



Te Kawa Mataaho

Public Service Commission

18 December 2024

9(2)(a) privacy

Dear 9(2)(a) privacy

Official Information Request

Our Ref: PSCR 2024-0010

I refer to your official information request received on 30 October 2024 where you asked:

“The Commission listed two pieces of advice that it was withholding:

Item 1: Document 2023-0321 dated 20 December 2023 Item 2: Document 2024-0040 dated 15 February 2024

The New Zealand Council for Civil Liberties requests:

- 1. the titles of these documents; and*
- 2. a copy of both these documents.*

The Council also requests:

- 3. copies of all other advice provided by the Commission to the Minister for the Public Service about the Open Government Partnership since 23 November 2023, including but not limited to the Commission’s advice to the Minister about responding to the joint letter to the Minister from civil society organisations dated 13 May 2024 and the draft response letter that it provided to the Minister*

(<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fnzcl.org.nz%2Fcsos-call-for-dedicated-ogp-funding%2F&data=05%7C02%7Ccommission%40publicservice.govt.nz%7C2a038bc1a87a4dae43408dcf89cc620%7C41e14a91587d4fbf8dead6aea7148019%7C0%7C0%7C638658600645757003%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQljoiv2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C80000%7C%7C%7C&sdata=cVWu9bb2FBQ3PYa5mt3X1z1yf2Fg2fA%2BekkB6RY2%2B0%3D&reserved=0>); and

4. the titles and dates of all the documents falling within (3) above if the documents themselves are withheld; and

- 5. for any meeting with the Minister for the Public Service at which the Open Government Partnership discussed, the notes taken by Commission officials at or after any meeting with the Minister that relate to that part of the meeting; and*

- 6. all internal memoranda, advice or briefings on (i) membership of the Open Government Partnership, (ii) creation of a multi-stakeholder forum, (iii) creation of the fifth National Action Plan.”.*

Information publicly available

Please find listed in the table below, advice provided to the Minister for the Public Service relating to the Open Government Partnership (OGP) which is publicly available on Te Kawa Mataaho Public Service Commission’s (the Commission’s) website at the links provided in the table below.

Item	Date	Document Description	Website address
1	20 December 2023	2023-0321 – REPORT – New Zealand’s future approach to the Open Government Partnership	https://www.publicservice.govt.nz/assets/DirectoryFile/Report-New-Zealands-future-approach-to-the-Open-Government-Partnership.pdf
2	15 February 2024	2024-0040 – REPORT – Further advice on New Zealand’s future approach to the Open Government Partnership	https://www.publicservice.govt.nz/assets/DirectoryFile/Report-Further-advice-on-New-Zealands-future-approach-to-the-Open-Government-Partnership.pdf
3	19 March 2024	2024-0089 – REPORT – Progressing the option to withdraw from the Open Government Partnership	https://www.publicservice.govt.nz/assets/DirectoryFile/Report-Progressing-the-option-to-withdraw-from-the-Open-Government-Partnership.pdf
4	8 April 2024	2024-0104 – REPORT - Approval to consult on draft Cabinet paper proposing New Zealand withdraw from the Open Government Partnership	https://www.publicservice.govt.nz/assets/DirectoryFile/Report-Approval-to-consult-on-draft-Cabinet-paper-proposing-New-Zealand-withdraw-from-the-Open-Government-Partnership.pdf
5	1 August 2024	2024-0190 – REPORT - Draft Cabinet paper for consultation: “New Zealand’s withdrawal from the Open Government Partnership”	https://www.publicservice.govt.nz/assets/DirectoryFile/Report-Draft-Cabinet-paper-for-consultation-New-Zealands-withdrawal-from-the-Open-

			Government-Partnership.pdf
6	15 October 2024	2024-0332 – REPORT - Draft Cabinet paper for consultation: “New Zealand’s withdrawal from the Open Government Partnership”	https://www.publicservice.govt.nz/assets/DirectoryFile/Report-Draft-Cabinet-paper-for-consultation-New-Zealands-withdrawal-from-the-Open-Government-Partnership-v2.pdf

I am therefore refusing this part of your request under section 18(d) of the Official Information Act 1982 (OIA) on the grounds the information is or soon will be publicly available. Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the OIA, on the grounds described in the documents.

The advice listed in the table above refers to a review of OGP undertaken by the Commission. Information relating to that review is also available on our website: <https://www.publicservice.govt.nz/publications/open-government-partnership-review>

Information being released

Please find enclosed the draft letter provided to the Minister for the Public Service in response to the joint letter from civil society organisations.

Listed below are the dates OGP was discussed at meetings with the Minister for the Public Service:

- 23 January 2024
- 28 February 2024
- 7 March 2024
- 3 April 2024
- 10 April 2024
- 16 October 2024

Notes taken by Commission officials at meetings held on 23 January 2024, 7 March 2024, 3 April 2024 are reflected in reports 2024-0040, 2024-0089 and 2024-0104 which are publicly available at the links provided in the table above. No notes were taken by Commission officials for the meetings dated 28 February 2024, 10 April 2024 and 16 October 2024.

Information does not exist

The Commission has not created any internal memoranda, advice or briefings on either the membership of the Open Government Partnership, creation of a multi-stakeholder forum or creation of the fifth National Action Plan.

I am therefore refusing this part of your request on section 18(g) of the OIA on the grounds the information does not exist.

If you wish to discuss this decision with us, please feel free to contact Enquiries@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely



Nicky Dirks

**Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission**



Hon. Nicola Wills
Minister for the Public Service and Minister of Finance
Parliament Buildings
Wellington 6160

By email: N.Willis@ministers.govt.nz

13 May 2024

Dear Minister,

Maximising the benefits from New Zealand's Open Government Partnership membership

We are writing to you about the co-creation of New Zealand's fifth National Action Plan (NAP5) as a member of the Open Government Partnership (OGP). We ask for a meeting with you to discuss the development and funding of NAP5, which is due at the end of this year.

Commitment to the Open Government Partnership

Ahead of last year's general election we surveyed all the main political parties about their support for the country's membership of the OGP. All parties responded positively, including National's coalition partners, ACT and NZ First, and we are pleased that National provided a 'yes' to each of the three statements below:

1. Your party's support for continuing New Zealand's membership of the Open Government Partnership
2. That your cabinet would support strong ministerial leadership during the co-creation of Open Government Action Plan commitments
3. That your government would support the effective delivery of commitments, ensuring that they are appropriately resourced.

The National Party's response was accompanied by this comment:

The National Party remains committed to New Zealand's participation in the Open Government Partnership, a membership we proudly entered back in 2014.

Barriers to success

We are leaders of civil society organisations united by our belief that open government is not only a cross-party issue, but also vital both to improved public services and to the health of our democracy. Many of us have participated in the development of the first four national action plans. However, the outcomes from these plans over the last decade have fallen short of the statements included in the Open Government Declaration that the John Key-led National government signed New Zealand up to.

While there have been difficulties with officials understanding what the OGP's co-creation methods require of them, the main barrier to success has been a broken funding model that undermines the efforts of both officials and civil society to produce and deliver on ambitious national action plan commitments.

Because no government has made new money available for departments to bid for, the commitments they have suggested have either been pre-existing programmes of work, or commitments that are so small and unambitious they will not 'move the needle' and so do not produce meaningful improvement. Where a commitment of substance is made, like the current Commitment 3 in the NAP4 (Establish an inclusive, multi-channel approach to the delivery of government information and services), the failure to resource the work programme to give effect to it, means it is no commitment at all. To co-design and deliver ambitious improvements, it is clear that departments need the incentive provided by dedicated funds.

An absence of strong and joined-up ministerial leadership has meant officials have not been empowered to tackle the problems with the funding model. We are pleased therefore by the commitment of all three governing parties to both strong ministerial leadership of the open government work, and to supporting appropriate resourcing of the commitments to enable their effective delivery.

For the first time in our OGP membership, we have a responsible minister who is also Minister of Finance. This creates a very welcome opportunity to overcome the funding roadblock that has hampered progress and effectiveness until now.

While we are keen for the Public Service Commission (PSC) to re-engage with us in the work to develop NAP5, and create the new multi-stakeholder forum required by the OGP, the essential catalyst for design and delivery of an ambitious and effective national action plan is to provide sufficient funding for new pieces of work.

Recommendation

To make progress, we recommend a new appropriation in the 2025 budget for open government. The reason for making it a free-standing appropriation is to provide visibility and accountability for the funding.

We recommend that the appropriation be in the format of a contestable fund that departments can submit bids to. The appropriation and fund could be managed by the PSC as the department responsible for leading our membership of the OGP, or it could be jointly administered with the Treasury, given its expertise in scrutinising the quality of proposals.

To make successful bids for the new funding, departments would have to show how they have complied with OGP rules on co-creation of action plan commitments. They would also have to demonstrate the quality of their proposed projects and the alignment of the intended outcomes with the joint government and civil society priorities for NAP5.

There have been an average of eight commitments in the last four action plans. We therefore recommend that the contestable fund should be \$10 million for the two-year work programme of delivering the commitments.

Conclusion

The last government failed to use the extra time available to develop NAP4 in order to resolve funding problems, in spite of our urging. Our OGP membership needs to be meaningful, and this depends on incentivising departments to co-create and implement ambitious commitments with civil society organisations and the public. After 10 years, it is clear the only effective incentive is the availability of dedicated funding.

We would like to meet with you to discuss how to translate the pre-election commitments to leadership and resourcing made by all the coalition government's parties into tangible improvements in open government through our membership of the Open Government Partnership.

Yours sincerely,

Shaun Greaves
Executive Director
Amnesty International NZ

Cath Wallace
Open Government Portfolio Holder
**Environment and Conservation
Organisations of NZ**

Thomas Beagle
Chairperson
New Zealand Council for Civil Liberties

Julie Haggie,
Chief Executive Officer
Transparency International NZ

Sacha Green
National Advisor
Citizens Advice Bureau

Katherine Peet
Committee Member
Network Waitangi Ōtautahi

Duane Leo
National Secretary
Public Service Association

Simon Wright
Chair
Trust Democracy

Office of Hon Nicola Willis

Minister of Finance
Minister for the Public Service
Minister for Social Investment
Associate Minister of Climate Change



Andrew Ecclestone
Deputy Chair, New Zealand Council for Civil Liberties
By email, cc civil society organisation co-signatories

andrew@nzcccl.org.nz

Dear Mr Ecclestone,

Thank you for your letter of 13 May 2024, with suggestions for improving New Zealand's Open Government Partnership (OGP) in 2025.

I am aware of the pre-election survey of political parties, which asked three questions in relation to: continuing OGP membership, stronger ministerial leadership and the resourcing of OGP. I have noted your concern that outcomes have fallen short and your suggestion that a \$10m contestable fund is needed in 2025 to better support commitments for a new National Action Plan.

As part of my briefing as incoming Minister, officials at the Public Service Commission signalled that enabling greater involvement of citizens in policy making and service design is an important driver of trust and confidence in government. This Government is committed to strengthening democracy and to the principles of open government.

I have also set clear expectations that agencies align their work programmes with this Government's priorities and focus on delivering better services for New Zealanders. As you may be aware, my current priority is delivering this Government's first Budget, including our commitment to improving the efficiency of public services and ensuring the value for money of expenditure. After the Budget has been delivered, I will be in a better position to consider the way forward for 2025.

Thank you again for writing to me with your suggestions.

Yours sincerely

Hon Nicola Willis
Minister for the Public Service