justice and moved to the SSC in November 2013.

<sup>2</sup> The OGP granted New Zealand an extension to submit this first Action Plan given the previous deadline (30 April) did not allow for adequate civil society engagement, a key requirement of New Zealand's participation in this forum. This will be noted by the OGP in their independent review of New Zealand's progress towards its Action Plan commitments in June 2016.

effectively managing public resources. The Action Plan must also show how the initiatives contribute to the four OGP principles of transparency, accountability, participation, and technology and innovation.

- 20 The ongoing commitments and expectations that New Zealand must meet as part of its OGP membership are:
  - 20.1 develop an Action Plan through a multi-stakeholder process, with active engagement of citizens and civil society
  - 20.2 implement OGP commitments in accordance with New Zealand's two year Action Plan timeline
  - 20.3 continue to work with stakeholders including CSOs
  - 20.4 prepare an annual self-assessment report including reporting on the quality of the dialogue with civil society, which will be published on the SSC and OGP websites
  - 20.5 participate in an biannual independent reporting process, with the results published on the SSC and OGP websites
  - 20.6 contribute to peer learning and advancing open government across the partnership, and
  - 20.7 make annual financial contributions to the OGP (refer to financial implications section).
- 21 New Zealand attended the first OGP Asia-Pacific Regional Conference in Bali in May 2014. The Honourable Peter Dunne represented New Zealand, officials from the SSC, Land Information New Zealand (LINZ) and Ministry of Foreign Affairs and Trade (MFAT). New Zealand's presence was very well received, and it is clear that New Zealand is held in very high regard in terms of its ongoing commitment to transparency, and openness in government.

### **Action Plan Content**

- 22 New Zealand's draft OGP Action Plan is appended to this Cabinet paper for approval.
- 23 Cabinet previously agreed that New Zealand's Action Plan would focus on the Better Public Services Results programme and targets [CAB Min (13) 31/3]. I consider that a focus solely on the BPS Results programme will not adequately address OGP requirements to meet at least two OGP "grand challenges" and OGP principles, or requirements to include new initiatives, and work more closely with civil society. Stakeholders were critical of focusing an Action Plan on the BPS Results programme. For these reasons, I recommend that the Action Plan include the initiatives outlined in the table below. Together, they create a package of initiatives that not only support and complement one another, but also support the Government's State Sector Reform Programme and New Zealand's OGP commitments.

## Action Plan initiatives

Area	Comment
BPS Results programme	<p>The Action Plan will report on progress of the Better Public Service Results Programme.</p> <p>It will also provide an in-depth focus on BPS Result 10 (New Zealanders can complete their transactions with the Government easily in a digital environment).</p>
The Government ICT Strategy and Action Plan to 2017	<p>The SSC will work with the Department of Internal Affairs (DIA) and stakeholders to identify which elements of the Government ICT Strategy and Action Plan to 2017 align and/or contribute to the Action Plan at a later date.</p> <p>The Action Plan will also focus on the “Open by default – active re-use of information assets” initiative under the ICT Strategy and Action Plan to 2017.</p>
The 2013 National Integrity System Assessment report	<p>SSC will work with TINZ and its stakeholders to examine and respond to the recommendations of the 2013 National Integrity System assessment report with a view to adopting those that are agreed upon.</p>
Kia Tūtahi (Standing Together) Relationship Accord	<p>In 2015, DIA will work with civil society to assess community-government relations in the context of the Kia Tūtahi Relationship Accord. The Kia Tūtahi Relationship Accord is an important symbol of commitment between government and communities to engage effectively to achieve social, economic and environmental outcomes. It will also assist us to embed how we will work with civil society.</p>

- 24 The Action Plan provides an outline of New Zealand’s history of open government, how the Action Plan was developed, and will be implemented. It also contains a commitment by the SSC to set up a stakeholder steering committee, a stakeholder engagement and implementation plan.

## Evaluation of projects in the Action Plan

- 25 Once the Action Plan is published, SSC, DIA, and LINZ as part of the implementation plan will develop an evaluation framework with stakeholders. The evaluation framework will measure how New Zealand is meeting its selected OGP “grand challenges” and the four OGP principles. The framework will also build on existing reporting channels used for the BPS Results programme and the Government ICT Strategy and Action Plan to 2017.

## How the Action Plan was developed

- 26 Action Plans must be developed with active participation from citizens and civil society. SSC in collaboration with DIA, and LINZ ran a limited consultation process as the tight timeframe restricted the opportunity to run a wide reaching process.
- 27 The consultation involved advertising details of the Action Plan consultation process on the SSC website, holding four consultation meetings with civil society in Wellington, using the online decision-making tool Loomio, and collecting feedback by e-mail on elements for the Action Plan.

- 28 Stakeholder consultations included the Association of Non-Governmental Organisations of Aotearoa, BusinessNZ, TINZ, and citizens. A list of stakeholders, how they were consulted, and a full summary of the feedback is in Appendix B of the Action Plan.
- 29 The key points from the stakeholder feedback were:
- 29.1 The Action Plan needs to include new initiatives, developed in partnership with stakeholders.
- 29.2 There is a need for the Government to work in partnership with civil society at the start of the policy cycle rather than at the end of the process, and for Government to be even more open and transparent. Stakeholders were interested in understanding how the Government made its decisions rather than simply releasing data on government agency websites. In addition, stakeholders recommended developing a framework for public participation in policy development is a requirement.
- 29.3 A call for the SSC's Integrity and Conduct survey to be more regular and institutionalised.
- 30 Stakeholders also identified a range of other changes that government and its agencies could take up through the Action Plan, in particular implementing changes to the Official Information Act 1982.
- 31 SSC will discuss the stakeholder feedback and next steps with a yet-to-be appointed stakeholder-led advisory group.

## **Risks**

- 32 There is a risk that New Zealand may be criticised by the OGP for not running a more comprehensive consultation process, a view also reflected by stakeholders in consultation process. There is also a risk that including the BPS Results programme in the Action Plan could receive criticism, as stakeholders considered that a focus on this programme would not adequately take account of the OGP principles and objectives. To address these risks, the Action Plan notes that it is a living document that will be refined, modified and updated over time. It includes the TINZ National Integrity System report and Kia Tūtahi relationship Accord which broaden the focus of the Action Plan. It will also adopt a formalised process for working with stakeholders including establishing a stakeholder-led advisory group. This approach would also align with the spirit and intent of BPS Results, which seeks to partner with a range of different stakeholders overtime, to deliver better public services.

## **Next steps**

- 33 Following the OGP Steering Committee's approval, SSC will publish the Action Plan and a summary of the stakeholder feedback received from consultation on the OGP website, which is an OGP requirement. These documents will be mirrored on the SSC website.
- 34 SSC in consultation with government agencies and stakeholders (including civil society), will develop and promulgate engagement and implementation plans to meet OGP requirements for working with stakeholders on an ongoing basis. These final documents will also be published on the OGP's and the SSC's websites.
- 35 I also recommend, as a demonstration of New Zealand's commitment to OGP, that this Cabinet paper be published on the SSC website subject to the Action Plan being approved the OGP.

## Financial implications

36 Cabinet previously agreed that the costs associated with New Zealand becoming a member of OGP would be met from baselines [CAB Min (13) 31/3 refers]. There are two aspects to our membership:

36.1 membership contributions of \$0.060 million in 2014/15 and \$0.240 million per annum from 2015/16 onwards<sup>3</sup>, and

36.2 ongoing SSC policy advice, administrative and travel costs of up to \$0.128 million per annum.

37 The costs are shown in the table below:

Description of costs (\$000)	2014/15	2015/16	2016/17	2017/18
<i>New Zealand's membership contributions</i>				
"Voluntary contribution" in 2014/15 only. As a high income country, New Zealand is expected to contribute the highest amount set by the OGP.	60	-	-	-
<b>Mandatory</b> contribution effective 1 January 2015. As a high income country, New Zealand's ongoing contribution is expected to be the highest amount set by the OGP.	-	240	240	240
<i>Ongoing costs to the SSC as the lead agency</i>				
Policy advice, administrative and travel costs	108	128	108	128
<b>Total</b>	<b>168</b>	<b>368</b>	<b>348</b>	<b>368</b>

38 While a "club" approach to meeting OGP costs (i.e. charging benefitting agencies a portion) might be appropriate in theory, in practice apportioning costs accurately and fairly would be difficult, while the amounts in question are small relative to the transactions costs that would be involved, and given the agencies involved may change with each successive action plan. The Treasury supports these views. I therefore recommend the following:

### **Membership costs**

39 An FNA from Vote Foreign Affairs and Trade non-departmental other expense appropriation "Subscriptions to International Organisations" to Vote State Services to cover the ongoing membership cost. This means a new non-departmental other expense appropriation called 'Open Government Partnership' will need to be created in Vote State Services in perpetuity so that the FNA can be transferred from Vote Foreign Affairs and Trade to Vote State Services.

40 MFAT's International Subscriptions, which is used to fund New Zealand's membership of international organisations has, at this point in time, capacity to fund the membership cost. This approach is considered preferable to adding the OGP subscription to MFAT's appropriation, in order to reflect that the ongoing development of domestic open government policy is led by SSC.

<sup>3</sup> OGP's expectation is that New Zealand would pay membership contributions based on our financial year, but before the end of each calendar year.

### **SSC's Policy advice, administrative and travel costs**

- 41 The funding of the ongoing costs to SSC as the lead agency, will be funded from re-prioritising within Vote State Services. However, this places an additional fiscal pressure on SSC's baseline. To mitigate the increased costs, I recommend that any departmental under-spend available from 2013/14 in Vote State Services, be retained within the Vote to help defray these additional cost pressures in the outyears; with joint Ministers confirming the final amounts and application across financial years to be confirmed in the October Baseline Update, once financial results for 2013/14 have been audited.
- 42 SSC will consider options for meeting outyear implications of the new costs in its Budget 2015 Four Year Plan if there is insufficient under-spend to mitigate the costs.

### **Consultation**

- 43 SSC has consulted with the Department of Internal Affairs, Land Information New Zealand, Ministry of Justice, The Treasury and the Ministry of Foreign Affairs and Trade to prepare the Cabinet Paper and Action Plan. The Department of the Prime Minister and Cabinet was informed.
- 44 The Minister of State Services consulted Minister Bill English, Minister Judith Collins, Minister Murray McCully, Minister Michael Woodhouse, Minister Jo Goodhew, and Minister Peter Dunne.

### **Human rights, gender and disability implications**

- 45 There are no human rights, gender or disability implications from the proposal presented in this paper. This proposal will implement measures for greater transparency, accountability and civic participation. The ICT Strategy and Action Plan to 2017, for example, implements Web Accessibility Standards for improved access for people with disabilities.

### **Legislative implications**

- 46 There are no legislative implications arising from this paper.

### **Regulatory impact analysis**

- 47 A Regulatory Impact Statement is not required for this paper as it does not seek any new policy decisions.

### **Publicity**

- 48 I intend to release a media statement when New Zealand's Action Plan is published.

### **Recommendations**

- 49 It is recommended that the Committee:
- 1 **agree** to the content of New Zealand's 2014 – 2016 Open Government Partnership Action Plan
  - 2 **agree** that New Zealand's Open Government Partnership Action Plan including the stakeholder feedback, be presented to the Open Government Partnership Steering Group on 31 July 2014 for their review and approval
  - 3 **agree**, as part of the Open Government Partnership Steering Group review process, that feedback on New Zealand's Action Plan is sought from the:

- 3.1 Access to Information Working Group
  - 3.2 Open Data Working Group
  - 3.3 Legislative Openness Working Group
  - 3.4 OECD, and
  - 3.5 The World Bank
- 4 **authorise** the Minister of State Services to make any technical or minor changes to New Zealand's Action Plan as a result of feedback from the Open Government Partnership Steering Group review
  - 5 **note** that New Zealand's Open Government Partnership Action Plan, including stakeholder feedback, will be published on both the Open Government Partnership's and the State Services Commission's websites
  - 6 **note** that the Minister of State Services intends to release a media statement when New Zealand's Action Plan is published
  - 7 **agree** that the State Services Commission publish this Cabinet paper and the OGP's report of its review of New Zealand's Action Plan on the State Services Commission's website, subject to New Zealand's Action Plan being approved by the Open Government Partnership Steering Group review
  - 8 **note** that the State Services Commission will establish a stakeholder-led advisory group to assist New Zealand meet its OGP commitments.
  - 9 **note** that the State Services Commission will develop, in liaison with government and stakeholders (including civil society), engagement and implementation plans, which will be published on the State Services Commission's and Open Government Partnership's websites
  - 10 **note** that Cabinet has previously agreed that the costs associated with New Zealand becoming a member of Open Government Partnership would be met from baselines [CAB Min (13) 31/3 refers]
  - 11 **note** that the costs associated with New Zealand becoming a member of Open Government Partnership comprise membership contributions and policy advice, administrative and travel costs
  - 12 **agree** to establish the following new appropriation:

Vote	Responsible Minister	Title	Type	Scope
State Services	Minister of State Services	Open Government Partnership	Non-Departmental Other Expense	This appropriation is limited to payments associated with New Zealand's membership of the Open Government Partnership.

- 13 **approve** the following fiscally neutral adjustments to provide for Open Government Partnership membership costs, with no impact on the operating balance:

	\$m – increase/(decrease)				
	2013/14	2014/15	2015/16	2016/17	2017/18 & Outyears
<b>Vote State Services</b>					
<b>Minister of State Services</b>					
Non-Departmental Other Expenses:					
Open Government Partnership	-	0.060	0.240	0.240	0.240
<b>Vote Foreign Affairs and Trade</b>					
<b>Minister of Foreign Affairs</b>					
Non-Departmental Other Expenses:					
Subscriptions to International Organisations	-	(0.060)	(0.240)	(0.240)	(0.240)

- 14 **agree** that the proposed changes to appropriations for 2014/15 above be included in the 2014/15 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply
- 15 **note** that policy advice, administrative and travel costs associated with New Zealand's membership of the Open Government Partnership, estimated at up to \$0.128 million per annum, will be absorbed within existing departmental output expense baselines in Vote State Services
- 16 **agree** that any Vote State Services departmental output expense under-spend in 2013/14 be made available to help defray the additional costs described in recommendation 15 above
- 17 **authorise** the Minister of State Services and Minister of Finance to jointly confirm any necessary changes to baselines consequential on retention of Vote State Services 2013/14 departmental output expense under-spend described in recommendation 16 above as part of the October Baseline Update, following completion of 2013/14 year-end audited accounts
- 18 **note** that the State Services Commission will consider options for meeting outyear implications of the additional costs in its Budget 2015 Four Year Plan, where retention of 2013/14 departmental output expense under-spend is insufficient to mitigate these.

Hon Dr Jonathan Coleman  
Minister of State Services

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