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Sent: Saturday, 31 March 2018 5:25 PM
To: OGP
Subject: Consultation: Other ideas

Follow Up Flag: Follow up
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The following observations, comments and suggestions are put forward for consideration as plans for the OGP national action plan are developed.

Some raise administrative and policy issues that are unlikely to result in commitments in the plan but nevertheless are relevant to our open government ambitions.

Please post this as a submission.

I am submitting separately ideas for commitments that if supported require refinement to ensure any commitment is specific, concrete and ambitious. We should learn from experience with the first plan that vague statements of intended outcomes and plans to review and consult do not meet this OGP requirement.

1. Uncertainty about where things stand

The lack of information about where things stand and the likely outcomes by July 2018 limits discussion of possible commitments for the next plan.

A number of commitments are tagged 'Delayed.'

With these commitments and others currently described as 'On track' it is not clear where we are, where we are going and where if anywhere we should aim for next. Current reporting on

Commitments 3.1 Information Access (AGD) and 4.3 Open Contracting (Finance) for example provides no indication of what is under consideration by the government.

The lack of information hampers discussion about the next phase.

2. Moving toward the open government state

All levels and all branches of government are on the open government journey.

While roughly moving in the same direction they appear to be separate journeys.

The OECD (2016 Open Government The Way Forward) identifies the challenges countries face in implementing and co-ordinating open government initiatives. It outlines benefits from mobilising and engaging all branches and all levels of government in order to move from 'open government' to 'open state.'

<http://www.oecd.org/gov/open-government-9789264268104-en.htm>

Has government examined the benefits and options for

3. Link with Sustainable Development Goals.

The OECD report also advocates linking open government plans with the Sustainable Development Goals.

While not included as a commitment, the current National Action Plan refers to the link between Australia's open government plans and the Sustainable Development Goals. The plan states the government's intention to endorse the *Joint Declaration on Open Government for the Implementation of the 2030 Agenda for Sustainable Development*, explaining the declaration "commits us to transparency, openness and accountability in our domestic and international implementation of the 2030 Agenda for Sustainable Development. It also commits us to look for opportunities in future National Action Plans to progress implementation of the SDGs."

There has been no public statement about endorsement of the Joint Declaration. There is no mention of the Open Government Partnership in any of the published SDG material on the DFAT website, or in any speeches or statements by the Minister for Foreign Affairs or other government representatives such as the Ambassador to the United Nations.

3. Administrative arrangements OGP

The allocation of responsibilities for policy and management of OGP requires examination

The OGP Support Unit is located in Department of Prime Minister and Cabinet.

Presumably the Unit reports to the Minister for Finance who was designated minister responsible for co-ordination of implementation of commitments in the first national action plan and would appear to have an ongoing role.

This unusual arrangement should be looked at in the context of broader information policy.

3. A transparency regime for the 21st century.

'Information policy' is not mentioned in the Administrative Arrangements Order.

Section 7 of the Australian Information Commissioner Act describes **the information commissioner functions of the commissioner** that include

(a) to report to the Minister on any matter that relates to the Commonwealth Government's policy and practice with respect to:

(i) the collection, use, disclosure, management, administration or storage of, or accessibility to, information held by the Government; and

(ii) the systems used, or proposed to be used, for the activities covered by subparagraph (i)..

There is no mention of this function or work associated with it in published plans or reports of the OAIC in recent years.

AGD is responsible for

Privacy

Freedom of Information

Management of government records.

PMC is responsible for

Co-ordination of Government administration

Public data policy and related matters

Department of Finance is managing a Whole-of-Government Digital Records Platform Project which presumably will introduce automated systems to facilitate access to some records.

National Archives is responsible for Digital Continuity 2020, a government wide program moving to 'all digital' records.

In all this do we have a minister responsible for information policy?

or a well co-ordinated departmental arrangement?

There is a strong case for at least bringing together functions such as FOI and open data policy and practice.

See Beth Simone Noveck on why a similar silo arrangement in the US is a barrier to a satisfactory transparency regime for the 21st century.

<http://www.thegovlab.org/static/files/publications/Rights-Based-and-Tech-Driven-Noveck-YHRDLJ-vol-19.pdf>

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