



NEW ZEALAND COUNCIL OF TRADE UNIONS
Te Kauae Kaimahi

**Submission of the
New Zealand Council of Trade Unions
Te Kauae Kaimahi**

to the

State Services Commission

on the

**Mid-term self-assessment of the
Open Government Partnership NZ
National Action Plan 2016-18**

P O Box 6645

Wellington

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Table of Contents

1. Introduction.....	2
2. Commitment 1: Open Budget	2
3. Commitment 2: Improving official information practices.....	3
4. Commitment 3: Improving open data access and principles.....	5
5. Commitment 4: Tracking progress and outcomes of open government data release	5
6. Commitment 5: Ongoing engagement with OGP.....	5
7. Commitment 6: Improving access to legislation.....	5
8. Commitment 7: Improving policy practices	5
9. Conclusion.....	5

1. Introduction

- 1.1. This submission is made on behalf of the 30 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU). With 320,000 members, the CTU is one of the largest democratic organisations in New Zealand.
- 1.2. The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga) the Māori arm of Te Kauae Kaimahi (CTU) which represents approximately 60,000 Māori workers.
- 1.3. As democratic membership-based organisations, the CTU and our affiliate unions share a strong commitment to active civic engagement, including participation in government policy-making. In the daily work of our organisations, we engage in ongoing policy analysis and advocacy which requires transparent access to official information and data.
- 1.4. We have seen and endorse the submission of our affiliate union, the Public Service Association (PSA).

2. Commitment 1: Open Budget

- 2.1. We welcome Treasury's work to improve publication and accessibility of budget data.

2.2. Our view, which we expressed in stakeholder consultations, is that further improvements are needed to the openness of budget development in addition to the communication of the final budget.

2.3. We endorse the recommendations of the Towards an Open Budget report on open budget development, to:

‘Create more opportunities for stakeholders to engage in the development process. Increased participation will generate a greater sense of openness about the process and make them feel valued as partners in the co-design of the Budget.

Enhance visibility and awareness of the budget development process and timeframes to ensure stakeholders know how and when to provide input.

Demonstrate stakeholders’ input is valued by responding to their submissions and conveying how their input is used.’¹

2.4. This shift can best be achieved by moving away from a secretive process that builds to a single reveal on Budget day, and towards a process where policy development and funding decisions are well signalled and consulted on through the year.

2.5. Treasury has taken a lead in publishing documents relating to Budget 2017 “in response to, and in anticipation of, requests for Budget-related information from the public” following the Budget.² Other agencies should take a similar approach. However, Treasury’s practice could be improved by significantly reducing the number of redactions, many of which make the documents of marginal use to the public, and releasing them closer to the Budget itself (this year they were released two months after it, on 28 July).

3. Commitment 2: Improving official information practices

3.1. Progress under this commitment has produced welcome initiatives in reporting on OIA performance. Guidance from the State Services Commission on proactive release of official documents is also welcome as part of the Commission’s work program on Improving Official Information Practices. For government agencies that have already embraced commitments to proactive release, the guidance will help to facilitate the development of consistent practice of what is released and when.

¹ Colmar Brunton. 2017. Towards an Open Budget. <http://www.treasury.govt.nz/publications/informationreleases/ogp/towards-open-budget-may17.pdf>

² See <http://www.treasury.govt.nz/publications/informationreleases/budget/2017>

- 3.2. However, the guidance as currently drafted does not go far enough to overcome entrenched hostility to proactive release of information by some government agencies.
- 3.3. In the CTU's 2016 submission to the Ombudsman on our experiences with official information from 12 government agencies³, we raised a number of issues of concern including:
- Examples of government agencies obstructing release of official information in breach of the Official Information Act, including by failure to respond within mandated timeframes. Particular problems in this regard were identified with the Ministry of Foreign Affairs and Ministry of Social Development.
 - Examples of Ministerial interference to withhold data. This included demographic data held by the Ministry of Health that would normally have been released but was withheld until after the Budget, obstructing our ability to provide timely analysis on current data.
- 3.4. We support the work of government agencies led by the SSC to improve the consistency and openness of responses under the Official Information Act and to encourage pro-active release of official documents. For this work to be effective across government, guidelines will need to be strengthened and enforced with specific commitment from Ministers and Chief Executives.
- 3.5. We note welcome improvements in the capacity and resourcing of the Office of the Ombudsman over the past year that will better enable the Ombudsman to fulfil their oversight role in relation to the Official Information Act.
- 3.6. Changes to the Cabinet Manual and associated Cabinet Office requirements (Cabinet Office Notice (15) 3) for proactive release of official information are welcome.
- 3.7. We would like to see progress towards best practice on the release of official information based on a presumption of proactive release, where a timetable for release is built into the development of every official document.

³ NZCTU. 2016. Submission to the Ombudsman on Experience of Seeking Official Information from Twelve Government Agencies. <http://www.union.org.nz/160624-ombudsman-on-experiences-of-seeking-official-information/>

4. Commitment 3: Improving open data access and principles

- 4.1. We support this commitment. We note that progress towards availability of open data has been mixed across different government agencies. We would like to see further progress on a consistent approach to open data, drawing on best practice.

5. Commitment 4: Tracking progress and outcomes of open government data release

- 5.1. We support this commitment and look forward to further progress on the goals of the Open Government Data Action Plan led by Statistics NZ.

6. Commitment 5: Ongoing engagement with OGP

- 6.1. We have appreciated the opportunities to take part in the OGP process and endorse progress made on these milestones. We were consulted as part of the Open Budget stakeholder review led by Treasury and have met with members of the OGP team at SSC.

7. Commitment 6: Improving access to legislation

- 7.1. We welcome progress made under these commitments to develop an integrated and accessible repository of subordinate legislation including regulations and codes of practice. We anticipate that such a resource will be useful for many of our affiliates and members who regularly need access to regulations affecting their industry, including health and safety regulations and codes of practice. Workers and their unions will benefit from the development of an accessible database of regulations that is easily searchable and able to be browsed by theme and industry.

8. Commitment 7: Improving policy practices

- 8.1. These commitments refer to a pre-existing Policy Project within DPMC. We are not aware of significant efforts by DPMC to engage in public consultation on this process and are not able to comment on progress towards these milestones. The apparently closed process for developing a “toolbox” for civic participation does not inspire confidence.

9. Conclusion

- 9.1. We acknowledge and welcome progress made towards New Zealand’s commitments to the Open Government Partnership, while noting that further

progress is necessary to ensure consistent adoption of best practices across government agencies.

- 9.2. In particular, we welcome the contribution of the State Services Commission as the lead agency for the Open Government Partnership, and support the broader work of the Commission to improve openness of government agencies, including through proactive release of official information.
- 9.3. We are concerned that the commitments and milestones listed in the National Action Plan do not go far enough to ensure a robust and consistent approach to open government. However, progress against the commitments to date set a good foundation for measuring performance on openness of official information and data, and have initiated some promising projects. We look forward to further opportunities to contribute to the development of the 2018-2020 National Action Plan.