

Please find below the comments from the OGP Support Unit on Australia's draft national action plan.

The review identifies high-level areas of improvement to make commitments more Specific, Measurable, Answerable, Relevant, and Time-bound based on guidelines prepared by the Support Unit. As a reminder, this review is not an endorsement of the scope or ambition of open government reforms contained in the action plan, which will be separately assessed by the IRM. This review is not intended to complement or replace the IRM assessment, which is a completely independent process.

We can discuss these comments in greater detail on our call this Thursday or later.

Thanks,

Jack Mahoney
7 November 2016

Feedback on draft Australian National Action Plan

General Comments:

- Since the plan has been delayed from our initial conversations, we suggest reviewing the timelines for milestones which indicate an Oct/Nov 2016 start and adjusting as necessary where the work has not yet actually started.
- In a few of the commitments, there could be more detail added to the section on ambition. This section should really tell the reader 'how it will either make government more open or improve government through more openness.' In a lot of places it says that it will make something more open, but does not describe the *how*. Commitments 1.3 and 3.3 are particularly brief.
- In the relevance section of individual commitments, 'transparency' and 'access to information' seem to be used interchangeably. We would suggest using one or the other for consistency.
- We noticed on the commitments there is not an individual listed that will have responsibility. While we understand there may be privacy restrictions in place, we strongly encourage you to list additional information here. Even if it is a name without the contact details, or the contact details for the lead agency, any further information can be helpful and bring this section closer to OGP best practices.

Comments on Introductory Sessions:

- I assume you will still plan to include a foreword from the Minister, but please let me know if that is not the case. It can be helpful for adding personal perspective to the document.
- In the section on raising awareness – mention the four capital cities that were visited.
- In the section on seeking ideas – make it explicit that the consultation was held both online and offline (in-person discussions). Perhaps mention that civil society outreach and

engagement was led/supported by an engagement specialist contracted by PM&C (or direct readers to the Annex).

- Drafting the action plan – Mention the process by which civil society representatives of the IWG were selected.
- In the 2nd paragraph of the commitments section - there's a statement indicating 'new commitments may either be added to this National Action...' We suggest qualifying this with additional information on the process by which these might be added (e.g. Is it that this will be considered once the ongoing engagement mechanism is put in place?)

Comments on Specific Commitments:

Commitment 1.1: Improve whistle-blower protections in the tax and corporate sectors

- Will milestone 2 inform milestones 1 and 3 in anyway? Would be good to be explicit about this?
- Milestone 2 could be more specific – what will public consultation entail? (online/offline, if in-person how many cities etc.) What is the scope of the consultations? What processes will the outcomes inform?
- Milestone 3 – by exposure do you mean this will be subject to a period of public consultation?
- One thing that wasn't very clear is whether the scope of corporate whistleblowing under this commitment extends only to tax matters or to whistleblowing on all types of corporate wrongdoings?
- On scope: is it all types of tax-related whistleblowing?
- The commitment description mentions "We will also consult on other reform options to strengthen and harmonise whistle-blower protections in the corporate sector with those in the public sector". However, this piece isn't explicitly referenced in the milestones.

Commitment 1.2: Beneficial Ownership

- The main commitment text is could have additional detail. Will the consultation with the corporate sector, non-government sector and public be on whether a BO register is needed or on the ways to implement/establish it?
- Why are there not months attached to the start and end dates?
- Milestone 1: will this consultation paper be developed through multi-stakeholder engagement?
- Milestone 2: It would be good to provide more detail on exactly what this public consultation will look like (online/offline, if in-person how many cities etc.) What is the scope of the consultations? What processes will the outcomes inform?

Commitment 1.3: Natural Resource Transparency

- Main commitment text – "We will work together". Unclear who the 'we' is in this case.
- As stated above, it would be very helpful to elaborate on the 'how' piece of this ambition section.
- We saw the validation in 2019. Since this action plan covers the period upto July 2018, suggest you mention that validation will commence in 2019 which is after the timeframe covered by this NAP. This could be done in the main commitment text if forgo this milestone or made clearer in the milestone language.

Commitment 2.1: Release high-value datasets and enable data driven innovation

- Milestones 2-4: What is the scope of these roundtable discussions? Will they inform any policy decisions/changes for e.g. decisions on what high-value datasets will be released?
- Milestone 6: Can there be more specificity on the proposed expansion? Currently too little detail
- Milestone 7: What's the public consultation on? What process will it inform?
- Main commitment text talks about releasing high-value datasets but actual release of datasets and their nature isn't referenced anywhere in the milestones.
- Part of the objective states "... and support its use to launch commercial and non-profit ventures, conduct research, make data-driven decisions, and solve complex problems." Not clear how this will take place looking at the current language of the milestones

Commitment 2.2: Build and maintain public trust to address concerns about data sharing

- Throughout the commitment, you refer to 'the community'. It would be good to be specific about which community is being referenced
- Milestone 6: Again, would be good to be specific. Engagement targeted at whom?
- In the relevance section, it is mentioned that this commitment will advance OGP principles by "providing greater transparency on how government is using the data it collects and protecting personal information." However, milestones do not seem to reflect activities/plans for releasing information on government data collection or protection policies/practices or plans.

Commitment 2.3: Digitally transform the delivery of government services

- Will there be non-government actors involved, or is it just not specified yet?
- Milestone 4: Will there any system for public feedback on the dashboard data?

Commitment 3.1: Information management and access laws for the 21st century

- Milestone 1- will this be developed through multi-stakeholder input? Is it possible to be more specific about models of access to info laws that are under consideration – are we talking about the legislative framework, the institutional framework for implementation/monitoring/grievance redressal, or all or some of these things?
- Milestone 4: The if required in parentheses will create concerns that the final proposed model is already a done deal
- Milestone 4: should it say Mid-2018?

Commitment 3.2: Understand the use of Freedom of Information

- Milestone 1: Could be more specific about who will agree on the metrics. Will there be expert/multi-stakeholder input?

Commitment 3.3: Improve the discoverability and accessibility of government data and information.

- The ambition section could have more detail about how this will happen, ie through _____.

Commitment 4.2: National Integrity Framework

- Milestone 1: Who is reviewing this law? Will there be multi-stakeholder engagement for this review?
- Milestone 5: Specificity required. What are the objectives and intended outcomes from the roundtable?
- Milestone 6: Specificity required. Consider options for what?
- Milestone 7: What processes, actions will these ongoing reviews inform? Will the outcomes of these reviews be made publicly available? Relevance to TAP principles unclear otherwise.

Commitment 4.2: National Integrity Framework

- The status quo section is very lengthy, which is normally a good thing, but I think here is actually too lengthy and not balanced enough towards the problem being addressed by the commitment. The last two paragraphs are more in line with what this section typically requires which is a clear description of the social, economic or political problem being addressed by the commitment. Or suggest ensuring the milestones address the status quo/problems more explicitly.

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

- Milestone 2: Early 2017 to July 2018 – is that the period of functioning of the multi-stakeholder forum or the period for established. We would advise you to be explicit about the timeframe by when you expect to have it established. The text can then suggest how improvements will be considered over time.

Section 5

- It would be good to add some more detail about the exchanges you've had in this process with other countries or in the section on developing the NAP.
- Would you like us to add Australia to the website's list of endorsers of the Declaration now or wait until the NAP is final

Appendix A

- It might be worth stating explicitly if the IWG drafting/discussions were informed by the inputs for commitments collected in previous phases, including the online submissions and the April in-person workshop