

Briefing

OPEN GOVERNMENT PARTNERSHIP NATIONAL ACTION PLAN 2018 – 2020

To PRIME MINISTER (Rt Hon Jacinda Ardern)

Date	23/09/2018	Priority	Routine
Deadline	29/09/2018	Briefing Number	DPMC-2018/19-221

Purpose

1. This paper briefs you on the draft Open Government Partnership National Action Plan 2018 - 2020 (OGP NAP) and accompanying Cabinet paper. The Minister of State Services (Open Government) has forwarded you these papers for ministerial consultation prior to submission for the Cabinet Government Administration and Expenditure Review Committee (GOV) meeting on 4 September 2018 (see Appendix A and B respectively). In this paper we:
 - a) Provide information to assist you in giving feedback on these two papers, before their submission to Cabinet Office on 30 August 2018
 - b) Seek your agreement, in principle, subject to approval at Cabinet, for the Policy Project within the Department of the Prime Minister and Cabinet (DPMC) to lead work in relation to one of the 12 commitments set out in the OGP NAP, namely *Commitment 5: Public Participation in Policy Development* (Commitment 5)
 - c) Propose a process for your involvement in relation to one of the four milestones in Commitment 5, which requires the selection of a 'live' policy issue in which to trial more participative public engagement in policy development.

Recommendations

2. It is recommended that you:
 - a) **Note** that Hon Chris Hipkins, Minister of State Services (Open Government) intends to submit a draft of New Zealand's third OGP NAP and accompanying Cabinet paper to GOV for approval at its meeting on 4 September 2018.

Noted

- b) **Agree** in principle, subject to Cabinet confirmation, that the Policy Project within DPMC lead work on Commitment 5 beginning in October 2018, which includes four milestones to:
- i) Develop a decision tool to support Ministers and officials to choose the appropriate engagement approach on the public participation spectrum when they tackle a specific policy or service design issue.
 - ii) Identify case studies to demonstrate best practice public participation methods and processes across government that document our innovation success stories.
 - iii) Identify a 'live' policy project (the demonstration project) that can be used to demonstrate a public engagement approach that is higher on the public participation spectrum than 'inform' or 'consult' (i.e 'involve', 'collaborate' or 'empower').
 - iv) Widely disseminate the results of i – iii above across the public sector by June 2020.

Agree / disagree / discuss

- c) **Agree** to the following set of criteria for selecting the demonstration project that will support a successful public participation outcome:
- i) Degree of engagement proposed is genuinely collaborative
 - ii) Responsible Minister and lead agency are committed to collaboration
 - iii) Wide range of stakeholders are involved
 - iv) Consensus from engagement likely to be achievable
 - v) On 2018/19 work programme but in early stages
 - vi) Completed within OGP 2018-2020 National Action Plan period

Agree / disagree / discuss

- d) **Approve** one of the following policy projects that following Cabinet approval of the draft OGP NAP, the Policy Project investigate potential policy issues and initiatives, and provide you with analysis of a list of potential demonstration projects against the selection criteria, and a recommended demonstration project for your approval by the end of September 2018.

Agree / disagree / discuss

- e) **Agree** that you formalise ministerial responsibility for the 'live' demonstration project you select, by writing to the Hon Chris Hipkins, Minister of State Services (Open Government) and the Minister responsible for the relevant agency undertaking the selected demonstration project.

Agree / disagree / discuss

Diane Owenga Programme Director Policy Project Department of the Prime Minister and Cabinet	Rt Hon Jacinda Ardern Prime Minister
...../...../2018/...../2018

Contact for telephone discussion if required:

Name	Position	Telephone		1st contact
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Diane Owenga	Programme Director Policy Project	DDI [REDACTED]	Mobile [REDACTED]	✓

Minister's office comments:

- Noted
- Seen
- Approved
- Needs change
- Withdrawn
- Not seen by Minister
- Overtaken by events
- Referred to

BRIEFING: Open Government Partnership National Action Plan 2018 - 2020

Background

3. The Open Government Partnership (OGP) is an international, multilateral initiative involving more than 70 national governments and civil society organisations. The OGP supports governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.
4. As a member of the OGP since 2013, New Zealand has developed a National Action Plan every two years. The OGP has published standards for the development of each plan and expects commitments to be developed with civil society. A key element of this is the establishment of a 'multi-stakeholder forum' and the State Services Commission has an Expert Advisory Panel (EAP) to undertake this role.
5. Commitments are expected to respond to one or more of the OGP values, namely access to information, civic participation, public accountability, or technology and innovation for transparency and accountability.
6. An independent reporter (Keitha Booth) is appointed by the OGP to review the development and implementation of the OGP NAP.

Draft Open Government Partnership National Action Plan 2018 - 2020

7. The draft OGP NAP will be New Zealand's third set of commitments to the OGP and is due to be lodged with the OGP Secretariat by 31 October 2018.
8. Officials have worked with representatives from public workshops and the EAP to distil the 12 commitments described in the attached draft OGP NAP from the 449 ideas generated during the engagement process.
9. The 12 commitments respond to three themes: participation in democracy, public participation to develop policy and services, and transparency and accountability.
10. DPMC participated in the development of the OGP NAP and it is proposed that it lead the work on Commitment 5: Public Participation in Policy Development. The Policy Project will monitor and support the agency(ies) as they carry out the policy work associated with the demonstration project element of Commitment 5, and will be responsible for analysing and reporting on the outcomes.

Commitment 5 – Public Participation in Policy Development

11. The objective of Commitment 5 is to assist the New Zealand public sector to develop a deeper and more consistent understanding of what good engagement with the public means (see Table 1 below).
12. We have used the International Association of Public Participation's spectrum of public participation (IAP2 spectrum) to classify levels of engagement with the public. The spectrum defines the various levels as 'inform, consult, involve, collaborate and empower' (see Appendix C).

13. The ambition for Commitment 5 is that New Zealanders will increasingly experience a more timely and collaborative approach to public participation when policies are developed, and consider their concerns, diversity of views, life experience and time are valued in the policy process. There are four milestones as part of the commitment and each one aims to improve the design of policy by supporting the application of appropriate public participation methods at the right stage of policy development.

Table 1 – Commitment 5: Public Participation in Policy Development

Commitment 5: Develop a deeper and more consistent understanding within the New Zealand public sector of what good engagement with the public means (right across the IAP2's Public Participation Spectrum)		
OGP Values	Public participation	
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Extend existing Policy Method's Toolbox public participation guidance (https://www.dPMC.govt.nz/our-programmes/policy-project/policy-methods-toolbox-0) to include a decision tool that will assist agencies and Ministers to: <ul style="list-style-type: none"> Choose the appropriate engagement approach on the public participation spectrum when they tackle a specific policy or service design issue Understand the characteristics and enablers of effective public participation at whichever point on the spectrum they choose Ensure that the engagement approaches selected appropriately include and reflect the diversity of those interested and affected by the policies 	October 2018	March 2020
Develop and share recent case studies documenting New Zealand innovation success stories in public participation in the policy development process	October 2018	March 2020
Identify a 'live' policy issue in which to trial public engagement in policy development that is higher on the public participation spectrum than inform or consult, as a demonstration project [SUBJECT TO MINISTERIAL AGREEMENT]	October 2018	March 2020
Widely disseminate the results of the above actions	March 2020	June 2020

Demonstration project and draft criteria for selection

14. The third milestone described in Table 1 involves selecting a current policy initiative or project in its early stages to serve as a 'live' demonstration of a timely and collaborative approach to public participation. It will be an opportunity to document and demonstrate public participation methods that are higher on the IAP2's spectrum such as involve, collaborate or empower.

15. The demonstration project will also be an opportunity to show how a collaborative approach can impact on policy outcomes and quality, and reflect the diversity of stakeholder views. The demonstration project may also identify any barriers or issues that need to be taken into account when considering various participatory approaches.
16. To assist with the selection process, we have developed a set of draft criteria for your consideration and approval. The criteria aim to set out factors that should be present to ensure success of the collaborative approach and mitigate risks.
17. The six draft criteria for selecting the live demonstration project are:
 - a) ***Degree of engagement proposed is genuinely collaborative*** – the purpose of the project must align with NAP aspirations for collaboration and involvement in the policy making process – i.e. “*to trial public engagement in policy development that is higher on the public participation spectrum than inform or consult*”
 - b) ***Responsible Minister and lead agency committed to collaboration*** – the Minister, senior leadership team and officials carrying out the project must understand and be committed to what is involved in taking a participatory approach and the project must be resourced to undertake genuine collaboration with stakeholders and the public
 - c) ***Wide range of stakeholders involved*** - a wide range of stakeholders must be interested in and affected by the policy issue that is the focus of the project (i.e. including citizens/the general public as well as a range of industry groups and/or NGOs)
 - d) ***Consensus from engagement likely to be achievable*** – the perspectives and positions on the issue/s among stakeholders are not so polarised or entrenched that consensus from engagement is unlikely to be achievable
 - e) ***On 2018/19 work programme but in early stages*** – the policy project selected needs to be already on an agency’s 2018/19 work programme but at an early stage (policy development and engagement planning only just commencing)
 - f) ***Completed within OGP 2018-2020 National Action Plan period*** – engagement, policy development and decisions on the policy project must take place within the timeline for completion of the Commitment 5 milestone (March 2020), to allow time for the Policy Project to document the public participation process and its impact on the development of the policy and disseminate the results before the end of the Plan period (30 June 2020).

DPMC to prepare demonstration project shortlist by the end of September

18. Subject to Cabinet approval of the draft OGP NAP, the Policy Project will investigate potential policy issues and initiatives, and provide you with a list of demonstration projects and analysis of them against the selection criteria, so that you can approve which policy initiative will constitute the Commitment 5 demonstration project by the end of September 2018.
19. Following an initial scan and discussions held at the OGP NAP working group and at a variety of other fora, four projects have already been identified as possibilities – the Screen Strategy led by Ministry for Culture and Heritage, the Reserve Bank Act Phase Two review led by the Reserve Bank of New Zealand, some relatively operational policy changes led by the Accident Compensation Corporation, and work on the Just Transition initiative led by the Ministry for Business, Innovation and Employment.
20. We recommend that you formalise ministerial responsibility for the ‘live’ demonstration project you select, by writing in October to the Minister of State Services (Open

Government) and Minister responsible for the relevant agency undertaking the selected demonstration project.

Financial Implications

21. There are no financial implications as the work to be undertaken to fulfil all 12 commitments and objectives of the OGP NAP will be carried out within each relevant agency's baselines.

Next steps

22. Any feedback you may have on the draft OGP National Action Plan and accompanying Cabinet paper is due with the Office of Hon Chris Hipkins, Minister of State Services (Open Government), prior to submission to the Cabinet Office on 30 August 2018.

Attachments:	
Attachment A:	Draft Open Government Partnership National Action Plan 2018-20
Attachment B:	Draft Cabinet paper on Open Government Partnership National Action Plan 2018 - 20
Attachment C:	International Association of Public Participation's Public Participation Spectrum