



**Establishing Australia's
first Open Government
Multistakeholder Forum**

Introduction

This discussion paper, prepared by Australia's Open Government Interim Working Group, seeks community input on how Australia's first Open Government Multistakeholder Forum should help drive and monitor implementation of our Open Government commitments. It introduces the concept of a Multistakeholder Forum and:

- draws upon the previous work of the Open Government Interim Working Group to propose a structure for the Forum, and methods for meetings and appointment of the Forum, and
- seeks community feedback on the proposals.

The Government is committed to establishing the Forum as soon as possible, so it can effectively oversee the current National Action Plan and assist in co-creating the next Plan. Once established, it will be possible to learn from its experiences and keep improving how it works.

Background

The Open Government Partnership

Founded in 2011, the [Open Government Partnership](#) (OGP) is a multinational project to get governments to:

- promote transparency
- empower citizens
- fight corruption, and
- harness new technologies to strengthen governance.

The 75 countries that have signed up to the OGP have to:

- endorse the Open Government Declaration
- deliver an Open Government National Action Plan, developed in consultation with the community, and
- commit to independent reporting on progress against the Plan.

The Open Government Partnership seeks to bring together governments and the community as true partners at both the national and international levels.

Australia's National Action Plan

[Australia first National Action Plan](#), informed by consultations with the community, was published in December 2016. The Plan includes 15 commitments to strengthen and improve:

- transparency and accountability in business
- open data and digital transformation
- access to government information
- integrity in the public sector, and
- public participation and engagement

The current Plan expires 30 June 2018. The next biennial National Action Plan will be co-created and published prior to this date.

Interim Working Group

The Australian Government established an Interim Working Group in August 2016, to help it develop Australia's first Open Government National Action Plan. The Interim Working Group includes six government and six community members, all appointed by government.

The Interim Working Group is currently helping drive and monitor implementation of the National Action Plan and will hand over to the new Multistakeholder Forum, once it is established.

These proposals for how a Multistakeholder Forum should be appointed, structured and run draw on the Interim Working Group's experiences and international best practice.

Multistakeholder Forum

OGP member countries commit to developing their National Action Plans and driving and monitoring their implementation with the participation of many stakeholders across the community.

Many OGP member countries have done this by establishing Multistakeholder Forums. These are groups designed to maximize ongoing cooperation between governments and the community.

No two Forums are identical – the character of each country's stakeholders influences the models they design and the practices they adopt.

Australia committed to establishing a Multistakeholder Forum in its first National Action Plan: commitment 5.1 states that Australia will establish a Forum by March 2017. We have not met this date, but are committed to taking the time necessary to work with the community to design the Forum and establish it by the end of June 2017.

Purpose

The Interim Working Group proposes that the purpose of the Multistakeholder Forum should be to provide a mechanism for government and the community to oversee the implementation of Australia's first Open Government National Action Plan, to co-create future National Action Plans, and to raise awareness about open government.

Commitment 5.1 of Australia's first Open Government National Action Plan states:

The multi-stakeholder forum will at a minimum track the implementation of commitments, ensure commitments continue to be relevant and ambitious, inform the drafting of future National Action Plans and raise awareness about open government in the broader community.

The Multistakeholder Forum should:

- seek to make government and other relevant institutions work more effectively and efficiently for people through enhanced transparency, policy development, service delivery and decision-making
- oversee implementation of Australia's Open Government Commitments, including monitoring, advising, assessing, reporting and overseeing broad community engagement

- develop recommendations on future Commitments, informed by public consultation and including consideration of potential Commitments identified in earlier consultation processes, based on:
 - consistency and level of priority against the OGP principles and grand challenges, as outlined in the OGP Articles of Governance
 - the desirability of specific, measurable, actionable, relevant and time-bound Commitments
 - the level of ambition and transformational impact of proposed Commitments
 - the feasibility and the likelihood of implementation success
 - the costs and benefits of the proposed Commitments, including alternatives to achieve a similar outcome, and
 - the views expressed by the community and the Australian Government.
- facilitate broad community engagement on prospective Commitments and raise awareness about open government generally
- consider submitting a letter of commendation to the Open Government Partnership to accompany each National Action Plan, and
- review and amend its own terms of reference.

Question 1: Are there any other functions the Forum should usefully perform?

Structure

The Interim Working Group has considered a variety of different models for Australia's first Open Government Multistakeholder Forum (see **Appendix A**).

It proposes that the Forum should follow that of a *single forum model*, where government and the community are brought together in a single, formal, and central committee for coordination.

The Interim Working Group considers that this model builds on the substantial progress made by the Group itself, and offers the best potential for meeting Australia's commitment to engaging the community on policy development, service delivery, decision-making and strengthening open government into the future, in partnership with the community.

The Interim Working Group further proposes that:

- the Forum comprise not more than 16 members (reflecting the widespread observation that a larger number becomes unwieldy), with equal representation from government (including Australian and State and Territory Governments) and the community, and
- the Forum be co-chaired by a Government nominee and a member elected by its community members.

Question 2: If you do not agree with the single forum model, how do you think another model should work?

Ways of Working

Again, based on its own ways of working, the Interim Working Group proposes that:

- unless otherwise agreed, the Forum meet at least every two months, in a location rotated between capital cities
- the Forum conduct its work, as required and / or convenient, by electronic means. The Forum should seek a high level of community engagement by electronic means, including by disseminating its meeting agendas, minutes and working documents online, and live-streaming important proceedings
- the Forum be able to make requests for relevant information, in order to inform its discussions
- the work of the Forum be supported by the Australian Government Department of the Prime Minister and Cabinet through:
 - preparation of draft agendas, working documents and minutes
 - organisation of logistics for Forum meetings, and
 - publishing of the agenda and minutes of Forum meetings online.
- Forum members not be remunerated, but that its community members be reimbursed by government for reasonable travel costs
- the inaugural meeting of the Forum also include members of the Interim Working Group, to hand over
- the Forum be empowered to amend its own ways of working.

Question 3: Are there other ways of working you think the Forum should usefully adopt?

Appointment

Criteria

The Interim Working Group proposes that community members of the Multistakeholder Forum be appointed as individuals, based on their:

- demonstrated support of OGP's vision and the Open Government Declaration
- expertise relevant to the Open Government Partnership, and one or more Australian Open Government Commitment, and
- ability to leverage broad and diverse community networks and engage with government.

The Australian Government will appoint Government members of the Forum.

The Interim Working Group further proposes that the Forum broadly reflect the diversity of the Australian community. In particular, consistent with the Australian Government's target, women and men should hold at least 40 per cent of positions on the Forum. Aboriginal and Torres Strait Islander people are particularly encouraged to nominate.

Question 4: Are there any other criteria or guidelines that should inform the appointment of community members to the Forum?

Process

The Interim Working Group proposes that it first appoint a small selection panel, who would receive and assess community candidate suitability for membership of the Forum. This could be composed of representatives of the Interim Working Group itself, and an eminent community member.

The Australian Government would be responsible for final appointments.

The Interim Working Group proposes that community members of the Forum be:

- appointed following a public call for nominations, requiring nominees to provide a short cover letter outlining their motivations for joining and addressing the appointment criteria
- appointed until mid-2018 (when Australia's next National Action Plan is due) or until a new Multistakeholder Forum under the next National Action Plan is appointed, with the possibility of staggering appointments. Any mid-term vacancies could be filled on the recommendation of the Co-Chairs of the Forum, and
- eligible for reappointment for a second term only.

Question 5: How should a selection panel to recommend Forum appointments be composed?

Question 6: Should nominations to the Forum be published?

Question 7: Having regard to the desirability to appoint Forum members without unnecessary delay, is there a better way to administer the nominations and appointment process?

Question 8: Should appointments to the Forum be staggered?

Question 9: How should any mid-term vacancies be filled?

Question 10: How can the Forum best hear and respond to the range of community perspectives on open government?

Have Your Say

The Interim Working Group invites community feedback on its proposals, and in particular the questions outlined above.

You can have your say on Twitter using #OGPAU, or by submitting a response to one or more of the questions to the OGP Australia website at <http://ogpau.pmc.gov.au/>. Comments must be submitted by **Wednesday 17 May, 2017** to be considered by the Interim Working Group in its recommendations to the Australian Government.

The Australian Government will release its decision on how Australia's first Open Government Multistakeholder Forum will be appointed, structured and run via the OGP Australia website, ahead of a nominations process to commence the week of **29 May, 2017**.

A Multistakeholder Forum will be established by the of June 2017.

Appendix A: Models considered for Australia's first Multistakeholder Forum

Model	Structure of group	Selection of members	Currently exists?	Issues
Civil Society Network: Coalition of civil society organisations and individuals.	Steering Committee of 5 – 9 members. Convener responsible for administering the network.	Open to any individual or civil society organisation. Civil society self-selects.	Yes – Australian Open Government Partnership Civil Society Network.	Breadth of membership. Difficulties engaging government.
Hub-and-spoke: Network of smaller forums (e.g. broken down by sector, thematic areas or commitments), which may be coordinated by a central committee.	Government provides secretariat support.	Government selects based on set criteria based on expertise and/or by invitation. Rotating chairs.	No.	May be difficult to bring views together. Requires additional administrative support.
Public interest peak body: Peak, non-government structure to coordinate dialogue on public interest issues.	Independent from Government and business.	Membership and modus operandi should be decided through consultation across civil society.	No. Similar to the Business Council of Australia.	May have too broad a remit to be able to undertake all the functions required by the OGP. Government's role to establish a peak group?
Single forum model: Convenes government and civil society in one formally established, central committee for coordination.	Equal government and non-government representation. Government provides secretariat support.	Members selected based on set criteria. Government and non-government co-chairs.	Yes – Interim Working Group. This group could be extended or a new group established.	Breadth of membership. May lack subject matter expertise on some topics. Need mechanism for broader civic engagement.

In reviewing each model, consideration has been given to those adopted in other jurisdictions and the experience of the Interim Working Group, which co-created Australia's first Open Government National Action Plan. Each model has advantages and disadvantages in contributing to the functioning of the system of government. These relate particularly to providing for constructive interactions – particularly exchanges of knowledge, information and understanding – between sections of the community:

1. **Civil Society Network:** *Coalition of civil society organisations and individuals.* This model gives civil society members total autonomy in addressing the nature and detail of prospective Commitments. However, in so doing, it would isolate civil society and government from each other, rendering civil society limited opportunity to influence government and limiting government's opportunities to tap the depth of knowledge and understanding existing within the community. It could also unduly concentrate power and influence within civil society entities that do not necessarily represent the views of significant sections of civil society.
2. **Hub-and-spoke:** *Network of smaller forums (e.g. broken down by sector, thematic areas or commitments), which may be coordinated by a central committee.* As with the civil society network, this model gives civil society members total autonomy in addressing the nature and detail of prospective Commitments. It would reduce the risk of power and influence being unduly concentrated. Again, it would isolate civil society and government from each other, rendering civil society limited opportunity to influence government and limiting government's opportunities to tap the depth of knowledge and understanding existing within the community.
3. **Public interest peak body:** *Peak, non-government structure to coordinate dialogue on public interest issues.* This model shares the serious weakness of the previous two models i.e. it would isolate civil society and government from each other, rendering civil society limited opportunity to influence government and limiting government's opportunities to tap the depth of knowledge and information existing within the community. Moreover, there is a greater risk that it could also unduly concentrate power and influence within civil society entities that do not necessarily represent the views of significant sections of civil society.
4. **Single forum model:** *Convenes government and civil society in one formally established, central committee for coordination.* The outstanding feature of this model is the close relationship between civil society and government. There is a risk that civil society may be inhibited or dominated by government. There is also a risk that the civil society members may not represent significant sections of civil society. However, the experience of the Interim Working Group is that co-production was highly effective as a result of the trust that developed between its members and (a) the knowledge and understanding of community that civil society members were able to contribute and (b) the improved understanding of government gained by civil society members.