Independent Reporting Mechanism (IRM): Australia End-of-Term Report 2016-2018

Daniel Stewart, in an independent capacity

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Overview: Australia

Independent Reporting Mechanism (IRM) End-of-Term Report 2016-2018

The Australian government has made significant progress on implementing the commitments in its first national action plan. Implementation led to major changes in practice in policy areas such as combating corporate crime, improving the accessibility of government-held information, and enhancing public participation in decision making. However, the majority of commitments had generally marginal or no discernible effect on opening up government, often correlating with limited completion.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarises the results of the period July 2017 to June 2018 and includes some recent developments up to August 2018.

Responsibility for implementing the commitments in Australia's first national action plan were spread over 12 federal and state government agencies, coordinated by the federal Department of Prime Minister and Cabinet. Implementation was monitored over much of the reporting period by first an interim and then permanent multi-stakeholder forum which included members from the civil society sector.

While none of the commitments were viewed as having the potential for a transformative impact, several had a major impact on opening up government over the course of the first action plan. These include several commitments which aimed to establish expert or representative panels in advising government, most notably the establishment of the Open Government Partnership Forum to collaborate on improving Australia's OGP commitment. The commitment to enhance public participation in government decision making, which is being continued in the second national action plan, has the potential to make a significant contribution to improving engagement between the government and community generally.

Table 1: At a Glance	Mid-term	End of term
Number of Commitments	15	15
Level of Completion		
Completed	0	5
Substantial	5	5
Limited	10	5
Not Started	0	0
Number of Commitments with...		
Clear Relevance to OGP Values	15	15
Transformative Potential Impact	0	0
Substantial or Complete Implementation	5	10
All Three (⊘)	0	0
Did It Open Government?		
Major	4	
Outstanding	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	Incomplete commitments will continue, 6 are directly represented in second national action plan.	

The Commonwealth government published a draft end-of-term self-assessment report on 3 December 2018.[1] The draft report was open for public consultation for a two-week period.

This report was prepared by Daniel Stewart.

The Australian government released its second national action plan on 21 September 2018.[2] The second national action plan includes a number of commitments which continue or slightly modify commitments in the first national action plan, including strengthening the national anti-corruption framework, making it easier to deal with the government online, and expanding open contracting and due diligence in procurement. Other commitments reflect more significant changes and developments that occurred during implementation of the first national action plan, including improving the sharing, use, and reuse of public sector data, enhancing the transparency of political donations and funding, and engaging Australians in the Independent Review of the Australian Public Service.

Commitments reflecting IRM recommendations made in the mid-term progress report include enhancing state and territory participation in the Open Government Partnership. The introduction to the second national action plan indicates, however, that the Australian government is committed to completing commitments from the first national action plan and will continue to monitor and publish progress.

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[1] PM&C, End of Term Self-Assessment Report for the National Action Plan 2016-18, https://ogpau.pmc.gov.au/end-term-self-assessment-report-national-action-plan-2016-18 (accessed 6/5/2019).
[2] Senator Matthias Cormann, Media Release: Release of the second Open Government National Action Plan, https://www.financeminister.gov.au/media-release/2018/09/21/release-second-open-government-national-action-plan. The second national action plan, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during development and implementation of their action plan.

The lead agency for the commitment generally coordinated consultations, when these were expressly included in the first national action plan.[1] Consultation with civil society on the implementation of the national action plan as a whole was carried out through meetings of the multi-stakeholder forum, initially through an Interim Working Group formed as part of the development of the first national action plan, and then later through the Open Government Forum (OGP Forum). The OGP Forum was formed in July 2017. It comprised representatives from eight government departments or agencies involved with commitments under the plan and eight civil society members. The forum had co-chairs from government and civil society.[2]

The Interim Working Group met twice in the first half of 2017 following the submission of the first national action plan in December 2016.[3] The OGP Forum held its first meeting on 28 July 2017 and then met approximately every two months, with its most recent meeting being on 12 July 2018.[4] The agenda and papers for the meetings were available on the Department of Prime Minister and Cabinet's website[5] shortly prior to the meetings, and minutes of the meetings were also published.

The role of the Forum included receiving reports from lead agencies on the progress of the commitments in the national action plan, detailed consideration of individual commitments or other relevant developments, and planning the consultation process for development of the second national action plan. Civil society members were able to have items added to the agenda through the co-chairs and make requests for further information relating to agenda items but were not otherwise able to directly influence the process of implementation of commitments, or otherwise influence government action on the national action plan.[6] Civil society members of the Forum were therefore able to set the agenda, particularly in relation to monitoring implementation of the existing commitments, but also in questioning changes to commitments and establishing possible directions for future action plans.

Table 2: Consultation during Implementation

Regular Multi-stakeholder Forum	Midterm	End of Term
1. Did a forum exist?	Yes	Yes
2. Did it meet regularly?	Yes	Yes

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[7] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

Level of Public Influence during Implementation of Action Plan		Midterm	End of Term
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		✔
Involve	The government gave feedback on how public inputs were considered.	✔	

Consult	The public could give inputs.		
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[8] One measure, the "starred commitment" (✪), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.[9]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, Australia's action plan contained no starred commitments. At the end of term, even with changes in the level of completion, Australia's action plan contained no starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Australia, see the OGP Explorer at www.opengovpartnership.org/explorer.

About "Did It Open Government?"

To capture changes in government practice the IRM introduced a new variable "Did It Open Government?" in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment's implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The "Did It Open Government" variable attempts to captures these subtleties.

The "Did It Open Government?" variable assesses changes in government practice using the following spectrum:
- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on level of openness.
- Major: A step forward for government openness in the relevant policy area, but remains limited in scope or scale.

- Outstanding: A reform that has transformed "business as usual" in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the timeframe of the report.

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[1] Some commitments included consultation carried out by partner institutions: see for example Commitment 10 and the role of Data61 in gathering feedback on use of government digital services. See individual commitments for more details.
[2] For further information on the OGP Forum see commitment 14 below and the discussion in the Mid-term Progress Report.
[3] On 28 March 2017 and 18 May 2017. See PM&C, Archives, https://ogpau.pmc.gov.au/news/archives (accessed 14 November 2018).
[4] The Forum met seven times: 28 July, 19 October and 7 December 2017, 22 February, 12 April, 14 June and 12 July 2018. See PM&C, Archives, https://ogpau.pmc.gov.au/news/archives (accessed 14 November 2018)
[5] Papers for upcoming meetings were at http://ogpau.pmc.gov.au. For papers from past meetings, https://ogpau.pmc.gov.au/news/archives (accessed 14 November 2018)
[6] Interview with Selena Lillywhite, Transparency International Australia, Melbourne, 7 September 2018.
[7] "IAP2's Public Participation Spectrum", International Association for Public Participation, 2014, http://www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.
[8] IRM Procedures Manual, https://www.opengovpartnership.org/documents/irm-procedures-manual
[9] The International Experts Panel changed this criterion in 2015. For more information, see https://www.opengovpartnership.org/stories/irm-to-raise-the-bar-for-model-commitments-in-ogp

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarise the completion level at the end of term and progress on the "Did It Open Government?" metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the 'Did It Open Government?' variable. For further details on these commitments, please see the Australia IRM progress report 2016-2017.

The plan included 15 commitments, including some with substantial individual milestones, relating to 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 commitments in the plan were numbered depending on the theme they related to. The commitments were renumbered sequentially in the progress report to make it easier to report on individual milestones. That numbering practice is also adopted in this final report.

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Improve whistle-blower protections in the tax and corporate sectors (Midterm)														✔							
1. Improve whistle-blower protections in the tax and corporate sectors (End of Term)			✔			✔					✔				✔				✔		
2. Beneficial Ownership Transparency (Midterm)														✔				✔			
2. Beneficial Ownership Transparency (End of Term)			✔			✔					✔			✔							
3. Extractive Industries Transparency (Midterm)														✔							
3. Extractive Industries Transparency (End of Term)				✔	✔	✔					✔			✔					✔		
4. Combating Corporate Crime (Midterm)															✔						
4. Combating Corporate Crime (End of Term)			✔			✔					✔				✔					✔	
5. Release high-value datasets and enable data (Midterm)														✔							
5. Release high-value datasets and enable data (End of Term)			✔		✔	✔		✔			✔			✔					✔		

	G1	G2	O1	O2	O3	O4	P1	P2	B1	B2	B3	R1	R2	R3
driven innovation														
6. Build and maintain public trust to address concerns about data sharing and release		✔	✔	✔				✔		✔ ✔		✔		
7. Digitally transform the delivery of government services		✔	✔		✔		✔			✔	✔		✔	
8. Information management and access laws for the twenty-first century	✔		✔	✔	✔		✔		✔ ✔				✔	
9. Understand the use of freedom of information		✔	✔				✔			✔	✔		✔	
10. Improve the discoverability and accessibility of government data and information		✔	✔		✔			✔		✔	✔			✔
11. Confidence in the electoral system and political parties	✔		✔	✔	✔		✔		✔	✔			✔	
12. National Integrity Framework		✔		✔	✔		✔		✔ ✔				✔	
13. Open Contracting	✔		✔	✔	✔		✔		✔		✔		✔	
14. Delivery of Australia's Open Government Action Plan		✔		✔				✔	✔		✔			✔
15. Enhance public participation in government decision making		✔	✔	✔	✔			✔	✔	✔				✔

Theme 1. Transparency and accountability in business

Commitment 1. Improve whistle-blower protections in the tax and corporate sectors

Commitment Text:

Australia will ensure appropriate protections are in place for people who report corruption, fraud, tax evasion or avoidance, and misconduct within the corporate sector.
We will do this by improving whistle-blower protections for people who disclose information about tax misconduct to the Australian Taxation Office. We will also pursue reforms to whistle-blower protections in the corporate sector, with consultation on options to strengthen and harmonise these protections with those in the public sector.
[…]
Milestones:

1. Establish Parliamentary inquiry.
2. Treasury to release a public consultation paper covering both tax whistle-blower protections and options to strengthen and harmonise corporate whistle-blower protections with those in the public sector.
3. Development and public exposure of draft legislation for tax whistle-blower protections (informed by consultation). Recommendation to Government on reforms to strengthen and harmonise whistle-blower protections in the corporate sector with those in the public sector (informed by consultation).
4. Finalise and introduce legislation for tax whistle-blower protections.
5. Introduce legislation to establish greater protections for whistle-blowers in the corporate sector, with a parliamentary vote no later than 30 June 2018.

Responsible institution: Treasury

Supporting institution(s): Australian Taxation Office, Australian Securities and Investments Commission, Australian Prudential Regulation Authority, Attorney-General's Department. For a full list of agencies, please see the Australia National Action Plan

Start date: December 2016   **End date:** June 2018

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Overall			✔			✔					✔			✔					✔		

Commitment Aim:

This commitment sought to establish whistleblower protection in the corporate and taxation sectors. Current whistleblowing protection at the Commonwealth level is either limited to the public sector or to contraventions of particular legislation. This commitment sought to extend protection of disclosure of wrongdoing by, or within, corporations and provide protection for people who disclose breaches of taxation legislation. To do this, the commitment included establishing a parliamentary inquiry to examine whistleblower protections in the corporate sector, and to establish a consultation process covering tax and corporate whistle-blower protections leading to legislation being introduced.

Status
Midterm: Limited

This commitment had limited completion by 30 June 2017, the midterm of the national action plan.

Milestone 1: The Parliamentary Joint Committee on Corporations and Financial Services established an inquiry in November 2016 to examine whistle-blower protections in the corporate, public, and non-profit sectors.

Milestone 2: The Treasury Department released a consultation paper in December 2016 reviewing tax and corporate whistleblowing protections in Australia, thereby fulfilling milestone 2.

The other milestones were not due for completion and had not been completed as at the midterm report. For more information, please see the Progress Report 2016-2018.

End of term: Substantial

Milestone 1: As described in the Progress Report, the Parliamentary Committee reported in September 2017. Its recommendations included that private sector whistleblowing be brought under a single piece of legislation aligned with public sector protections, that a reward system be introduced, and a protection authority be established.[1] During the course of its inquiry, the Committee held public hearings in Queensland, Victoria, and the ACT in the first half of 2017, which included more than 30 witnesses from outside of government.[2] In addition, the inquiry received 75 submissions (including some that were common to the Treasury consultation process completed as part of milestone 2). The hearings and submissions were publicly available, except where witnesses or submitters wished for their material to be kept confidential.[3]

Milestone 3: A draft of a proposed *Treasury Laws Amendment (Whistleblowers) Bill 2017* was released for public comment on 23 October 2017, with submissions due by 3 November 2017.[4] This draft included feedback on the range of submissions received as part of the consultation process. 34 responses were published on the consultation website.[5]

Milestones 4 and 5: The *Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017* was introduced into Parliament on 7 December 2017. The Bill provides for a single whistleblower protection regime covering the corporate, financial, insurance, superannuation, and credit sectors. It will also establish a new tax whistleblower protection regime to encourage and protect tax misconduct disclosures. The Bill was referred to the Senate Economics Legislation Committee, which reported on 22 March 2018, making three recommendations including that the Bill be passed.[6]

At the end of the period of the first national action plan, the Enhancing Whistleblower Protections Bill had not been considered by Parliament or put to a parliamentary vote as provided for in the final commitment milestone. For the action plan assessment period, this commitment was therefore only

substantially complete. The Bill, however, with some amendments, was passed by both houses on 19 February 2019 and received assent on 12 March 2019.[7]

Did It Open Government?
Civic Participation: Marginal

As set out in the midterm Progress Report, the government had committed to a parliamentary inquiry into extending whistleblowing protection to the private sector prior to its inclusion in the national action plan. The commitment followed a large number of previous inquiries and academic reports on whistleblowing in Australia. The parliamentary inquiry did, however, increase public awareness of the issue and encouraged a broad range of submissions and hearings on the subject from any interested persons.[8] As detailed in the previous section, public hearings held as part of milestone 1 received 75 submissions; the public consultation on the draft *Treasury Laws Amendment* received 34 responses, and the government-provided feedback on the range of submissions received. By seeking feedback from the public through the release of a consultation paper and draft legislation, the Treasury Department engaged in a form of consultation which had been adopted previously in relation to corporate law and tax reform.[9]

In addition to the range of consultations engaged in as part of the commitment, on 28 September 2017 the government established an expert advisory panel on whistle-blower protections outside of the commitment.[10] The panel was established to review and comment on the tax and corporate whistle-blower draft legislation as well as recommendations made by the Parliamentary Joint Committee for legislative reforms to enhance whistle-blower protections in the private, not-for-profit, and public sectors. The panel comprised senior government agency representatives, academics, and practitioners with expertise in tax law, corporations law, governance, and whistle-blower protections generally.

In an interview with Professor Brown,[11] a member of the panel, he indicated that the panel represented an opportunity to work with the government in enhancing whistleblower protections generally, going beyond corporate and tax whistleblowing as provided for in the consultation paper and draft legislation introduced. The expert panel was able to bring a wide variety of views and expertise to be considered in development of further reform proposals.

The commitment, therefore, promoted civic participation by continuing to use public hearings to consult on specific issues and the creation of the expert advisory panel. However, considering the limited evidence on how citizen input was used by the government, change in practice is coded as marginal.

Carried Forward?

This commitment was not carried forward to the second national action plan. Recommendations of the Parliamentary Joint Committee not implemented in the draft legislation are currently under consideration by government, with input from the expert panel.

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[1] Parliamentary Joint Committee on Corporations and Financial Services, Whistleblower Protections, September 2017 pp 11-25,
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/WhistleblowerProtections ('PJCCFS Report').
[2] PJCCFS Report, Appendix 2,
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/WhistleblowerProtections/Report/e02
[3] Parliament of Australia, Submissions,
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Corporations_and_Financial_Services/WhistleblowerProtections/Submissions.

[4] Australian Government, Treasury, Treasury Laws Amendment (Whistleblowers) Bill 2017 - Exposure Draft, https://consult.treasury.gov.au/market-and-competition-policy-division/whistleblowers-bill-2017/.

[5] Australian Government, Treasury, Published Responses, https://consult.treasury.gov.au/market-and-competition-policy-division/whistleblowers-bill-2017/consultation/published_select_respondent.Only respondents who gave permission were published.

[6] Senate Economics Legislation Committee, Report: Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2017, 22 March 2018, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/WhistleblowerBill2017/Report.

[7] Parliament of Australia, Bills of the Current Parliament, Treasury Laws Amendment (Enhancing Whistleblower Protections) Bill 2018, https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query%3DId%3A%22legislation%2Fbillhome%2Fs1120%22;rec=0.

[8] Professor AJ Brown, Griffith University and Director, Transparency International, telephone call, 1 September 2017.

[9] Professor Katherine Hall, expert in corporate law reform, Australian National University, interview 16 November 2018; Professor AJ Brown, Griffith University and Director, Transparency International, telephone call, 1 September 2017.

[10] Australian Government, Treasury, 'Expert advisory panel on whistleblower protections', http://kmo.ministers.treasury.gov.au/media-release/097-2017/.

[11] Katherine Hall, Professor of law with expertise in corporate law reform, Australian National University, telephone interview, 16 November 2018.

Commitment 2. Beneficial Ownership Transparency

Australia will improve transparency of information on beneficial ownership and control of companies available to relevant authorities.

As part of this, we will consult with the corporate sector, non-government organisations and the public on the details, scope and implementation of a beneficial ownership register for companies, as well as other options to improve beneficial ownership transparency.

[…]

Ambition:

To ensure that adequate, accurate and timely information on beneficial ownership and control is available to relevant authorities in Australia to address issues of tax evasion, money laundering, corruption and terrorist financing.

To improve regional and international cooperation on taxation, including strengthening information sharing between tax authorities and sharing learnings to increase the transparency of beneficial ownership information. We will use outcomes of the work by the Financial Action Task Force (FATF) and the Global Forum on Transparency and Exchange of Information for Tax Purposes to help develop proposals to improve implementation of relevant international standards on transparency, including on the availability and exchange of companies' beneficial ownership information.

Milestones:

1. Treasury to release a public consultation paper seeking views on the details, scope and implementation of a beneficial ownership register for companies. The consultation will also consider the use of nominee shareholdings to conceal beneficial ownership.
2. Recommendation to Government on the details, scope and implementation of a beneficial ownership register for companies (informed by public consultation).
3. Begin work to implement Government decision on transparency of beneficial ownership of companies.

Responsible institution: Treasury

Supporting institution(s): Various

Start date: February 2017   **End date:** June 2018

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall			✔			✔					✔		**Midterm:**	✔				✔			
													End of Term:	✔							

Commitment Aim:

This commitment looked at increasing transparency of beneficial ownership information in Australia. Beneficial ownership transparency can help expose the identity of those involved in corruption or other illicit activities, including tax evasion, money laundering, bribery, corruption and terrorism financing.[1] It may also facilitate information sharing among authorities internationally to combat cross-jurisdictional activities or be used to prevent corruption of public officials in the procurement process.[2] This commitment involved consulting on the details, scope, and implementation of such a register, making a recommendation to government, and beginning implementation.

Status
Midterm: Limited

The commitment was only completed to a limited degree by the midterm of the national action plan. A consultation paper was released on 13 February 2017,[3] with non-confidential submissions published on the consultation website (milestone 1).[4] However, no recommendation had been made to government as provided in the commitment (milestone 2). For more information please see the Progress Report 2016-2018.

End of term: Limited

There has been no further publicly accessible progress on the milestones in this commitment. No feedback on the submissions made in the consultation process, nor an indication of what recommendation has been made to government has been publicly provided. Participants interviewed for this report also indicated that they have not been informed of further progress.[5]

Did It Open Government?
Civic Participation: Did Not Change

The commitment's limited completion saw no change in government practice as a result of implementation. The establishment of a consultation process involving the release of a discussion paper and accepting submissions is in line with usual practices by the Treasury in relation to corporate law reform, according to an expert interviewed by the IRM researcher.[6] In submissions and in interviews for the midterm report, several civil society groups who had advocated for establishment of a beneficial ownership register were concerned about the limited scope of the consultation paper.[7]

The lack of public feedback or indication of further progress since submissions on the consultation paper closed has also limited the opportunities for public participation provided by this commitment.

On 7 August 2018, after the end of the term of the first national action plan, the Department of the Treasury, in response to a question on notice during Senate Estimates Committee hearings, indicated that the Treasury had considered submissions to the public consultation and provided the Minister for Revenue and Financial Services with recommendations to increase the transparency of beneficial ownership of companies. Any further action was 'a policy matter for Government'.[8]

Carried Forward?

Commitments related to a beneficial ownership register have not been included in the second national action plan.[9] The IRM midterm Progress Report recommended that further consultation on including trusts and other forms of legal arrangements be considered, and feedback provided on the results of the consultation process to date. A process of further collaboration and evaluation of any action taken on beneficial ownership was also recommended.

[1] Australian Government, Treasury, Increasing Transparency of the Beneficial Ownership of Companies, Consultation Paper, 2017, https://treasury.gov.au/consultation/increasing-transparency-of-the-beneficial-ownership-of-companies/)

[2] For example, Anti-Corruption Summit Communique, London 2016, https://www.gov.uk/government/publications/anti-corruption-summit-communique

[3] Treasury, *Increasing Transparency of the Beneficial Ownership of Companies*, Consultation Paper, 2017, https://treasury.gov.au/consultation/increasing-transparency-of-the-beneficial-ownership-of-companies

[4] Australian Government, Treasury, https://treasury.gov.au/consultation/increasing-transparency-of-the-beneficial-ownership-of-companies/.

[5] Interview with Serena Lillywhite, Chief Executive Officer, Transparency International Australia, Melbourne, 7 September 2018.

[6] Professor Katherine Hall, expert in corporate law reform, Australian National University, interview 16 November 2018.

[7] Interview with Jessie Cato, National Coordinator, Publish What You Pay Australia, Melbourne, Vic, 24 August 2017; Interview with T Greg Thompson, Board Member Transparency International Australia, telephone call, 5 September 2017.

[8] Senate Economics Legislation Committee, Answers to questions on notice, Treasury Portfolio, Budget Estimates 2018 – 2019, Question 93, https://www.aph.gov.au/api/qon/downloadattachment?attachmentId=df61b676-9eaf-4965-974b-4584688b9e48. For a further discussion of developments see Rosie Williams, 'The Open Government Partnership: Australia's best kept secret', 2 September 2019, https://ausgov.info/index.php?Topics=Open%20Government%20Partnership&Article=The%20Open%20Government%20Partnership:%20Australia%E2%80%99s%20best-kept%20secret.

[9] The second national action plan is available at PM&C, Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

Commitment 3. Extractive Industries Transparency

Commitment Text:

Australia will enhance disclosure of company payments and government revenues from the oil, gas and mining sectors.

We will do this by implementing the Extractive Industries Transparency Initiative (EITI) Standard (including working to enhance company disclosure of payments to governments for the sale of petroleum and minerals) and by continuing to support the application of EITI principles around the world.
[…]

Milestones:
1. Establish a Multi-Stakeholder Group (representing industry, non-government organisations and government) to oversee the implementation of the EITI Standard in Australia (including working to enhance company disclosure of payments to governments for the sale of petroleum and minerals)
2. Submit a formal application for EITI candidacy.
3. Produce Australia's first EITI report.
4. Commence validation to become EITI compliant (at discretion of EITI Secretariat).

Responsible institution: Department of Industry, Innovation and Science

Supporting institution(s): For details see the national action plan.

Start date: September 2016   **End date:** Mid 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Midterm End of Term	Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed		Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall				✔	✔	✔					✔			✔			✔			✔		

Commitment Aim:

This commitment sought to increase the transparency of disclosure of company payments to government and government revenues from the oil, gas, and mining sectors through meeting the standards for membership of the Extractive Industries Transparency Initiative (EITI). EITI compliance will enhance access to information on governance and payments in the oil, gas, and mining sectors. By establishing a multi-stakeholder group to oversee the implementation of the EITI standard the commitment will also increase participation of civil society groups.

Status
Midterm: Limited

There was only limited completion of this commitment by the midterm of the national action plan, with only milestone 1 completed. A multi-stakeholder group had been re-established and met twice (in November 2016 and April 2017). However, the group had not made public any information or feedback on their decisions. A formal application for EITI membership, as required by milestone 2, had not been submitted. The Department of Industry, Innovation and Science had begun a review comparing the requirements of the 2016 EITI standard against those already considered in a pilot initiative carried out in 2014.

End of term: Limited

Progress on this commitment remains limited with no additional milestones completed. In working towards being in a position to submit an application for EITI candidacy under milestone 2, the multi-stakeholder group met on 22 November 2017 and 21 June 2018. As part of milestone 1, the multi-stakeholder forum established working groups, chaired by civil society or industry representatives, to identify options for implementing the 2016 EITI standard.[1] In interviews for this report, Greg Thompson from Transparency International Australia commented that the multi-stakeholder forum has not progressed the application for membership given the government decision to engage an independent consultant to analyse the differences between the current requirements of EITI membership and those used in the 2014 pilot.[2] The independent consultant's report was released on 23 September 2019.[3]

Did It Open Government?
Access to Information: Did Not Change
Civic Participation: Marginal

The failure to apply for EITI membership and extend any current reporting and transparency requirements, as well as the lack of public information on progress on this commitment, means that there has been no change to the government information otherwise available in relation to extractive industries.

The multi-stakeholder group has now met four times over the course of the commitment.[4] Interviews with Greg Thompson, Board Member of Transparency International Australia, and a member of the multi-stakeholder group, suggest that the group has been able to form several project groups, but has generally not been regularly informed or otherwise able to influence further progress towards EITI membership, particularly when compared with the progress made by a similar multi-stakeholder group formed as part of the pilot initiative in 2014.[5] The enhanced participation from this commitment has therefore only been marginal.

Carried Forward?

There is no commitment relating to EITI membership or otherwise enhancing transparency of the extractives industry in the second national action plan.[6] However, the second national action plan includes a statement that the government will continue to implement incomplete commitments, and continue to report on progress to Australia's Open Government Forum and publicly via the OGP Australia website until they are concluded.[7]

The midterm Progress Report 2016-2018 suggested that this commitment be carried forward into the next national action plan with a revised timetable for implementation. The Progress Report also recommended greater transparency over progress on the commitment, including a process to evaluate the impact of EITI disclosure requirements.

[1] Telephone interview, Greg Thompson, Board Member, Transparency International Australia, 28 September 2018.

[2] Ibid.

[3] Extractive Industries Transparency Initiative: gap analysis, September 2019, https://www.industry.gov.au/data-and-publications/extractive-industries-transparency-initiative-reports

[4] Australian Government, Department of Industry, Science and Innovation on its progress on its OGP Commitments, https://ogpau.pmc.gov.au/commitment/australias-first-open-government-national-action-plan-2016-18/nap1-commitment-dashboard-1 (accessed 10/11/2018). Note that the Department does not have any information on this initiative currently available on its website (as at 10 November 2018).

[5] Telephone interview, Greg Thompson, Board Member, Transparency International Australia, 28 September 2018.

[6] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

[7] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, p 7, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20

Commitment 4. Combating Corporate Crime
Commitment Text:

Australia will strengthen its ability to prevent, detect and respond to corporate crime, particularly bribery of foreign public officials, money laundering, and terrorism financing.
We will do this by pursuing reforms to relevant legislative frameworks, which will involve a process of public consultation.
[…]
Ambition:
We will ensure that our laws applying to the bribery of foreign public officials, money laundering and terrorism financing are strong and there are no unnecessary barriers to effective prosecution.
We will consult publicly on the implementation of recommendations from the statutory review of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and associated Rules and Regulations.
We will respond to the public consultation into whether a DPA scheme would facilitate more effective and efficient responses to bribery and corporate corruption by encouraging companies to self-report.
We will review the enforcement regime of the Australian Securities and Investments Commission (ASIC), to assess the suitability of the existing regulatory tools available to it to perform its functions adequately.
Milestones:
  1. *AGD to review laws applying to foreign bribery and consult publicly on possible reform options.*
  2. *Respond to the consultation on a possible Australian DPA scheme and consult on possible models.*
  3. *Consult publicly on the recommendations from the statutory review of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 and associated Rules and Regulations, and implement legislative reforms.*
  4. *Review ASIC's enforcement regime.*

Responsible institution: Attorney-General's Department

Supporting institution(s): ACLEI, Australian Federal Police, Australian Securities and Investments Commission, Commonwealth Director of Public Prosecutions, and Treasury: See the Australia National Action Plan for a full list.

Start date: December 2016   **End date:** 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion / Midterm End of Term				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall			✔			✔					✔				✔ / ✔					✔	

Commitment Aim:

Under this commitment, the Australian government was to consult on and review a variety of initiatives in corporate regulation, including use of transparency and disclosure to regulate bribery of foreign public officials, money laundering, and terrorism financing, and corporate corruption generally. In particular, this commitment aims to:
   a. Review current offences and enforcement practice relating to foreign bribery and engage in a consultation on their reform, without committing to implementing the results of any consultation;
   b. Engage in further public consultation on a model for deferred prosecution agreements (DPAs) to be used in areas involving corporate crime, after a 2016 consultation established general support for the use of such a scheme;
   c. Engage in public consultation on recommendations made in a 2016 review of anti-money laundering and counter-terrorism financing legislation, and implement legislative reform; and
   d. Review the enforcement powers of the Australian Securities and Investment Commission (ASIC) through establishment and support of the ASIC Enforcement Review Taskforce.

Status
Midterm: Substantial

Overall this commitment was substantially completed by the midterm. Milestones 1 and 2 were completed, with the Minister of Justice releasing consultation papers on proposed reforms to Australian foreign bribery laws[1] and a proposed model for a deferred prosecutions agreements scheme.[2] The Attorney-General's Department convened the Government Business Anti-Corruption Roundtable with non-government stakeholders and discussed bribery laws, on 31 March 2017.[3] The Attorney-General's Department also completed the first of two phases of consultation on the 2016 review of the Anti-Money Laundering and Counter-Terrorism Financing Act with the second phase of consultation due to commence after the period under review in the Progress Report (milestone 3).[4] The ASIC Enforcement Review Taskforce, established prior to the commencement of the national action plan, released two of a planned series of consultation papers (milestone 4).[5]

End of term: Substantial

The end of term saw continued progress on milestones not completed at the midterm. The Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2017, implementing stage one of milestone 3's consultations on the Anti-Money Laundering and Counter-Terrorism Financing Act, was introduced on 17 August 2017. It subsequently passed the Parliament on 7 December 2017 and commenced on 3 April 2018.[6] However, as at the end of term for the first national action plan there was no further information publicly available on any consultations relating to stage 2 of the consultation process. Submissions received as part of the process were subsequently made available on the Department of Home Affairs website.[7]

In relation to milestone 4, the ASIC Enforcement Taskforce released eight consultation papers through November 2017.[8] 149 submissions were received and made available on the Treasury Department's website.[9] The Treasury also formed an expert group drawn from academia and legal experts to inform the taskforce.[10] The taskforce provided its report to government on 18 December 2017, making some 50 recommendations for reform relating to self-reporting of contraventions by providers of financial and credit services, strengthening search powers and access to telecommunications intercept materials, adoption of a co-regulatory model for industry codes of conduct, toughening licencing powers and ability to ban individuals from managing financial services, increasing penalties available, and introducing the power to make binding directions on financial services and credit licensees.[11] The government responded to the taskforce's report on 16 April 2018, agreeing, or agreeing in principle, to all of the taskforce's recommendations.[12] Milestone 4 therefore has been completed.

Did It Open Government?
Civic Participation: Major

Implementation of this commitment, principally through the public engagement process adopted in milestone 4, had a major effect on opening up government.

As noted on the ASIC Review: 'Public consultation on an ASIC directions power highlighted the importance of clear procedural fairness for licensees and assisted the taskforce in arriving at its final recommendations.'[13] This consultation process involved a highly detailed and structured release of multiple consultation papers, submissions from a broad range of persons potentially affected by the work of the taskforce, and included significant contributions from a widely drawn expert panel.

The process went well beyond the past common practice of providing an opportunity to comment on a public consultation paper. As agreed by Gerard Brody, CEO of the Consumer Action Law Centre, a member of the expert group that informed the taskforce, this group provided a significant opportunity for the perspectives of consumers and business, as well as academic expertise, to be included in the work of the taskforce.

The release of a discussion paper, and public release of submissions in response, under milestones 1 and 2, was similar to recent practice of the Treasury Department in relation to corporate law reform. The Department did not release any public feedback on the consultation, but legislation—the *Crimes Legislation Amendment (Combating Corporate Crime) Bill 2017*—was proposed to Parliament, but lapsed at the end of the parliamentary session on 1 July 2019.[14] The proposed legislation largely reflects the exposure draft and elements put forward by the government as part of the consultation process. However, some elements of the exposure draft on changes to foreign bribery offences, such as including the fault of recklessness as an element of the offence, were amended as a result of the consultation process.[15]

The *Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2017* ('Amendment Act') implements a number of reforms put forward as part of the first phase of the consultation on the 2016 statutory review, under milestone 3. The IRM researcher could not find any evidence on whether the proposals put forward in that consultation paper but not reflected in the Amendment Act have been rejected (perhaps due to the consultation process) or are still being progressed and included in future Bills.

The measures in the Amendment Act are also described by the Attorney-General's Department as being of a more technical nature and able to be implemented quickly.[16] As at the end of term for the first national action plan, there was no publicly available information on the more substantial and complex reforms recommended by the review, including simplification and rationalisation of the AML/CTF regime, inclusion of businesses based offshore, and the possible extension of the regime to particular services provided by lawyers, accountants, conveyancers, real estate agents, high-value dealers, and trust and company service providers.[17]

Outside of the commitment, an inquiry into foreign bribery conducted by the Senate Economics References Committee (SERC) began on 24 June 2015.[18] In the course of its inquiry the SERC received 46 public submissions and held three public hearings—two in Sydney and one in Melbourne. The SERC report, published on 28 March 2018,[19] notes the consultation process for milestones 2 and 3 discusses the reforms proposed but does not engage with the submissions made as part of that consultation. However, there is reference throughout the report to the views of stakeholders put forward during the consultation process. The SERC makes several recommendations in line with the proposed Combating Corporate Crime legislation but also includes others going beyond the scope of the proposed legislation to include abolition of a facilitation payments defense and expansion of beneficial ownership registration.

Carried Forward?

There is no commitment relating to public consultation on reform of anti-money laundering and counter-terrorism financing legislation in the second national action plan.[20] The second national action plan does, however, include a statement that the government will continue to implement incomplete commitments and publicly report on progress to the OGP Forum.[21]

The IRM researcher suggests to continue promoting broad civic participation to implement recommendations by both the ASIC Enforcement Taskforce Review and the SERC Report.

The mid-term report recommended that remaining aspects of the process set out in milestone 3 should be reflected in the next action plan and that an ongoing collaboration with non-government stakeholders be considered to evaluate the implementation and impact of any reforms and consider further reform options.

[1] Attorney-General's Department, Proposed Amendments to the foreign bribery offence in the Criminal Code Act 1995, https://www.ag.gov.au/Consultations/Pages/Proposed-amendments-to-the-foreign-bribery-offence-in-the-criminal-code-act-1995.aspx.

[2] Attorney-General's Department, Proposed model for a deferred prosecution agreement scheme in Australia, https://www.ag.gov.au/Consultations/Pages/Proposed-model-for-a-deferred-prosecution-agreement-scheme-in-australia.aspx.

[3] See discussion in Commitment 12 (National Integrity Framework) below.

[4] Department of Home Affairs, AML/CTF statutory review implementation, https://www.homeaffairs.gov.au/about/consultations/aml-ctf-statutory-review-implementation (accessed 13/9/2018).

[5] The Treasury, ASIC Enforcement Review: Completed consultations, https://treasury.gov.au/review/asic-enforcement-review/completed-consultations/.

[6] Parliament of Australia, Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2017, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5952.

[7] Department of Home Affairs, Consultations: Australia's anti-money laundering and counter-terrorism financing (AML/CTF) regime, last updated 11 November 2018, https://www.homeaffairs.gov.au/help-and-support/how-to-engage-us/consultations/australias-anti-money-laundering-and-counter-terrorism-financing-(aml-ctf)-regime.

[8] The Treasury, ASIC Enforcement Review: Completed consultations, https://treasury.gov.au/review/asic-enforcement-review/completed-consultations/.

[9] Ibid.

[10] The Treasury, ASIC Enforcement Review: Expert Group, https://treasury.gov.au/review/asic-enforcement-review/expert-group/.

[11] The Treasury, ASIC Enforcement Review: Taskforce Report, https://treasury.gov.au/review/asic-enforcement-review/r2018-282438/.

[12] Australian Government, Treasury, Australian Government response to the ASIC Enforcement Review Taskforce Report, https://treasury.gov.au/publication/p2018-282438.

[13] (ASIC report p xiii).

[14] Crimes Legislation Amendment (Combating Corporate Crime) Bill 2017 was introduced into parliament on 6 December 2017 but lapsed when parliament ended prior to the 2019 elections, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s1108 The government has noted it was considering re-introduction of this legislation before the end of 2019.

[15] Senate Economics References Committee, Foreign Bribery, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Foreignbribery45th/Report (accessed 6/4/2018) (SERC Report) p 89-90.

[16] Senate Legal and Constitutional Affairs Legislation Committee, Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2017, Committee Hansard, (proof), 20 September 2017, pp. 11–12 , http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Fcommsen%2Fd5305f2-2467-44eb-ba9a-57771ca88088%2F0001%22

[17] Parliamentary Library, Bills Digest: Anti-Money Laundering and Counter-Terrorism Financing Amendment Bill 2017, http://parlinfo.aph.gov.au/parlInfo/download/legislation/billsdgs/5592699/upload_binary/5592699.pdf;fileType=application/pdf.

[18] Parliament of Australia, Foreign Bribery inquiry home page, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Foreignbribery45th

[19] SERC Report, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Foreignbribery45th/Report

[20] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

[21] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, p 7, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

Theme 2. Open data and digital transformation

Commitment 5. Release high-value datasets and enable data driven innovation

Commitment Text:

Australia will continue to make more public data openly available and support its use to launch commercial and non-profit ventures, conduct research, make data-driven decisions, and solve complex problems.
As part of this, we will work with the research, not-for-profit and private sectors to identify the characteristics of high-value public datasets, and to promote innovative use of data to drive social and economic outcomes.

[…]

Milestones:

1. Consultation to assess barriers to using data, identify the characteristics of 'high-value' data and help inform the development of the High-Value Dataset Framework, including:
    a. Roundtable discussions with the research, private and not-for-profit sectors
    b. Undertake the second round of the Open Data 500.
    c. Broader public consultation through surveys, social media and blog posts.
    d. Undertake regular meetings of the Government Open Data Community Forum for public servants from federal, state and territory, and local government to share experience and discuss their ongoing open data work.

2. Identify and release high-value data:
    a. Develop the High-Value Dataset Framework (informed by public consultation).
    b. Develop and release a public registry of significant non-sensitive datasets yet to be published on data.gov.au
    c. Release non-sensitive data by default, with a focus on releasing high-value datasets.

3. Stimulate innovative use and re-use of public data:
    a. Review and publicise the outcomes from the pilot DataStart initiative.
    b. Expand the DataStart initiative.
    c. Provide support and mentoring at GovHack events.

Responsible institution: Department of the Prime Minister and Cabinet

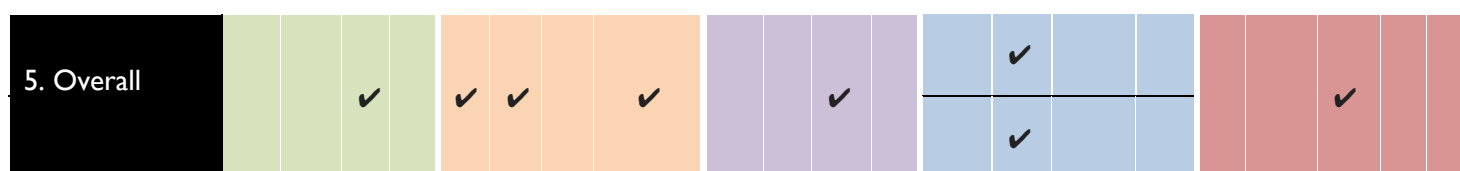**Supporting institution(s**): See the Australian National Action Plan for a full list.

Start date: December 2016   **End date:** July 2018

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
															Midterm							
															End of Term							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding

5. Overall		✔	✔	✔		✔		✔		✔ / ✔			✔	

Commitment Aim:

This commitment sought to enhance the use of government information through establishing a series of consultations relating to use of government information, developing a framework to identify and make available government datasets that might be of high value to the community, and further develop initiatives to encourage innovative use of government or other publicly available data.

Status

Midterm: Limited

By the midterm, overall this commitment was completed to a limited degree. The Department of Prime Minister and Cabinet (PM&C) ran several roundtable discussions relating to identifying the characteristics of high-value datasets for the purpose of milestone 1 and conducted an online survey.[1] Regular meetings of the Government Open Data Community Forum had not been established. A second round of the Open Data 500 survey was not undertaken given the work of the Productivity Commission in its Data Availability and Use inquiry.[2] Developing the government's response to the Productivity Commission's inquiry had also delayed development of a high-value dataset framework and the other elements of milestone 2. Under milestone 3, the review of the DataStart initiative had been carried out but the outcomes of this review were no longer publicly available at the midterm. The Department had started working with other government departments to attempt to consolidate data-usage initiatives.[3] The government was also a supporter of GovHack events held across the country in 2017.[4]

For more information, please see the midterm Progress Report.

End of term: Limited

This commitment maintained limited completion at the end of the action plan cycle as milestones 2 and 3 were not implemented. The government engaged in some further consultation in preparing its response to the Productivity Commission's Data Availability and Use Report, released on 1 May 2018.[5] To prepare its response, the PM&C consulted with:
- 78 peak industry bodies and businesses
- 15 community, consumer, and civil society representatives
- 16 research sector bodies
- 43 Commonwealth public sector bodies, and
- 9 state and territory public sector bodies.[6]

These figures include the roundtable discussions and other consultations carried out by the midterm under milestone 1. Sub-milestones 1a and 1c are considered complete.

The government's response to the Data Availability and Use Report included agreeing to establish a framework to "identify those datasets whose availability and use will generate significant community-wide benefits" to "complement existing work under Australia's Open Government Partnership National Action Plan 2016-2018 to release a high-value dataset framework" (milestone 2a).[7] However, the government did not provide details of the framework.

The Government Open Data Community Forum did not meet during the period of implementation for the national action plan (milestone 1d).[8] In responding to email queries, the PM&C indicated that development of a public registry of significant non-sensitive datasets had not commenced, having been overtaken by developing and implementing the government response to the Data Availability

and Use Report. Non-sensitive government data has continued to be released on data.gov.au but this remains the responsibility of the government agency who has control of the data being released. It therefore may not occur by default or focus on high-value datasets as set out in milestone 2c. The DataStart initiative is now being run by a private organisation.[9]

Did It Open Government?
Access to Information: Did Not Change
Civic Participation: Marginal

Given the limited implementation of activities related to data disclosure, there is no indication that the commitment has led to an increase in government data or information being made publicly available.

The roundtable discussions and other elements of the consultation surrounding the establishment of a high-value data release framework and government response to the Data Availability and Use Report represented a valuable opportunity for civic participation. However, in interviews for this report, James Horton, Founder and Chief Executive Officer of Datanomics Pty Ltd and member of the Open Government Partnership Forum, suggested that the consultation had focused on those with an existing interest in the use of government data and did not extend broadly to the community who may be affected from its broader use or misuse.[10]

The Productivity Commission's inquiry process leading to the Data Availability and Use Report had a more extensive scope of consultation so as to make further surveys such as Open Data 500 redundant. This data focused on the potential benefits for increased access to government data. The consultation on development of legislation on government data sharing and release created a marginal improvement in civic participation by providing a more extensive opportunity for broader interests to participate in future processes.

Carried Forward?

The second national action plan includes a commitment to improve the sharing, use, and reuse of public sector data.[11] The commitment builds public consultation into the implementation of the reforms announced by government in response to the Productivity Commission report on Data Availability and Use. It will also include the establishment of a National Data Advisory Council drawn from both government and civil society, and public consultation on a new Data Sharing and Release Act.[12]

[1] PM&C, High-Value Data Roundtables Commence, https://www.pmc.gov.au/news-centre/public-data/highvalue-data-roundtables-commence (accessed 6/4/2018).
[2] Productivity Commission, Data Availability and Use Inquiry, https://www.pc.gov.au/inquiries/completed/data-access#report.
[3] Interview with Department of Prime Minister and Cabinet, Canberra ACT, 7 September 2017.
[4] GovHack, GovHack 2017 National Sponsors, https://govhack.org/competition/sponsors/
[5] PM&C, Data Availability and Use; The Australian Government's response to the Productivity Commission Data Availability and Use Inquiry, http://dataavailability.pmc.gov.au/.
[6] PM&C, New Australian Government Data Sharing and Release Legislation: Issues paper for consultation, https://www.pmc.gov.au/resource-centre/public-data/issues-paper-data-sharing-release-legislation ('Issues Paper'), p 4.
[7] PM&C, Data Availability and Use; The Australian Government's response to the Productivity Commission Data Availability and Use Inquiry, http://dataavailability.pmc.gov.au/.
[8] There was a meeting scheduled for 20 July 2018, see Digital Transformation Agency, Government Open Data Community Meetup, https://www.eventbrite.com.au/e/government-open-data-meet-up-tickets-47155404083#.
[9] Data Start, About, https://datastart.com.au/about/
[10] Telephone interview with James Horton, 12 December 2018.
[11] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.
[12] PM&C, Open Government Partnership Australia, Improve the sharing, use and reuse of public sector data, https://ogpau.pmc.gov.au/commitment/improve-sharing-use-and-reuse-public-sector-data (accessed 30/9/2018).

Commitment 6. Build and maintain public trust to address concerns about data sharing and release

Commitment Text:

Australia will build public trust around data sharing and release.

We will do this by actively engaging with the public regarding how open data is being used to better communicate the benefits and understand public concerns, and we will improve privacy risk management capability across government.

[…]

Milestones:

1. Develop an ongoing and collaborative conversation with the public about the risks and benefits of data sharing and integration:
   - Establish an expert panel to advise government and to help communicate: value and utility of data sharing and integration; how government is using the data it collects; and how government is protecting personal information.
   - Develop and implement a public engagement process to demonstrate public-value examples and enable an ongoing dialogue with the public.
2. Improve privacy and personal information protections in using and sharing data:
   - Publicly release a process for government agencies to determine whether sensitive data can be sufficiently confidential to enable open publication.
   - Work with the Office of the Australian Information Commissioner to improve privacy risk management capability across the Australian Public Service.
   - Respond to the Productivity Commission's recommendations on consumer rights and safeguards for data.
3. Comply with international best practice on open data principles and participate in global fora on data:
   - Adopt the International Open Data Charter and develop a high-level public statement with public consultation.
   - Participate in the International Open Data Stewards Group.

Responsible institution: Department of the Prime Minister and Cabinet, Australian Bureau of Statistics and Office of the Australian Information Commissioner (OAIC)

Supporting institution(s): See the National Action plan for a full list.

Start date: December 2016   **End date:** July 2018

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https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall			✔		✔	✔					✔				✔			✔			
															✔						

Commitment Aim:

This commitment included a number of steps to try to build and maintain public trust in the way government shares the information it has collected. It seeks to engage with the public on the risks and benefits of data sharing and protections against misuse. It also sought to increase those protections—for example, by establishing guidance for government agencies on how sensitive information can be released and enhancing privacy risk management—and adopt internationally recognised principles for data openness.

Status

Midterm: Substantial

Overall this commitment saw substantial completion during the first year of the national action plan. There had been no progress on milestone 1, primarily due to delays associated with preparing a government response to a report on data availability and use which had been prepared by the Productivity Commission (see the discussion in Commitment 5 above).[1] A process for government agencies to publish open data was released on 7 December 2016[2] (milestone 2a) and a new Australian Government Agencies Privacy Code was released for public comment on 18 May 2017[3] (milestone 2b).

A taskforce was established to work on the government's response to the Productivity Commission report, including recommendations on consumer rights and safeguards for data, with the Minister responsible indicating the government's support for giving individuals greater rights over their data[4] (milestone 2c). The government adopted the Open Data Charter, as set out in milestone 3, on 27 March 2017.[5] Outside of this commitment but relevant to its objectives, the government also announced the Data Integration Partnership for Australia (DIPA) to support the integration and analysis of government-held data, building on existing data integration projects including the Multi-Agency Data Integration Project (MADIP), a partnership between six Commonwealth government agencies integrating census data with datasets involving healthcare, government benefit payments, and income tax.[6]

For more information, please see the midterm Progress Report.

End of term: Substantial

Milestone 1: This milestone saw limited completion during the term of the national action plan. In responding to the Productivity Commission's Data Availability and Use Report, the Government

recommitted to actively engage with the community on matters related to data availability and use.[7] The Government has also committed to establishing a National Data Advisory Council which will include experts from outside of government, including business, civil society, and academia, with a call for expressions of interest having been issued on 4 July 2018.[8]

Milestone 2: This milestone was completed. The Privacy (Australian Government Agencies – Governance) APP Code 2017 (Privacy Code) was formally registered on 26 October 2017.[9] The Code seeks to improve privacy risk management capability by setting out requirements for government agencies as part of their obligations under the *Privacy Act 1988*. These include the need for a privacy management plan, designated privacy officers to carry out certain privacy-related functions, and a senior officer to act as a privacy champion to promote a culture of privacy and provide leadership on strategic privacy issues. Privacy Impact assessments are required for all high-privacy risk projects. Appropriate privacy education or training must also be provided for all government agencies on induction and annually, and internal privacy processes regularly reviewed. The Office of the Australian Information Commissioner (OAIC) has also released various guides and supporting material.[10]

The government released its response to the Productivity Commission's Data Availability and Use Report on 1 May 2018.[11] That response included a commitment to introduce a consumer data right to allow consumers to access their data, including transaction, usage, and product data, in a format which would enable them to provide it to others. Industry standards will be established to provide privacy and security safeguards, overseen by both the OAIC and the Australian Competition and Consumer Commission.[12]

Milestone 3: This milestone was substantially completed. The government adopted the Open Data Charter on 27 March 2017 and has indicated that it has offered to support the Charter Secretariat as they establish the Charter working groups and test projects over the next 12 months, but no information on the extent of the support offered is publicly available.[13]

In an interview for this report, James Horton, Founder and Chief Executive Officer of Datanomics Pty Ltd and member of the Open Government Partnership Forum, considered it likely that the adoption of the charter represents the current government interest in the potential use of open government data, but is unlikely in itself to lead to an increase in the information made available.[14]

Did It Open Government?
Access to Information: Did Not Change
Civic Participation: Did Not Change

The IRM researcher was not able to find any information publicly available at the end of the term of the national action plan on whether the commitment has led to an increase in government information available to the public. Milestones relevant to civic participation saw limited completion, with no changes in government practice.

By releasing a process for government agencies to determine whether sensitive data can be safely published in an open format, the government sought to encourage the release of additional datasets. However, information on use of the process, or the extent to which sensitive data has subsequently been able to be released, is not collected by the Department of the Prime Minister and Cabinet (PM&C).

The Privacy Code for government agencies came into effect on 1 July 2018. The IRM researcher was not able to find any information on its use or impact on release of government information at the time of writing this report. There is also no information on the effect, if any, of the adoption of the Open Data Charter on the release of additional government information.

The government provided some opportunity to comment on issues of risks and benefits of data sharing and integration, in public consultations, including in the development of the Privacy Code[15] and data integration projects including MADIP, under the responsibility of the Australian Bureau of Statistics.[16] Other elements of DIPA, however, have not so far engaged in public consultation.[17] Milestone 1, the establishment of an expert panel and public engagement process, achieved limited completion and, thus, change in government practice as a result of implementation is coded as 'did not change' for civic participation.

Carried Forward?

The second national action plan includes a commitment to improve the sharing, use, and reuse of public sector data.[18] The commitment builds public consultation into the implementation of the reforms announced by government in response to the Productivity Commission report on Data Availability and Use. It will include the establishment of a National Data Advisory Council drawn from both government and civil society, and public consultation on a new Data Sharing and Release Act which is intended to consider safeguards and build trust in use of public data.[19]

[1] Productivity Commission, Data Availability and Use Inquiry, https://www.pc.gov.au/inquiries/completed/data-access#report.

[2] PM&C, Release of process for publishing sensitive unit record level public data as open data, 7 December 2016, https://blog.data.gov.au/news-media/blog/publishing-sensitive-unit-record-level-public-data.

[3] OAIC, Developing an APS-wide Privacy Code, https://www.oaic.gov.au/media-and-speeches/statements/developing-an-aps-wide-privacy-code (accessed 19/9/2018).

[4] The Mandarin, Taylor calls for universal citizen data right to drive new competition era, https://www.themandarin.com.au/84134-taylor-calls-citizen-data-ownership-drive-new-competition-era/. The intention to legislate for a new consumer data right was formally announced on 26 November 2017: Angus Taylor MP, Australians to own their own banking, energy, phone and internet data, https://ministers.pmc.gov.au/taylor/2017/australians-own-their-own-banking-energy-phone-and-internet-data

[5] A letter from Assistant Minister Taylor adopting the Charter is published on the Open Data Charter website, https://drive.google.com/file/d/0B44SovahLueTMVNYY3pKNFh6ajAyZklScThvVWdOMlRLbkxB/view

[6] Australian Bureau of Statistics, MADIP Case Studies, http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Statistical+Data+Integration+-+MADIP+Case+Studies.

[7] PM&C, Data Availability and Use; The Australian Government's response to the Productivity Commission Data Availability and Use Inquiry, http://dataavailability.pmc.gov.au/ ('Government Response'), p 10.

[8] National Data Commissioner, Advisory Council, https://www.datacommissioner.gov.au/advisory-council (accessed 17/9/2018).

[9] OAIC, Privacy (Australian Government Agencies – Governance) APP Code 2017, https://www.oaic.gov.au/privacy/privacy-registers/privacy-codes-register/australian-government-agencies-privacy-code/.

[10] These include e-training modules, https://www.oaic.gov.au/agencies-and-organisations/training-resources/, a Guide to Data Analytics and Australian Privacy Principles, https://www.oaic.gov.au/agencies-and-organisations/guides/guide-to-data-analytics-and-the-australian-privacy-principles, a guide to De-identification and the Privacy Act, https://www.oaic.gov.au/agencies-and-organisations/guides/de-identification-and-the-privacy-act#further-resources and, with CSIRO's Data61, a De-Identification Decision-Making Framework, https://www.oaic.gov.au/agencies-and-organisations/guides/de-identification-decision-making-framework) (accessed 19/9/2018).

[11] Government Response, http://dataavailability.pmc.gov.au/

[12] Government Response, at p 7, http://dataavailability.pmc.gov.au/

[13] PM&C, Open Government partnership Austraila, 2.2 - Build and maintain public trust to address concerns about data sharing and release, https://ogpau.pmc.gov.au/commitment/australias-first-open-government-national-action-plan-2016-18/nap1-commitment-dashboard-4 (accessed 29/9/2018).

[14] Telephone interview with James Horton, Founder and Chief Executive Officer of Datanomics Pty Ltd and member of the Open Government Partnership Forum, 27 September 2018.

[15] OAIC, Consultation Information: APS Privacy Governance Code, https://www.oaic.gov.au/engage-with-us/consultations/aps-privacy-governance-code/consultation-information-aps-privacy-governance-code (accessed 18/9/2018).

[16] Australian Bureau of Statistics, MADIP Consultation and Independent Privacy Impact Assessment, http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Statistical+Data+Integration+-+MADIP+Consultation

[17] For more information on DIPA, see PM&C, Data Integration Partnership for Australia, https://www.pmc.gov.au/public-data/data-integration-partnership-australia. The budget papers for the 2018-19 budget referred to 4 analytical units within the APS working on data integration projects (see Budget Paper No.4 2018-19, 8 May 2018, p 10, https://budget.gov.au/2018-19/content/bp4/download/BP4_full.pdf.

[18] PM&C, Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

[19] PM&C, Open Government Partnership Australia, Improve the sharing, use and reuse of public sector data, https://ogpau.pmc.gov.au/commitment/australias-second-open-government-national-action-plan-2018-20/improve-sharing-use-and (accessed 30/9/2018).

Commitment 7. Digitally transform the delivery of government services

Commitment Text:

Australia will continue to invest in digital technologies to make government services simpler, faster and cheaper, making it easier for the public to work and interact with government.

We will do this by preparing a digital transformation roadmap, and establishing public dashboards to improve transparency around the performance of government services.

[…]

Milestones:

1. Deliver a whole-of-government digital transformation roadmap.
2. Release agency-level digital transformation roadmaps.
3. Release and promote a beta version of the Digital Marketplace for ICT procurement.
4. Release and promote a live dashboard measuring the performance of government services, with user satisfaction being one of the key performance indicators.

Responsible institution: Digital Transformation Agency

Supporting institution(s): Department of the Prime Minister and Cabinet and various non-government organisations

Start date: December 2016   **End date:** Ongoing

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
															End of Term							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. Overall			✔		✔			✔		✔					✔	✔			✔		

Commitment Aim:

This commitment related to the release of information on the development and use of digital technologies in the delivery and transparency of government services. It includes establishment of both whole-of-government and agency-level roadmaps to provide further information on the process and timing of the various initiatives related to the digital delivery of government services. It will also encourage the development of standards and platforms, including a single Digital Marketplace to

facilitate procurement of digital services by government and dashboards to provide information on the performance of digital delivery services.

Status
Midterm: Substantial

By the midterm of the first national action plan this commitment had seen substantial completion. The whole-of-government digital transformation roadmap was launched on 15 December 2016 (milestone 1),[1] but agency-level roadmaps had not been released (milestone 2). Milestone 3 was completed, with a Digital Marketplace available in a beta form and expanded to accommodate an unlimited number of sellers and an increased number of product and service categories in February 2017. The beta version of the Performance Dashboard was also made publicly available in February 2017 (milestone 4). Both the Digital Marketplace and Performance Dashboard were promoted through various digital media channels.

For more information, please see the midterm Progress Report.

End of term: Completed

This commitment has been completed, though with roadmaps for individuals[2] and business[3] replacing agency-centred roadmaps as originally proposed. The roadmaps provide an approximate timeline for projects intended to improve government digital service delivery. The improvements are grouped into themes of personalised information and advice, simplified, streamlined, and joined-up services, and, for businesses, simplified identity for interactions with government. A user can filter the projects based on various options (such as education, age, family, and health for individuals, and various stages of a business). A brief description of the relevance of the project, delivery goal, government agency involved, and where to find more information, is also provided.

In the two years in which the Digital Marketplace[4] has operated, it hosted 1,000 opportunities relating to digital technology and services, involving contracts in excess of AUD$248 million. As of September 2018, based on information provided by the DTA,[5] the marketplace had more than 1,700 buyers from almost 100 government agencies, with more than 100 sellers or providers of digital services listed.

The Performance Dashboard[6] provides information for 11 services showing current and historic performance against four criteria: user satisfaction, cost per transaction, digital take-up, and completion rate. Some services have additional metrics that are also provided. It is possible to download the data underlying the dashboards. The services range from a redesign of the website for the Department of Human Services[7] to the Australian Citizenship Appointment Booking Service[8] and include the Performance Dashboard itself.[9]

Did It Open Government?
Access to Information: Marginal

Overall this commitment has only had a marginal effect on increasing access to government information. The roadmaps now provide a publicly accessible link to information on government digital projects that previously would have required monitoring of individual websites or opportunities to tender as part of the government procurement process. However, there is no public means to be notified of changes. The individual and business roadmaps, while completed and publicly available, continue to be refined and include several broken links.

As described above, the Performance Dashboard[10] includes a limited number (i.e., 11) and range of services. The information on some services seems out of date,[11] and there is a limited amount of information available for some services.[12] According to information on the Performance Dashboard itself, there were insufficient responses to determine user satisfaction in using the Dashboard. Between 616 and 1,288 people used the Dashboard each month during 2018, with usually less than

50 percent going beyond the first page to the dashboards for individual services. Additional metrics indicated that less than 20 percent of users returned to the Dashboard, the most popular means by which they found it was through search engines, and that all services provided data to it manually.[13]

The Digital Marketplace is generally perceived as having provided a useful means to link up providers of digital services with government agencies seeking those services. In interviews for this report, James Horton, Founder and Chief Executive Officer of Datanomics Pty Ltd and member of the Open Government Partnership Forum, suggested that further independent analysis would be required to indicate whether the Digital Marketplace had created additional opportunities for suppliers to pitch innovative products, or whether suppliers are able to get access to additional information than was previously available.[14]

Carried Forward?

The second national action plan does not include commitments relating to improvement of government digital services or further development of the milestones in this commitment.[15] The midterm Progress Report emphasised the routine needed to make available and widely promote further information on the government's use of digital services. The report recommended a more consultative approach to the development and prioritisation of digital service projects be adopted,[16] and evaluation of the projects' impact made publicly available.

The Senate Finance and Public Administration References Committee delivered a report on digital delivery of government services in June 2018.[17] The Committee recommended that a whole-of-government vision and strategic plan be developed, with establishment of key performance measures centred on user experience evaluated and reported on regularly, to improve accountability in digital services procurement decisions, and that there be regular reporting on steps taken to further improve digital capability within the Australian Public Service. If adopted by the government, these recommendations may be suitable for inclusion as commitments in future national action plans.

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[1] Government Digital Transformation Roadmap, https://www.dta.gov.au/what-we-do/transformationagenda/roadmap/#image (accessed 29/4/2019).

[2] DTA, Roadmap of service improvements for individuals, https://beta.dta.gov.au/our-projects/digital-transformation-roadmaps/roadmap-for-individuals (accessed 19/9/2018).

[3] DTA, Roadmap of service improvements for business, https://beta.dta.gov.au/our-projects/digital-transformation-roadmaps/roadmap-for-business-users (accessed 19/9/2018).

[4] DTA, Digital Marketplace, https://marketplace.service.gov.au/.

[5] DTA, Digital Marketplace celebrates 1000 opportunities in 2 years, https://www.dta.gov.au/news/digital-marketplace-celebrates-1000-opportunities-in-2-years/ (accessed 19/9/2018).

[6] The Performance Dashboard, https://dashboard.gov.au/.

[7] Gov.au, Performance dashboard: humanservices.gov.au, https://dashboard.gov.au/dashboards/11-humanservices-gov-au.

[8] This service allows a person to reschedule a citizenship test appointment, see gov.au, Performance dashboard: Australian Citizenship Appointment Booking Service, https://dashboard.gov.au/dashboards/2-australian-citizenship-appointment-booking-service.

[9] Gov.au, Performance Dashboard: Performance Dashboard, https://dashboard.gov.au/dashboards/8-performance-dashboard-dashboard.

[10] The Performance Dashboard, https://dashboard.gov.au/.

[11] For example, the Australian Citizenship Appointment Booking Service Dashboard was last updated on 23 March 2017; the Import Permit Validation Service Dashboard was last updated on 6 April 2017.

[12] At the time of writing, 10 of the 44 main performance indicators displayed on the dashboard front page had no data available. For example, the humanservices.gov.au dashboard does not have data for digital take-up and completion rate. The Dashboard information states that measurement of digital take-up of a redesigned web information service is still being developed, and that completion rate will be reported on in second quarter 2018 after additional polling is conducted (see https://dashboard.gov.au/dashboards/11-humanservices-gov-au). Some dashboards include a range of additional metrics: see the myGov dashboard which includes nine additional metrics, including linked member services (see https://dashboard.gov.au/dashboards/1-mygov).

[13] Gov.au, Performance Dashboard: Performance Dashboard, https://dashboard.gov.au/dashboards/8-performance-dashboard-dashboard.

[14] Telephone interview with James Horton, Founder and Chief Executive Officer, Datanomics Pty Ltd and member of the Open Government Partnership Forum, 27 September 2018.

[15] PM&C, Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

[16] Department of Social Services secretary Kathryn Campbell recently emphasised the need for co-design in the delivery of government services and its impact on policy development (see Stephen Easton, Frontline feedback is essential for policy, might have spared DHS from robodebt fury, The Mandarin, https://www.themandarin.com.au/99320-former-dhs-head-more-co-design-could-have-limited-robodebt-fury/?utm_campaign=TheJuice&utm_medium=email&utm_source=newsletter).

[17] Senate Finance and Public Administration References Committee, Digital delivery of government services, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/digitaldelivery/Report.

Theme 3. Access to government information

Commitment 8. Information management and access laws for the twenty-first century

Commitment Text:

Australia will ensure our information access laws, policies and practices are modern and appropriate for the digital information age.

As part of this, we will consider and consult on options to develop a simpler and more coherent framework for managing and accessing government information that better reflects the digital era, including the Freedom of Information Act 1982 (FOI Act), the Archives Act 1983 (Archives Act) and, where relevant, the Privacy Act 1988 (with primary focus on the Archives Act and FOI Act), which is supported by efficient and effective policies and practices.

Milestones:

1. AGD undertake work with a range of stakeholders (government and non-government) to better understand how current information frameworks operate in practice and identify issues.
2. AGD develop, in consultation with stakeholders, a range of options for reform to information access laws, policies and practices, including consideration of oversight mechanisms.
3. AGD conduct broad public consultation on options for reform to information frameworks.
4. Recommendation to Government, informed by consultation outcomes, on preferred reforms to deliver a coherent and simpler framework for information management and access, supported by effective and efficient policies and practices, that is appropriate for the digital information age.
5. Implementation of Government decision on reforms to information access laws, policies and practices.

Responsible institution: Attorney-General's Department

Supporting institution(s): The National Archives of Australia, the Office of the Australian Information Commissioner and the Department of the Prime Minister and Cabinet and various non-government actors.

Start date: January 2017   **End date:** July 2019

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf.

Commitment Overview	Specificity	OGP Value Relevance (as written)	Potential Impact	Completion	Midterm	Did It Open Government?
					End of Term	

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Overall		✔			✔	✔		✔		✔				✔ / ✔					✔		

Commitment Aim:

This commitment will ensure Australia's information access laws, policies, and practices are modern and appropriate for the digital information age. The commitment responds to recommendations of three recent government commissioned reviews which highlighted the need for a wide-ranging review of information management practices within the Australian Public Service. Under the commitment, the Attorney-General's Department (AGD) will work with a range of stakeholders to better understand how current information frameworks operate in practice and the issues those frameworks present, use that understanding to develop options for reform, and then consult broadly on those options to inform a recommendation to government.

Status
Midterm: Limited

In January to June 2017 the AGD undertook a discovery phase of user research. As part of this phase, according to the AGD, 113 individuals were consulted to determine what users need, expect, and experience when using information frameworks. Consultations were held with individuals from 33 government agencies, 28 civil society members and 10 end-users in meeting its commitment in milestone 1 to better understand current information frameworks and develop options for reform.[1] However, options for reform had not been developed, and the other milestones had not started.

For more information see the midterm Progress Report.

End of term: Limited

Consultation on understanding current information-handling practices and developing options for reform (milestone 1) continued with an additional government agency, 11 civil society members and one end user being consulted. The AGD made public on its website a full list of participants in consultations, an aide memoire for the August 30-31 Policy Jam sessions, and three submissions.[2] On 25 July 2017, it held a showcase to present its discovery phase findings to key government stakeholders, but has not made this public.

As part of identifying issues in access to information frameworks with stakeholders (milestone 1) and developing reform options (milestone 2), on 30-31 August 2017, the AGD held a two-day 'Policy Jam' workshop in conjunction with the Department of Human Services Design Hub. Participants included government representatives and civil society stakeholders, including members of Accountability Round Table, Law Council of Australia, archivists, and academics. THE AGD made feedback from the 'Policy Jam' available on its website in February 2018.[3] The workshop was intended to bring together key stakeholders and develop design options for reform of the Freedom of Information (FOI) Act and Archives Act, in what was presented as 'a different way to develop

policy'.[4] The workshop identified key problems and then discussed them in small groups. They included:

a. Ensuring government and the public have a shared understanding of information ownership;
b. Removing silos in government information;
c. Making government information easier to discover and access;
d. Achieving a proactive information release culture in government; and
e. Improving efficiency and effectiveness of information recording and storage across government.

Proposals put forward during the workshop included: establishing an advocate and advisory board to hold government to account in relation to information release; making information accessible by default through a 'push' rather than 'pull' method; establishing a roadmap for reuse of skills, knowledge, and information across government, including digital capability; real-time notification of personal records creation; establishment of a single business information system used across government enabling sharing of information between agencies; and greater user control over use of their personal information within government.[5]

Participants at the workshop were informed that the AGD would consider a range of proposals, including ideas generated from the workshop, that will inform recommendations to government on reform options.[6]

Although the range of stakeholders consulted purportedly included members of government, civil society, and academia, the basis of how those consulted were selected has not been made public. There has been no public consultation or information made available other than the feedback on the workshop which was made public some seven months later. Any options not discussed during the workshop which were considered by the department and part of its proposals put forward to government have not been made public. Therefore, there has been only been limited completion of milestone 3: broad public consultation on options for reform to information frameworks.

The AGD, in its reports to the OGP Forum, has stated that it provided recommendations to government in December 2017, setting out possible next steps to improve the operation of current information management and access frameworks.[7] Following the appointment of the new Attorney-General, the recommendations were re-submitted to the government in March 2018. Those recommendations are not publicly available (milestone 4). The government has yet to make a decision on the recommendations (milestone 5).

Did It Open Government?
Access to Information: Did Not Change
Civic Participation: Marginal

The lack of any public feedback on the results of the consultation process, particularly in relation to the consultation with government agencies, has meant that there has been no additional information made available on how current information frameworks operate in practice and issues that might need to be addressed. There has therefore been no change to government information available to the public nor any change to the operation of current access to information laws or information management processes.

The consultation process has also been limited to individuals and groups identified and contacted by the AGD or invited to take part in the 'Policy Jam.' While the consultation process was limited to key stakeholders that were invited by AGD to take part in the 'Policy Jam' workshop, several participants commented on the innovative nature of the workshop and its encouragement of new ideas.[9] There is no publicly available information on whether or how recommendations made to government (milestone 4) took into account the options developed at the Policy Jam or other feedback from the consultation to date.

Carried Forward?

There is no commitment directly relating to information management reform in the second national action plan.[8] The second national action plan includes, however, a commitment to continue to implement incomplete commitments and publicly report on progress to the OGP Forum.[9] It is also noted that the commitment to implement the government decision on reforms to information access laws, policies, and practices is expressed in the first national action plan as continuing into 2019.

The second national action plan also includes a commitment to engage Australians in an independent review of the Australian Public Service (APS). The terms of reference for the review includes the future suitability of the APS's architecture and legislation and ensuring the transparent and effective use of taxpayers' money in delivering outcomes.[10] The commitment includes encouragement of wide participation and input into the review, use of artificial intelligence and natural language-processing capabilities in analysing submissions, and testing ideas in an open and iterative manner. This review therefore may potentially extend public participation and use of new technology in reviewing information management legislation, policy, and practices in a way relevant to this commitment.

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[1] These numbers have been updated since publication of the Midterm report, which noted consultations with 32 government agencies, 17 civil society members and nine end users as informed by an interview with Attorney General's Department on 8 September 2017. The current numbers can be found here: Attorney-General's Department, Commitment 3.1 - Information management and access laws for the 21st century, https://www.ag.gov.au/RightsAndProtections/Australias-open-government-partnership/Pages/Commitment-3-1-Information-management-and-acccess-laws-for-the-21st-century.aspx

[2] Attorney-General's Department, Commitment 3.1 - Information management and access laws for the 21st century, https://www.ag.gov.au/RightsAndProtections/Australias-open-government-partnership/Pages/Commitment-3-1-Information-management-and-access-laws-for-the-21st-century.aspx

[3] PM&C, 3.1 - Information management and access laws for the 21st century, https://ogpau.pmc.gov.au/commitment/31-information-management-and-access-laws-21st-century)

[4] AGD, Workshop Capture, Commonwealth Information Frameworks: Policy Jam, https://www.ag.gov.au/RightsAndProtections/Australias-open-government-partnership/Pages/Commitment-3-1-Information-management-and-access-laws-for-the-21st-century.aspx

[5] Ibid.

[6] Ibid., p 11.

[7] PM&C, 3.1 Information Management and access laws for the 21st century, https://ogpau.pmc.gov.au/commitment/31-information-management-and-access-laws-21st-century.

[8] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

[9] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, p 7, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20

[10] Independent Review of the APS, About, https://www.apsreview.gov.au/about.

Commitment 9. Understand the use of freedom of information

Commitment Text:
Australia will better measure and improve our understanding of the public's use of rights under freedom of information laws.

We will do this by working with states and territories to develop uniform metrics on public use of freedom of information access rights, and by collecting and publishing this data.
[…]
Ambition: To facilitate an assessment of the effectiveness of Australia's right to information laws across jurisdictions, and raise awareness about the public's rights to access government information. This will improve understanding of the public's utilisation of access rights, government processes and practices, and allow for international benchmarking, including against the World Justice Project's Open Government Index.

[…]

Milestones:

1.   Information Commissioners and Ombudsman to agree and publish metrics on information access rights, aligned with the Open Government Index.
2.   Undertake pilot for data collection and validation for the 2014/15 financial year.
3.   Data collection and validation for the 2015/16 financial year.
4.   Publicly release dataset on 2015/16 metrics.

Responsible institution: Australian Information Commissioners and Ombudsmen

Supporting institution(s): Various

Start date: September 2016   **End date:** December 2017

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. Overall			✔		✔					✔					✔				✔		
															✔						

Commitment Aim:

This commitment sought to develop standard measures for use of information access laws in Commonwealth, State, and Territory governments. The standards will reflect those adopted in the

World Justice Project's Open Government Index.[1] The commitment seeks to increase public awareness of access to information laws and inform Commonwealth, State, and Territory governments on the comparative user experience with those laws.

Status
Midterm: Substantial

This commitment was substantially completed by the midterm point of the first national action plan. A working group of the Association of Information Access Commissioners developed proposed metrics and made them publicly available for public comment in May 2017 (milestone 1). Data on the metrics for both the 2014/15 and 2015/16 reporting years was collected and used to create a draft dataset which was sent for validation to the different governments involved (milestones 2 and 3). For more information see the midterm Progress Report.

End of term: Complete

A summary of Commonwealth, State, and Territory information access laws was made available on the NSW Information and Privacy Commissioner's website on 9 October 2017.[2] The NSW Information and Privacy Commissioner published the finalised metrics on its website, along with feedback on the consultation process leading to their final form, on 27 November 2017 (milestone 4).[3] A dashboard was also made available applying the metrics against both 2014/15 and 2015/16 datasets.[4] That dashboard has recently been updated to include the 2016/17 datasets.

Did It Open Government?
Access to Information: Marginal

Prior to the commitment, each jurisdiction took a different approach to the collection and publication of information relating to the use of access to information laws. The dashboard provides access to currently available data that is reasonably comparable across the different Australian jurisdictions.[5] The different results across the jurisdictions reflect different models of information release, with some states emphasising more proactive or 'push' approaches to release of information. Some jurisdictions were not able to report on all the metrics adopted, but it is intended that each jurisdiction continue to develop the data they collect over time to meet the reporting criteria.[6] Therefore, the metrics cannot deliver a comprehensive set of directly comparable data between jurisdictions. The metrics have also continued to be developed, which may impact on the ability to compare data over time.[7] The increased information available to the public is therefore marginal.

Carried Forward?

This commitment is completed and not carried forward in the second national action plan. The second national action plan does, however, include a commitment to enhance State and Territory participation in OGP. This is intended to develop mechanisms to assess awareness of the right to access government information and experiences in exercising that right at each level of government.[8] This may further develop opportunities for information sharing and joint reporting, as well as supporting collaboration on open government initiatives.

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[1] World Justice Project, WJP Open Government Index 2015, https://worldjusticeproject.org/our-work/wjp-rule-law-index/wjp-open-government-index-2015. Note that the World Justice Project has recently released its rule of law index for 2019 which includes the main elements of the open government index; see World Justice Project, WJP Rule of Law Index 2019, https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2019.
[2] AIAC, Compendium of information access laws across Australian states and territories, https://www.ipc.nsw.gov.au/sites/default/files/file_manager/Jurisdictional%20Compendium%20OCT%202017.pdf.
[3] NSW IPC, Release of inaugural dashboard and metrics on the public's use of FOI laws, https://www.ipc.nsw.gov.au/news-media/news/release-inaugural-dashboard-and-metrics-publics-use-foi-laws
[4] Ibid.
[5] Interview with NSW Information Commissioner, Sydney NSW, 23 August 2017.
[6] Ibid.

[7] For example, the NSW Information Commissioner reports that the way applications are counted has been changed in the 2017/2018 metrics; see NSW Information and Privacy Commission, Dashboard and metrics on the public's use of FOI laws, https://www.ipc.nsw.gov.au/information-access/open-government-open-data-public-participation/dashboard-and-metrics-publics-use-foi-laws.

[8] PM&C, Open Government Partnership Australia, Australia's Second Open Government National Action Plan 2018-20: Engage States and Territories to better understand information access, https://ogpau.pmc.gov.au/commitment/engage-states-and-territories-better-understand-information-access (accessed 27//2018).

Commitment 10. Improve the discoverability and accessibility of government data and information

Commitment Text:

Australia will make it easier for the public to find, access and use government data and information. We will do this by making greater use of central portals, digital platforms and other tools to improve discoverability and accessibility.

[…]

Milestones:

1. PM&C to upgrade and improve data.gov.au:
   a. work with Data 61 to conduct research and discovery into data consumption (to better understand user behaviours and needs) and publishing (to improve quality, timeliness and value of published data).
   b. work with Data61 to create, circulate and gather feedback on design concepts and prototypes for improved search functionality and user experience on the data.gov.au platform.
   c. deliver live platform elements for data.gov.au, including integration with NationalMap to provide a more efficient workflow for the publishing and discovery of spatial data.
   d. design and prototype further data.gov.au platform capabilities, including: functionality to promote examples and collaboration using public data; and integration with other platforms for open data projects and third party open data platforms.
2. Finance to implement Phase One of the GrantConnect platform to enable public users to:
   a. register to receive notification on grant opportunities that match their self-defined profiles;
   b. watch forecast opportunities as they move from planning to requests for applications; and
   c. access grant guidelines for each opportunity and be notified about changes to grants processes.
3. Finance to launch the pilot of the digital corporate and administrative reporting platform.
4. National Archives of Australia to modernise and improve access to archived records:
   a. lead transition to digital information practices in Australian Government agencies and report progress to the Prime Minister in 2018;
   b. increase number of archival records available in digital formats, including World War II service and passenger arrival records; and
   c. make additional groups of archival records of high research interest available for public access.
5. DoEE to improve the discoverability and accessibility of environmental information:
   a. launch a map-based tool to visualise Bioregional Assessment results; and
   b. publish the State of the Environment 2016 report through an online information publishing and reporting platform and release the underlying data on data.gov.au.

Responsible institution: Department of the Prime Minister and Cabinet, Department of Finance, National Archives of Australia, and Department of the Environment and Energy.

Supporting institution(s): CSIRO's Data61

Start date: July 2016   **End date:** July 2018

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion / Midterm	End of Term	Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started / Limited / Substantial / Completed	Not Started / Limited / Substantial / Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
10. Overall			✔		✔			✔			✔		Substantial	Completed				✔	
10.1. Upgrade and improve data.gov.au			✔		✔			✔		✔			Substantial	Completed					
10.2. Implement Phase One of GrantConnect platform				✔	✔			✔			✔		Completed	Completed					
10.3. Digital corporate and administrative reporting platform pilot			✔		✔			✔		✔			Limited	Completed					
10.4 Modernise and improve access to archived records			✔		✔			✔			✔		Limited	Completed					
10.5. improve discoverability and accessibility of environmental information			✔		✔			✔		✔			Substantial	Completed					

Commitment Aim:

This commitment combined a variety of initiatives to increase the accessibility and use of open government data with a general commitment to improve access to Commonwealth records. They include:

a. Improving the functionality of data.gov.au, the Australian government repository of open data;
b. Establishing GrantsConnect, a web-based portal to provide a central repository of information on government grants;

    c.   Developing an easy-to-use platform allowing online access to annual reports and similar publications required of government entities, with search, comparison, and reporting features;

    d.   Further developing use of digital information management practices and enhance access to archival records; and

    e.   Making it easier to find and access environmental information, including spatial data relating to the impacts of coal seam gas and coal mining developments on water resources, and the collation of information to present a snapshot of the state of the environment in Australia.

Status
Midterm: Substantial

Overall this commitment was substantially completed by the midterm.

Milestone 1: Data61 had analysed use of the data.gov.au website,[1] released prototype search functionality[2] and design concepts for facilitating project collaboration and promoting use examples.[3]

Milestone 2: This milestone was completed, with GrantConnect having been made publicly available on 6 February 2017.[4]

Milestone 3: The Department of Finance demonstrated prototypes of the platform in interviews for the Progress report, but these prototypes were not publicly available at the midterm of the national action plan.

Milestone 4: Archives released several elements of its Digital Continuity 2020 policy,[5] including an Information Management Standard in April 2017[6] and a Digital Authorisations Framework in November 2017.[7] Advice of an intention by the Department of Finance to implement a 'Whole-of-Government Digital Records Platform' to automate records management functions in line with the 2020 policy was announced in May 2017.[8] Archives also launched several digital access projects to make digitised archived records available in innovative ways.[9]

Milestone 5: The Department of Environment and Energy was testing the mapping tool for visualising bioregional assessments but it was not publicly available at the midterm of the national action plan.[10] The 2011 and 2016 State of the Environment reports were publicly available using the new digital platform on 7 March 2017,[11] with spatial data available on the National Map.[12]

End of term: Completed

This commitment has been completed.

Milestone 1: Responsibility for development, support, and ongoing operation of data.gov.au and progressing milestone 1 of this commitment was shifted to the Digital Transformation Agency.[13] The search functionality has continued to be updated with new interface available.[14] The Digital Transformation Agency continues to work publicly with Data61 to improve data.gov.au's software.[15]

Milestone 2: During the period of the national action plan, there were 6,765 grant awards published by Commonwealth government entities on the GrantConnect platform, as well as 36 forecast (or possible future) opportunities.[16] Updated Commonwealth Grants Rules and Guidelines took effect on 29 August 2017, requiring non-corporate Commonwealth agencies to publicise grant opportunity guidelines and individual grants awarded on the GrantConnect website.[17]

Milestone 3: The Department of Finance invited a small number of non-corporate Commonwealth entities to participate in the production and implementation of the new digital annual report prototype.[18] However, the results of this process have not been made public. The IRM researcher notes that on 13 March 2019, the Minister for Finance launched the transparency portal. This website is the outcome of the digital corporate and administrative reporting project piloted in the

2017-18 reporting period. By the end of 2019, the transparency portal will include the 2018-19 annual reports for all Commonwealth entities and companies in digital format.[19]

Milestone 4: The National Archives of Australia have publicly released the 2017 Digital Continuity Statement Whole-of-Government Snapshot.[20] The Snapshot revealed that agencies continued to make significant progress towards meeting the targets under the Digital Continuity 2020 policy. Check-up Plus[21] was released on 2 July 2018—a new survey used to collect data on Australian Government agencies' information management capabilities and behaviours, while assisting agencies in identifying and planning improvements in their information management practices. The report to the Prime Minister was delayed until 2019 to enable incorporation of data from the 2018 Check-up Plus survey.

A beta version of the information management and data capabilities website was also launched.[22] This website allows public sector staff, or information management professionals in particular, to identify necessary skills and knowledge in managing information and data. It will also provide links to relevant training or professional development opportunities provided by Archives. The Digital Records Transformation Program, being run by the Department of Finance in consultation with Archives and other stakeholders, has developed a high-level logical design for digital records management systems which will form the basis for a request for proposals.[23] The Department of Finance released a beta version of the Digital Records Transformation Initiative Sourcing Strategy Framework in July 2019.[24] Based on information provided to the OGP Forum, Archives have also continued to digitise and make available large numbers of archival records, including World War II service and passenger arrival records, more than 71,000 in response to applications from the public, and have also launched several digital access projects.[25] This milestone is therefore considered complete.

Milestone 5: The Bioregional Assessment Explorer was launched in January 2018 with access to the results for one of the bioregional assessments, with other assessments being made available when finalised.[26] Based on information provided to the OGP Forum, in the 10 months after the launch of the State of the Environment Report 2016 in March 2017,[27] the platform had attracted more than 80,000 unique visitors, 16,000 dataset views and 2,000 dataset downloads.[28] Spatial data used in the report can be explored through the State of the Environment instance of the National Map.[29]

Did It Open Government?
Access to Information: Major

In an interview for this report, James Horton, Founder and Chief Executive Officer of Datanomics Pty Ltd and member of the Open Government Partnership Forum, suggested that the improvement to data.gov.au in milestone 1 has made it easier to discover and access open data on the portal, particularly through the use of a search function, but has not in itself increased the information available through the platform.[30] He also suggested that future use of data.gov.au is mainly dependent on both the quality and diversity of the data it contains and the willingness of government to encourage and support its use by the public.[31]

Prior to milestone 2 of this commitment, Commonwealth government grants were advertised on individual government agency websites or disseminated through other communication channels. The GrantConnect portal has created a central database of grants information, with agencies required to publish grant guidelines when they are issued and information on the grants once they have been awarded, which is increasingly used by government entities to forecast upcoming grant opportunities. In interviews for this report, the Department of Finance indicated that it intends to identify ways to measure the impact of the portal on the information available and analyse grant information across agencies and over time.[32]

As discussed above in relation to the completion of milestone 4, Archives continue to digitise archival records and make them available to the public, and the increasing use of digital record-

keeping will potentially make access to information, for both government agencies and the public, easier in the future. Professor Simon Ville, Senior Professor of Economic and Business History at the University of Wollongong and Fellow of the Academy of Social Sciences in Australia, praised the ongoing digitisation of records by Archives within the context of limited resources.[33]

In relation to milestone 5, the Department of Environment and Energy has reported that the State of the Environment Report released under milestone 5 had attracted more than 80,000 unique visitors, with more than 16,000 dataset views and 2,000 dataset downloads.[34] The bioregional assessments' website was visited by more than 5,600 users in the first half of 2017.[35] Professor Andrew Macintosh, an environmental law expert from the Australian National University, praised the Explorer and State of the Environment Platform as examples of making what information there was available more accessible and useful for advocating for environmental consequences of policy decisions.[36]

Carried Forward?

This commitment is not carried forward in the second national action plan. The Progress Report recommended that the development of digital information management practices being led by Archives, under milestone 4 of this commitment, could be integrated with a review of information management laws, policies, and practices being conducted by the Attorney-General's Department under Commitment 8. As discussed above under that commitment, facilitation of a general review of the Australian Public Service, which potentially includes information management practices, has been included in the second national action plan.[37]

[1] Interview with Nick Newhouse, PM&C, Canberra ACT, 15 September 2017.

[2] Australian Government, Search for open data, http://search.data.gov.au/ ; blog.data.gov.au, Have your say on the next generation of data.gov.au, https://blog.data.gov.au/news-media/blog/have-your-say-next-generation-datagovau.

[3] Australian Government, Technology preview, http://preview.data.gov.au/index.html (accessed 6/8/2018).

[4] Department of Finance Blog, GrantConnect – Commonwealth Grant Opportunities, https://www.finance.gov.au/blog/2017/02/06-GrantConnect-Commonwealth-Grant-Opportunities/ (accessed 4/9/2018).

[5] Archives, Digital Continuity 202 Policy, http://www.naa.gov.au/information-management/digital-transition-and-digital-continuity/digital-continuity-2020/index.aspx (accessed October 2015).

[6] Archives, Information Management Standard, http://www.naa.gov.au/information-management/information-management-standard/index.aspx (accessed 4/9/2018).

[7] Archives, Digital Authorisations and workflows, http://www.naa.gov.au/information-management/digital-transition-and-digital-continuity/information-is-managed-digitally/digital-authorisations-and-workflows/index.aspx (accessed 4/9/2018).

[8] Archives, Whole-of-government digital records platform, http://www.naa.gov.au/information-management/digital-transition-and-digital-continuity/information-is-managed-digitally/Whole-of-Government-Digital-Records-Platform.aspx (accessed 4/9/2018).

[9] These included tutorials on accessing World War I service records, http://www.naa.gov.au/collection/explore/defence/service-records/, and photographs documenting the post-war migration, http://www.naa.gov.au/collection/fact-sheets/fs254.aspx (accessed 29/04/2019).

[10] Interview with Department of Environment and Energy, 21 September 2017.

[11] Australia State of the Environment 2016, https://soe.environment.gov.au/how-why/soe-digital.

[12] State of the Environment, https://soe.terria.io/

[13] Data.gov.au, Background, https://data.gov.au/about.

[14] Data.gov.au, https://search.data.gov.au/.

[15] DTA contributes to Data61's public discussion of the design concepts to improve collaboration and data consumption/data collaboration through our comments, issues, and pull requests on MAGDA's Github Repository (https://github.com/magda-io/magda and https://github.com/magda-io/magda/graphs/contributors). DTA manages on Open Data community, https://community.digital.gov.au/c/open-data

[16] GrantConnect, Grant Award published, https://www.grants.gov.au/?event=public.reports.GA.published.show&agencySearchType=0&dateStart=01-Feb-2017&dateEnd=30-Jun-2018&dateType=Publish+Date&valueStart=&valueEnd=&isAdhocGA=&selectionProcessUUID=&isAggregateGA=&confidentiality=&recipientName=&recipientABN=&GOID=&internalReferenceID=&submitCriteria=Display+Results

[17] Department of Finance, Commonwealth Grants Rules and Guidelines 2017, https://www.finance.gov.au/resource-management/grants/ (accessed 21/9/2018).

[18] PM&C, 3.3 - Improve the discoverability and accessibility of government data: Corporate and administrative reporting, https://ogpau.pmc.gov.au/commitment/australias-first-open-government-national-action-plan-2016-18/nap1-commitment-11 (accessed 29/4/2019).

[19] Minister for Finance, Launch of the Government transparency website, 13 March 2019, https://www.financeminister.gov.au/media-release/2019/03/13/launch-government-transparency-website

[20] Available at http://www.naa.gov.au/naaresources/dc2020-reports/2017DigitalContinuitySnapshot.PDF (accessed 21/9/2018).

[21] NAA, Checkup Plus 2018, http://www.naa.gov.au/information-management/check-up/index.aspx (accessed 21/9/2018).

[22] Information Management and Data Capabilities website, http://capabilities.naa.gov.au/

[23] Department of Finance, Digital Records Transformation Program: Updates, https://www.finance.gov.au/digital-records-transformation-program/updates/ (accessed 21/9/2018).

[24] Department of Finance, Digital Records Transformation Program: Updates, https://finance.gov.au/government/digital-records-transformation-initiative/more-digital-records-transformation-initiative (accessed 10 January 2020).

[25] PM&C, Open Government Partnership Australia, 3.3 – Improve the discoverability of government data: Archived records, https://ogpau.pmc.gov.au/commitment/australias-first-open-government-national-action-plan-2016-18/nap1-commitment-12 (accessed 21/9/2018).

[26] Bioregional Assessments, BA Explorer, http://explorer.bioregionalassessments.gov.au/.

[27] Department of Environment and Energy, State of the Environment Report 2016, https://soe.environment.gov.au/

[28] PM&C, Open Government Partnership Australia, 3.3 - Improve the discoverability and accessibility of government data: Environmental information, https://ogpau.pmc.gov.au/commitment/australias-first-open-government-national-action-plan-2016-18/nap1-commitment-13 (accessed 21/9/2018).

[29] Australia State of the Environment 2016, https://soe.terria.io/.

[30] Telephone interview with James Horton, Founder and Chief Executive Officer, Datanomics Pty Ltd and member of the Open Government Partnership Forum, 13 November 2018.

[31] Ibid.

[32] Interview Department of Finance, Canberra, 13 November 2018.

[33] Telephone interview with Professor Simon Ville, 15 November 2018.

[34] PM&C, 3.3 - Improve the discoverability and accessibility of government data: Environmental information. https://ogpau.pmc.gov.au/commitment/australias-first-open-government-national-action-plan-2016-18/nap1-commitment-13 (accessed 29/04/2019).

[35] Ibid.

[36] Professor Andrew Macintosh, Australian National University, telephone interview, 14 October 2018).

[37] PM&C, Open Government Partnership Australia, Australian second Open Government National Action Plan 2018-20: Engage Australians in the Independent Review of the Australian Public Service, https://ogpau.pmc.gov.au/commitment/australias-second-open-government-national-action-plan-2018-20/engage-australians (accessed 21/9/2018).

Theme 4. Integrity in the public sector

Commitment 11. Confidence in the electoral system and political parties

Commitment Text:

To enhance integrity and confidence in Australia's electoral system.

We will do this by working with the Parliament and the public to investigate the conduct of the 2016 election, use of technology in elections and the framework of donations to political parties and other political entities.

[…]

Milestones:

1. JSCEM inquiry and report.
2. Government considers recommendations.
3. Parliament and other relevant stakeholders address Government decisions.

Responsible institution: Department of Finance

Supporting institution(s): Australian Electoral Commission

Start date: September 2016   **End date:** 2017

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
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	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
11. Overall		✔			✔	✔		✔		✔				✔ (Midterm)	✔ (End of Term)				✔		

Commitment Aim:

This commitment sought to identify reforms to increase the integrity of, and confidence in, Australia's electoral system by holding a public inquiry into various issues that arose in the context of the 2016 federal election. While not specified in the commitment, the terms of reference for the inquiry include:

a. how requirements relating to authorisation of electoral material applied to all forms of communication with voters;

b. the extent of donations and contributions from foreign sources and how these might be regulated;

c. the applicability of 'truth in advertising' requirements in communications to voters including third party carriage services, such as internet providers and social media platforms; and

d. the current political donations, contributions, expenditure, and disclosure regime generally.

Status

Midterm: Limited

This commitment was completed to a limited degree by the midterm of the first national action plan. The inquiry into electoral issues by the parliamentary Joint Standing Committee on Electoral Matters (JSCEM) (part of milestone 1) had released three interim reports[1] and announced a general inquiry into political donations.[2] The government had considered the first of the interim reports (part of milestone 2) and introduced the *Electoral and Other Legislation Amendment Bill 2017* to the Parliament on 30 March 2017 (part of milestone 3). For further information see the midterm Progress Report.

End of term: Substantial

As part of milestone 3, the *Electoral and Other Legislation Amendment Act 2017* became law on 15 September 2017, updating the requirements relating to authorisation of electoral advertising to include new media channels. The *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017* was introduced to Parliament on 7 December 2017.[3] The Bill responds to the recommendations of the JSCEM Second Interim Report on the inquiry into the conduct of the 2016 federal election: Foreign Donations. It includes measures to establish a public register for non-party political actors, require political donors to be sufficiently connected to Australia, and make it unlawful to knowingly retain or use foreign donations to finance political expenditure in Australia.[4]

The Minister for Finance referred the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017* to the JSCEM on 6 December 2017 to inquire and report on whether the Bill should be passed. The JSCEM reported on 9 April 2018.[5] 203 submissions were received and made available on the committee website along with the transcripts of four public hearings held in Canberra and Sydney.[6] Proposed government amendments to the Bill were put to the committee for consideration on 20 September 2018, with further submissions invited until 27 September 2018.[7] The JSCEM reported on the Bill in October 2018,[8] to which the government responded on 14 November 2018,[9] after the end of the term of the national action plan. The Bill, with amendments, was passed on 27 November 2018.[10]

The JSCEM announced that it would hold a review into political donations generally as part of its review under milestone 1 on 22 August 2017.[11] A discussion paper was released on 8 September 2018, setting out three broad options for donations:

a. Personal funding from candidates financially supporting their own campaigns;
b. Private funding from small and large donors of cash and in-kind support;
c. Public funding from taxpayer-funded payments to political parties and candidates.[12]

The JSCEM also announced that it will extend its inquiry into the conduct of the 2016 election to consider if Australian elections are at risk of social media manipulation, such as that seen in recent reports of cyber manipulation of elections in the United States and United Kingdom.[13]

Since the midterm, the JSCEM has received an additional 88 submissions, and held seven additional public hearings in connection with this element of the inquiry.[14] The JSCEM released its final report after the end of the term of the national action plan in November 2018.[15]

As the JSCEM had not completed its inquiry into the conduct of the 2016 election at the end of the term of the first national action plan milestone 1 was not completed. However, given the number and scope of the interim reports and the introduction of two pieces of legislation responding at least in part to the inquiry, this commitment has been completed to a substantial degree.

Did It Open Government?
Access to Information: Did Not Change
Civic Participation: Marginal

The *Electoral and Other Legislation Amendment Act 2017* extends authorisation requirements under current legislation to all forms of paid electoral advertising, no matter the source or channel of communication. It also amends authorisation to the person who has approved the content of the communication and extends the information about that person to be provided.[16] The explanatory statement accompanying the introduction of the legislation states that the additional information provided will be an important element in ensuring transparency in political advertising across new forms of media.[17] However, the legislation will not directly affect the quantity or quality of information provided by the government. Other elements of the commitment which might lead to increased disclosure, such as donations and expenditure reforms, had been legislated or come into effect at the end of the term of the national action plan and thus there was no change at the time of writing.

Based on the number and scope of submissions received, the JSCEM, in its inquiry into the conduct of the 2016 election and into the *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017,* presented extensive opportunities for the public to make submissions and participate in public hearings. However, the JSCEM inquiry was established prior to the development of the national action plan and followed similar inquiries held after previous general elections.[18] Like other standing committees, the JSCEM had a regular practice of inviting submissions and holding public hearings in relation to all its past inquiries.

The *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017*, which arose in part out of the JSCEM Second Interim Report on Foreign Donations, was also referred to the JSCEM for inquiry prior to its being introduced in Parliament. Based on the number and scope of submissions and public hearings involved, that inquiry, and a subsequent reference to consider amendments to the Bill, provided an opportunity for any interested member of the public to make a submission and for a range of stakeholders to appear at public hearings. Greg Thompson, a Board Member for Transparency International Australia, indicated that such references are also common for pieces of controversial legislation, particularly relating to electoral reform.[19]

Carried Forward?

The progress report on the first national action plan recommended that a more specific consultation process be developed to respond to proposals arising from the JSCEM inquiry, and to commit to a collaborative process to examine further disclosure of political donations.

The second national action plan includes a commitment to enhance the transparency of political donations and funding. Under the commitment, the government has committed to investigate options for enhancing the timeliness and accessibility of information relating to political donations and campaign spending. However, the commitment merely continues the current commitment's reliance on the JSCEM inquiry into the conduct of the 2016 election, with the government again to consider the committee's recommendations and Parliament and other relevant stakeholders to then consider government decisions.

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[1] Joint Standing Committee on Electoral matters, The 2016 Federal Election: Interim Report on the authorisation of voter communication, December 2016,
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Report; Joint Standing

Committee on Electoral matters, Second interim report on the inquiry into the conduct of the 2016 federal election: Foreign Donations, March 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Report_1 (accessed 26/04/2019); Joint Standing Committee on Electoral matters, Third interim report on the inquiry into the conduct of the 2016 federal election: AEC modernisation, June 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Third_Interim_Report.

[2] Parliament of Australia, Media release, https://www.aph.gov.au/DocumentStore.ashx?id=6ec031f7-1dad-4d55-b5de-313fec132b5b

[3] Parliament of Australia, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s1117.

[4] Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017, Explanatory Memorandum, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s1117.

[5] Joint Standing Committee on Electoral matters, Advisory report on the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/ELAEFDRBill2017/Advisory_Report.

[6] Joint Standing Committee on Electoral Matters, Inquiry into the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/ELAEFDRBill2017.

[7] Joint Standing Committee on Electoral Matters, Inquiry into the proposed amendments to the Electoral Legislation Amendment (Electoral Funding the Disclosure Reform) Bill 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/proposedamendmentsbill

[8] Joint Standing Committee on Electoral Matters, Second advisory report on the Electoral Legislation (Electoral Funding and Disclosure Reform) Bill 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/proposedamendmentsbill/Second_advisory_report.

[9] Parliament of Australia, government response, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/proposedamendmentsbill/Government_Response.

[10] Parliament of Australia, Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2018, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s1117.

[11] Joint Standing Committee on Electoral Matters, Media Release, Review of political donations commences, 22 August 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Media_Releases.

[12] Joint Standing Committee on Electoral Matters, Media Release, Discussion paper on political donations, 7 September 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Media_Releases.

[13] Joint Standing Committee on Electoral Matters, Media Release, Cyber interference in the spotlight, 27 June 2018, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Media_Releases.

[14] Joint Standing Committee on Electoral Matters, Inquiry into the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/ELAEFDRBill2017.

[15] Joint Standing Committee on Electoral matters, Report on the conduct of the 2016 federal election and matters related thereto, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/2016_election_report.

[16] Electoral and Other Legislation Amendment Bill 2017, Revised Explanatory Memorandum, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r5858

[17] Explanatory Memorandum, Electoral and Other Legislation Amendment Bill 2017, https://www.legislation.gov.au/Details/C2017B00069/Explanatory%20Memorandum/Text.

[18] Since 1983, each Commonwealth Parliament has created a Joint Committee on Electoral Matters to review the previous election (see Joint Standing Committee on Electoral matters, Advisory report on the Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/ELAEFDRBill2017/Advisory_Report, p 1).

[19] Telephone interview with Greg Thompson, Board Member Transparency International Australia, 5 September 2017.

Commitment 12. National Integrity Framework

Commitment Text:

Australia will strengthen its ability to prevent, detect and respond to corruption in the public sector. We will do this in collaboration with the corporate sector, non-government organisations, academia and the public, including by holding the first Government Business Roundtable on Anti-Corruption in 2017.

We will review the jurisdiction and capabilities of the Australian Commission for Law Enforcement Integrity (ACLEI) and the Australian Federal Police (AFP)-led Fraud and Anti-Corruption Centre (FACC) with the development of each National Action Plan to ensure they can focus on protecting Commonwealth agencies from risks of corruption.

[…]

Milestones:

1. Respond to the recommendations of the Parliamentary Joint Committee on ACLEI's inquiry into the jurisdiction of ACLEI.
2. Hold the first Government Business Roundtable on Anti-Corruption, to improve cooperation and consultation on anti-corruption work, and identify areas for reform.
3. Respond to recommendations for reform and improvement arising from the Roundtable.
4. Review the jurisdiction and capabilities of ACLEI and FACC in consultation with the public in the context of developing Australia's second National Action Plan.

Responsible institution: Attorney-General's Department

Supporting institution(s): ACLEI, Australian Federal Police, Commonwealth Director of Public Prosecutions and Department of the Prime Minister and Cabinet. See the national action plan for a full list.

Start date: 2016 **End date:** July 2018

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion	Midterm / End of Term			Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
12. Overall			✔			✔	✔			✔				✔ / ✔					✔		

Commitment Aim:

This commitment sought to reduce corruption in the Commonwealth public sector by responding to previous recommendations for reform of the Australian Commission for Law Enforcement Integrity (ACLEI)—a key anti-corruption body—and taking other steps to identify appropriate reforms. These steps included conducting a further review of ACLEI and other bodies that currently have investigation and enforcement powers in this area, and consulting with business.

Status
Midterm: Limited

Overall, this commitment was only completed to a limited degree at the midterm of the national action plan. There was no publicly available evidence relating to any government response to the recommendations of the Parliamentary Joint Committee on ACLEI's inquiry into the jurisdiction of ACLEI (milestone 1). A general review of ACLEI and the Fraud and Anti-Corruption Centre (FACC) had not started (milestone 4).

The Attorney-General's Department held and facilitated a government business roundtable with civil society groups on 31 March 2017 to address corruption in the corporate sector (milestone 2). A government response to the recommendations arising from the roundtable was not available at the midterm (milestone 3).

End of term: Limited

Milestones 1 (respond to Parliamentary Joint Committee on ACLEI's inquiry into the jurisdiction of ACLEI) and 4 (review of the jurisdiction of ACLEI and the AFP Fraud and Anti-Corruption – or 'FAC' – Centre) were not completed by the end of the action plan term. The Government announced its intention to establish a Commonwealth Integrity Commission (CIC) on 13 December 2018[1] that would subsume ACLEI and complement the work of the AFP on fraud and anti-corruption and conducted a public consultation on the proposed CIC from 13 December 2018 – 1 February 2019.[2] In that announcement, the Government claimed work on the proposal for a CIC was conducted during the milestone period for milestone 4, having commenced in January 2018.[3] Mr Ken Coghill, then a member of the OGP Forum and now interim co-chair, indicated that there was 'no discussion in the OGP Forum of any work on a Commonwealth anti-corruption agency prior to the announcement of a CIC by the government in December 2018'.[4]

Possible reforms of foreign bribery laws had been discussed at the business roundtable established under milestone 2. *The Crimes Legislation Amendment (Combating Corporate Crime) Bill 2017* (introduced in December 2017) responded to discussed reforms, as well as other consultations conducted in response to Commitment 4.[5] The Bill would reform the foreign bribery offence, introducing a new corporate offence of failing to prevent foreign bribery and a deferred prosecution agreement scheme. No further response or feedback from the roundtable discussions has been made public.

Did It Open Government?
Civic Participation: Marginal
Public Accountability: Did Not Change

As indicated in the terms of the commitment and discussed in the midterm report, there have been a number of recent inquiries at the parliamentary level into the integrity framework at the Commonwealth level. This commitment has, however, led to a marginal improvement in government-provided opportunities for civic participation. According to Greg Thompson, Board Member Transparency International Australia, the business roundtable presented an opportunity for representatives from both the business and civil society sectors to discuss options for addressing corruption in the corporate sector.[6] In addition, opportunities to participate in reform of the various

public anti-corruption bodies at the Commonwealth level was provided outside of this commitment through the establishment of a Senate Select Committee on a National Integrity Commission, which reported in September 2017.[7]

Additionally, with the Commonwealth Integrity Commission subsuming milestones 1 and 4 to formally review jurisdiction and capabilities of ACLEI and FACC, there are no changes in practice to report for public accountability at the end of the action plan cycle, though the CIC will have a broader jurisdiction than ACLEI.

Carried Forward?

The second national action plan includes a commitment to strengthen the national anti-corruption framework. Under this commitment the government will continue to consider and assess options for reform of the framework, including its coverage, coherence, effectiveness, and functioning. The commitment will include analysis of significant gaps in the jurisdiction, functions, and resources of agencies involved in the current framework. The government will respond to the Senate Select Committee report, continue to engage in the development of reforms to the national integrity framework, and implement the response to the Report of the Senate Select Committee on a National Integrity Commission and any other outcomes from ongoing review of the national integrity framework.[8] There is no express commitment, however, to establish a Commonwealth integrity body or consult on its possible scope and operation.

[1] 'Commonwealth Government to establish new integrity commission' 13 December 2018 https://www.attorneygeneral.gov.au/media/media-releases/commonwealth-government-establish-new-integrity-commission-13-december-2018
[2] Commonwealth Integrity Commission, public consultation submissions https://www.ag.gov.au/Consultations/Pages/commonwealth-integrity-commission.aspx
[3] Press conference on religious freedom and the Commonwealth Integrity Commission,13 December 2018, https://www.attorneygeneral.gov.au/media/transcripts/attorney-general-press-conference-3-december-2018
[4] Email from Ken Coghill to the IRM researcher, 5 March 2020.
[5] Parliament of Australia, Crimes Legislation Amendment (Combating Corporate Crime) Bill 2017 was introduced into parliament on 6 December 2017 but lapsed when parliament ended prior to the 2019 elections, https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=s1108
[6] Telephone interview with Greg Thompson, Board Member Transparency International Australia, 5 September 2017.
[7] Senate Select Committee on a National Integrity Commission Report, https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/National_Integrity_Commission/IntegrityCommissionSen/Report.
[8] PM&C, Open Government Partnership Australia, Strengthen the national anti-corruption framework, https://ogpau.pmc.gov.au/commitment/strengthen-national-anti-corruption-framework (accessed 26/9/2018).

Commitment 13. Open Contracting

Commitment Text:

Australia will ensure transparency in government procurement and continue to support the Open Contracting Global Principles. As part of this, we will publicly review the Australian Government's compliance with the Open Contracting Data Standard.

[…]

Milestones:

1. Undertake review of compliance with the Open Contracting Data Standard.
2. Publish review.
3. Receive public comment on the review.
4. Implement agreed measures to improve compliance with the Open Contracting Data Standard.
   e.

Responsible institution: Department of Finance

Supporting institution(s): See the national action plan for other actors involved with this commitment.

Start date: February 2017   **End date:** August 2017

 Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion / Midterm End of Term				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
13. Overall		✔			✔	✔		✔		✔				✔		✔			✔		

Commitment Aim:

This commitment broadly aimed to review the compliance of Commonwealth procurement reporting against the Open Contracting Data Standard and implement any compliance improvements if appropriate. Currently, under Commonwealth Procurement Rules,[1] Commonwealth government agencies must publish details of planned procurements, open tenders, contracts awarded above relevant reporting thresholds, and any amendments on the *AusTender* procurement information system.[2]

Specifically, this commitment sought to review whether the information published on *AusTender* is in the correct format and provides the information necessary under the Open Contracting Data Standard, as part of Australia's general support for principles of open contracting.

Status
Midterm: Limited

This commitment was only completed to a limited degree by the midterm of the national action plan. A review of compliance with the Open Contracting Data Standard had been undertaken by an independent contractor,[3] (milestone 1) but not made publicly available. The other milestones had not yet commenced.

End of term: Complete

The review of *AusTender*'s compliance with the Open Contracting Data Standard was carried out by Maddocks Lawyers, a law firm with experience in Commonwealth government procurement.[4] The review was released to the public on 19 July 2017 (milestone 2), with submissions in response invited until 10 August 2017.[5] The release of the review was notified to subscribers of the Department of Finance's blog and other interested parties.[6]

The review concluded that approximately one third of the data field requirements under the Standard were met by the *AusTender* system. In releasing the review, the Department of Finance (DoF) commented:

> *The remaining non-compliances relate to significant differences between the contracting data collected by the Australian Government and the OCDS, such as the collection and publication of unsuccessful tenderers, and the linking of data systems such as budget/planning data from the Budget Papers to released Australian Government business opportunities.*

> *These sorts of changes would be a significant shift in the way contracting data is published, and accordingly would require a significant amount of investment and require consideration of the benefits of such data availability and any commercial or risk sensitivities associated with the publication of such information.[7]*

There were five submissions in response to the review (milestone 3), though the DoF has not made these publicly available on its website. In a blog post on the website, however, the DoF noted that the 'key points' from the submissions were:

- that there would be benefits from adopting a higher standard of compliance with the OCDS;

- that it was premature to suggest it was cost-prohibitive to expand existing systems to increase compliance; and

- that it may be possible to adopt an OCDS-compliant data publication process in the interim.[8]

Civil society groups interviewed for this report echoed these concerns.[9]

On 4 May 2018, the Department stated that the government has agreed to investigate opportunities to publish contracting data collected through existing data collection processes in a format compliant with the Open Contracting Data Standard (milestone 4). The Department will also keep the standard in mind when making iterative improvements to the Commonwealth Procurement Framework and the *AusTender* platform—specifically the data collection and publication processes and requirements.[10]

Did It Open Government?
Access to Information: Marginal
Civic Participation: Marginal

The review provided information on the level of compliance with the Open Contracting Data Standard and hence the compatibility of the information released with other datasets compliant with

that standard. The review analysed publicly available information and shared the level of compliance with the standard, resulting in a marginal increase in access to information.

The review also enabled a consultation with interested stakeholders. As mentioned above, civil society groups interviewed for this report were critical of the establishment and scope of the review.[11] Several raised concern over the extent of engagement with the Open Contracting Partnership in the preparation of the review. They were also concerned about the review's emphasis on the risks and sensitivities and potentially significant costs involved in improving compliance. For example, despite a statement in the report summary that it is not its purpose to determine whether any changes required to align *AusTender* with the Standard represented value for money,[12] the review states at various points that:

> Given the costs of minor changes to AusTender, significant changes to current Commonwealth systems to meet the requirements of the OCDS may not be considered value for money.[13]

The DoF also noted, in its blog post on the consultation, that the significant costs noted in the report include not just the cost of changes to the *AusTender* system but also the data collection processes of the 67 entities who automatically upload onto *AusTender*.[14] The limited nature of this review, through the publication of the review and calling for submissions, meant that any additional opportunities for participation provided by the commitment was also marginal.

Carried Forward?

The second national action plan includes a commitment to expand open contracting and due diligence in procurement.[15] The commitment includes publishing an additional dataset on data.gov.au which is in the format required by the Open Contracting Data Standard, and promoting that dataset to stakeholders in government, business, and civil society. The government will then assess the use and value of that data for groups including government, business, and society, as well as reviewing existing procurement due diligence processes.

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[1] Made under section 105B(1) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act), https://www.finance.gov.au/procurement/procurement-policy-and-guidance/commonwealth-procurement-rules/ (accessed 29/10/2019)

[2] Australian Government, AusTender, https://www.tenders.gov.au/

[3] Maddocks, Review of AusTender data against the Open Contracting Data Standard, https://www.finance.gov.au/blog/2017/07/20-Open-Government-Contracting-Data/

[4] Maddocks, Review of AusTender data against the Open Contracting Data Standard, available from Department of Finance, 'Open Government – Contracting Data', 19 July 2017, https://www.finance.gov.au/blog/2017/07/20-Open-Government-Contracting-Data/ (accessed 26/9/2018).

[5] Department of Finance, Open Government – Contracting Data, https://www.finance.gov.au/blog/2017/07/20-Open-Government-Contracting-Data/ (accessed 26/9/2018).

[6] Interview with Department of Finance, Canberra ACT, 12 September 2017.

[7] Department of Finance, Open Government – Contracting Data, https://www.finance.gov.au/blog/2017/07/20-Open-Government-Contracting-Data/ (accessed 26/9/2018).

[8] Department of Finance, Consultation on Open Contracting Data Standard, https://www.finance.gov.au/blog/2017/09/08/consultation-on-open-contracting-data-standard/ (accessed 26/9/2018).

[9] Peter Timmins, Access to information advocate and Convener, Australian Open Government Partnership Civil Society Network, Sydney NSW, 23 August 2017; Jessie Cato, National Coordinator, Publish What You Pay Australia,[9] Melbourne VIC, 24 August 2017; Greg Thompson, Board Member, Transparency International Australia, telephone meeting, 5 September 2017.

[10] Department of Finance, Completion of Commitment 4.3 of the Open Government National Action Plan – Open Contracting, 4 May 2018, https://www.finance.gov.au/node/144551/ (accessed 26/9/2018).

[11] Peter Timmins, Access to information advocate and Convener, Australian Open Government Partnership Civil Society Network, Sydney NSW, 23 August 2017; Jessie Cato, National Coordinator, Publish What You Pay Australia,[11] Melbourne VIC, 24 August 2017; Greg Thompson, Board Member, Transparency International Australia, telephone meeting, 5 September 2017.

[12] Open Contracting Review, p 4.

[13] Open Contracting Review, pp 12, 13, 14, 18 and 20.

[14] Department of Finance, Consultation on Open Contracting Data Standard, https://www.finance.gov.au/blog/2017/09/08/consultation-on-open-contracting-data-standard/ (accessed 26/9/2018).

[15] PM&C, Open Government Partnership Australia, Expand open contracting and due diligence in procurement, https://ogpau.pmc.gov.au/commitment/australias-second-open-government-national-action-plan-2018-20/expand-open-contracting (accessed 26/9/2018).

Theme 5. Public Participation and Engagement

Commitment 14. Delivery of Australia's Open Government Action Plan

Commitment Text:

Australia will ensure that our Open Government National Action Plan is a platform for ongoing dialogue, collaboration and open government reform.

We will do this by establishing a permanent dialogue mechanism with civil society, which includes a multi-stakeholder forum and transparent reporting and accountability mechanisms.

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.

[…]

Milestones

1. *Establish the OGP multi stakeholder forum by partnering with civil society to determine its structure, role, governance and membership, including reporting and accountability mechanisms for this National Action Plan.*

2. *Operation of the multi-stakeholder forum, with (at a minimum) the following responsibilities:*

    a. *inform the co-creation of future National Action Plans;*

    b. *track and report on implementation of National Action Plan commitments;*

    c. *facilitate broader community engagement and conduct awareness activities that foster informed participation, including face-to-face meetings and events; and*

    d. *document decisions and publish reports.*

3. *Review the National Action Plan and update milestones and commitments (as necessary) to provide further clarity and ambition for plan.*

Responsible institution: Department of the Prime Minister and Cabinet

Supporting institution(s): All Commonwealth entities, non-government organisations (including Australian Open Government Civil Society Network), private sector, peak bodies (including Law Council of Australia) and the public

Start date: December 2016   **End date:** July 2018

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at
https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion	Midterm End of Term			Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
14. Overall			✔			✔					✔			✔		✔				✔	

Commitment Aim:

This commitment aimed to establish a multi-stakeholder forum to oversee implementation and development of Australia's national action plans. Specifically, it sought to bring together government representatives and individuals from civil society to determine the structure, role, governance, and membership of the forum, and to ensure that the forum is sufficiently representative of the range of interests affected by open government initiatives. Both the development and intended operation of the forum was intended to allow civil society organisations and individuals interested in open government to work with government in developing and monitoring implementation of commitments under the current and future national action plans.

Status
Midterm: Limited

This commitment was completed to a limited degree by the midterm of the first national action plan. A 15-week process to decide on the appointment and operation of the forum began in April 2017, including an open call for nominations for civil society positions. However, milestone 1 was not completed until after the midterm of the first national action plan as appointments to the Forum were announced on 21 July 2017 and the first meeting was held on 28 July 2017. See the midterm Progress Report for more details on the consultation process and the composition and expected operation of the Forum.

End of term: Complete

Including its first meeting (milestone1), the Forum met seven times from July 2017 through to the end of the implementation period of the first national action plan in July 2018 (milestone 2).[1] Meetings were generally held in Canberra, with one each in Sydney and Melbourne and one by teleconference. An agenda and meeting papers were available approximately one week prior to the meeting, and minutes of the meeting were posted afterwards.[2] Reports on progress on the various commitments were tabled at each meeting, and reported on the commitment dashboard established on the Open Government Forum website.[3] The Forum also approved and oversaw the process to develop the second national action plan (milestone 3).[4]

Did It Open Government?
Civic Participation: Major

Prior to the establishment and operation of the Forum, there was no central or uniform approach to providing opportunities to civil society members or the public generally to inform or influence government decisions. Members of the Forum, in interviews for this report, indicated that the government representatives on the Forum have been open to suggestions and honest in their feedback relating to potential government support of future initiatives.[5] Members of the Forum were able to act as channels through which the views of a broader range of civil society groups and individuals could be presented to government.[6] The Forum represented a continuing opportunity to understand the broader context faced by a wide range of government agencies and programs and to work closely with them in developing and monitoring open government initiatives.[7] It therefore presented a major change in government practice in relation to civic participation in open government initiatives.

Some government agencies interviewed for the midterm progress report commented on the role of the Interim Working Group and Forum in influencing implementation of commitments. In particular, the Interim Working Group's guidance for agencies, which was also adopted by the Forum in its first meeting,[8] was considered by some agencies in the scope of consultation engaged in as part of their commitments under the national action plan. It also assisted in helping to raise awareness of the OGP process within government generally. In interviews for the midterm Progress Report, many representatives from agencies responsible for implementing commitments indicated that they had seen the guidelines or were otherwise aware of the ongoing role of the Forum.[9] However, the forum's access to government had limitations in scope. Not all government initiatives relevant to open government, even those directly relevant to commitments under the national action plan, were disclosed to the forum (e.g., establishing a Commonwealth Integrity Commission discussed in Commitment 12).

Carried Forward?

Australia's second national action plan continues the operation and role of the Forum in monitoring implementation of the plan.[10]

The second national action plan includes a commitment to enhancing state and territory participation in OGP.[11] This new commitment is relevant to one of the recommendations of the midterm Progress Report to enhance the operation of the Forum; namely to develop links with open government initiatives by state and territory governments.

This new commitment includes facilitating administrative arrangements between state and territory governments and Commonwealth government officials to support collaboration and learning on open government matters. It might be anticipated that the Forum could take an active role in developing and supporting those arrangements. The future commitment will also conduct surveys on awareness of government information access rights, which will inform the future role of the Forum in facilitating broader community engagement and conducting awareness activities.

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[1] The forum met on 28 July 2017, 19 October 2017, 7 December 2017, 22 February 2018, 12 April 2018, 14 June 2018, and 12 July 2018. The Forum also held a workshop on developing the second national action plan on 18 May 2018. See PM&C, Open Government Partnership Australia, News, https://ogpau.pmc.gov.au/posts (accessed 27/9/2018).

[2] PM&C, Open Government Partnership Australia, News, https://ogpau.pmc.gov.au/posts (accessed 27/9/2018).

[3] The dashboard was available on the Forum's home page, https://ogpau.pmc.gov.au/.

[4] PM&C, Open Government Partnership Australia, Consultations for Australia's second Open Government National Action Plan 2018-20, https://ogpau.pmc.gov.au/consultations-australias-second-open-government-national-action-plan-2018-20 (accessed 27/9/2018).

[5] Interview with Serena Lillywhite, Chief Executive Officer, Transparency International Australia, Melbourne, 7 September 2018.

[6] Phone interview with Kat Szuminska, Director, Open Australia Foundation and member, Open Government Forum, 11 September 2017.

[7] Interview with Serena Lillywhite, Chief Executive Officer, Transparency International Australia, Melbourne, 7 September 2018.

[8] Interim Working Group guidance for agencies in implementing OGP commitments, https://ogpau.pmc.gov.au/sites/default/files/posts/2017/07/item_4a_-_guidance_in_implementing_commitments.docx (accessed May 2017).

[9] For example, interviews with Treasury Department, Canberra ACT, 14 September 2017; Department of Prime Minister and Cabinet, Canberra ACT, 15 September 2017; and Department of the Environment and Energy, Canberra ACT, 21 September 2017.

[10] Open Government Partnership Australia, Australia's second Open Government National Action Plan 2018-20, 2018, t p 7, https://ogpau.pmc.gov.au/australias-second-open-government-national-action-plan-2018-20.

[11] PM&C, Open Government Partnership Australia, Australia's Second Open Government National Action Plan 2018-20: Engage States and Territories to better understand information access, https://ogpau.pmc.gov.au/commitment/engage-states-and-territories-better-understand-information-access (accessed 27//2018).

Commitment 15. Enhance public participation in government decision making

Commitment Text:

Australia will work towards improving public participation and engagement to enhance policy and service delivery outcomes for Australians.

We will do this by establishing a new Australian Government framework for public participation and engagement.

[…]

Ambition: To design and adopt a whole-of-government framework that embeds meaningful, open, public and multi-stakeholder participation into the business of policy development and service delivery.

Milestones:

1 Undertake and publicly release a stocktake of current approaches to public participation to determine best practice activities (including international and domestic examples, user experience research, methodologies to encourage adoption, and relevant standards, such as IAP2 values).
2 Work with government agencies, the public and organisations outside of government to develop and implement a whole-of-government framework (with guidance / principles and potential public participation initiatives) for improving public participation and engagement across the Commonwealth.
3 Undertake pilot public participation initiatives, including working with the Digital Transformation Agency to more effectively use digital channels for engagement.
4 Review processes and iterate as necessary.

Responsible institution: Department of Industry, Innovation and Science

Supporting institution(s): Various

Start date: Late 2016   **End date:** July 2018

Editorial Note: This is a partial version of the commitment text. For the full commitment text, see the Australia National Action Plan available at https://www.opengovpartnership.org/sites/default/files/Australia_NAP_2016-2018_0.pdf.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
15. Overall			✔		✔	✔		✔			✔			✔ /	✔					✔	

Commitment Aim:

The aim of this commitment was to design a best-practice framework for public consultation that could be widely adopted by Commonwealth government agencies, increasing the understanding of the benefits of public participation within the public service, improving the capacity of agencies to engage in best practice consultation processes, and reducing the complexity involved in designing and implementing a consultation process.

Status
Midterm: Limited

This commitment had limited completion by the midterm of the national action plan. The Department of Industry, Innovation and Science held interviews with more than 70 government agency staff and non-government organisations across five different states and territories. The Department released a working draft of a Discover Phase Report, including some initial feedback on that consultation, on 14 July 2017, including initial elements of a framework for improving public participation.[1] The Department publicly released a literature review on 10 August 2017.[2] For more information see the midterm Progress Report.

End of term: Substantial

The Department of Industry, Innovation and Science released a Discover Phase Report, including a stocktake of current approaches to public participation (milestone 1), in December 2017.[3] The Discover Phase Report identifies various problems that arise from a lack of effective government engagement with the expertise and experience available in the community. It reflects on the extensive interviews and literature review carried out by the Department of Industry, Innovation and Science to suggest why more meaningful forms of engagement are not always adopted, and sets out various design questions which will be used in developing the engagement framework.

Based on the Discover Phase Report, the project team led a series of 'ideation workshops', which generated ideas on how to improve public participation.[4] The Department claims that nearly 100 public servants and members of the public attended across four different workshops.[5] Those ideas were then synthesised into 17 concepts,[6] which were tested in a further series of eight workshops attended by 70 Australian Public Service (APS) staff and members of the public,[7] as well as the Department's online deliberation platform where staff could leave comments and ratings.[8]

The Department of Industry, Innovation and Science publicly released a prototype framework in February 2018,[9] along with feedback on the workshops used to test the concepts. The prototype outlines objectives and guiding principles that should underlie public engagement and a set of standards on what is required to effectively engage the public. It also provides for establishment of networks and marketplaces to facilitate establishing, discovering, and sharing relevant expertise and experience. The prototype calls for a virtual 'Hub' to be established to bring together elements of the framework and act as a platform between the Australian Public Service and civil society. It would utilise digital platforms including engagement planning and management tools being developed as part of the Business Research Innovation Initiative (BRII) Challenge.[10] The prototype therefore represents a first draft of a framework as set out in milestone 2, with further consultation and public pilot testing (as provided in milestone 3) to inform further development.

Note that milestone 3 was changed to working with BRII Challenges rather than the Digital Transformation Agency on the public dashboard for the first national action plan, to better reflect the original intention and ongoing nature of the commitment.[11]

Did It Open Government?
Access to Information: Did not change
Civic Participation: Major

In relation to access to information, this commitment has compiled information on other practices and initiatives developed across the Australia Public Service (APS) and in other jurisdictions, including a detailed literature review. There is no evidence at this stage, however, that this commitment has led to an increase in information not related to development of the framework. Therefore, there was no change in government practice in this area.[12]

The commitment has had a major effect in increasing civic participation. Development of the prototype framework included a large number of interviews over a number of different phases with Australian Public Service staff and other government and private parties to identify risks and challenges in improving engagement with the public. The government made public all information collected during the development of the framework, including drafts to comment at the different stages of development. The workshops and other consultation activities generated information to be used in the project and provided feedback on the process adopted in developing the framework.

Peter Timmins, Interim Convener of the Australian Open Government Partnership Network, suggested that the framework represents a significant contribution to understanding some of the impediments to increasing consultation in the Commonwealth public sector and develops practical ways to improve. Its ambition for whole-of-government change will, however, be difficult to achieve without greater ministerial support.[13] In describing feedback from members of the Australian Open Government Partnership Network, Timmins suggested that the commitment has taken an open approach at all stages, including publication of research findings.[14]

Carried Forward?

The second national action plan includes a commitment to enhance public engagement skills in the public service. This commitment includes establishing a virtual hub as outlined in the prototype framework developed under the first national action plan.[15] The new commitment will also provide for Australia to take a leading role in development of an Open Dialogue Roadmap as part of the OGP's Deliberative Processes Practice Group, building on the case studies and interviews in developing the framework. The roadmap has also been included in the agenda for the policy, data, and innovation stream of the Australian Public Service Reform Committee, established by various department secretaries and government agency heads.[16]

The second national action plan also includes a commitment to engage Australians in the Independent Review of the Australian Public Service.[17] Participation in that review will be informed by the findings underlying the prototype framework, and may utilise technology platforms developed as part of the BRII challenge.

[1] Department of Industry, Innovation and Science, Draft discover phase report, 14 July 2017, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52.
[2] Department of Industry, Innovation and Science, Literature Review Database, 10 August 2017, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52.
[3] Department of Industry, Innovation and Science, Hidden in Plain Sight: Building an understanding of how the Australian Public Service can unlock community expertise to improve policy, programmes and service delivery, 2017, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52.
[4] A description of the ideas generated in the workshops is included in Department of Industry, Science and Innovation, Workshop feedback, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52.
[5] Department of Industry, Science and Innovation, Prototype Report: Unlocking community expertise to improve policy, programme and service delivery, 2018 p 4, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52.
[6] Department of Industry, Science and Innovation, Open Government National Action Plan Commitment 5.2: Concepts, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52.
[7] Department of Industry, Science and Innovation, Prototype Report: Unlocking community expertise to improve policy, programme and service delivery, 2018 p 4, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52
[8] Department of Industry, Science and Innovation, Getting the public more involved in the public service's work, https://engage.industry.gov.au/getting-the-public-more-involved-in-the-public-service2019s-work.

[9] Department of Industry, Science and Innovation, Prototype Report: Unlocking community expertise to improve policy, programme and service delivery, 2018 p 4, https://www.industry.gov.au/data-and-publications/open-government-national-action-plan-2016-18-commitment-52.

[10] Information on the BRII, https://www.business.gov.au/assistance/business-research-and-innovation-initiative.

[11] Email from Damian Carmichael, Department of Industry, Science and Innovation, 13 November 2018; see PM&C, 5.2 - Enhancing public participation in government decision making, https://ogpau.pmc.gov.au/commitment/australias-first-open-government-national-action-plan-2016-18/nap1-commitment-17

[12] Email from Damian Carmichael, Department of Industry, Science and Innovation, 13 November 2018.

[13] Peter Timmons, Interim Convener, Australian Open Government Partnership Network, telephone interview, 14 November 2018.

[14] Australian Open Government Partnership Civil Society Network, Hope and disappointment: Progress on Implementation of Australia's National Action Plan, https://opengovernment.org.au/2018/02/11/hope-and-disapointment-progress-on-implementation-of-australias-national-action-plan/.

[15] PM&C, Open Government Partnership Australia, Enhance public engagement skills in the public service, https://ogpau.pmc.gov.au/commitment/australias-second-open-government-national-action-plan-2018-20/enhance-public-engagement (accessed 29/9/2018).

[16] For more information on the APS Reform Committee see Australian Public Service Commission, APS Reform Committee focuses on modernising the public sector, https://www.apsc.gov.au/aps-reform-committee-focusses-modernising-public-sector.

[17] PM&C, Open Government Partnership Australia, Engage Australians in the Independent Review of the Australian Public Service, https://ogpau.pmc.gov.au/commitment/australias-second-open-government-national-action-plan-2018-20/engage-australians (accessed 29/9/2018).

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organisations; and the previous IRM progress report.

In preparing this report, publicly available information was accessed through various government agency websites as set out in the footnotes. Additional information was sourced through email and telephone conversations.

Daniel Stewart is a senior lecturer at the Australian National University School of Law. He is also legal advisor to the Australian Capital Territory Legislative Assembly and a consultant for HWL Ebsworth Solicitors. His academic publications include articles on government confidentiality, privacy, and access to information.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

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