



Being transparent

Improving transparency within large
New Zealand public infrastructure
projects

New Zealand Infrastructure Commission / Te Waihanga

Te Waihanga seeks to transform infrastructure for all New Zealanders. By doing so our goal is to lift the economic performance of Aotearoa and improve the wellbeing of all New Zealanders.

We are an autonomous Crown entity, listed under the Crown Entities Act 2004, with an independent board. We were established by the New Zealand Infrastructure Commission/Te Waihanga Act 2019 on 25 September 2019.

Information on the Commission is available at www.tewaihanga.govt.nz/.

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Introduction

The New Zealand government has a long-standing commitment to providing information to its citizens. The underlying principle of this is availability, that information shall be made available unless there is good reason for withholding it¹. In practice this is demonstrated through legislation and guidance including setting requirements and expectations for:

- What information the public can ask for, how it should be provided and under what circumstances the information can be withheld - the Official Information Act (OIA) 1982 and the Local Government Official Information and Meetings Act (LGOIMA) 1987
- How information should be shared on government websites so that it can easily be found and used - the NZ Government Web Standards
- How documents should be written so that they are simply to understand - the Plain Language Act 2022.

Alongside OIA requests, information is made available to the public through other government processes for example public debate/question time, and special hearings like Estimates. The New Zealand Government has also been a member of the Open Government Partnership since 2013².

These mechanisms all support the commitment to improve transparency, enable public participation and scrutiny, and help New Zealanders hold local and central government to account. This helps maintain public trust in government and is critically important for those high-cost public infrastructure investments that have the potential to impact New Zealanders for generations into the future.

The effectiveness of these measures can be seen by New Zealand consistently ranking within the top three countries in the annual Corruption Perceptions Index prepared by Transparency International³. Transparency International's methodology includes looking at the mechanisms available to prevent corruption, including: *"The existence of adequate laws on financial disclosure, conflict of interest prevention and access to information"*⁴.

While our commitment to transparency is something that New Zealand can be proud of, there is always the potential to improve. On 10 May 2023, Transparency International themselves issued an Open Letter to Political Parties⁵ that included suggested action items for the 2023 general election in order to promote transparency and accountability.

In July 2022 Te Waihanga partnered with Massey University to understand how transparent large infrastructure projects are in New Zealand. This study can be found here: [Transparency within large publicly funded New Zealand infrastructure projects](#). This paper is the Commission's response to the Massey University study and highlights:

- Areas where we should target improvement to strengthen transparency for public infrastructure projects
- Possible approaches to progress these potential improvements
- Future areas of investigation and intervention
- The Commission's proposed next steps.

¹ [The OIA for Ministers and agencies: A guide to processing official information requests | Ombudsman New Zealand](#), page 4

² [Open government - Te Kawa Mataaho Public Service Commission](#)

³ [2022 Corruption Perceptions Index: Explore the... - Transparency.org](#)

⁴ Corruption Perceptions Index Technical Methodology Note, Transparency International (Links from [The ABCs of the CPI: How the Corruption... - Transparency.org](#))

⁵ [Open Letter to Political Parties - suggested policy/legislation action items for this year's election \(transparency.org.nz\)](#)

Why did Te Waihanga commission this study?

Bent Flyvbjerg, a leading international expert within the field of programme management, planning and megaprojects has suggested that:

"The acid test of public scrutiny is the main means of enforcing accountability in the public sector. The role of government is, in principle, to represent and protect the public interest (as defined by Parliament or legal precedent) and therefore it must at all times be possible for the public to verify whether this is indeed the case. The transparency requirement means, inter-alia, that all documents and other information prepared by the government and its agencies should be made available to the public."

"Since major infrastructure projects are among the most costly ventures in a society, and since the ordinary citizen as taxpayer is often the ultimate guarantor for such projects, it is hard to find legitimate reasons for not informing citizens fully about projects, and for not letting citizens have a say concerning what they think about them."

Megaprojects and Risk: An Anatomy of Ambition, Bent Flyvbjerg, Nils Bruzelius, Werner Rothengatter, Chapter 10

A need for visibility of projects, their rationale and their progress against deliverables is an understood best practice, however the need to improve transparency across public sector projects has become a strong emerging theme. Increasingly concerns have also been raised around the current relationship between public spending and outcomes. As examples:

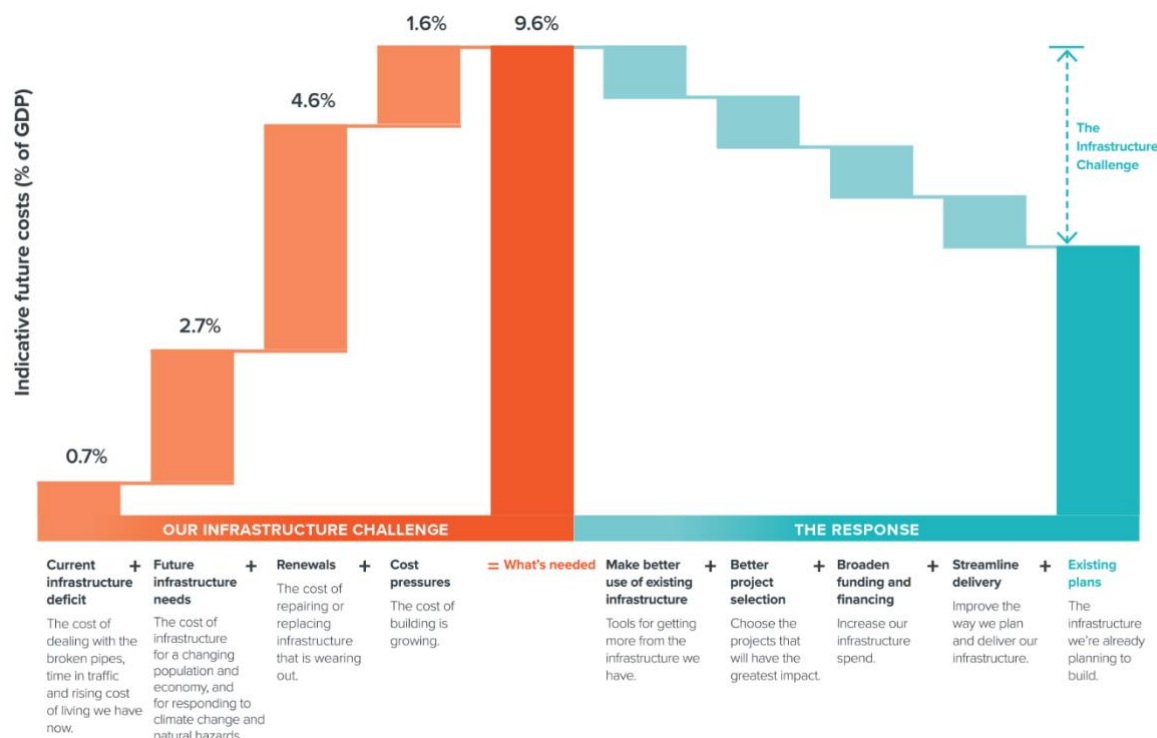
- The Auditor-General John Ryan has repeatedly raised this matter. He told the Finance and Expenditure Select Committee in March 2023 that his team frequently notes a lack of performance measures around impact or achievement from government agencies around their programme spending.
- While in February 2023, at an IPANZ address, the then Minister of Finance Grant Robertson said "we want to improve our accountability and reporting arrangements ... to support increased transparency and a clearer narrative of performance".

At its core, project transparency enables the public to have oversight into what the government is choosing to invest in and into how these investments are performing. This is even more critical at present when the NZ government is investing heavily in infrastructure with compounding factors of:

- The infrastructure delivery marketplace is under pressure with post-COVID-19 pressures, and now further compounded by recent extreme weather events
- There is limited funding available to support the development and maintenance of infrastructure
- The need to achieve long-term strategic outcomes, for example addressing climate change impacts.

The scale of the challenge is demonstrated below:

Figure 1: The infrastructure challenge, the response



Appropriate oversight mechanisms enable us to understand what is being invested in, if these investments represent value for money and if they are on-track to deliver the benefits that they are claiming. Informed citizens are better able to meaningfully engage with delivery entities and projects and to hold them to account⁶. This is especially critical when investment decisions need to be taken quickly to respond to external events. The Office of the Auditor-General has noted: *"When large amounts of public money are spent quickly, it is essential to have good quality decision-making, strong processes, and effective assurance, monitoring, and reporting practices to prevent the risks of poor public spending. The Government and the public sector need to provide transparency to Parliament and the public on what has been spent and whether this has delivered what was expected."*⁷

In July 2022 Te Waihangā partnered with Massey University to conduct a study to assess the level of transparency within large New Zealand public infrastructure projects. Te Waihangā wanted to understand how large-scale public infrastructure projects are providing information to the New Zealand public. We believe that New Zealand's citizens need to know what investments are being made on their behalf, how these projects are demonstrating value for money and how these projects are delivering benefits to them as citizens.

What do we mean by transparency?

At its most basic level transparency refers to performing actions in such a way that allows scrutiny by the public. In the context of New Zealand public sector projects this transparency can be provided by either making relevant information available proactively e.g. on an agency or project website, or reactively via an Official Information Act (OIA) request, or in the case of local government a Local Government Official Information and Meetings Act (LGOIMA) request.

⁶ Importantly well-informed citizens are also better able to hold elected officials accountable through Central and Local government elections.

⁷ [Observations from our central government audits: 2020/21 \(oag.parliament.nz\)](https://oag.parliament.nz/), section 1.16

Transparency vs Accountability

The Office of the Auditor-General has defined public accountability as coming from: *"the need for a trusting relationship between the public sector and the public. It is about the public sector demonstrating its competence, reliability, and honesty in a way that allows the public to judge its trustworthiness in using public money and resources."*⁸

When New Zealanders have visibility of government's activities and decisions, they are better able to hold government and delivery agencies to account. While transparency is different to accountability, the two are inter-related, with transparency being a key enabler.

Expectations for transparency within the NZ Government

When the OIA was introduced, it was intended to provide not just a framework for responding to requests but also to encourage a culture of information release. This was the exact opposite of the previous Official Secrets Act which limited information sharing. Section 4 of the OIA even states that a purpose of the Act was to *'progressively increase'* the availability of information.

In practice, this is perhaps best represented by the OIA requiring agencies to undertake a 'harm'-based assessment of whether information should be released. The more familiar agencies and Ministers became with making this assessment, the more comfortable they became with proactively publishing the same material. An example of this is the proactive publication of Cabinet Papers.

The Public Service Commissioner's three-yearly briefing, Te Kahu Tuatini State of the Public Service, describes public service performance and sets out a range of expectations for future performance, including in the areas of open government and active citizenship. The Commissioner's first briefing in December 2022 noted that recent improvements are evident in making official information more accessible, but he expects to see progress in the following areas over the next three years:

- Sustained performance in official information request timeliness, including promptly identifying and addressing specific instances that do not adhere with the purposes, principle and spirit of the Official Information Act
- More proactive release of information and data and in ways that make it easy for people to access, navigate and use⁹.

Te Kawa Mataaho Public Service Commission proactive release guidance encourages agencies to proactively release responses to OIA requests, and Cabinet papers where the Minister has authorised them for publication. The Commission's bi-annual Official Information Act statistics report on whether agencies do this¹⁰.

In addition to the above there are also mandatory reporting requirements for public entities, however these are applied at the delivery entity-level rather than projects.

While the OIA and LGOIMA provides the framework for what information *should* be released in response to an official information request, there is no formal mandated requirement for any central or local government entities to *proactively* provide information about *infrastructure projects* to the public, or guidance around *what* should be released.

⁸ Public accountability: A matter of trust and confidence (oag.parliament.nz), page 10, section 2.20

⁹ Te Kahu Tuatini, State of the Public Service (publicservice.govt.nz), page 36

¹⁰ Proactive release - Te Kawa Mataaho Public Service Commission

The study

Our partnership with Massey University

In July 2022, in response to a submitted proposal, Te Waihanga commissioned Massey University to conduct a study to assess the level of transparency within large New Zealand public infrastructure projects. The objective of the research was to assess the level of transparency surrounding large New Zealand public infrastructure projects. This included addressing the following research questions:

1. How transparent are public sector entities in the disclosure of information and practices of public infrastructure projects?
2. What factors influence public sector entities' disclosure of information and practices of public infrastructure projects?

In partnering with Massey University, Te Waihanga recognised their international reputation and their position as one of New Zealand's leading research organisations. Massey University has deep expertise in working in New Zealand's infrastructure and academic environment thereby ensuring research is high quality and fit for purpose. It was also important that this research be conducted independently from Te Waihanga, to better represent a non-governmental perspective.

How was the study conducted?

Massey University and Te Waihanga jointly established criteria for the selection of a representative sample of active and historic projects. Considerations for selection included:

- Project costs (only projects over \$50 million were considered for inclusion)
- Central vs Local Government
- Type of funding arrangement.

Twenty-seven (27) projects (six historic and 21 active) were selected representing a total combined value of \$70.5 billion. For comparison the current budgeted infrastructure pipeline is \$76.9 billion.

The study then progressed through three stages:

1. **Core document accessibility**

This stage determined if a standard set of core documents (22) were proactively released and how easy they were to find.

These 22 document types were split into two categories:

- The **tier-one documents** (4 documents) were a small set (4) of basic project documents that should exist for all projects, namely the business case, assurance plan, investment decision documentation and, for historic projects only, an ex-post review
- The **tier-two documents** (18 documents) were a wider set of typical secondary documents that could reasonably be expected to exist, for example project management plans or projects terms of reference documents.

2. **Official information request effectiveness**

Official information requests were made for all the projects for between one to four core (tier-one) documents. This stage assessed the responses in terms of legal requirements.

Only a small number of discrete documents were requested in order to minimise the impact on the sample projects.

3. Core document usability

This stage reviewed the documents collected in the previous stages to understand how easy the documents were to find and understand. This also included looking at the quality of the information in the documents and the level of redaction (if any).

For the purposes of the study, the projects were split into groups for comparison:

- Projects valued **between \$50 million and \$500 million** were compared to projects valued **over \$500 million**
- Projects that were being delivered by an **entity subject to direct political instruction** (for example, government ministries/departments, or councils) were compared to projects that were being delivered by an **entity with a board** (for example, government agencies like Waka Kotahi, State-Owned Enterprises like KiwiRail, or council-owned organisations like Watercare).

Specific details about the methodology, including the scoring approach, are included in the Massey University study report.

What did the study tell us?

The research has identified several key findings based on the selected sample:

Core document accessibility

- Accessing information about the projects was time-consuming and the accessibility of core project documents was poor overall. Across the full sample:
 - 55.5% of business case documents were inaccessible
 - 51.8% of assurance plans were inaccessible
 - No ex-post reviews were accessible for any historic projects.
- In particular assurance plans were not accessible for:
 - 93.3% of projects valued between \$50 million and \$500 million
 - 91.7% of projects subject to direct political instruction.
- There are Te Kawa Mataaho Public Service Commission guidelines for proactive disclosure but there does not appear to be any specific guidance for infrastructure documents, leading to possible ambiguity around what documents are expected to be proactively released.
- Projects greater than \$500 million in value outperformed projects between \$50 million and \$500 million in value across all areas assessed for accessibility.
- Projects greater than \$500 million in value had a statistically significant higher score than projects between \$50 million and \$500 million in value for:
 - Accessibility for combined tier-one documents, business cases, assurance plans, investment decision documentation, combined tier-two documents and combined tiers one and two documents
 - Breadth and quality of assurance plans.

- Projects that had a board as the controlling entity had statistically significant higher scores than entities subject to direct political instruction for accessibility of business cases, assurance plans, tier-two combined document accessibility and combined tiers one and two documents.

Official information request effectiveness

- All projects had 100% compliance when responding to official information request lodgements:
 - The website pages were easy to navigate and had information on making official information requests
 - All project entities promptly confirmed receipt of our request within three days and provided details on the next steps.
- Official information requests were processed well, but there were nine potential breaches.

Core document usability

- Some core documents had only minor redactions to protect personal information while others were heavily redacted.
- Some business case documents did not fully utilise the Treasury New Zealand's better business case guidance.

What did the study not tell us?

The study was independently conducted by Massey University acting as an "lay person" or ordinary citizen. They were therefore limited in some of the analysis of the information that was or was not supplied. They were not able to assess:

- If information is being appropriately released or withheld under the OIA or LGOIMA legislation
- If redactions are being appropriately applied to released documentation for example whether the reasons given for redaction are well-considered
- If the information made available was accurate.

These are noted as possible areas for future research.

What were the recommendations of the study?

The study has made five recommendations:

Recommendation 1: Co-ordinate with infrastructure stakeholders to create a consistent approach for proactive release, including best practices for document accessibility in large publicly funded projects. Provide remedies for accessibility issues and distribute a single document for easy reference by relevant entities. Embrace SMART (Specific, Measurable, Achievable, Relevant, and Time-bound) principles and successful practices to remove ambiguity and establish a clear standard for measurement in the future.

Recommendation 2: Consider creating a mechanism to scrutinise core documents for large infrastructure projects. Publicly available technical scrutiny of these documents would benefit the general public. While there are many oversight processes, one that examines the usability of core infrastructure documents and allows for commenting on the quality of analysis and decisions would address accessibility and usability issues identified in the report.

Recommendation 3: Review what content is redacted within core infrastructure documents. Focus should include what information is being redacted and the justifications provided by the entity on why the information was redacted.

Recommendation 4: More research is needed to understand performance variations within sub-groups based on project size and entity type. If these factors have a causal effect on transparency performance, further investigation would be valuable. Confirming and expanding these findings in a larger study that includes causal effect is necessary. A subsequent qualitative study could explore the mechanics of these variations.

Recommendation 5: Regular measurement of infrastructure transparency should be conducted approximately every two years, to track the impact of interventions and adjust resources and priorities accordingly.

Key themes and proposed actions

The findings and recommendations of the study identified several key themes that Te Waihanga believes are important for the New Zealand public sector to address. Te Waihanga met with the main public sector organisations that have a responsibility for ensuring good practice across public sector infrastructure projects and delivery entities to understand how transparency could be improved. The following organisations have specific responsibilities with respect to transparency and accountability:

- Te Kawa Mataaho Public Service Commission leads the Public Service as a system, promotes and reinforces integrity, good conduct, transparency and accountability in the Public Service.
- The Ombudsman provides oversight of the administrative conduct of public sector agencies, including:
 - Investigating complaints and reviewing the decisions of public sector agencies on requests for official information under the Official Information Act and Local Government Official Information and Meetings Act
 - Undertaking proactive investigations to monitor agencies' official information practices, resources, and systems using his general investigation powers under the Ombudsmen Act.
- The Office of the Auditor-General provides an independent view of how public organisations are operating including annual audits and performance audits.
- The Treasury manages the performance of the Crown's investments and assets.
- The Ministry of Justice administers the Official Information Act.
- The Department of Internal Affairs administers the Local Government Official Information and Meetings Act.

We also wanted to get independent perspectives on New Zealand's transparency ambitions and performance, so we also met with:

- Transparency International New Zealand (TINZ) is the New Zealand chapter of Transparency International operates in over 100 countries. They promote transparency, good governance and ethical practices in all sectors in New Zealand
- The New Zealand Council for Civil Liberties is a watchdog for rights and freedoms in New Zealand. The Council works through education and advocacy to promote a rights-based society and prevent the erosion of civil liberties by government or any other parties.

Everyone spoken to was highly committed to seeing transparency improve and the public sector organisations noted have all been working to improve guidance and frameworks. As examples:

- The Treasury is improving reporting and oversight to Ministers and the public through ongoing process improvements, including implementing a new Cabinet Office Circular ([CO \(23\) 9: Investment Management and Asset Performance in Departments and Other Entities](#))
- Te Kawa Mataaho Public Service Commission and the Ombudsman are supporting the Public Service to improve Official Information Act and proactive release performance, through the publication of bi-annual agency statistics, ongoing guidance and advice, and regular OIA practitioner forums.

- The Office of the Auditor-General has recently published an integrity framework: [Integrity and how to support it](#).
- The Ombudsman has developed
 - Guidance material on relevant matters, including:
 - [OIA processing](#) and [LGOIMA processing](#)
 - [Commercial withholding grounds](#)
 - [Confidentiality](#)
 - [Negotiations](#)
 - [The public interest test](#).
 - An [OIA self-assessment tool](#) for agency leaders.
- The Department of Internal Affairs is strengthening their engagement with Local Government, including considering whether additional guidance is needed
- Multiple agencies are continuing to progress New Zealand's commitment to the Open Government Partnership and National Action Plan 4 activity¹¹.

Our discussions also identified some high-level reflections that should be considered when thinking about next steps:

- Central Government requirements and Local Government requirements are different
- There is a lack of capability/understanding around transparency requirements (for example understanding proactive release benefits and approaches, the obligations and application of the OIA and LGOIMA)
- There is a lack of technology/systems to support public engagement with government information. For example there is no centralised OIA request system. Having such a system with a strong search capability, would give citizens the ability to:
 - Make requests into a single simple entry point
 - Track their requests
 - Search for any previously released material that could be useful.

This would also enable the government to better understand what requests are being made and how they are being handled

- The need for transparency needs to be balanced with any increased overheads to delivery entities and projects
- Existing requirements and guidance are project/asset type agnostic
- Requirements should not be overly prescriptive (instead they should be principles-based).

Based on our discussions and the reflections above, Te Waihangā has identified where activities are already underway or planned that we believe could strengthen transparency to citizens. We have also identified potential short-term improvements that Te Waihangā could consider when planning future

¹¹ [New Zealand's Plan | Open Government Partnership \(ogp.org.nz\)](#)

workstreams. These ‘quick wins’ are mostly activities that Te Waihanga could elect to deliver internally as priorities allow. These are summarised below, grouped by themes.

In addition to the above we have also developed a list of other possible interventions that would require the support of many parties and a longer-term implementation commitment. Some of these are ambitious but they could open up opportunities for innovation and for significant improvements in transparency. These are detailed in the Other Future Areas of Intervention section.

Developing stronger best practice for public infrastructure project information sharing

While there is a clear expectation that projects should be as transparent as possible, there are no guidelines that detail what this means in practice. The study indicates that some projects were highly effective at making relevant information available to the public. This demonstrates that it possible for information to be shared.

The study includes one recommendation for developing stronger best practice for infrastructure projects.

Recommendation 1:

Coordinate with infrastructure stakeholders to create a consistent approach for proactive release, including best practices for document accessibility in large publicly funded projects. Provide remedies for accessibility issues and distribute a single document for easy reference by relevant entities. Embrace SMART (Specific, Measurable, Achievable, Relevant, and Time-bound) principles and successful practices to remove ambiguity and establish a clear standard for measurement in the future.

There are several public sector entities that set direction or own guidance for proactive information sharing. These include Te Kawa Mataaho Public Service Commission¹² and the Ombudsman¹³. Their guidance is neither mandatory nor infrastructure specific. We believe that the tier 1 documents that were requested by this study form a reasonable and practical baseline for the types of information that should be available for all public sector projects, not just infrastructure projects. While additional documents may be helpful, we are conscious that a “tyranny of light” can occur where transparency requirements lead to: “complexity, lack of timeliness, less public understanding, secrecy concerns, less rational decision-making, and more public distrust.”¹⁴.

Recent & Current Activity	Who
Improving reporting and oversight to Ministers and the public through ongoing process improvements	Treasury
Reviewing how well current standards are being applied e.g. Cabinet Circulars, OIA and LGOIMA legislation.	Te Kawa Mataaho Public Service Commission, Ombudsman, and the Office of the Auditor-General

¹² [Proactive Release of Official Information - December 2017 - State Services Commission \(publicservice.govt.nz\)](https://publicservice.govt.nz/)

¹³ [Proactive release: Good practices for proactive release of official information | Ombudsman New Zealand](https://www.ombudsman.org.nz/)

¹⁴ [Public accountability: A matter of trust and confidence \(oag.parliament.nz\)](https://oag.parliament.nz/), page 38, section 5.40.

Proposed & Planned Actions	Who
<p>Develop proactive release practice note for infrastructure initiatives which should provide:</p> <ul style="list-style-type: none"> • Generic project guidance (i.e. can be used for more than just infrastructure projects) • Specific guidance on timings of information sharing • Case studies • A self-assessment guide for projects (including for accessibility and usability) • Include links to existing guidance and toolsets • Guidance that is tailored for Central and Local government. 	Te Waihanga
Update the Commission's Major Infrastructure Project Governance Guidance document to include information about proactive releases and official information requirements. This should also include high-level principles about what is meant by public interest, information on proactive releases, the OIA/LGOIMA, redaction practice etc.	Te Waihanga ¹⁵
Include transparency best practice into the development of the Infrastructure Priority Programme (IPP).	Te Waihanga ¹⁵
Develop training for governance practice and transparency expectations (including best practice, proactive releases and the official information acts) as part of the Commission's work on Leadership.	Te Waihanga ¹⁵
Consider developing additional guidance under Rule 64 of the New Zealand Government Procurement Rules.	Te Waihanga
Promote the OAG good practice guides - performance reporting, integrity framework.	All

Strengthening oversight of public infrastructure project information sharing

The study includes two recommendations for strengthening oversight over the information shared about public infrastructure projects.

Recommendation 2:

Consider creating a mechanism to scrutinise core documents for large infrastructure projects. Publicly available technical scrutiny of these documents would benefit the general public. While there are many oversight processes, one that examines the usability of core infrastructure documents and allows for commenting on the quality of analysis and decisions would address accessibility and usability issues identified in the report.

¹⁵ The Ombudsman has a strong interest in the production of guidance relating to the OIA and LGOIMA and would provide input into future and ongoing developments in this area.

Recommendation 5:

Regular measurement of infrastructure transparency should be conducted approximately every two years, to track the impact of interventions and adjust resources and priorities accordingly.

While there are several entities which could play a part in addressing these recommendations, we believe that it is important that any improvements could be used to help all public sector projects – not only infrastructure-related initiatives. Te Waihanga has discussed these specific recommendations with Te Kawa Mataaho Public Service Commission, the Ombudsman, the Office of Auditor-General, the Treasury, the Ministry of Justice and the Department of Internal Affairs to identify possible tactical and long-term solutions. The proposed short-term actions listed here are limited to Te Waihanga actions.

Recent & Current Activity	Who
Strengthening assessment of core (infrastructure) documents as part of the annual Budget process	Treasury and the Te Waihanga
Proposed & Planned Actions	Who
Including an assessment of core (infrastructure) documents as part of the Infrastructure Priority Programme process	Te Waihanga
Repeating this study (every five years) to monitor performance	Te Waihanga

Future areas of investigation

The study includes two recommendations for potential future areas of investigation.

Recommendation 3:

Review what content is redacted within core infrastructure documents. Focus should include what information is being redacted and the justifications provided by the entity on why the information was redacted.

The Massey University researchers reviewed publicly available or released documents, with redactions applied in some instances. They were not able to compare any redacted documents with their unredacted equivalents, so were unable to determine if the redactions and the reasons given were appropriate. Te Waihanga believes that this could be a valuable area for future investigation, but it would need access to fully unredacted documents (i.e. this may require lodging formal complaints with the Ombudsman).

The Ombudsman is unable to directly participate in any such research, but they could assist in other ways for example providing input into the any research design or peer review of the study . The

Ombudsman has also published relevant guidance and case notes that could be used to support any future investigation.¹⁶

The value and feasibility of Te Waihanga progressing any further research in this area is to be determined.

Recommendation 4:

More research is needed to understand performance variations within sub-groups based on project size and entity type. If these factors have a causal effect on transparency performance, further investigation would be valuable. Confirming and expanding these findings in a larger study that includes causal effect is necessary. A subsequent qualitative study could explore the mechanics of these variations.

The performance variations identified by the study between the groups does raise questions around how different projects and entities treat information sharing. This may be attributable to larger projects investing more heavily in external communications in order to keep stakeholders, impacted communities and the broader public engaged, especially where the impacts of the project may be significant or long lasting. We do also note that within the sample projects greater than \$500M are more likely to be governed by a board-type structure. It is unclear whether larger projects would in practice be more likely to be established within a board-type construct, or whether this may reflect the fact that the sample size included multiple large-scale projects from board-governed delivery entities like Te Whatu Ora and Waka Kotahi. Our discussions did however identify other considerations that could be investigated.

The value and feasibility of Te Waihanga progressing any further research in this area is to be determined.

Proposed & Planned Actions	Who
Determine the value and feasibility of Te Waihanga progressing any further research in this area and prioritise as needed.	Te Waihanga

¹⁶ Examples of the Ombudsman's guidance are:

- Commercial Information: <https://www.ombudsman.parliament.nz/resources/commercial-information-guide-sections-92b-and-92i-oia-and-sections-72b-and-72h-lgoima>
- Negotiations: <https://www.ombudsman.parliament.nz/resources/negotiations-guide-section-92j-oia-and-section-72i-lgoima>

Other future areas of intervention

The discussions with other relevant parties gave us a chance to identify other interventions that could be taken to improve transparency at a more strategic level. Some of these are ambitious and far-ranging but they mostly have been raised previously and Te Waihanga is supportive of any future consideration of these. We believe that these interventions give us real opportunities to improve transparency across all large projects, not just infrastructure investments. These have been categorised as:

- Legislative or Governmental reform
- Improving public service capability and practice
- Making it easy for citizens to find information.

Legislative or Governmental Reform

Development of other transparency mechanisms, for example an equivalent to the UK Public Accounts Committee NZ or establishing a Parliamentary Budget Office.

Review the Official Information and the Local Government Official Information and Meetings Acts to better encourage transparency. For example some commentators believe that the current legislation does not reflect how information is created and used in a digital age or how technology can be used to support information release and citizen engagement.

Review the Public Finance Act to encourage increased financial transparency.

Identifying other ways that information could be shared e.g. Select Committees, disclosures to the Opposition, Long-term Insights Briefings.

Investigate building of an all-of-government capability that supports collation of released information. This should be searchable, comply with citizen accessibility requirements and be appropriately targeted to the literacy age of citizens. This should consider international practice.

Improving public service capability and practice

Consider including high-level assessment of the accessibility and usability of core (infrastructure) documents as part of standard project audit plans. This could also be done by internal audit teams if they were required to do so.

Undertaking further promotion and training on proactive releases, the OIA and the LGOIMA to organisations (public and private if needed), especially for new entities or third parties that may have limited experience or knowledge. This should cover knowing what to share and what is in the public interest.¹⁷

Investigate other international organisations, for example the Open Contracting Partnership, Open Government Partnership, and the Infrastructure Transparency Initiative, to identify any best practice.

¹⁷ Note that the Chief Ombudsman already provides this upon request and a self-assessment tool is available for agencies: <https://www.ombudsman.parliament.nz/resources/oia-self-assessment-tool>

Making it easy for citizens to find information

Developing a Citizen's Guide to Official Information for Projects that could detail:

- Where to look for information that already exists
- What information can be requested
- What sort of information to ask for
- How to ask for information e.g. how to structure a request
- Where to go to ask for information
- How the official information acts work in practice
- How to make a complaint to the Ombudsman
- How complaints work.

This would be a non-delivery entity-specific guide and would not change the need for delivery entities to have much of this information publicly available, current and accessible (e.g. on their websites).

Other future areas of investigation

The Massey University study identified some areas that could be researched further and our discussions with other relevant parties also identified that a review into the commercial arms of public entities (e.g. Council Controlled Organisations) to understand their awareness of obligations, and organisational maturity in meeting these, could be beneficial.

Conclusion

The Massey University study has highlighted several areas where transparency to the public can be improved. This is mostly about expecting delivery entities to be more proactive in sharing information, helping them understand what information is important to the public and when it should be shared.

Expectations, guidelines, legislative requirements and monitoring for project transparency are spread across several public sector entities. They are all committed to strengthening transparency and are continuously improving their guidance and processes, but there is no clear path to introducing mandatory project information sharing.

Te Waihanga next steps

Te Waihanga believes that making information-sharing a project requirement is the best way of making sure that citizens are informed and able to hold government and delivery entities to account. We will continue to be a strong advocate for this and will consider how best to increase transparency when planning any potential changes within Te Waihanga. We will also be available to support the other relevant public sector organisations in their work.