

# Australia's first Open Government National Action Plan

**Submission**

**November 2016**

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### Introduction

The LGA received a general invitation to participate in consultation regarding the development of Australia's First Open Government National Action Plan and was invited by the Australian Local Government Association to participate in a teleconference involving representatives of the Department of Prime Minister and Cabinet on the topic.

This response has not been formally endorsed by the Board of the LGA of SA but is consistent with policies held by the Association and generally describes the challenges for involving Local Government in an Open Government National Action Plan.

We note the Open Government Partnership seeks "commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance." (P3. Australia's first Open Government National Action Plan - draft for consultation). It is probably fair to say that Local Government comes from a position of extensive experience in the first three elements of the commitments sought but a "patchier" position on harnessing new technologies.

### The LGA and Local Government in SA

The LGA is the voice of local government in South Australia, representing all 68 individual councils across the State. The LGA provides leadership, support, representation and advocacy to achieve better outcomes for councils and the communities they represent. We enjoy a productive relationship with both state and federal governments.

Local government employs almost 11,000 South Australians, has more than 700 locally elected members and has a network of 11,000 volunteers from all walks of life – business people, community leaders, students, parents and retirees alike. South Australian councils collectively manage a budget of \$2 billion and public assets worth more than \$22 billion.

Local government plays a strong role in meeting the needs of their diverse communities, providing a range of services including local roads and footpath maintenance, storm-water drains, street lighting, managing waste and recycling, sport and recreation, cultural activities, libraries, and aged care services.

Local Government in SA is committed to promote transparency, empower citizens, fight corruption and harness new technology to harness new technologies to strengthen government. This is clear from LGA Policy, and from negotiated legislation which sets the legal framework within which Councils operate.

It is important to note that both state and local government operate within the legal framework created by the SA Parliament but that various laws do not allow the SA Government to direct local councils generally without constraint. Councils are called upon to exercise significant discretion in their operations and to provide leadership in their communities within the resources they have available to them. Having said this a clear

difference is that while local government has well developed elected and administrative systems it relies almost exclusively on states for judicial arrangements (such as Ombudsman, ICAC and Courts)

SA has a history of recognizing the independence of Local Government and the importance of collaboration between the State and local government via formal agreements between the SA Premier and the President of the LGA.

## Open Government broadly

In relation to the key areas of transparency, citizen engagement and empowerment and fighting corruption, Local Government has significant experience. While that experience may vary between Councils all Councils have experience and the topics have such a history that there is rich dialogue at the State and national levels and sharing of information.

Illustrating this, the LGA has support information for Councils on fraud and corruption prevention, has supported legislation which requires Councils to publish certain information on the internet and, with initial Commonwealth assistance, maintains a contract serving around 60 of our 68 Councils with provision of website publication and content management services. We also have a comprehensive handbook on community engagement originally published in 2008 and with an updated 2016 edition.

In each of these areas we have an active dialogue with relevant State agencies generally consistent with the State/Local Government Relations Agreement with the Premier referred to above.

## Open Data in SA Local Government

A small number of SA Councils are advanced in considering open data approaches. For example the City of Adelaide – the SA Council with the largest budget – has had a sophisticated digital strategy incorporating open government, “Connect Adelaide,” in place for several years: <http://www.adelaidecitycouncil.com/assets/Policies-Papers/docs/STRATEGY-digital-strategy-connect-adelaide-2012-16.pdf>

This Association has provided some support for Councils including:

- contracting a common website content management system for 60 of 68 Councils;
- as agreed under statute [The Local Government (Elections) Act 1999 (SA)] developing a system to publish candidate information in Local Government elections;
- referencing open government information from the SA Government for Councils;
- participating as a sponsor of GovHack events in SA (SA Unleashed);
- providing some open data for GovHack on [data.sa.gov.au](http://data.sa.gov.au) by extracting information, with permission from Councils, from the common website CMS;
- incorporating open government presentations in best practice forums for Councils;

- liaising (currently) with GeoScience Australia and AusGOAL to facilitate the provision of reports and data relevant to flood mapping for linking in the Australian Flood Risk and Information Portal; and,
- finalizing (currently) an information paper on creative commons licensing and sourcing AusGOAL information to assist Councils.

We would note at this point that the Association has little capacity to provide significant support to Councils in this space but has relied on expertise from leading Councils, liaison with the SA Office of the Chief Information Officer and informal liaison with AusGOAL and the former Cross Jurisdictional Open Data Working Group. We are committed to assisting Councils via networking information.

It is also fair to say that many SA Councils do not have the capacity to engage in the open data debate without significant external support and information.

## The challenge

*“As our first National Action Plan, it provides a foundation to continue engaging with civil society to identify new initiatives and strengthen our efforts over time. There is also an opportunity going forward to work with state, territory and local governments to improve transparency and integrity at all levels of government.”* (P4. Australia’s first Open Government National Action Plan - draft for consultation)

The above statement recognises that as a first National Action Plan, the document is heavily Commonwealth focused but identifies an opportunity to work with state, territory and local governments to effectively move towards a truly national plan. We regard this as essential in the context of Australia’s system of government.

The draft for consultation mentions local government in three places. In addition to the above “statement of opportunity” it also highlights that there are existing initiatives:

*“State, territory and local governments have also undertaken a range of initiatives to promote transparency, integrity and access to information at a sub-national level.”* (P7 Australia’s first Open Government National Action Plan - draft for consultation).

The third reference highlights further opportunities through the Smart Cities and Suburbs Program:

*“The Government is also establishing a \$50 million Smart Cities and Suburbs Program to incentivise local councils to open up their data and collaborate with communities, local business, not-for-profits and research institutes to create innovative solutions to urban problems.”* (P20 Australia’s first Open Government National Action Plan - draft for consultation).

We believe that the Smart Cities and Suburbs Program has the potential to support Councils already leading in the open government space and to accelerate development in other Councils. Other Federal government programs including those supporting regional areas also have potential to build in components which support open government practices.

A project based approach is however, likely to advance involved Councils with little impact on the remainder of the sector and hence remain vulnerable to changes in direction within individual Councils.

These references have been compared with the USA's third National Action Plan (October 27, 2015). That document, as would be expected, is more advanced than its first Plan. It highlights inter-governmental opportunities, existing initiatives and specific programs as does the Australian draft plan.

The US document identifies challenges facing the US municipal sector which could equally be applied to Australian local government: "Local governments have the ability to enact change and revolutionize services and efficiency by using data analytics and encouraging transparency and the economy through open data. However, municipal governments face challenges in leveraging the data economy — challenges that range from legacy systems to limited resources, capacity, and skills in data." (P17 Third Open Government National Action Plan for the United States of America, October 27, 2015).

We note three differences related to local government in the US plan which might be considered for Australia's National Action Plan:

1. local government is represented on the Federal Open Data Working Group;
2. there is a commitment to sharing models/templates (such as machine readable government organisation charts) with other governments; and
3. there is a commitment to support a Municipal Data Network.

## Summary

The Australian Government is to be commended in committing to its first Open Government National Action Plan. We think, without providing an onerous impact on resources it could go further in the draft by making a clear commitment to involving and working with the Australian Local Government Association to advance and support its approach to Open Government with the local government sector.

We would envisage such a commitment as leading to the encouragement of sharing of models/templates, the networking of Councils committed to open government and to the representation of the ALGA on the newly formed Interim Working Group established to assist with the development of Australia's National Action Plan, or its successors; and potentially to support to some form of municipal data networking via the ALGA.

Irrespective of any modifications to the draft plan taking this submission into account we would propose that the open government team within the Department of Prime Minister and Cabinet establish an effective and regular dialogue with the Australian Local Government Association. Such a dialogue should lead to better informed approaches in both sectors and to developing appropriate links between future National Action Plans and local government.

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