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Kia ora Lydia

Draft 5th Open Government Partnership National Action Plan

Following publication on 2 December 2025 of the draft National Action Plan (NAP), I am writing to provide the Council's feedback on it.

Consultation on the draft NAP prior to submission to the OGP

The Council welcomes the fact that the Public Service Commission (PSC) changed its plan not to consult on the draft NAP. It published the draft NAP on 2 December 2025, and requested feedback by 8 December 2025. This is a short consultation period and we note that in previous NAP development cycles, the government has abided by the OGP's expectation that there is a minimum two week public consultation period on the draft NAP before it is submitted to the OGP.

Adding further commitments later in the NAP's lifespan

We previously recommended that in the introductory text of the plan, it is clearly stated that the Open Government Partnership (OGP) is happy for countries to add further co-created commitments during the lifespan of a NAP. This would be a clear signal to the government that takes office after the 2026 general election that there is an opportunity for it to put its own stamp on work in this area. At least three out of the four commitments proposed by the government are capable of being completed within 6-9 months after work has started. Experience shows that work on them will begin in February, after the summer break. This means that they should be completed by October 2026 at the latest.

We are pleased that the PSC has acted on this recommendation by making reference to this opportunity for the next government, in the final '*Implementing the plan*' section of the NAP. We **recommend** the PSC makes explicit reference to this possibility in its briefing to its incoming Minister later next year.

Recommendations for the *Introduction*

The draft NAP contains an *Introduction* to set the Action Plan in New Zealand's context. On page 5 the end of the third paragraph makes the claim that the NAP “*will also support New Zealand in meeting its international obligations to tackle corruption.*” These obligations are not listed, nor is a document listing them cited in a footnote. We **recommend** this omission is rectified. Otherwise, this sentence reads as an empty, unevidenced, claim.

The introduction suggests that civil society organisations were content with the Government and PSC's unilateral decision to constrain the possible commitments to those that would help the PSC deliver its *Action Plan to strengthen integrity 2025-2028*. This is not the case, particularly for NZCCL. The Government's decision was made without the Minister for Public Service taking up civil society's request to meet with her to discuss the Action Plan, and is contrary to the spirit of the OGP's commitment to co-creation and once again demonstrates that after a decade of membership and four Action Plans, New Zealand's government still does not 'get it'. A narrow, bureaucratic, type of compliance with OGP membership will never deliver the transformational results that the OGP hopes to stimulate and that Aotearoa needs.

The Council would have wanted commitments to strengthen or completely overhaul the Official Information Act, to introduce beneficial ownership and open contracting, to explore strengthening public participation in legislative processes and to adopt an all-of-government mandatory standard on public consultation. We still want a commitment to explore accession to the UN's Aarhus Convention on public access to information, participation in decision making and access to justice on environmental issues.

Recommendations for *Our journey – the development of NAP5*

This section states that “*The Commission reached out to a variety of CSOs, including those some who had not previously been involved in OGP.*” This is ungrammatical and needs correcting. Further, no information is provided about the Government and PSC's publicity efforts.

There was no media release announcing the opportunity to participate in development of NAP5, either on the PSC's website or the Beehive website.¹

There is no indication of newspaper, radio or social advertisements having been bought by the PSC, nor in what geographic areas or target demographics. Overall, this section is particularly thin on what the PSC actually did to reach potential NAP development participants. Given the PSC's disgraceful decision not to establish a

¹ The failure of the Commission to emulate even its 2021 media release is particularly disappointing. <https://www.publicservice.govt.nz/news/new-zealanders-urged-to-join-the-open-government-conversation>

Multi-stakeholder Forum (MSF), the Council **recommends** further detailed information about PSC’s work to publicise opportunities for participation be included in this section of the NAP.

In the “*Timeline of NAP5 co-creation*”, the PSC should add in more specific dates in a number of places:

- The “*proposed approach to NAP5 was published on the Commission website*” was sent out by email on 25 August 2025. This makes clear to readers that there was only a week from this first announcement until the information session on 4 September 2025.
- The bullet point for “*officials published the draft commitments and provided reasoned responses for why other commitments [sic] ideas will not progress*” needs to have the date it was notified by email to participants added. This was 14 November 2025.
- The bullet point for “*officials published updated commitments including draft milestones*” needs to have the date it was notified by email to participants added. This was 2 December 2025.

Recommendations for Our commitments

The introductory sentence in this section states that “*NAP5 is a balanced and practical plan for progress towards New Zealand’s open government ambitions.*” Besides the fact that NAP5 only really addresses the government’s woefully low ambitions, and not those of civil society, we query the use of the word ‘*balanced*’. Balanced in what way? Balanced against what?

Commitment 1 – Review protected disclosure practice

We note that the following sentence has been added to the bottom of page 10 following our feedback of 28 November 2025: ‘*As noted above, potential disclosers may lack confidence that they will be adequately protected. Appropriate authorities / receivers of protected disclosures could use information from the Public Service Census and feedback from disclosers to identify where best to target resources or strengthen processes to further reinforce that it is safe to speak up.*’

This is weak and needs to be strengthened in the final version of the NAP. We **recommend** that at the very least the permissive ‘could’ be changed to the more positive ‘should’. As a result, we **recommend** that the ‘Practice review’ proposed in the ‘*What solution are you proposing?*’ section should be strengthened to explicitly include research or investigation of why officials do not feel safe in speaking up. A failure to do this would mean it is likely the practice review will not explore this, resulting in yet another missed opportunity to improve practice or make recommendations for legislative strengthening of the Protected Disclosures (Protection of Whistleblowers) Act.

On page 12, in the section *‘What solution are you proposing?’* the language relating to a community of practice on protected disclosures has been watered down from the earlier draft of the commitment. By adding in the word ‘practicality’ and removing ‘seek’, the PSC seems to be suggesting that there is some doubt about whether it is practical to establish a community of practice. Further, by removing the verb ‘seek’, it suggests the PSC will be passive in its assessment of interest in the establishment of a community of practice, instead of actively contacting the relevant organisations to promote the idea. The Council **recommends** that ‘practicality’ is deleted and ‘seek’ is reinserted into the relevant sentence.

The section on *‘What results do we want to achieve by implementing this commitment?’* section has an outcome of *‘Improved confidence that disclosures will be protected’* but this does not address the problem of public servants feeling unsafe in making a disclosure. The discloser also needs to be protected, not just the information disclosed. We **strongly recommend** an additional outcome of *‘More than 90% of public servants are very confident that it is safe to raise a concern about wrongdoing’*.

In the box on *‘Co-creation analysis’* on page 13, the draft NAP states that *“Stakeholders suggested an advisory group could support the practice review...”*. This is inaccurate as far as the Council’s recommendations to the PSC. We recommended — and continue to **recommend** — that the Commission establishes a multi-stakeholder working group *for the commitment* overall, not the practice review itself. This would mean the multi-stakeholder working group can provide input on people the officials conducting the review can speak to, as well as providing feedback on draft questions, and the draft report of the review. It would also be able to provide input into the research the PSC says it will undertake on the consequences for organisations that unlawfully retaliate against whistleblowers, and could also contribute to the action on a community of practice.

In relation to the milestones for the commitment, the PSC has given itself a somnolent and lackadaisical timeframe to complete this small and unambitious commitment. It has given itself until June 2026 to even scope the project and identify a project lead when this should be complete by the end of February 2026 (as is the case with the SFO and commitment 2). Similarly, the desk research milestone should be completed by June 2026, the engagement with agencies by July 2026, the scoping of a community of practice by August 2026, and the establishing of the community of practice by September 2026. The draft practice review report should be published by the end of September 2026, with feedback incorporated by October 2026. This will position the PSC to provide well-researched advice to the incoming Minister after the 2026 general election. The ‘stretch activities’ should be included in this advice, also by the end of October 2026.

We **recommend** the following additional milestones:

1. PSC communicating to agencies by April 2026 about reviewing their Public Service Census results and whistleblower feedback to inform where they should target resources and strengthen processes; and
2. PSC compiling agency responses from this review and producing additional guidance of its own to agencies by November 2026.

Commitment 2 – Develop a Corruption Risk Assessment Tool

We welcome PSC acting on our recommendation to change the title and deliverable of this commitment from a ‘Corruption Assessment Tool’ to a ‘Corruption Risk Assessment Tool’.

In the box for ‘*Supporting Stakeholders*’ on page 17 we **recommend** that the Law Society and Chartered Accountants Australia and New Zealand are added, since these are the organisations representing professionals most likely to be undertaking risks of corruption in their organisation.

As with commitment 1, we **recommend** that the Serious Fraud Office establishes a multi-stakeholder working group for the commitment so that it can provide input on creating the Risk Assessment Tool and review drafts.

In relation to the milestones, it seems weak to allow seven months between seeking feedback from agencies who have tested the working version of the Tool (November 2026) and publication of the final Tool in June 2027. We **recommend** that this latter milestone is brought forward to March 2027, with insights from the roll-out of the Tool being shared by the SFO by end of June 2027.

Commitment 3 – Support ethical government – private sector career transitions

We are surprised and disappointed that the ‘*Supporting Stakeholders*’ box on page 23 does not include the Office of the Auditor-General and **recommend** this omission is corrected.

In the ‘*Problem Definition*’ box, the sub-heading still refers to a ‘*Public trust risk*’ when, as we made clear in our feedback of 28 November, there is a more important an actual corruption and integrity risk, and this must be detailed in the problem definition box; it is not that the public may misunderstand what is going on and therefore lose trust, it is that there are clear examples of poor – and likely unlawful – practice already undermining the integrity of public policy making.

The Council again **recommends** that the ‘*Problem definition*’ box of the draft commitment be amended to address these issues.

The failure to strengthen the problem definition still feeds through into the ‘*What solution are you proposing?*’ section. The Council again **recommends** that this wording be amended to say the document will explore the corruption risks of such

transitions, based on inappropriate sharing of information, inappropriate influence which leads to the narrowing of policy options to be considered for an issue (or choice of frameworks for analysis), and inappropriate privileging of people and companies in both procurement and short-term contracting. The commitment should state that it will particularly need to look at the risks when people move from regulated industries to the regulator and vice-versa.

We welcome the addition of the words ‘tools to’ this part of the commitment, since it makes clear there must be instruments to deal with these issues, not simply guidance.

The Council notes that the PSC has failed to act on our **recommendation** that the commitment explicitly refer to studying regulatory regimes for this issue in other countries, and in particular mechanisms in place that regulate these transitions and report on them; for example the Advisory Committee on Business Appointments in the UK, and its successor.² This is contrary to the assertion made in the ‘*How did the co-creation process inform development of this commitment?*’ box on page 27, where the PSC asserts without evidence that ‘*In response, the Public Service Commission and the Ministry of Justice worked together to expand the scope of the commitment*’. Our analysis of the text of the commitment in the draft NAP shows no such expansion from the previous draft.

In section 3 of the ‘*Commitment Description*’ the first of the proposed achievements has been weakened. The text has been changed from ‘*Improved transparency of the factors influencing government decision making in New Zealand*’ to ‘*Understand the factors influencing government decision making in New Zealand.*’ Improved transparency is a public-facing outcome of the commitment, but ‘understanding’ may refer only to an internal government outcome. If PSC wants to keep the focus on ‘understanding’, then it should change the wording to ‘Improved public understanding of...’

However, all these outcomes still reflect the PSC’s focus being on the risks of public confidence, rather than actual improper transitions. This again pretends that the problem is with the public perceiving things that aren’t actually an issue, pre-judging the function of this commitment and suggesting that everything is rosy. The Council **recommends** that this section clearly state that an object is to reduce actual improper transitions, misuse of information, inappropriate privileging of people and companies in procurement and contracting activities. The commitment needs to say explicitly that the overall objective is to ensure the integrity of policy making processes. This how the commitment could actually match the rhetoric used in the NAP’s *Introduction of ‘support[ing] New Zealand in meeting its international obligations to tackle corruption.’*

² <https://www.gov.uk/government/organisations/advisory-committee-on-business-appointments>

The expected completion dates for the milestones of this commitment are still 'tbc', which is not good enough. The Council **recommends** that the milestone for refining and scoping the project should be completed by no later than March 2026. The milestone for establishing a reference group should be April 2026. The background research milestone should be completed by July 2026, with the draft discussion document published by the end of August 2026. The results of the public consultation should be published by the end of October 2026, as we recommended on 28 November, so that it can be cited in briefings to the incoming Ministers of Justice and Public Service, along with options for how to proceed.

As with commitments 1 and 2, we **recommend** that the Commission and Ministry establish a multistakeholder working group for the commitment.

Commitment 4 – Explore options to improve transparency of senior leaders' conflicts of interest

This commitment focuses on 'senior leaders' in the public service. In our feedback of 28 November we recommended that this commitment also refer to the 'key positions' that will be designated by the Commissioner following enactment of the Public Service Amendment Bill. We are disappointed that the PSC has not adopted this recommendation nor provided reasons why it has not.

The Council is disappointed that the PSC has weakened '*What solution are you proposing?*' section, by removing the clearly defined stages of the commitment. Instead of clear stages one, two and three, there is **weaker** text that only states '*Solutions might include the development of a public register of senior leader's [sic] declared interests and/or management plans, or an independent review process, or other ideas that emerge during this research.*'

Similarly, in the results from the commitment, the language has also been **weakened**, from wanting to achieve '*Improved transparency of senior public servants' conflicts of interest*' to only '*Improved transparency of information about senior public servants' conflicts of interest*'. This means that instead of delivering transparency of the actual (and perceived) conflicts of interest, the public may only receive meaningless waffle about them.

Further, the PSC has ignored the Council's 28 November **recommendation** that stage one should also research conflict of interest management in countries besides Australia, Canada and the UK. None of those countries have a great track record on openness and integrity, and it is revealing of PSC's Anglophone and Westminster-system biases that it continues to ignore work done by the OECD, and high integrity countries such as Sweden, Norway, Finland, Denmark and Singapore on this topic. None of these countries are listed amongst the '*Others*' in the '*Supporting Stakeholders*' box on page 30.

By removing the separate stages from '*What solution are you proposing*' the PSC has also missed the opportunity to explicitly state that the consultation on options to

enhance transparency will be a public consultation, not just with agencies' preferred and handpicked consultees. As with other commitments, this one must commit to publication of the submissions received on the consultation document, and the Commission's analysis of the submissions.

In the milestones for this commitment, the dates are again unambitious. There is no way it should take until June 2026 for the project to be scoped and a project lead identified. This first milestone should be completed by mid-March 2026. The reference group should be established by mid-April 2026. The desk research and interviews should be completed by July 2026, and the countries listed above should be added to those where international comparisons will be drawn from, not just Australia, the UK and Canada. The discussion document should be published by the end of August 2026, and the results made available by the end of October 2026, with advice to the Minister ready for the general election, and no later than December 2026.

We are glad to see that — for this commitment at least — the text of the draft commitment has been amended to make clear that the 'reference group' will include civil society representatives.

Ngā mihi,

A handwritten signature in black ink that reads "Thomas Beagle". The signature is written in a cursive, flowing style.

Thomas Beagle
Chair