

Responses to Online and In person Questions at 30 June 2023 Report on Progress of Fourth National Action Plan Commitments

Commitment 1	<p>1. Have you got a timeline for getting the standard promulgated?</p> <p><i>Our goal is to have the model standard up and running by end of this year.</i></p> <p>2. Have you seen Yavu document and how does this relate to this commitment?</p> <p><i>Yes we have seen Yavu. Its the Pacific engagement tool to support anyone who works in local and central government, and the private sector who is required to engage with Pacific communities. You can find it on MPP website Ministry for Pacific Peoples — Yavu - Foundations of Pacific Engagement Tool (mpp.govt.nz). Its also mentioned on DPMC website on community engagement Community engagement Department of the Prime Minister and Cabinet (DPMC).</i></p> <p>3. How will this fit alongside engagement with Māori?</p> <p><i>We are looking at strengthening the tool around Te Tiriti. And developing more detailed guidance around Māori crown relationships which will sit alongside it.</i></p> <p>4. Scope of consultation –are only policy people going to be consulted?</p> <p><i>Consultation will also occur with Civil Society organisations on threshold on use and reporting requirements. We expect that once we have defined what significant initiatives mean, that this is likely to include aspects of service design not just policy.</i></p> <p>5. Does model standard require ministerial approval?</p> <p><i>The model standards are issued as guidance by the Commissioner under section 19 of the Public Service Act 2020. As part of that process, he will write to all Chief Executives advising them of his expectations in relation to the model standards.</i></p> <p>6. Will it be easy to modify the model standards if required?</p> <p><i>The process to modify model standards is straightforward and easy to do.</i></p> <p>7. How is the application of the model standard going to improve use of community engagement at higher levels of engagement?</p> <p><i>There will be better upfront planning which will help identify level of engagement required and where on the IAP2 spectrum. There will be monitoring of activity through reporting.</i></p>
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	<p>8. Will there be training for agencies around community engagement?</p> <p><i>Yes, this is something we are considering as resources are required to support the uptake and use of the tool.</i></p> <p>9. Will the guidance include minimum standards (as opposed to model standards)?</p> <p><i>The guidance will not include minimum standards as the guidance is best reflected as model standards.</i></p>
Commitment 2	<p>1. What is the linkage between this and LTIB, the Public Service Commission Long Term Insights Briefing?</p> <p><i>The PSC LTIB supports citizen participation through three key elements:</i></p> <ul style="list-style-type: none"> • <i>A common framework and measurement</i> • <i>Innovation in priority areas</i> • <i>Broader shift to collaborative approaches</i> <p><i>The aspirational intent behind LTIB is being turned into action by TKM by way of commitment 1.</i></p> <p>2. How will the work carried out under Commitment 2 be reflected in Commitment 1?</p> <p><i>There is an opportunity to use the community engagement tool in an innovative way. We want to drive innovation but apply the same principles around community engagement (e.g. upfront planning and determining level of engagement required under IAP2).</i></p>
Commitment 3	<p>1. Great statement in the Digital Strategy, but easily overlooked. What steps have been (or will be) taken to socialise government agencies to the fact that Commitment 3 has been made?</p> <p><i>The planned multi-stakeholder working group will enable us to incorporate a range of perspectives and leverage work underway across government. It will be especially important to include key service delivery agencies in this work, to draw on their work and expertise and help ensure that the approach and guidance developed is useful and practical. Our intent is to leverage the GCDO system lead role and reach of the working group to launch the deliverables and generate an all-of-government conversation.</i></p> <p>2. The Independent Review Mechanism has just released a draft report and has deemed this commitment unverifiable given it's lack of clear outcomes. Is DIA committed to reviewing and giving more clarity to the implementation plan to ensure this can be a commitment that meets the OGP requirements?</p> <p><i>Yes, DIA is committed to reviewing and giving more clarity to the implementation plan.</i></p>

	<p>3. Has the new(ish) Minister for the Public Service been briefed about this commitment, noting that it is directly relevant to the fundamental character of the public service as described in the Public Service Act?</p> <p><i>The Minister met with the head of OGP on the plan recently.</i></p> <p>4. What are your timeframes for progressing this? Noting we are already well behind time in the implementation plan.</p> <p><i>The Government remains committed to this work, but given competing priorities, further work is required to set out delivery timeframes for Commitment 3.</i></p>
Commitment 4	<p>1. Can you clarify what you mean by focusing on the public sector? Does that mean focusing on the public sector response to people experiencing fraud, not about ensuring that there is no fraud within the public sector?</p> <p><i>The National Counter Fraud and Corruption Strategy will address both. We're focusing on actions that public sector agencies can take. So that includes both securing a better response for people reporting fraud, and lifting the fraud prevention capability in the public sector.</i></p> <p>2. There is some scepticism about the strategy as SFO haven't had open and inclusive engagement processes to seek input from others. There are a number of agencies that carry out investigations that have valuable insights that they provide about fraud. How do you plan to address this?</p> <p><i>SFO wants to get the response right in the public sector first. We have always been clear that, once we have an agreed public sector strategy, we would reach out to civil society organisations, local government, iwi and the private sector. We would take a co-creation approach with those stakeholders, as we are eager to learn from their expertise. We acknowledge that Transparency International in particular has extensive experience investigating and fighting corruption. We look forward to working with, and learning from, them.</i></p> <p>3. What will you be consulting the public on and when?</p> <p><i>Public consultation will be part of the second phase of the strategy, when we plan to engage with civil society organisations, local government, iwi and the private sector. In addition, in the next couple of months we plan to survey victim-facing organisations. This survey will ask about the experience of people reporting fraud and corruption.</i></p>

Commitment 5	<p>1. The next steps outlined seem to be no more specific re timeframes than the OGP Plan. Could we have some more specific timeframes and specification of exactly what the deliverable of the Registrar and the Companies Office are?</p> <p><i>We are unable to advise when exactly this Bill will be introduced to Parliament. MBIE will provide further updates on timing in due course.</i></p> <p><i>The best source of details on the policy decisions is the proactively released cabinet paper. Available here: Better visibility of individuals who control companies and limited partnerships (mbie.govt.nz)</i></p> <p>2. Can you provide more information on the register and European Court of Justice?</p> <p><i>Please refer to the cabinet paper at paragraphs 29, 30 and 70 for discussion of the register being made public. MBIE's Regulatory Impact statement also addresses this at paragraphs 61 and 69.</i></p> <p>Beneficial ownership information: Regulatory impact statement (mbie.govt.nz)</p>
Commitment 6	<p>1. Will the data be published as raw data and be able to be accessed through API?</p> <p><i>The MBIE Procurement for the Future programme has a key focus area on 'Data and Systems' to improve the transparency of government procurement. As a first step, we have developed two dashboards to showcase publicly available information collected from GETS (Government Electronic Tender Service) and information from the All-of-Government (AoG) contracts in a visually interactive and raw aggregated format. The GETS dashboard will help agencies understand how its tenders compare with other agencies, including response time and time taken to award. The AoG dashboard shows spending in All-of-Government contract areas, such as top suppliers and agency spenders in each area.</i></p> <p><i>The programme is also introducing a new Procurement Platform that will make it easier to collect data from the point of creation, improve data quality through validation, and reduce the administrative burden on suppliers for reporting. A Data Governance Framework will support the project, expanding reporting requirements and establishing data standards that are compliant with OCDS. We are still in the early stages of this project and have yet to determine which data will be shared or how it will be shared.</i></p> <p>2. Will the future system cover all awards and project and will the procurement rules be changed?</p> <p><i>The Government Procurement Rules (the Rules) are a flexible framework designed to help agencies make balanced procurement decisions. Each agency is ultimately responsible for its own procurement activities and compliance with the Rules. The Rules stipulate publishing requirements on</i></p>

	<p><i>agencies and the circumstances in which these apply, meaning not all procurement is captured centrally. Changes to these Rules are not within scope for the current Action Plan.</i></p> <p>3. Will you be providing better data such as the organisation that got the award and the amount of the award given?</p> <p><i>Yes, our goal is to implement changes to GETS and our new Procurement Platform to improve the quality of our award data entered by agency users over time.</i></p>
Commitment 7	<p>1. What do you mean by targeted public engagement?</p> <p><i>We are currently developing an engagement plan and expect to advise more details once we have completed the first phase of work. We plan to engage with civic society organisations, but the exact form of the engagement may depend on the kind of options we develop.</i></p> <p>2. Will the Ministry of Justice consider broadening the way section 14 of the New Zealand Bill of Rights Act 1990 (NZBORA) is being applied when it provides NZBORA advice?</p> <p><i>Influencing NZBORA jurisprudence or the way NZBORA is applied is a substantive undertaking and is beyond the scope of work outlined for this commitment. We will, however, look at a range of processes that improve scrutiny of legislation and look at how these processes could be adapted to support the scrutiny of OIA exception clauses. This includes the NZBORA vetting process (which is an example of a scrutiny mechanism prescribed in legislation) but we will also look at other processes that are used during the legislative development process (Department Disclosure Statements are just one such example).</i></p> <p>3. Next steps seem to prioritise agency perspective rather than the public perspective and the right to public information that are meant to be served by the OIA. IE the original policy goals which underpinned the OIA are not leading this process. How will consultation occur?</p> <p><i>Through this commitment, we will explore a range of ways to strengthen scrutiny of OIA exception clauses. We are looking at ways to support government agencies during the policy development process to understand the OIA's broad utility, however we are also looking at the opportunities that the public has to input into the policy-making and legislative process. For example, when an OIA exception provision is included in a Bill, we could look at ways to ensure that the justification is explicit and can easily be assessed during the Parliamentary process. This could help the public provide considered feedback when the Bill is considered at select committee. There are some existing tools that do have a role in making certain policy and legislative considerations explicit such as Departmental Disclosure Statements and Regulatory Impact Statements.</i></p>

	<p><i>While we are still developing our engagement plan, we anticipate testing options with Civic Society Organisations later in the year.</i></p> <p>Comment Noting the above, I think that is a general challenge to govt agencies, to ensure that delivery on these commitments continues to be a process of engagement and co-design with CSOs and reflects the goals of open govt in relation to the experience of citizens.</p>
Commitment 8	<p>1. How will racial bias concerns in A1 and algorithms be addressed?</p> <p><i>Addressing bias concerns requires first identifying actual or potential biases. The algorithm assessment resources currently being developed include questions on the different biases that may be present in the training data, production data, or algorithm design. When conducting the assessments, agencies are asked how they are going to mitigate the impact of these biases. Some guidance is provided in the assessment user guide, and this will be expanded in collaboration with the Algorithm Charter community of practice and other experts.</i></p>
NAP4 and MSF	<p>1. Have we discussed with agency leads how they should apply the OGP principles in implementing the commitments as it doesn't appear to be happening in the spirit of OGP?</p> <p><i>The OGP principles have been embedded into the process from the beginning with agencies aware of and committed to them.</i></p> <p>2. There used to be quarterly updates on NAP4. Will this continue or is it now 6 monthly updates?</p> <p><i>The updates will be on a 6 monthly basis with the next meeting in December.</i></p> <p>3. When will there be a new MSF to oversee the plan's implementation and the development of the next Plan?</p> <p><i>Work is underway to develop a new MSF. We will provide an update on progress at our next report back meeting in December.</i></p> <p>Comments Thank you for the presentations today. We look forward to ongoing engagement as things progress and some of the working groups / COPs that have been signalled get underway.</p> <p>Today has been excellent in terms of keeping those interested in the OGP and its implementation informed. It would however been excellent to move higher up the IAP2 spectrum.</p>