

Day 4 – Thursday, 29 November 2007
Parallel Sessions – Session 3C 11.00am-12.30pm

Speaker: Nicola White

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Organisation: Office of the Auditor-General, New Zealand

Presentation Title: The New Zealand Official Information Act 1982: what works well, what works badly, and what can be done to improve things?

Nicola White has this month published a book entitled *Free and Frank: Making the New Zealand Official Information Act 1982 work better*, which is the result of a major research project she undertook as a Senior Research Fellow at the Institute of Policy Studies at Victoria University of Wellington during 2005-06. This paper will present the results of that research, which drew on a comprehensive review of the literature on the New Zealand Act over the last 25 years and over 50 interviews with people working with the Act from a range of perspectives, to produce a diagnosis of what is working well and badly with the Act as well as a prescription for changes designed to improve its overall operation.

The research found that there was much to be proud of in terms of the opening up of government over the last 25 years: for many ordinary people, seeking information of a routine kind, the Act appears to work reasonably well. But there is also reason to be worried about the Act. For requests that are large, and with political dimensions, such as those that seek information on current policy matters, the Act's processes can be enormously frustrating for both requesters and those responding to requests. There is growing distrust and cynicism about the way in which the Act is administered, and some clear evidence of a long term culture of manipulation of the Act for political ends – again by both requesters and those responding to requests.

Quite separately, it is becoming increasingly apparent that current approaches to information management, and to the administration of official information processes, are likely to prove inadequate in the face of the information technology revolution. The gap between what the law requires and what can actually be achieved in practice in relation to the storage, retrieval and release of information is creating increasing risk for government agencies.

The central conclusion of the book is that, if left unaddressed, the way in which New Zealand's Official Information Act is now operating may result in it eroding trust in the state sector rather than building it. Key challenges for all those with a role in the Act's operation therefore include the need to:

- Rethink systems at all levels in relation to the storage, retrieval and release of information to cope with the electronic age;
- Build greater shared understanding of the way in which the Act operates, the administrative and political context, and the basis on which many decisions are taken, so that both requesters and responders can have a consistent reference point for establishing expectations and judging behaviour;
- Embed open government values across the state sector, to continue to promote and deepen the culture of open government;
- Find a better balance between case by case flexibility and administrative rules, precedents and templates, to give greater certainty and efficiency to the system without undermining the capacity to adapt;

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- Recognise that the rule framework for managing the release of official information has to be tough enough to operate in a robust political environment.

As well as presenting the key areas of success and difficulty uncovered by the research, this paper will also outline the steps that Nicola is proposing should be taken to address the problems with the New Zealand Act without sacrificing its undoubted strengths.