

***Submission re Open Government Partnership: National Action Plan
lodged Tues 1 August 2017***

1) On Commitment 1: Open budget

TINZ submission

- 1) New Zealand has always scored highly on fiscal transparency. The challenge is that even though all government financial information is published, at least summarised in financial statements, it is incomprehensible even to most financially literate people because public sector accounting is different from mainstream accounting. Further, only those with considerable research skills will know where to go on the Treasury's website to find information.
- 2) TINZ is impressed with the significant effort that has gone into this commitment, demonstrated both by the investment that Treasury has made to gain insight into ways of making fiscal revenue and expenditure more comprehensible and accessible and by the ways budget 2017 information is portrayed on The Treasury website to reflect these insights.
- 3) On a spectrum for 1 to 10 with 10 indicating that the fiscal information is accessible to the wider public, the open budget commitment score has doubled from '1'. But the current new score of '2' indicates a long way to go to adequately engage the population, after a long history of absence to readily understood information.
- 4) TINZ recommends consideration of a separate and independent agency with a mandate to publish the government's revenue and expenditure information in a format that is more relevant to the wider public and which as a result, has greater spread and take up. Without such a separate, independent agency, it is challenging for any organisation with a mandate to provide accurate, real-time data for government decision-making, to also have the capacity to re-interpret it for a wider audience.
- 5) Background: TINZ refers the OGP to page 342 of its *Integrity Plus 2013 National Integrity Systems Assessment* <http://www.transparency.org.nz/docs/2013/Integrity-Plus-2013-New-Zealand-National-Integrity-System-Assessment.pdf> where under Section 4.b.vi. (page 342) it recommends:
"Increase fiscal transparency and accountability by deepening the reporting of tax expenditures, publishing a Citizens' Budget, and investigating options for an independent body to advise Parliament on key fiscal strategy reports to deepen the public debate about fiscal policy."

- 6) Also on page 329, the NIS says:

"Parliament...lacks independent technical capacity for oversight of public expenditure technical capacity for oversight of public expenditure and fiscal policy."

2) On Commitment 2: Improving official information practices?

TINZ submission

- 1) TINZ recommends that statistics covered by Milestone 2 provide strong emphasis on non-compliance relating to timeliness of OIA responses, including non-compliance cumulative scoring for individual ministries/ departments/ etc) in order to motivate better compliance over short-medium terms.

2) TINZ has previously recommended that (ref page 343 of the TINZ's National Integrity System (NIS) 2013 <http://www.transparency.org.nz/docs/2013/Integrity-Plus-2013-New-Zealand-National-Integrity-System-Assessment.pdf>) :

5.c.i "Promote enhanced compliance with and understanding of the Official Information Act 1982, better processes for handling Official Information Act requests, and implementation of the Law Commission's recommendation for an Official Information Act oversight function as well as instituting a similar oversight function for the Ombudsman Act 1975."

3) TINZ has also recommended that there be a review of the adequacy of funding the Ombudsman. While there have been funding increases since the NIS was published (indeed one increase happened while evidence of the NIS was being compiled), a case could be made that the Ombudsman remains under-resourced for carrying out its mandate. But government agencies also require greater funding especially to professionally and effectively meet their official information legal and moral responsibilities.

3) On Commitment 3: Improving open data access and principles TINZ submission

1) Open data access is another area where New Zealand scores highly, reflecting a strong commitment of Governments to make government-sourced information available both through open publication by providing access to qualified researchers. While New Zealand may be in advance of other countries, the fact is that access to the data is very limited, even to government officials. To obtain the data, individuals have to be knowledgeable about their access to it, the process for acquiring it and the training required to be able to apply the information.

2) A challenge of this topic is that it is confused with Open Government and has been confused by Ministers, hence delaying further addressing the commitments of the OGP.

4) On Commitment 4: Open data tracking? TINZ submission

Clearly data tracking enables greater transparency so TINZ favours practices that support this.

N.B. TINZ's *Integrity Plus 2013 National Integrity Systems Assessment* <http://www.transparency.org.nz/docs/2013/Integrity-Plus-2013-New-Zealand-National-Integrity-System-Assessment.pdf>, doesn't have a specific recommendation about this topic.

5) On Commitment 5: Ongoing engagement for OGP TINZ submission

1) Clearly ongoing engagement is required to enable greater accountability and transparency so TINZ favours practices that support this.

2) TINZ recommends priority be given to increasing youth and community engagements in civics, and better engagement of communities with agencies for understanding and support of 'sub-national' projects.

3) The engagement process would be more effective if there was a targeted notification process which utilizes different platforms to reach a range of demographics. For example, using newsletters or social media or emailing, to allow the public to receive information about legislation and developments without need to proactively research for it. In other words, provide targeted communications about legislation via a voluntary registration process, to those with concerns about their local areas of interest.

6) On Commitment 6: Improving access to legislation? TINZ submission

1) The TINZ *Integrity Plus 2013 National Integrity Systems Assessment* <http://www.transparency.org.nz/docs/2013/Integrity-Plus-2013-New-Zealand-National-Integrity-System-Assessment.pdf> found (page 329) "The work of the legislature is generally transparent, parliamentary debate is covered in full on television, and access by the public to select committee processes is particularly good."

2) Publishing legislation in an easily accessible manner is important to transparency. Also important, however, is the publication of the information that leads to the final form of the legislation. In a truly open government, the wider public would feel more empowered if it was invited to voice views while legislation is being developed.

3) In this case, questions that arise relate to (a) the scheduling of select committee hearings, (b) the lack of access to Cabinet papers, and (c) the short time some legislation takes to be passed into law

4) Also, TINZ identifies the use of Urgency in the House to be problematic as it impairs access to the consultation process for legislation and in turn it impairs the effectiveness of Select Committees. Direction for improvement could be a targeted notification process for relevant demographics, with a plain English explanation of the effect of the legislation to make it easier for the public to understand and submit on legislation that concerns them.

7) On Commitment 7: Improving policy practices?

TINZ submission (max 200 words)

1) The consultation period is too short yet again and not well pre-advertised.

2) Having word maximums on questions like this, especially without the feature in the submission form to take time to draft/ponder/reflect and come back to drafted answers, limits the depth of comment that is possible.

3) All of this means that your communication on the progress of commitments remains too much of a one-sided discussion.

8) What do you think about how we communicate the progress of the commitments that interest you?

Is there something we could better explain, add, expand on, or condense?

TINZ submission (max 200 words)

1) The consultation period is too short yet again. Having word maximums on questions like this, especially without the feature in the submission form to take time to reflect and come back to answers, limits the depth of comment that is possible. All of this means that your communication on the progress of commitments is too much of a one-sided discussion.

2) TINZ also recommends inclusion of high level acknowledgement that current and potential achievements with OGP principles and practices are, in fact, well aligned to achieving the very topical United Nation's Sustainable Development Goal (SDG) #16 of "Peace, Justice and Strong Institutions".

9) How could the Open Government in New Zealand section be improved?

TINZ submission (max 200 words)

As soon as the forthcoming parliamentary election outcome is known, start with a statement for the new government about its view about why open government is important.

Then comments on open government can be more focused on whether its objectives are also meeting the needs New Zealanders.

10) How could the Conclusion section be improved?

Is there something we could better explain, expand on, add or condense?

TINZ submission (max 200 words)

1) TINZ notes the solid achievements already made plus a few components that are behind schedule or seemingly near so.

2) Our comments above invite your further consideration of several specific recommendations previously submitted in the TINZ 'Integrity Plus 2013 National Integrity Systems Assessment'.