

o enlabournz

The image features the text 'openlabournz' in a sans-serif font. The letter 'o' is replaced by a black stem that curves downwards. The letter 'e' is replaced by a dandelion seed head, with several seeds blowing away to the right, suggesting the word 'open'. The letters 'nlabournz' are in a dark red color, while the 'l' and 'z' are in a grey color.

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Foreword

Should government fear being more open and transparent?

Should the Labour Party fear being more open and transparent in the way it crafts policy?

No doubt there are some risks involved. But there are compelling reasons for more openness and transparency in politics and the way government engages with its citizens.

One of the most compelling is that while it might not be the natural inclination of government and many political parties to open up, it certainly is the inclination of the people they are elected to represent and to serve.

Cynicism has grown over past decades towards politics and politicians. It's like a cancer and has resulted in people feeling their views don't matter, their voices don't get heard and their votes don't count.

In countries with social democracies this has resulted in a lack of political engagement. People are not voting, not getting involved and don't trust politicians and politics.

Since the last election, Labour has deliberately tried to re-engage with the people of New Zealand in their communities, where they live. We have taken our Labour caucus to regional and provincial New Zealand. We have made an honest attempt to listen, to connect and to respect the views of New Zealanders.

We cannot visit every town. We cannot knock on every door in New Zealand and talk to every citizen. Though we will damn well try. Because nothing beats, nor will ever beat real face to face contact.

But while never moving away from our roots, our values, and the importance of connecting with people face to face, we also have to do some things differently. Technology, in particular the Internet, has changed our world for ever.

As Phil Goff said in his speech to the OpenLabourNZ conference:

"This is the first time a major political party in New Zealand country has opened up our policy development to the public in this way.

But while the technology is new, OpenLabourNZ is a natural progression of Labour's values of democracy, a fair go for everyone, and governing for the many not the few.

Labour has always been the party of new ideas and vision for NZ.

New Zealanders need to know their voices will be heard and that the business of government will not be conducted in secrecy.

I commit Labour to taking these ideas seriously and developing a sound policy on open and transparent government to take us into next year.

Governments have to be able to understand the issues and debates and acknowledge that old ways are being replaced by new ones.

And what is the role of government in the 21st Century?

Courage and vision and a willingness to change and adapt and try new things that are grounded in enduring values."

This is exciting and ground-breaking work for Labour. I am committed to working with others to see where this journey takes us.

Clare Curran

Labour Spokesperson for Communications and IT, and MP for Dunedin South

Summary

OpenLabourNZ was a process to provide input into a Labour policy on Open and Transparent government. It was also an experiment in using new online engagement methods and tools to develop policy. OpenLabourNZ came about as a way to build on the public engagement created by Red Alert, the blog of Labour MPs, by providing a public forum to develop policy input in a truly open and participatory way.

The OpenLabourNZ process involved a number of phases. The first, blogstorming, included Clare Curran and other Labour MPs blogging about the topic of 'Open and Transparent Government'. People were invited to participate by commenting on the blog posts, and writing about the topic themselves on blogs, Twitter, Facebook, and in the media. Following three and a half months, all of the input was collated, summarised, and organised under six major themes. This was put on the OpenLabourNZ wiki for people to review.

On the 28th August 2010 a day long public event was held in Wellington. It was attended by 60 participants in person, along with hundreds more online. The event was opened by Phil Goff and a number of Labour MPs participated. There were also presentations from prominent international figures, and group discussion on each of the six themes.

In the two weeks following the live event, the principles, proposed actions and discussions were summarised and put on the OpenLabourNZ wiki for further comment and editing by participants. All of the suggested actions were also put on IdeaScale, a web site which allows people to vote ideas up or down, make comments on ideas, and add new ideas. This final report was then written to describe the process and findings.

The six themes and their accompanying policy principles developed during the OpenLabourNZ process are as follows.

Participation in OpenLabourNZ

23,200 results on Google for the search term OpenLabourNZ

91 #openlabournz tagged blog posts on Red Alert

570 comments on #openlabournz tagged blog posts Red Alert

60 attendees in person at the live event on the 28th August

170 viewers of the live video stream on the 28th August

893 tweets on Twitter using the #olnz during the live event on the 28th August

534 individual users, placed **8276** votes, and made **208** comments, on **103** suggested actions on the OpenLabourNZ Ideascale site.

Transparency in political offices

- Government works better when the public is involved and informed
- Government is more effective and efficient when its operations are open and accountable
- People have a right to be informed about the operations of their government

Open public sector data and information

- Any works fully or partially, directly or indirectly funded through government should and will be released in a timely manner with as minimal restrictions as possible using creative commons licences allowing use, reuse and repurposing for commercial and non-commercial purposes and in a manner and with systems in place that allow citizen scrutiny and feedback.
- Exceptions to open access should be made for private data provided by third parties and data that could cause possible injury to New Zealand, create issues of privacy, or where premature release could cause damage to the New Zealand economy.

Opening up the public sector

- Online engagement by public servants should be enabled and encouraged. Robust professional discussion benefits their agencies, their professional development, and the New Zealand public.
- We need to accept that public servants will be using social media in their personal spheres, and provide protection and guidance/advice around that.

Collaborative and participative policy development

- More consultative, participatory and transparent processes for making policy will result in a more representative and higher quality policy. It will also help the public collaborate on policy, and then hold their elected representatives accountable for its implementation.
- Technology has driven a change in society which has changed community expectations. Government practice needs to respond to both the changing expectations and the changing technology landscape.
- Collaborative and participative policy development requires resources and leadership, but this is an important investment in better policy outcomes, more efficient and effective decision making in the future, and efficiencies in service design and delivery.
- Engaging citizens directly in policy development will assist in establishing both legitimacy of and adoption of new policy implementation.

Citizen-centric services

- Government should develop online services that make it easy for citizens to engage with government on day to day tasks, in a way that cuts across the complexities of government.

Open infrastructure

- Access to broadband should be a right for people so they can equitably access government services.
- Commitments to openness need to apply to the tools being used and the way they are funded, purchased and produced.

Many suggested actions were developed under these themes. Some of these were popular and had broad support, some were more contentious. All of them will require further thought and discussion.

OpenLabourNZ wasn't perfect, and wasn't as inclusive as it could have been. Being the first time this has been tried, it was anticipated that mistakes would be made, and many lessons would be learned. That was certainly the case. Being open and trying something new is risky, but it can also bring huge rewards.

People might not have engaged, but they did. People might have been cynical and critical, but by and large they weren't. There might have been significant dissent and disagreement, but instead there was broad consensus on the policy principles, themes and a number of the suggested actions generated.

The completion of the OpenLabourNZ process is the end of a beginning. It is the first step on a much longer journey. It is now over to the party to take those next steps.

1 The OpenLabourNZ Process

OpenLabourNZ is the brainchild of Labour MP Clare Curran, the Party's Spokesperson for Communications and IT. She explains how OpenLabourNZ came about:

"After the election Labour knew it had to reconnect with New Zealanders. One of the ways we did that was establishing Red Alert, a blog of Labour MPs. Red Alert has been running for more than a year now and has been remarkably successful as a new tool to build a voice for Labour and to demonstrate we are doing things differently and prepared to truly "engage" with the public in ways we haven't done before, using new technology.

The debates on Red Alert are good. There is though, a definite need for another outlet that takes us further in the discussion around particular issues. An outlet that provides an open forum for real discussion that can turn into policy direction for Labour, and shows our authenticity. That we are what we say we are.

So we've embarked on something new again. Our first open policy process, inviting the public to participate in developing its policy on what an open, transparent government might look like. Open and transparent government is about how politicians, the governing party and the public sector constructively interact with citizens to be more democratic and effective."

OpenLabourNZ was launched on the 29th of April 2010, and ran till 5th October 2010. The design of the OpenLabourNZ process was largely inspired by the Public Sphere¹ method for open consultation pioneered by Australian Labour Senator Kate Lundy and her advisor Pia Waugh. In 2009 Kate Lundy was named as one of the top 25 people globally changing the world of Internet and Politics.

The method was adapted to fit the New Zealand context, and to the complexities inherent in an open engagement process being run by a political party not in office. OpenLabourNZ builds on the pioneering work in open government being undertaken in Australia, the US, and the UK. It stands on the shoulders of giants.

The process involved four phases:

1. Several months of 'blogstorming'
2. A public day long event
3. A month of collaborative editing and idea voting
4. A final report (this document)

1.1 Blogstorming

The first phase of OpenLabourNZ involved Clare Curran, and subsequently a number of other Labour MPs, blogging about open and transparent government on Red Alert. People were invited to participate in a number of ways including:

- Commenting on the OpenLabourNZ Red Alert posts
- Write their own blog posts, and using the tag OpenLabourNZ
- Posting messages on Twitter using the #OpenLabourNZ or #olnz hashtag
- Emailing or writing on their views and sending them directly to Clare Curran

By the end of August there were **68** OpenLabourNZ related blog posts on Red Alert, posted by **5** Labour MPs, with a total of **399** comments. A number of other blogs picked up the topic, including The Standard, No Right Turn, Political Dumpground, and Kiwiblog. Kiwiblog alone wrote **6** blog posts on the topic during the process, receiving **102** comments. It was also written about in a number of print publications including the Dominion Post, the Timaru Herald, the NZ Herald, and Computerworld.

¹ See <http://www.katelundy.com.au/category/campaigns/publicsphere/>

Following three and a half months of blogging and associated online discussions on the topic, all of the input was collated, summarised, and organised under six major themes. This content was put on the OpenLabourNZ wiki at <http://open.labour.org.nz> for people to review prior to the full day public event.

1.2 The OpenLabourNZ Public Event

On the 28th of August a day long public event was held in Wellington to discuss the topic of open and transparent government. The event was attended by **60** participants in person, along with hundreds more online. The audio and video of the event was 'live streamed' over the Internet and watched by **170** people on the day. Many more people participated online via Twitter. Contributors came from across the political sphere and around the world and each participant added something of value to the discussion.

The event was chaired by Laurence Millar. Labour Party leader Phil Goff gave the opening address. He was followed by presentations via video link from Andrew Rasiej of the Personal Democracy Forum from the United States, and Australian Senator Kate Lundy. Labour MPs Clare Curran, Charles Chauvel, Chris Hipkins, Grant Robertson and Maryan Street all spoke about their vision for open government and the OpenLabourNZ process.

Following the initial presentations participants broke off into groups to deliberate over each of the six themes (one theme per group). Contributions by those participating via Twitter were summarised and fed into the discussion groups by volunteers from Young Labour. The groups developed policy principles and proposed actions, and recorded their discussions. Each group reported back to the conference, and contributions were critiqued and added to by a discussion panel featuring Grant Robertson (Labour MP), Pia Waugh (Advisor to Australian Senator Kate Lundy), David Farrar (political commentator) and Don Christie (past President of the NZ Open Source Society).

After the event the video of the presentations and reporting back was put online at <http://www.r2.co.nz/20100828/>.

1.3 The wiki and IdeaScale

In the two weeks following the live event the principles, proposed actions and discussions were summarised and documented under each of the six themes, and put on the OpenLabourNZ wiki for further comment and editing by participants.

All of the suggested actions were also put on IdeaScale, a web site which allows people to vote ideas up or down, make comments on ideas, and add new ideas. On 26 September the **63** suggested actions generated during the blogstorming phase and the live event were put up at <http://olnz.ideascale.com>. People could vote anonymously, or create accounts to identify themselves. Voting, and adding comments and new ideas were not moderated. **40** new ideas were added, of which **20** were retained (the others being off topic, although still related to politics). A total of **534** individuals participated, placing **8276** votes, and making **208** comments during the 9 days to 5 October when the process was closed. Some of the suggested actions received mostly 'up votes', while some were more contentious and received a mix of 'up votes' and 'down votes'. The results are summarised in the Themes section below.

1.4 The Final Report

Once the IdeaScale voting had been closed all of the content from the OpenLabourNZ process was consolidated into this final report as input for the Labour Party conference on 16 October 2010. This report will be used as the basis of subsequent policy development on open and transparent government by the Labour Party Council and MPs.

2 Presentations at the OpenLabourNZ Event

Chair Laurence Millar opened the event by talking about the importance of ideas and collaboration. He reminded the audience that *“the big issues of today have their foundation and resolution in sharing”* and that *“more good comes from sharing ideas than locking them away”*. He described open government as *“a platform for a market of ideas”*. Laurence also noted that the historical struggle between central planning and market allocation that arose from citizens not being able to do it all themselves, may no longer be as pertinent because technology now enables all citizens to participate. But he also reminded the audience that, *“the magnifying power of technology is value neutral”* and that it was up to everyone to make it function.

Labour Party leader Phil Goff described OpenLabourNZ as *“a way to make democracy work”* and a chance to give *“a fair go for everyone through technology”*. Goff emphasised that *“transparency, accountability and participation are the core values of democracy”* and this was an opportunity to move *“from Government broadcasting to 2-way interaction with citizens”*. He noted that this would require *“a culture change in how public services are delivered”* and that *“all New Zealanders should be able to access adequate technology and develop skills to pursue it effectively”*.

Andrew Rasiej of the Personal Democracy Forum participated via video link from the United States. He spoke about being *“at the cusp in a renaissance in civic engagement”* because technology is revolutionising citizen interaction. He noted that *“most political opinions are formed through personal communication”* and that as more and more public data becomes available *“citizens are mashing it with data they collect and are building platforms that are useful to their civic lives”*. He warned that open public data is letting the genie out of the bottle and that by *“feeding data to the public they will keep wanting it and needing it,”* because *“citizens are recognising they can build useful tools and can solve problems themselves that they’ve previously needed the government to solve”*. He also described how in the digital age *“citizens become a natural resource”* but *“need the skills to work and update information systems”*. Rasiej also talked about how policy makers needed to *“think of technology not as a slice of the pie, but the pan”*.

Senator Kate Lundy joined the event from Australia and talked about her experience with the ‘Public Sphere’ and ‘Government 2.0’ policy development processes. The Senator noted that such projects required *“commitment from the agencies and leadership”* along with cultural and attitudinal change. Lundy said the default position of open government should be *“that information is public unless there is a good reason for it not to be.”* She also talked about the need for *“community-centric policies”* and *“tailoring for individual communities”* via open government. Kate also discussed the *“enabling policies”* that promote open government such as a national broadband network that she said is *“a prerequisite for openness and transparency to be truly democratic.”* She stated that *“social infrastructure underpins engagement”* and this requires investment in education and public libraries. The Senator also said that one of the chief merits of open government was that it gave citizens the opportunity to share ideas on an equal status with experts but that *“open government has to be horizontal rather than vertical”* and this type of process is about *“leveraging technology but not being exclusive about technology.”*

An assortment of Labour MPs including Clare Curran, Charles Chauvel, Chris Hipkins, Grant Robertson and Maryan Street spoke about their vision for open government and the OpenLabourNZ process. Dunedin South MP Curran talked about being on a mission to reduce the cynicism people have about politics. Wellington Central MP Robertson spoke about sunlight being the best disinfectant but reminded contributors that the use of new technology is not easy for a lot of people. Charles Chauvel talked about the excitement of finding new ways to reach out and communicate with constituents. Rimutaka MP Chris Hipkins spoke about open government being more than just open information but real engagement with people. Maryan Street talked about the importance of people being able to participate and actually feel like they are contributing.

3 Themes

The six themes developed during the OpenLabourNZ process were:

1. Transparency in political offices
2. Open public sector data and information
3. Opening up the public sector
4. Collaborative and participative policy development
5. Citizen-centric services
6. Open infrastructure

These themes arose from the blogstorming process, and were discussed in detail at the live event. The discussions recorded in this document are the result of the written material prepared by the groups at the live event and their oral presentations, the input of the panel, and subsequent contributions to the wiki and comments on the IdeaScale site.

The suggested actions are ranked according to their net votes on the IdeaScale site, i.e the number of votes for minus the votes against.

3.1 Transparency in political offices

This theme relates to making non-personal data and information generated and or held by government as openly available as possible.

The policy principles developed were:

1. **Government works better when the public is involved and informed**
2. **Government is more effective and efficient when its operations are open and accountable**
3. **People have a civil right to be informed about the operations of their government**

3.1.1 Suggested Actions

This theme had by far the largest number of suggested actions. These are listed in order of popularity. The ranks shown are their rank out of the total 83 suggested actions across all categories.

The top ten suggested actions under this theme were:

- An OIA website with automatic release level (ranked 1st)
- Increase transparency around pecuniary interests (ranked 2nd)
- Declaration of pecuniary interests before local government elections (ranked 3rd)
- Open Parliament to the OIA within limits (ranked 6th)
- Require lobby groups to register and declare their funding as in Canada. (ranked 7th)
- Publicly disclose donations over \$1000 (ranked 9th)
- Third party lobbyists should have to register their client lists (ranked 11th)
- Have a referendum on becoming a republic (ranked 13th)
- The Bill of Rights should become superior law (ranked 16th)
- The details of MPs pecuniary interests should be made public (ranked 19th)

As shown in Figure 1 the majority of these ideas were relatively non-contentious. A referendum on becoming a republic, and the Bill of Rights becoming superior law were popular ideas, but somewhat contentious. It could be argued that these two are not especially related to transparency in political

processes, but they were considered from early on in the OpenLabourNZ process under the sub topic of unwritten constitutional reform, so have been kept in for completeness.

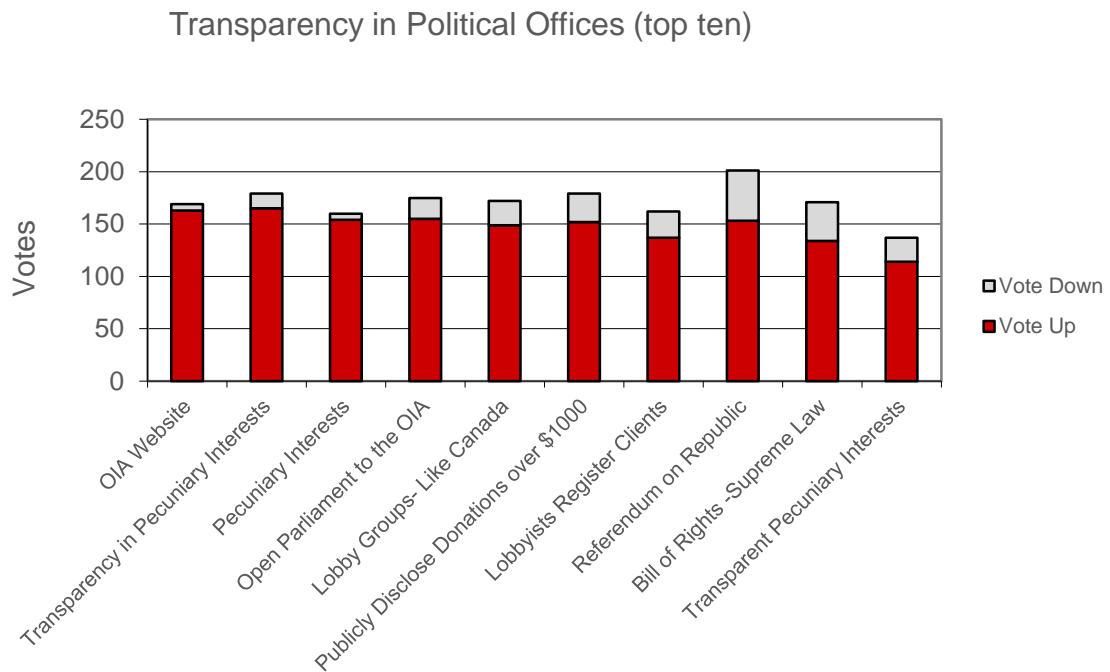


Figure 1

The suggested actions for the ‘Transparency in Political Offices’ theme were grouped under the following sub topics:

- Political decision making
- Electoral finance/political donations
- External lobby groups

See Figures two, three, four and five appended to this section for more details on these suggested actions. The full wording of, and comments on, these additional suggested actions are not included in this report. For future reference they can be found on the OpenLabourNZ wiki at <http://open.labour.org.nz>.

3.1.2 Discussion

At the live event a small number of the suggestions that had arisen from the blogstorming process were considered and discounted. These included making voting in Parliament secret to ensure parties are unable to whip individual MPs, allowing each MP to freely reflect the view of his or her constituency, and/or allowing only confidence and supply agreement votes to be whipped, and allow for everything else to be a private vote where each MP can choose to keep their vote private or not. While these might in a way increase transparency, they were discounted due to public votes being such an integral part of our Westminster system.

A step change in the Official Information Act process was discussed. Previously information has been released only when it has been requested. It is proposed that this be shifted to proactive release unless there is a strong reason not to. This includes parliamentary proceedings and the workings of Cabinet and Select Committees, and the formal policy advice received by Ministers as a part of Cabinet and Ministerial decisions. This would include reviewing the rules for what can be withheld under the OIA. Further consideration is necessary regards the depth of detail that should be proactively released or subject to the OIA, for example making proactive disclosure the rule for

informal brainstorming discussions by Ministers and their staff could have a detrimental effect. Privacy implications of the details of interactions between an MP and one of their constituents could also be a reason for an exemption. As the OIA predates MMP, discussions about whether coalition partners will vote together on a particular bill, unless they involve a government department or official, are not currently subject to the OIA. Because the roles of party interactions in political decision making are now so important, revising this rule could be useful. It should be noted that an OIA requests website has recently been created², where requests submitted through the site, and associated responses are published. Government could create a similar site to publish all OIA requests and responses.

It was suggested that information on parliamentary finances should be opened proactively.

Adoption of the Canadian rule on public disclosure of political donations of over \$100 was considered. It was thought that \$1,000 might be a more appropriate figure. Ultimately the public should decide on whether there are conflicts of interest due to political donations, so disclose of donations was considered very important.

Parliamentary expenses and pecuniary interests were given significant consideration. More transparency is required in this area, and the cabinet manual could be revised. Ministers should be disclosing more details about their pecuniary interests so the public can again, determine whether there are conflicts of interest. More specific codes of conduct could be developed for ministerial staff and possibly parliamentary staff relating to potential conflicts of interest including disclosure limits for hospitality. These staff do have a political role, and having clear boundaries would be useful, especially where some staff in ministerial and parliamentary offices may be engaging in social media and online forums. This transparency into a political office has been well received in Australia in Senator Kate Lundy's case.

Voluntary registration for lobby groups was discussed, in order to provide more transparency.

The ideas under constitutional reform were looked at during the live event, but considered to be somewhat outside of the scope of transparency in political offices so were not discussed in depth. The idea of having the Auditor General being required to publish an opinion on the Bill of Rights compliance on all readings of a bill rather than just the first was thought worthy of further consideration.

² See <http://fyi.org.nz>

3.1.3 Further Suggested Actions

33 further actions were suggested for this theme. These are grouped under sub topics as follows.

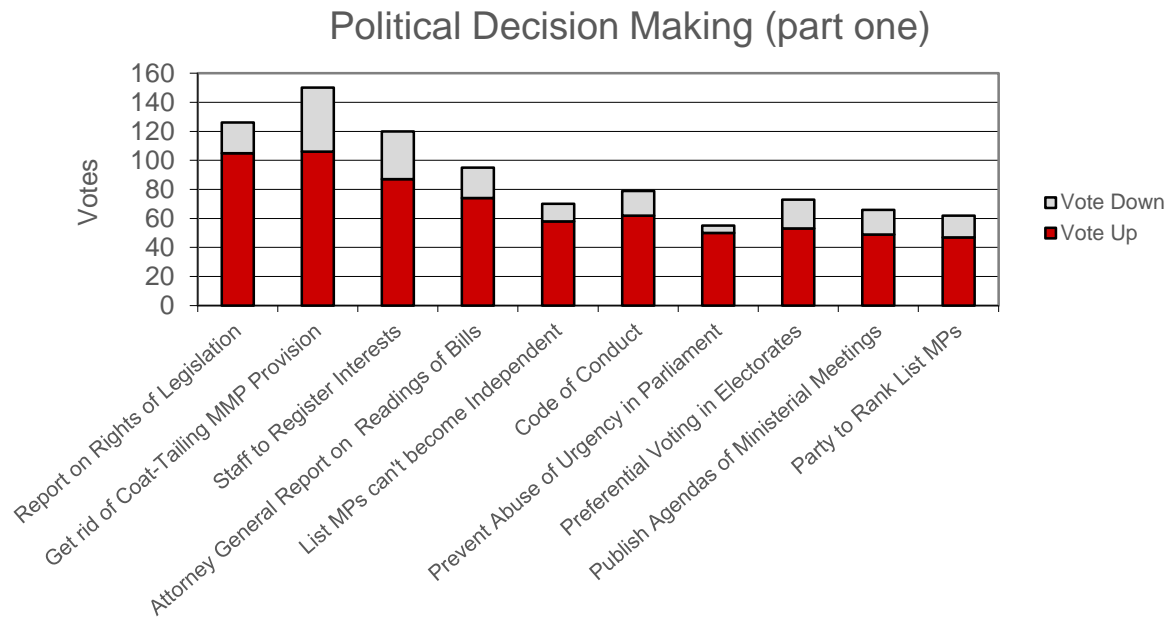


Figure 2

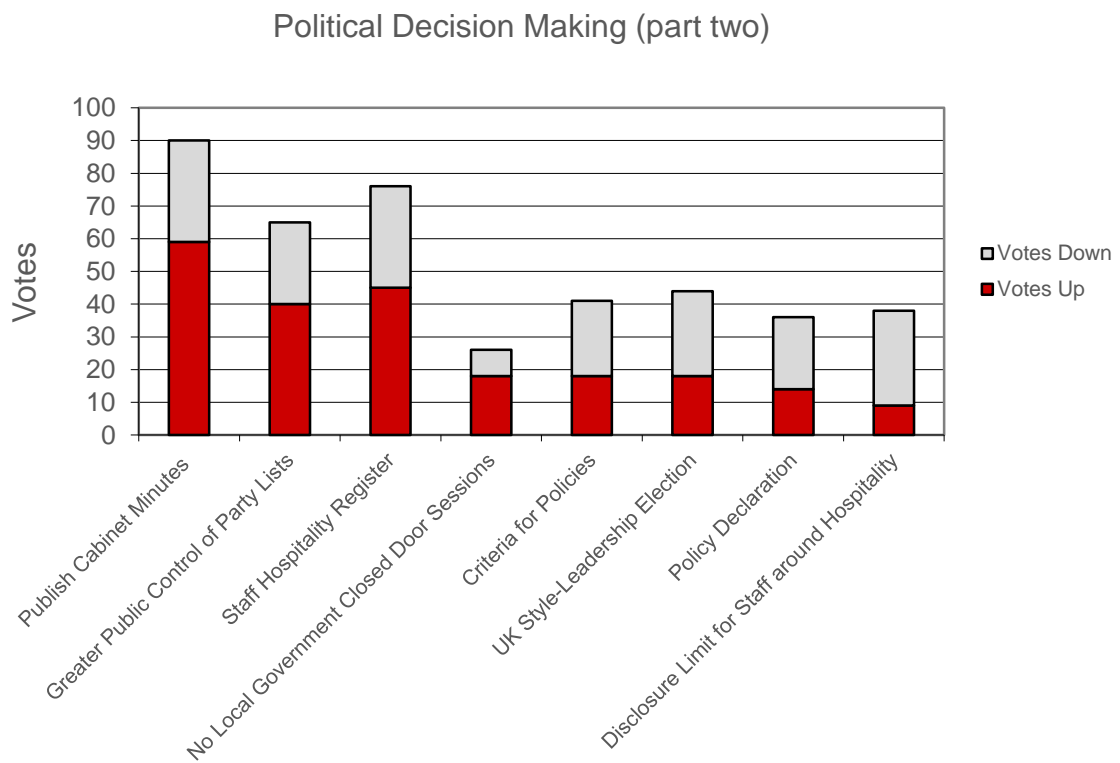


Figure 3

Electoral Finance / Donations

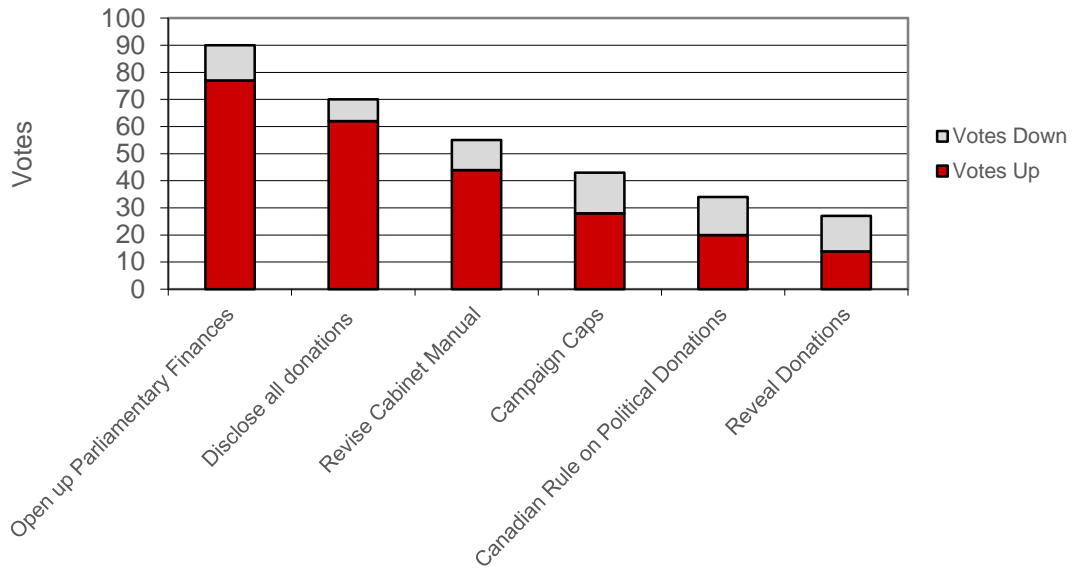


Figure 4

External Lobby Groups

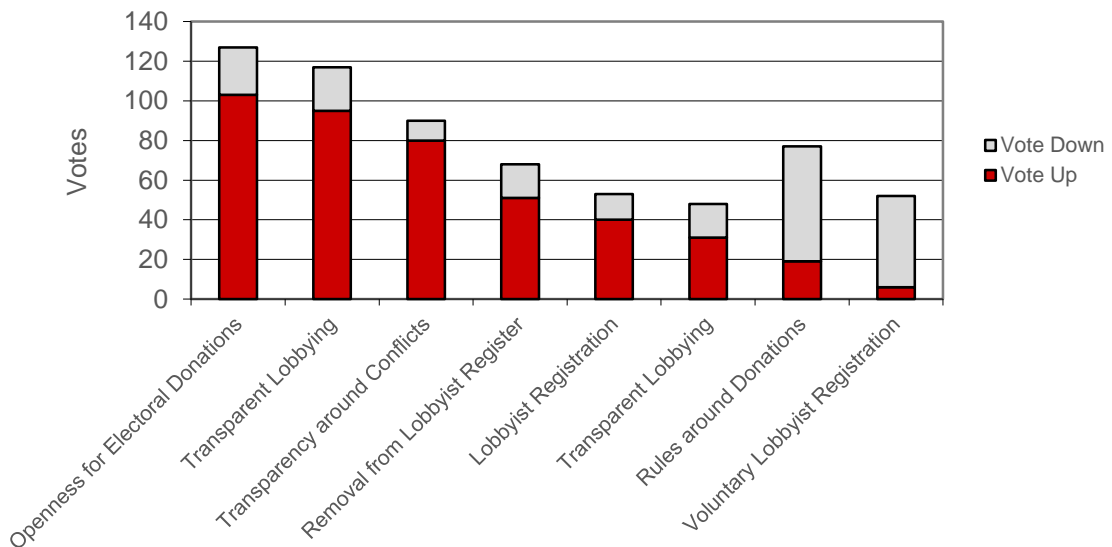


Figure 5

Suggested actions for which net votes were negative (i.e. more votes against than for) are as follows:

- State clear success and failure criteria for all policies. (-5 votes)
- UK Style-Leadership Election (-8 votes)
- Legislate that parties must declare policy well in advance of a general election. (-8 votes)
- Disclosure limit for staff around hospitality (-20 votes)
- Businesses and trusts should not be allowed to donate to political parties. (-39 votes)
- Ban the use of urgency in Parliament. (-40 votes)
- Voluntary registration for lobby groups (-40 votes)

The first three of these were very contentious, there rest were only moderately so.

3.2 Open public sector data and information

This theme relates to making non-personal data and information generated and or held by government as openly available as possible.

The policy principles developed were:

1. **Any works fully or partially, directly or indirectly funded through government should and will be released in a timely manner with as minimal restrictions as possible using creative commons licences allowing use, reuse and repurposing for commercial and non-commercial purposes and in a manner and with systems in place that allow citizen scrutiny and feedback.**
2. **Exceptions to open access should be made for private data provided by third parties and data that could cause possible injury to New Zealand, create issues of privacy, or where premature release could cause damage to the New Zealand economy.**

At the live event the group working on this theme provided some definitions for terms used in the principles:

- By works it is meant the documentation, history (footprint) of a project, financial reports, outcomes, data.
- By government funding it is meant to include tax breaks, partial or full funding of institutions, partial or full funding through grants, and regardless of whether funding originates at local or central government or any of its funding agencies.
- By timely it is meant as soon as possible, the stage of release being negotiated prior to money exchanging hands.
- By minimum restrictions it is meant no login necessary, available without the need of a special request, in a format that is readily accessible, and by the use of a creative commons licence that places minimum restrictions on the use of the works.

3.2.1 Suggested Actions

Actions proposed under this theme were, in order of popularity (rank is out of 83 total suggested actions across all themes):

- Make research done by ministries and their advice to the minister publicly available (ranked 5th)
- Publish the Hansard in a standard, open, parsable, format (ranked 12th)
- Release public sector data and information free of charge (ranked 14th)
- The only exceptions for the non-disclosure of Government information should for very limited circumstances (ranked 15th)
- Publish metadata about what is available (ranked 18th)
- Public Information Legislation (ranked 27th)
- Openness and transparency should include the contractual details of Government contracts (ranked 35th)
- Government information/data should be released under licenses that allow people to reuse and profit from it without charge (ranked 44th)
- Ensure all official reports on progress in issue areas are released (ranked 55th)
- Open document formats (ranked 57th)
- Name all sources of advice used in written and oral answers by MPs (ranked 75th)
- All payments (and receipts) of Government should be available for scrutiny (ranked 77th)

The last two ideas above had negative net votes (i.e. more people voted against them than for them).

As shown in figure six the first five suggested actions were very popular and were non-contentious. Including contractual details, and licences allowing reuse and profit were of middling popularity, and were moderately contentious. Open document formats, and releasing progress reports on issue areas were slightly less popular, and slightly more contentious. Naming sources of advice used in written and oral answers by MPs, and making all payments and receipts of government available for scrutiny were both unpopular, and very contentious.

Open Public Sector Data and Information

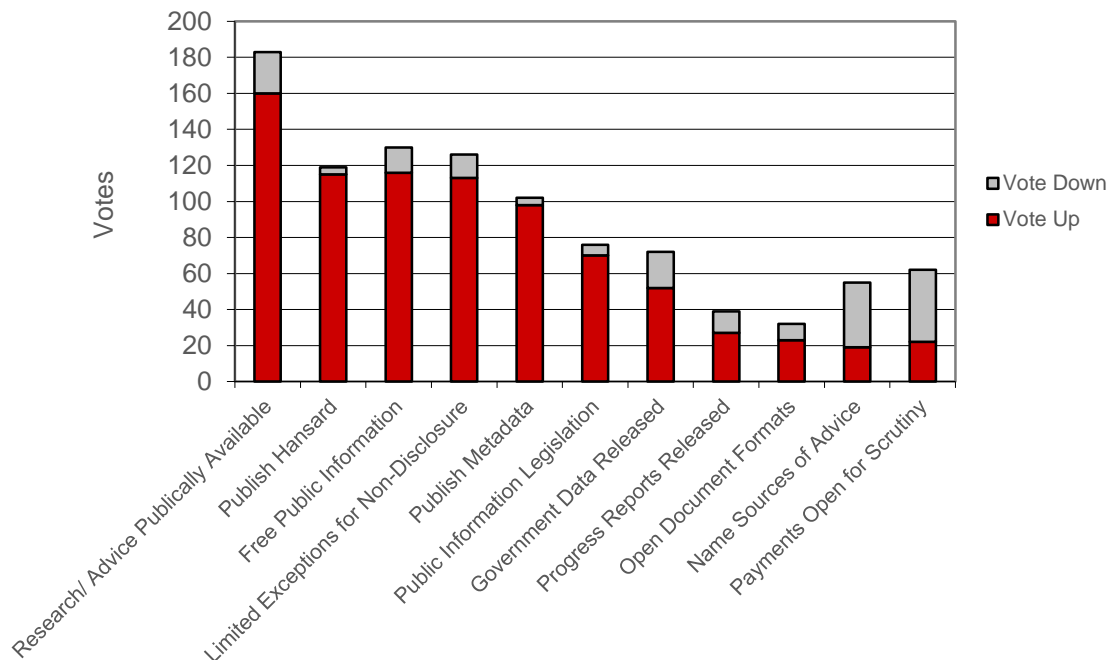


Figure 6

3.2.2 Discussion

Discussion of this topic included the impacts of changing to pro disclosure of data by default, the value of citizen contributions to improving data quality, unintended negative consequences of data release, what constitutes the boundary between public and private sectors, and capability issues for dealing with large amounts of data

There was some discussion about whether software developed by government should also be released under similar open terms, given that it can be considered as copyrighted data/information.

Changing the default for government data and information to pro disclosure will by its nature significantly increase the amount of data being opened. If special arguments and a case have to be made to keep data closed, this means more work, and often agencies will take the easiest route.

The first level of opening data is simply to make it available. It's important to move from that to ensuring it adheres to open standards, and is made available through machine readable APIs. It is also useful to make the data updatable by citizens where appropriate, so data quality and accuracy can be enhanced.

The example of the then Labour Minister for Statistics Darren Hughes releasing official statistics data without charge was given as an early and laudable instance of the benefits of open data. It was noted however that opening data created risks that people might create interpretations things that government or certain groups didn't like. The example of league tables for teachers being constructed from the release of education data in the US was given. It was considered however that the benefits

outweighed the risks, and that having the freedom to provide different analyses and interpretation could mitigate negative impacts.

The complexity of what constitutes the State, and government held data was also raised. Public private partnerships, Whanau Ora bringing in lots of not for profit groups, and the commercial relationships entered into by District Health Boards for example can mean it can be difficult to establish clear cut boundaries for information release in some cases.

Some pundits argue that there can be problems with the government 'flooding' the public with data and information, and that this would require substantial resources to analyse and interpret. This may however just be an excuse for not releasing data. Small groups of people can and will work with, analyse and interpret data out of individual interest, civic pride, or other motivations. Open data may however require some strengthening of the community sector to make best use of this.

3.3 Opening up the public sector

This theme relates to public servants engaging online as a part of their jobs. This includes use of social media (in a professional rather than personal capacity), and participation in online discussions on blogs and email groups relating to their work.

The policy principles developed were:

1. **That online engagement by public servants should be enabled and encouraged. Robust professional discussion benefits their agencies, their professional development, and the New Zealand public.**
2. **We need to accept that public servants will be using social media in their personal spheres, and provide protection and guidance/advice around that.**

3.3.1 Suggested Actions

Actions proposed under this theme were:

- Create policies and guidelines to allow public servants to use social media (ranked 50th)
- Create a social media ombudsman to set standards, adjudicate issues and remove some of the heat and light out of the use of social media which could help the public sector adapt to it (ranked 85th)

The first action, 'create policies and guidelines to allow public servants to use social media' was relatively contentious, perhaps because people saw it as having inherent risks. One commenter said they would also like to see *"to see more active encouragement, rather than just a tedious set of policies and guidelines"*.

The second suggested action, 'create a social media ombudsman' was one of the lowest ranking ideas. It had only 8 votes for, and 58 votes against. Given this negative reaction it may be worth exploring what other countries are doing in this regard and seeing if alternate solutions may be affective.

3.3.2 Discussion

Australia has a cybersafety committee which has received a lot of advice about providing education on being a digital citizen. Australia is considering how this fits into the national curriculum, and how the upskilling in the use of social media needs to occur across all sectors of society in relation to safety and to employment issues, both inside and outside the public sector. Government agencies in Australia have started to put policies in place, assisted by the Australian Public Service Commission (APSC)³. Public servants that have a communications role are being given accounts on Twitter for use in their official roles, which clearly identifies them by name. They are likely also to have 'anonymous' private accounts on Twitter, and are learning to make a clear separation between those two roles. This may become more important in election years. The Australian Government Information Management Office (AGIMO) is starting to provide guidance on the use of Facebook as well.

Under our current Westminster system, public servants in New Zealand do not have the ability to speak out for themselves. There is an existing code of conduct in the public service with guidelines about not commenting on the actions of your Minister or vocally criticising your agency in the media. There is huge potential for positive use of social media by public servants, and it may be that the code of conduct simply needs updating to incorporate these new tools. It is also likely to require training within government agencies to ensure people have the capability and confidence to engage, and can capably 'self-censor' as required.

There is also a new responsibility on traditional news media, to have the maturity to look at the context in which comments are made (e.g. interview with a journalist, formal press release, blog post, tweet during business hours, tweet after business hours, comment on Facebook) and deal with them accordingly, rather than taking them out of context.

³ See the Australian 'Government Response to the Report of the Government 2.0 Taskforce', page 6

In New Zealand some MPs have started tweeting proceedings from parliament, and there are as yet unresolved questions regarding how this impacts on parliamentary privilege, and whether there is risk that media will pick up on hastily written tweets and give them more weight than they are worth.

Similarly within government agencies a culture change is required where statements by public servants using social media that might have been less than fully thought through, or are slightly indiscrete are not blown out of proportion by management. There is currently sometimes a feedback loop between politicians, the media, and management in public agencies that looks for 'incendiary devices' which do get blown out of proportion. It is hoped that as MPs increase their use of social media and understand it more, they will be less likely to call for the crucifixion of public servants when they step slightly over the line. There is a culture change starting, but there is a long way to go. In Australia AGIMO has called for greater levels of 'public service activism' and that even though permission has been given, more engagement in social media would be useful.

Educating the public on the role, workload and tasks of public servants may also be necessary to mitigate any negative perceptions that public servants do not work hard, that might be caused by their use of social media. Again, a clear separation between professional and private use may help in this regard.

3.4 Collaborative and participative policy development

This theme relates to developing policy (and legislation) by engaging a broad range of people in a discursive and deliberative way, using online and offline means. This is distinct from traditional processes involving long written submissions, with little opportunity for interested people to deliberate and discuss their positions with each other.

The policy principles developed were:

1. **More consultative, participatory and transparent processes for making policy will result in a more representative and higher quality policy. It will also help the public collaborate on policy, and then hold their elected representatives accountable for its implementation.**
2. **Technology has driven a change in society which has changed community expectations. Government practice needs to respond to both the changing expectations and the changing technology landscape.**
3. **Collaborative and participative policy development requires resources and leadership, but this is an important investment in better policy outcomes, more efficient and effective decision making in the future, and efficiencies in services design and delivery.**
4. **Engaging citizens directly in policy development will assist in establishing both legitimacy of and adoption of new policy implementation.**

3.4.1 Suggested Actions

Actions proposed under this theme were, in order of popularity:

- Publish/broadcast all Parliamentary proceedings (such as Select Committees) over the Internet and television (ranked 4th)
- Ensure government engagement takes place formally over the internet through the use of open forums to feed into policy discussion and government direction (ranked 39th)
- Reform Citizens Initiated Referenda Act (ranked 49th)
- Policy transparency – before policies are announced political parties and government must state clearly what the policy is attempting to achieve, what options were considered, what the risks are and downsides of each option are and why the particular option was chosen (ranked 51st)
- Allow voting in elections and referendums online (ranked 63rd)
- Policy intent statements – before policies are announced political parties and government intent statement to create debate on the topic before making a decision (ranked 66th)
- Submission process before first reading – create a submission process for bills in the ballot before they are drawn. This would provide an opportunity for bills to be changed before they are drawn rather than only through parliamentary process. (ranked 74th)
- Formal citizen assemblies (ranked 79th)
- Hold more referendums (ranked 85th)

It should be noted that the last four ideas above all had negative net votes (i.e. more people voted against them than for them).

As evidenced in figure seven, publishing/broadcasting all Parliamentary proceedings was both popular and non-contentious, and ranked the 4th most popular idea. Interestingly 'ensuring government engagement takes place formally over the Internet' was not as popular (it ranked 39th), but was relatively non-contentious.

Reforming the Citizens Initiated Referenda Act and policy transparency were fairly contentious but of middling popularity. Policy intent statements and allowing for voting in elections and referenda online were amongst the most contentious ideas in the entire process. Submission process before first

reading was unpopular. This was perhaps surprising given the interest at the live event in having early engagement pre first reading and select committee processes, and may reflect the desire for a more lightweight approach as discussed at the live event. Formal citizen assemblies and holding more referenda were also unpopular.

Collaborative and Participative Policy Development

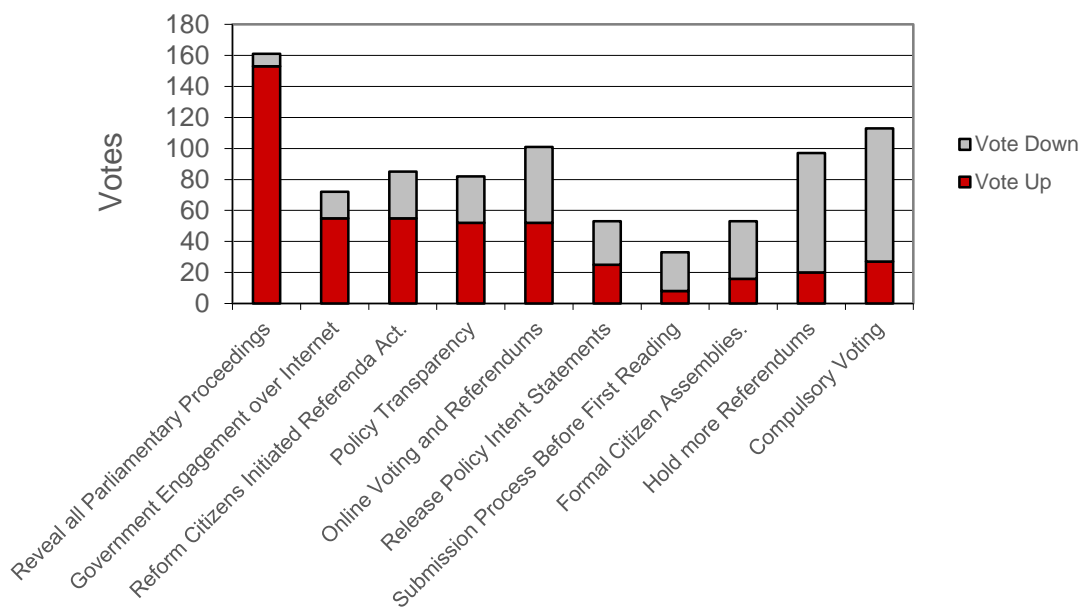


Figure 7

If any pattern can be ascertained by the voting, it appears people are enthusiastic about more transparency in parliamentary proceedings and trying out new methods of online engagement in policy making, but are less enthusiastic about more use of existing formal methods such as referenda and citizen assemblies.

3.4.2 Discussion

Discussion on the overall topic at the live event and online reinforced the importance of early engagement, evidence, feedback loops, and peer review.

Early engagement was seen as valuable, as once a bill gets to Select Committee stage the emphasis can be on 'repair' and refinement rather than deliberation. Getting in before this can increase the quality, however current processes mean that only those with a strong vested interest and significant resources are engaging at the early stage. For example the Law Commission review of the new Alcohol Bill was 540 pages. Select committee processes have improved with electronic submissions; however there may be benefit in having comments pages on every bill, perhaps with approve/disapprove voting on clauses, in early drafting and pre first reading stages. Australia is on the way to implementing something similar by encouraging those conducting government funded public inquiries to use interactive media to publicly discuss emerging lines of thought and issues of relevance, and allowing online commenting on submissions.⁴

It was noted that collaborative and participative policy development needs to occur between government agencies, not just between agencies and the public.

Getting good at collaborative and participative policy development should also include learning the lessons of other collaborative sites, and open source projects, where community processes have

⁴ See the Australian 'Government Response to the Report of the Government 2.0 Taskforce', page 5

emerged to sift the wheat from the chaff and let ideas that are strong and well thought through float to the top. This requires building and managing structures for quality control, while recognising where change is necessary and processes require adaptation. Making relevant data available for analysis and encouraging citation of evidence was also seen as important in enabling robust policy development. Encouraging depth and participation were both seen as important, where some stages in the process used detailed evidence based policy methods, and some involved public deliberation and discussion.

3.5 Citizen-centric services

This theme relates to delivery of government services online. The policy principle developed was:

1. **Government should develop online services that make it easy for citizens to engage with government on day to day tasks, in a way that cuts across the complexities of government.**

3.5.1 Suggested Actions

Actions proposed under this theme were, in order of popularity:

- Teach civics in schools – give people the tools to be able to participate as citizens (ranked 10th)
- Allow voters to easily edit and update their voter information online (ranked 41st)
- Running a contest where government agencies release datasets and entries are submitted creating mashups and tools using the data. They could be judged based on having the most value for NZ citizens. Prizes could include face-time with relevant Ministers. (ranked 64th)

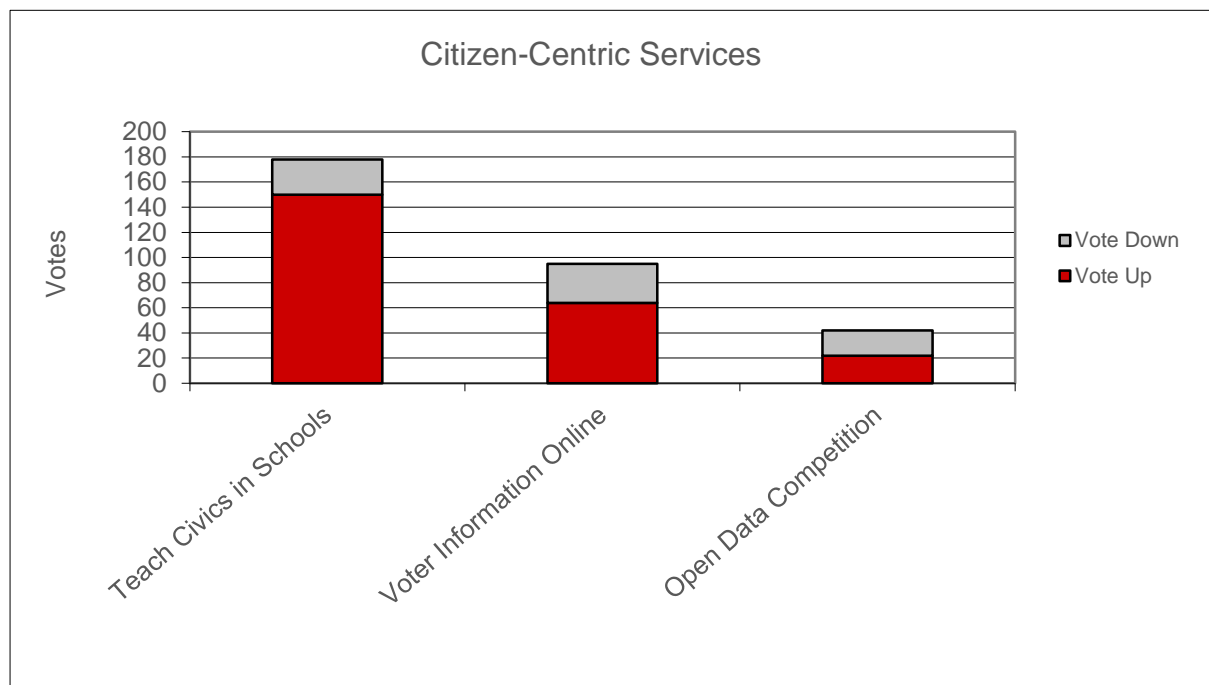


Figure 8

Teaching civics in schools, while perhaps not technically well placed under this theme, was very popular, and non-contentious. Allowing voters to easily edit and update their information online was relatively contentious. The group that considered this at the live event thought there could be significant risks of people "gaming the system" and too many ways people can legitimately disagree about things like security and identity.

For some reason running a competition for citizen created online services was highly contentious, perhaps because of the suggestion of having time with the relevant government Minister as a prize. Again, this action should more correctly have been placed under another theme, in this case open public sector data and information. It is noted that there is currently a competition soon to be launched for exactly this purpose⁵.

⁵ See <http://www.mixandmash.org.nz/> a competition run by DigitalNZ

3.5.2 Discussion

Discussion on this topic focused on making government online services truly usable, engaging citizens to crowd source improvements to government held information and data, encouraging agencies to link to useful information outside of government, enabling citizens to provide input into online service improvement, taking innovative approaches from business and other governments, and the impact procurement reform, and teaching civics in schools could have on this whole area.

There was a perception that cynicism can create a divide between the government and the people, in particular where government websites are more restrictive and prescriptive than the wider social and more accessible web. Online government services can be useless if they are not easy to use. There is still significant potential for more and better online government services if they can be done well, and are citizen-focused. The example of an XKCD cartoon⁶ showing the difference between what users looked for on University websites versus what is actually on the sites, and the information on airline tickets being more for the use of the airline than the passenger were used as illustrations of this issue. Engaging end users to help design systems may help, for example the best people to write guides on accessing benefits may be the Citizen's Advice Bureau, or the beneficiaries themselves.

There was an emphasis on 'sharing the mic', i.e. the fact that the bureaucracy needs to acknowledge that they can't produce all the content. Allowing citizens to fill gaps and link to community efforts through crowd sourcing methods could improve the quality of online government services. This needs to be managed to ensure it reaches everyone, rather than just lobby groups who 'shout the loudest'. Teaching civics in schools could help increase citizen engagement in this respect in the future.

Government could also facilitate improved online services by linking from their websites to non-governmental sources of relevant information and citizen created online tools. This requires a culture shift within government to move away from the mindset that government information has to be very distinctly separate from community and private information and services.

Providing two way communications on government web sites and online services was seen as useful. For example citizens could play more of a part in the form of questions asked in polls and surveys online, and should be well informed of the results that were received. Having FAQ (Frequently Asked Questions) sections on more websites, suggestions for improvement forms, and having a moderated forums on service enhancement in some of the key service based departments and agencies could all improve online service delivery.

It was noted that some of this may be facilitated through reviews of the State Sector Act and Public Finance Act around the ability of individual chief executives to control everything about the way their agency interacts. A move to shared back office services may also help reduce costs and improve the adoption of innovative approaches for online service delivery. There is risk however that large whole of government initiatives can make online service delivery too complex, and preclude iterative, site by site improvements that are user focused and use the simplest possible solutions to solve particular needs.

In Australia's experience, redesigning government services to put citizens truly at the centre is hard work. Shielding citizens from the sometimes necessary, sometimes antiquated complexities of government requires implementation of common formats and standards. It requires agencies to work together on shared projects. Being innovative in this area is directly linked, in their experience, to procurement reform, as older style procurement practices can hinder cross agency approaches and the use of open standards.

It was noted that in providing citizen centric and user focused services the government could learn a lot from the private sector. For example the IRD recently did an online consultation on the student loans scheme and how it is administered. Based on feedback the IRD realised that people wanted the equivalent of online banking for student loan management, and are now moving towards delivering this. Projects to provide very secure identity verification for online government services will help facilitate this. Innovative solutions for online service delivery could also be sought from those implemented by governments overseas.

⁶ See <http://xkcd.com/773/>

3.6 Open infrastructure

This theme relates to the underlying IT infrastructure to support open and transparent government. The policy principles developed were:

1. **Access to broadband should be a right for people so they can equitably access government services**
2. **Commitments to openness needs to apply to the tools being used and the way they are funded, purchased and produced.**

3.6.1 Suggested Actions

Actions proposed under this theme were:

1. Sharing more information through open standards and open data (ranked 8th)
2. Implement a National Broadband Network (ranked 17th)
3. Procurement reform – making it easier for government to procure open source software (ranked 20th)
4. Open standards for file formats (ranked 22nd)
5. Make access to information via the internet a legal right and easily accessible, in order for constituents to engage with decision makers and vice versa (ranked 31st)
6. Procurement reform – looking at the impact of procurement rules on the costs of software change in Government to systems that enable openness (ranked 52nd)
7. Moving to strengthen the focus on using free and open source software (FLOSS) in all areas of Government (central and local) (ranked 53rd)
8. Combined services for Central Government and Local Government (ranked 72nd)
9. Starting at the lower layers – shared network and shared server resources, not all privately owned ‘cloud services’ (ranked 76th)
10. Competition at as many levels as practically possible (ranked 80th)

It should be noted that the last three ideas above had negative net votes (i.e. more people voted against them than for them).

As evidenced in figure nine, sharing more information through the use of open standards and open data, the implementation of a national broadband network, and making it easier for government to procure open source software were all popular and relatively non-contentious. Interestingly, moving to increase the use of free and open source software was a bit less popular, and slightly more contentious. This may reflect a desire for agencies to continue to have choice in whether or not FLOSS software is chosen.

Combined services for central and local government was unpopular and was a fairly contentious issue. Somewhat in contradiction with each other, shared network/server resources rather than purely private cloud services, and competition at as many levels as possible were both unpopular, and moderately contentious. This perhaps represents a divergence of views across the sector of the best way to implement open infrastructure for government.

Open Infrastructure

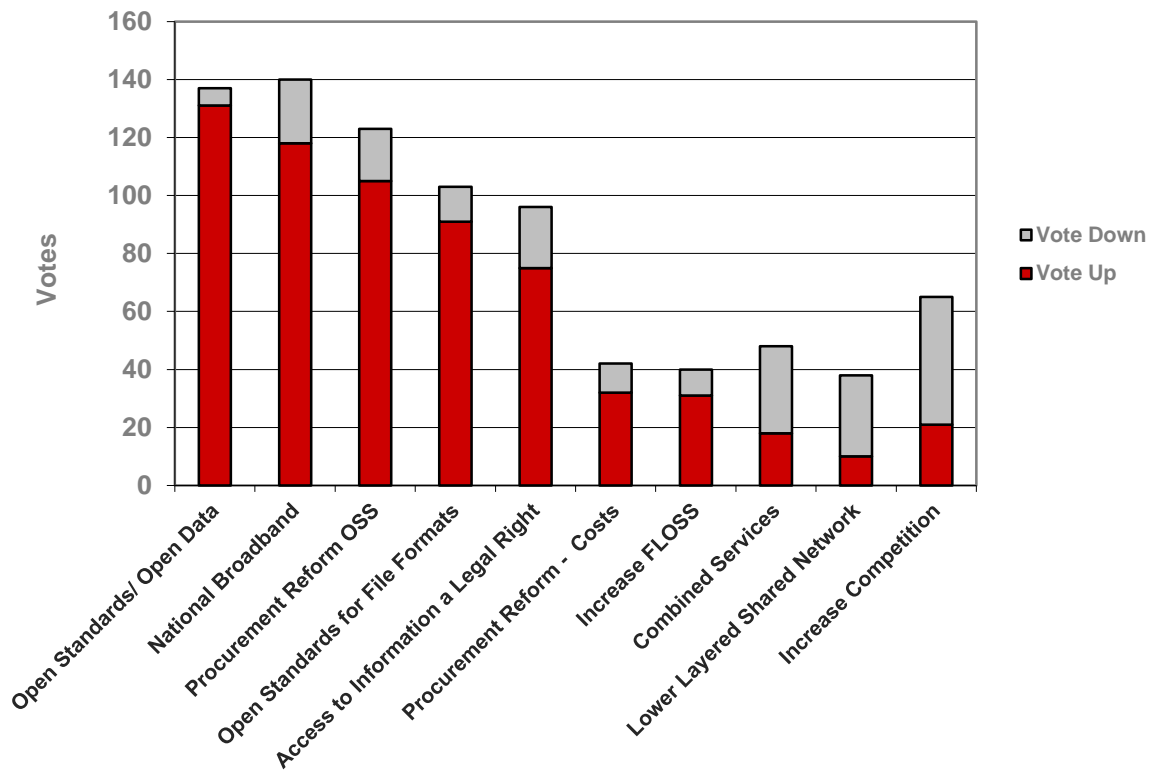


Figure 9

3.6.2 Discussion

Discussion on this topic focused on the impact to Internet access from copyright and censorship law, the nature of a national broadband network, risks in combined services across central and local government, the tension between efficiency and innovation in software and systems procurement, and the value of sharing solutions with other countries.

Access to information and data via the Internet as legal right was seen positively, but concerns were raised regarding the relationship between this principle, and policies/systems regards Internet filtering/censorship, and proposed laws to suspend individuals Internet access for copyright infringement.

A National Broadband Network was seen as important, but it should perhaps not be considered as a single entity. Rather it could be considered as a number of pieces of infrastructure, and a range of providers and services that together make up a national broadband network (deliberately in lower case), rather than awarding the entire network to one provider.

Combined services for Central Government and Local Government was discussed, and while value was seen in shared infrastructure, concerns were raised that this might restrict agility and rapid and responsive change.

The fact that technology underpins so much of what we do was considered. It can be used to control, capture and limit what people do, or it can enable freedoms and facilitate collaboration. The fact that much of the technology used by government is controlled by foreign corporate monopolies could be of concern, in that their focus may be skewed towards the interests of their shareholders rather than the freedoms of New Zealand citizens.

The impact of current procurement rules on the cost of changing to systems that enable openness was considered. There is a constant tension between innovative procurement and efficient procurement. For example in one Australian state, there is a strict list of suppliers and products that can be used, and it is very hard to add things to that list. This is very efficient from a procurement process cost perspective, but it can restrict the use of new and innovative solutions. It can also make it hard to achieve the significant cost savings that can come from the reuse of software from other states or countries if they are not supplied by vendors, or written in technologies that are currently on the approved procurement list.

The issue of open source not just being about cheaper licence costs for 'packaged' products was raised. There were significant potential benefits by fostering reuse and collaboration on solutions developed by governments in different countries. For example if all education departments in the OECD open sourced the software they had developed for assessment databases there could be significant cost savings, and sharing of innovations and improvements.

The unintended risks to openness from bilateral and multilateral agreements was raised. For example an initiative between NZ and Australia for a common food standards agency related in shutting down of access to data that had been previously available under the OIA, due to Australia having different regulations. The impacts on openness must be considered during negotiations on bilateral and multilateral agreements.

4 References

The following are references mentioned during the presentations at the live event, in this document, and blog posts, press releases and media coverage of OpenLabourNZ.

References from Andrew Rasiej's presentation:

- [Personal Democracy Forum](#)
- [Tech President](#)
- [Sunlight Foundation](#)
- [PIOA](#)

Open Government references from Australia:

- FOI reforms and establishment of the Office of the Information Commissioner
- [Gov 2.0 Taskforce Report \(and the Government's response\)](#)
- [Blueprint of the Aus Public Sector: Ahead of the Game \(for culture change, skills devel and recognition\) and Gov response, which was accepted by Gov in full](#)
- [Public Sphere on Gov 2.0 - all articles including paper, process, etc.](#)
- [Creative commons licensed 2010-2011 Federal Budget](#)
- [Useful speech by Kate Lundy which encapsulates Aussie status](#)

Media Commentary:

- Today in Politics - Dominion Post. 30 April, 2010
- [Labour Party launches online, social media policy-making](#) - Computerworld. 3 May, 2010
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- [Digital media looms large in Labour open govt plans](#) - Computerworld. 30 Aug, 2010
- [NBN key to open government: Lundy](#) - ZDNet. 03 September, 2010
- [Broadband a social equity issue for Labour Party](#) - Dominion Post. 06 September, 2010

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- [#OpenLabourNZ](#) - Political Dumpground. April 29, 2010
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- Clare Curran - Speech to Communications Day Auckland Summit. 18 May, 2010
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- [Labour to begin open policy process](#) - NZ Labour Party. 29 April, 2010
- [Registration for first open policy event](#) - NZ Labour Party. 16 August, 2010
- [Open Govt expert to talk at OpenLabourNZ event](#) - NZ Labour Party. 18 August, 2010
- [A new way to involve and evolve policy](#) - NZ Labour Party. 24 August, 2010
- [Aussie Politician to Speak at OpenLabourNZ](#) - NZ Labour Party. 25 August, 2010

For access to these links if you are reading this in print, go to:

<http://open.labour.org.nz/>

5 Acknowledgements

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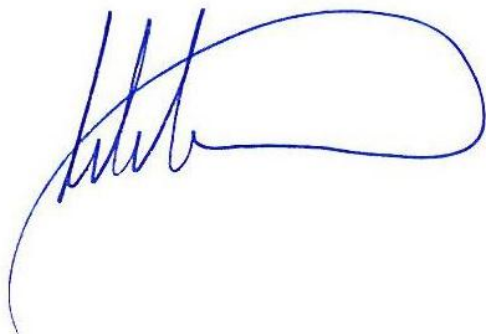
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Clare Curran
Labour Spokesperson for Communications and IT, and MP for Dunedin South