



## Draft Cabinet paper for consultation: “New Zealand’s withdrawal from the Open Government Partnership”

<b>Date:</b>	1 August 2024		
<b>To:</b>	Hon Nicola Willis, Minister for the Public Service		
<b>Action Sought:</b>	Approval to consult	<b>Due Date</b>	7 August 2024
<b>Report No:</b>	2024-0190		
<b>Contact:</b>	Hugo Vitalis, Deputy Commissioner, Integrity, Ethics and Standards		
<b>Contact No:</b>	9(2)(a) privacy		
<b>Encl:</b>	Draft Cabinet paper	<b>Priority:</b>	High
<b>Security Level:</b>	SENSITIVE		

### Purpose

1. This paper provides you with a draft Cabinet paper “New Zealand’s withdrawal from the Open Government Partnership” for ministerial consultation.

### Background

2. On 8 April 2024, at your request, we provided you with a draft Cabinet paper to progress the option to withdraw from the Open Government Partnership (OGP) (BR2024-0104 refers). With your approval, we consulted with the Department for the Prime Minister and Cabinet (DPMC), Ministry of Foreign Affairs and Trade (MFAT), the Treasury, and Department of Internal Affairs (DIA)/Government Chief Digital Officer (GCDO).
3. The draft Cabinet paper (enclosed) reflects feedback from those agencies. Ministerial consultation on the draft Cabinet paper was postponed until after Budget 2024.

### Feedback from agency consultation

4. Agency consultation did not highlight any new implications of withdrawal 6(a) prejudice security or defence
5. The GCDO (a function within DIA) agrees that withdrawal from OGP is a sensible option as it offers limited value, poses high transaction costs and is not prioritised by agencies or Ministers. 9(2)(f)(iv) confidentiality of advice, 6(a) prejudice security or defence

6. MFAT noted that the bilateral risks **6(a) prejudice security or defence**, and it remains their view that withdrawal from OGP can be appropriately managed. The Treasury suggested minor changes regarding the OGP appropriation but no other comments. **9(2)(f)(iv) confidentiality of advice**
7. **6(a) prejudice security or defence** we did not consult with agencies currently delivering OGP national action plan commitments, initially due to Budget sensitivity and then due to continuing sensitivity around international relationships.<sup>1</sup> However, officials from those agencies contributed to the Commission's review of OGP in late 2023. They noted that OGP does not add value to their work programmes and is poorly aligned to agency priorities, which is reflected in our previous advice (BR2023-0321 refers) and the draft Cabinet paper.

## Comment

**9(2)(f)(iv) confidentiality of advice, 6(a) prejudice security or defence**

### *Transparency International NZ – National Integrity System Assessment report launch*

10. In June 2024, the Commission became aware that Transparency International New Zealand (TINZ) is undertaking a 10-yearly National Integrity System Assessment (the last was in 2013, with an interim update in 2018).<sup>2</sup> Historically, TINZ have been a strong advocate for OGP.
11. A report of the first part of the TINZ assessment is due to be launched in late August, coinciding with a visit by the global chairperson for the Transparency International Movement, Francois Valerian.<sup>3</sup> While the report may not focus specifically on OGP, we expect it will be critical, addressing the effectiveness of New Zealand institutions in deterring, detecting and exposing corruption.
12. We anticipate receiving a copy of the TINZ report in advance of its release and will brief you of any implications closer to the time.

### *OGP National Action Plan 4*

13. Of the eight commitments in the current national action plan, one is on track for full delivery, three are expected to partially deliver, two have been slowed/paused and are at risk of non-delivery, and two have stopped with little or no progress made. There is likely to be criticism from civil society stakeholders and the OGP Independent Reporting Mechanism about this lack of overall progress.

<sup>1</sup> The agencies leading action plan commitments are: Public Service Commission, Department of Internal Affairs, Ministry of Business, Innovation and Employment, Ministry of Justice, Serious Fraud Office and Statistics New Zealand.

<sup>2</sup> Transparency International NZ (2024) 'National Integrity System Assessment'. <https://www.transparency.org.nz/national-integrity-system-assessment>

<sup>3</sup> Transparency International NZ (2024) 'Francois Valerian Global TI Chair to Visit New Zealand'. <https://www.transparency.org.nz/blog/what-we-are-up-to>

## Next steps

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14. We have incorporated feedback from MFAT and DIA in the enclosed draft Cabinet paper titled “New Zealand’s withdrawal from the Open Government Partnership”. Should you agree to progress consultation with your colleagues, the table below shows two possible timelines for consultation and Cabinet decision:

Activity	Timeline 1 (tight)	Timeline 2 (more flexible)
Draft Cabinet paper ready	Thurs 1 August	Thurs 1 August
Agency meeting discussion	Wed 7 August	Wed 7 August
Ministerial consultation	Thurs 8 August – Fri 16 August (7 days)	Wed 21 August – Tues 3 September (10 days)
Lodging – EXP and Cabinet	Thurs 22 August	Thurs 12 September
EXP - Expenditure and Regulatory Review Committee	Tues 27 August	Tues 17 September
Cabinet	Mon 2 September	Mon 23 September
Effective date of OGP withdrawal	Mon 9 September	Mon 30 September

15. If Cabinet agrees to withdraw, withdrawal from OGP requires a letter from you to the OGP Support Unit in Washington. We will work with your office to implement decisions and advise relevant stakeholders of the decision.

## Recommended action

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We recommend that you:

- a **note** we have provided an updated draft Cabinet paper “New Zealand’s withdrawal from the Open Government Partnership” that includes feedback from agency consultation  
*Noted*
- b **note** feedback from targeted agency consultation with MFAT, the GCDO/DIA, Treasury and DPMC was that the implications of withdrawal from OGP could be appropriately managed  
*Noted*
- c **note** that, other than targeted consultation noted above, we have not consulted with other agencies due to sensitivity around international relationships, but agency views gathered during our review of OGP are reflected in our previous advice and the draft Cabinet paper  
*Noted*
- d **agree** to proceed to ministerial consultation on the paper “New Zealand’s withdrawal from the Open Government Partnership” on either  
     Timeline 1      *Agree/disagree*  
     or Timeline 2      *Agree/disagree*
- e **agree** to proactively release this briefing once final decisions on OGP membership have been made  
*Agree/disagree*

Hon Nicola Willis  
**Minister for the Public Service**