

Independent Reporting Mechanism (IRM): Australia Transitional Results Report 2018–2020

This report was prepared in collaboration with Keitha Booth, independent researcher.

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I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their progress and determine if efforts have impacted people's lives.

The IRM has partnered with Keitha Booth, Independent Researcher, to carry out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

This report covers the implementation of Australia's 2nd action plan for 2018–2020. In 2021, the IRM is implementing a new approach to its research process and the scope of its reporting on action plans, approved by the IRM Refresh.¹ The IRM has adjusted its implementation reports for 2018–2020 action plans to fit the transition process to the new IRM products and enable the IRM to adjust its workflow in light of the COVID-19 pandemic's effects on OGP country processes.

¹ For more information, see: <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>.

II. Action Plan Implementation

The IRM transitional results report assesses the status of the action plan's commitments and the results from their implementation at the end of the action plan cycle. This report does not revisit the assessments for "verifiability," "relevance" or "potential impact." The IRM assesses those three indicators in IRM design reports. For more details on each indicator, please see Annex I in this report.

2.1. General Highlights and Results

Australia's second action plan (2018–2020), set out eight commitments covering combating corruption among public officials, electoral funding, public sector data use and sharing, procurement, enhancing public engagement, and taking OGP initiatives beyond the federal government. Six initiatives are continued from the first action plan (2016–2018). The plan also foresaw completion of other incomplete commitments from the first plan.¹ These commitments, such as the ones on the Extractive Industries Transparency Initiative (EITI) and on beneficial ownership transparency, were to be continued, with updates given to the Open Government Forum (OGF, Australia's multistakeholder forum) and the public until completion. However, the government did not make progress on these commitments. According to Australian civil society, the government lacked interest in continuing these policy areas.²

By the end of the action plan cycle, five commitments are complete or substantially complete and three are incomplete. The level of fully or substantially complete commitments fell from 75% in the first action plan to the current 62.5%. Incomplete commitments were either affected by COVID-19 or subsumed by non-OGP work, including changes in the government approach.³ According to the Interim Civil Society Co-Chair to the OGF, the responsible Minister and later the Assistant Minister did not respond to any invitations to meet the OGF, which negatively impacted both the ambition of the action plan and its implementation.

The commitments on access to information (Commitments 3 and 5) made good progress: guidance and standards were released, and draft legislation is expected to become law in mid-2021. There is now cross-jurisdictional appreciation of the importance that citizens, the public, and industry have for accessing information. The Australia Public Service's (APS) public engagement framework (Commitments 6 and 7) was recognised by the APS review and endorsed publicly by the federal government in its response to the review. The government met the goal of positioning Australia as a leader in developing an Open Dialogue Roadmap as part of OGP's International Deliberative Process Practice Group, as Australia co-chaired this practice group with Canada.⁴ Commitment 8 (expanding open contracting) resulted in publication of ten years of procurement data in machine readable format, while new tenders are also published in accordance with the Open Contracting Data Standard (OCDS). However, at the end of the action plan period, the open contracting due diligence report was not published.

Commitments on strengthening the national anticorruption framework and enhancing transparency of political donations made little or slow progress over this period. Work to improve public service practices using place-based approaches was affected by COVID-19 and has not progressed.

The stage is set to continue work on cross-jurisdictional data sharing, access to information, and improving federal public engagement. Active resolution of civil society concerns about the outstanding commitments still requires attention.

Greater focus by the OGF on commitment implementation is recommended for the future. While regular second action plan progress reports were received, little time was devoted to discussing implementation. OGF's key focus was on creating the third action plan.

2.2. COVID 19 Pandemic impact on implementation

Quarterly face-to-face meetings of the OGF ceased in June 2020 as a result of COVID-19. Regular meetings were continued remotely, using videoconferencing. An alternative technology, the collaborative workspace, Gov Teams, was tried with mixed success.

The pandemic affected Commitment 6 to improve public service practices using place-based approaches, which was put on hold in April 2020 when staff were redeployed to COVID-related activities. Related work was picked up by the Secretaries Board.⁵ While COVID-19 restrictions impacted user research on designing the APS Engagement Hub, the government reported that the delay allowed them to broaden the scope of the public engagement guidance to include pandemic-related social distancing and remote-work lessons, and to seek more user feedback.

KPMG's public submission on Commitment 3's exposure draft legislation (Data Availability and Transparency Bill 2020 and the Data Availability and Transparency (Consequential Amendments) Bill 2020) noted that government-held data was instrumental in developing COVID-19 responses that met the needs of Australians. KPMG particularly noted the government's ability to provide social security payments and services for millions of Australians online instead of queuing at a Centrelink office.⁶

OGF members commented that the government's focus since COVID-19 was on creating the third action plan, that discussion about the second plan was "very old news," and "there was almost agreement that there was nothing more to say about NAP2 at the meetings as they were finished or nothing had happened".⁷

¹ Australian Government, *Australia's Second Open Government National Action Plan 2018-20* (OGP, 2018), 7, <https://ogpau.pmc.gov.au/sites/default/files/publications/australias-second-open-government-nap-2018-20.pdf>.

² May Miller-Dawkins (OGF civil society member), Information provided to the IRM during the pre-publication period of this report, 8 July 2021.

³ Dr. Ken Coghill (OGF interim Civil Society Co-Chair), Information provided to the IRM during the pre-publication period of this report, 8 July 2021; Open Government Forum, "Item 6: NAP 1 and NAP 2 Commitments – Delayed Commitments updates [Document last updated: 5/08/2020]" (meeting notes from OGF's meeting 14) (Aug. 2020), <https://ogpau.pmc.gov.au/sites/default/files/meetings/20200814-meeting-agenda-item-7-1.docx>.

⁴ OGP, "OGP Practice Group on Dialogue and Deliberation" (accessed 23 Jul. 2021), <https://www.opengovpartnership.org/ogp-practice-group-on-dialogue-and-deliberation/>.

⁵ National Indigenous Australians Agency, unpublished commitment's closing statement (14 May 2021).

⁶ KPMG Australia, *Data Availability and Transparency Bill*, (Nov. 2020), 2, <https://home.kpmg/au/en/home/insights/2020/11/data-availability-transparency-bill-2020-kpmg-submission.html>.

⁷ May Miller-Dawkins, Serena Lillywhite and James Horton (OGF civil society members), interviews by IRM researcher, 22–29 March 2021.

2.3. Early results

In 2015, the IRM introduced the “Did it Open Government?” variable in order to measure results and outcomes from commitment implementation. This variable looks at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment’s implementation. The IRM acknowledges that results may not be visible within the two-year timeframe of the action plan and that at least a substantial level of completion is required to assess early results.

Section 2.3 focuses on outcomes from the implementation of commitments that had an ambitious or strong design, per the IRM design report assessment or that may have lacked clarity or ambition but had successful implementation with “major” or “outstanding” changes to government practice.¹ Commitments considered for analysis in this section had at least a “substantial” level of implementation, as assessed by the IRM in Section 2.4. While this section provides the analysis of the IRM’s findings for the commitments that meet the criteria described above, Section 2.4 includes an overview of the level of completion for all the commitments in the action plan.

Commitment 3: Improve the sharing, use, and reuse of public sector data	
Aim of the commitment	This commitment aimed to address legal and practical barriers in expanding the use of government-held data by implementing specific data governance reforms. ² It sought to establish a National Data Commissioner (NDC) and a multidisciplinary National Data Advisory Council (NDAC) to advise the Commissioner, drawing up best practice guidelines and standards on the use and sharing of government information, and enacting legislation to balance data disclosure and risk management. Its scope was the use, sharing, and re-use of public sector data between accredited entities across all levels of the federal government, as well as industry, research, and other private sector organisations. This did not extend to the public’s use and re-use of open, public sector data (i.e., non-personal, unrestricted), which is generally included in the term “public sector data.”
Did it open government? Marginal	<p>This commitment is substantially complete. All milestones were completed except the enactment of the Data Availability and Transparency Bill 2020 and the Data Availability and Transparency (Consequential Amendments) Bill 2020. Also incomplete is the consequential appointment of a permanent NDC and formalisation of the NDAC. The Interim NDC was appointed in 2018. The NDAC (with equal civil society and government membership) was appointed in 2019 along with the release of data guidance, standards, and practices. A draft data-sharing agreement template³ and <i>Foundational Four</i> guidance on foundational data practices to improve agencies’ data capability⁴ were published in 2020. Following extensive consultation on two discussion papers and 2020 exposure drafts, the Data Availability and Transparency Bill 2020 and the Data Availability and Transparency (Consequential Amendments) Bill 2020 were introduced into Parliament in December 2020. As of 1 June 2021, they await their third reading, following the Senate Finance and Public Administration Committee’s report from 29 April 2021.⁵ The permanent NDC will be appointed and the NDAC formalised following the enactment of this legislation.</p> <p>The NDA met six times over 2019 and 2020 to promote a public narrative about the proposed legislation, strengthen safeguards, and address concerns</p>

	<p>raised by stakeholders. In August 2020, it attested to the rigour of engaging with the public via online channels as shown by publicly engaging on the bill over the past two years.⁶</p> <p>An extensive, two-year public engagement process revealed wide-spread privacy concerns about the government's initial proposals. The resultant two bills now clarify that commonwealth data can only be shared for three purposes: government services delivery, informing government policy and programs, and research and development. This consultation process advanced civic participation in forming data-sharing and release policy.</p> <p>The government's <i>Delivering for Australians 2019</i> statement advised that the data-sharing and release legislative reforms will support the APS to better share and use commonwealth data.⁷ As the guidance is only an opt-in model, the government needs to persuade departments to demonstrate how the legislation is used,⁸ and to share with state and territory public services, not just the APS.</p> <p>At this stage, this commitment has only marginally changed government practice on data governance and disclosure. While growing institutional capacity is now possible, it is too early to observe whether the published template and guidance are changing the government's data management practice. There are not yet any federal or state online citations to the new guidance and standards to support the government's claim that it has been widely adopted, including by some state and territory agencies.⁹</p> <p>The IRM 2018–2020 design report noted that this commitment's success hinged on the eventual scope and content of the final legislation and on its implementation. It noted the Data Commissioner's enforcement power to increase accountability of the data governance process.¹⁰ The 29 April 2021 report by the Senate Finance and Public Administration Legislation Committee seeks assurances of appropriate security agency oversight of data-sharing agreements, security risks, and guidance on privacy protections, particularly for de-identifying personal data.¹¹ It noted that it was of the view that, in drafting the bill and the proposed framework for data sharing, the ONDC[sic] has made substantial effort to address privacy concerns and strike an appropriate balance".¹² There is civil society concern that there is "little thoroughfare for financial transparency".¹³ As at 23 August 2021, the legislation has not progressed beyond its second reading in Parliament.</p> <p>The IRM researcher understands that data sharing implementation and policy formation will be included in the third action plan, with a focus on building trust.¹⁴</p>
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<p>Commitment 5: Engage states and territories to better understand information access</p>	
<p>Aim of the commitment</p>	<p>This commitment aimed to raise awareness of the Open Government Partnership at state and territorial levels, through a survey measuring the value citizens place on the right to access government information. It continued a</p>

	<p>commitment from the first action plan to develop a simpler, more coherent framework for managing and accessing government information.¹⁵</p>
<p>Did it open government?</p> <p>Marginal</p>	<p>This commitment is complete. It was a first step to raise OGP awareness at the subnational level following official authority from the Department of Prime Minister and Cabinet that states and territories could develop sub-national plans.¹⁶</p> <p>The Information Commissioners from New South Wales (NSW), Victoria, Queensland, Western Australia, the Commonwealth of Australia, and the Ombudsman from the Australian Capital Territory surveyed communities' valuation of access to government information. "Value" was defined as citizens' awareness of their rights to access government information, their attempts to access information, and their successful attempts to access the information.¹⁷ The summary findings, released in September 2019, complement the <i>National Dashboard - Utilisation of Information Access Rights</i>, a deliverable from the first action plan that gives detailed comparisons of jurisdictional response rates to formal information requests.¹⁸</p> <p>This commitment has marginally changed government practice of improving access to information. The government did not release the complete report, nor any detailed jurisdictional responses on how they could encourage more citizens to attempt to access government information. OGP members felt that the findings were thoughtful and led to forming commitments for the third action plan. They noted it was a warm-up study with great potential for involving states in the process but wondered whether it offered a structure that would provide a place for progress, as they felt there was no authorising environment.¹⁹</p> <p>The NSW Information Commissioner has subsequently released 2020 citizen information access results.²⁰ In 2020 the Office of the Victorian Information Commissioner consulted on a discussion paper on proactive and informal release in the Victorian public sector, published the submissions, and reported that it will use the information received in the submissions to explore how it can better assist agencies to proactively and informally publish information.²¹</p> <p>The IRM researcher understands that the next stages of this long-term work (i.e., implementation and policy formation) will be included in the third action plan.²²</p>

<p>Commitment 6: Enhance public engagement skills in the public service</p>	
<p>Aim of the commitment</p>	<p>This commitment aimed to establish the virtual hub, <i>APS Engage: public engagement and participation support</i>, designed by Commitment 15 in the first action plan.²³ It would give federal government officials online access to resources about public participation and act as a virtual platform between the APS and civil society. The commitment also aimed "to position Australia as a leader in developing an Open Dialogue Roadmap as part of OGP's International Deliberative Process Practice Group."²⁴</p>

<p>Did it open government?</p> <p>Marginal</p>	<p>This commitment is substantially complete. The framework for engagement and participation, Commitment 5.2 of the first action plan, was published in November 2019.²⁵ A virtual, though static, engagement hub with links to APS and OGP online engagement tools was released by the government as a ‘minimum viable product’ (MVP),²⁶ which OGF members do not think meets the minimum requirements of the commitment.²⁷ As online interaction with civil society is not technically possible in this MVP product, the hub has an email link to the APS Engage team for engagement support and guidance.</p> <p>The aim to “position Australia as a leader in developing an Open Dialogue Roadmap as part of OGP’s International Deliberative Process Practice Group” was met as Australia co-chaired this eminent practice group with Canada.²⁸ The practice group published the Open Dialogue Roadmap’s four volumes between May 2019 and September 2020: <i>Deliberation: getting policy-making out from behind closed doors</i>; <i>Informed participation: a guide to designing public deliberation processes</i>; <i>Informed participation: a workshop on designing deliberative processes</i>; and <i>The role of narrative building in public deliberation</i>.²⁹ Volumes one and two are listed on the federal government’s Department of Industry, Science, Energy and Resources’ website.³⁰</p> <p>According to the commitment’s closing progress report, the APS Engage team has completed user research and design of the hub and is now looking to iterate the hub as foreshadowed in the commitment.³¹ According to the government, an “alpha alpha version” has been developed.³² This progress has not yet been reported to the OGF.</p> <p>The APS public engagement framework was recognised by the independent Australian Public Service Review in 2019³³ and endorsed by the federal government in its response to the review.³⁴ The virtual but static hub offers best practices for civic participation. An OGF member referred to this as “the best AOG (All-of Government) thinking” and praised it as “very practical.”³⁵</p> <p>This commitment marginally changed the government practice of public engagement. Early results of the commitment include pilot training of APS staff and using the hub to develop the government’s AI Ethics Framework,³⁶ draft the third action plan, and use deliberation in several agency programs. This work was also publicly documented by the OECD Observatory of Public Sector Innovation³⁷ but online evidence of uptake by other agencies and engagement with civil society is lacking. One OGF member noted this is long-term government work when looking ahead to a co-design model, and that work is needed to embed it in the public service. According to the OGF member, some civil society leaders have been hostile toward public servants who wanted public engagement, so it is a two-way problem: “both need a spirit of goodwill.”³⁸</p> <p>The IRM researcher reiterates the IRM design report’s recommendation to evaluate the impact of this work and to develop proposals to better ensure the federal public service’s adoption of public engagement.³⁹ Essential first steps include a funded, public-engagement training across the APS, case studies demonstrating improved policy and service delivery as a result of the framework, and an interactive APS and civil society hub.</p>
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Commitment 7: Engage Australians in the independent review of the Australian Public Service

<p>Aim of the commitment</p>	<p>This commitment aimed to encourage wide public participation in [the independent] APS review, test ideas in “an open and inclusive manner” and use “appropriate technologies such as artificial intelligence and natural language processing.”⁴⁰</p>
<p>Did it open government?</p> <p>Marginal</p>	<p>This commitment is complete. The May 2018 announcement of the APS review and the 4 June–31 July 2018 extensive online and face-to-face public submission stage both occurred before the commencement of the second action plan in September 2018. The review’s consultation report, released in December 2018, reported that engagement, including consultation on a May 2019 <i>Priorities for Change</i> report, included over 11,000 individuals and organisations across 400 consultations.⁴¹</p> <p>The OGF was advised at its 9 October 2019 meeting that most consultation participants were from the APS.⁴² This suggests that a significant proportion of feedback was from APS staff rather than the public, as encouraged by the commitment.</p> <p>The commitment’s stated aim was also to test the use of “appropriate technologies such as artificial intelligence and natural language processing.” Officials advised the OGF that the review’s engagement “process was resource intensive but included a natural language processing capability which augmented, but did not replace, extensive data processing.”⁴³ Meeting minutes gave no further detail about the impact or value of testing these new technologies to enhance public participation in the review.</p> <p>The independent review report, <i>Our Public Service Our Future</i>, provided no evidence that this commitment led to wider public engagement than had been already planned for the review. Although the panel asserted that the review must be grounded in evidence from listening to the Australian public, there is no evidence that this commitment led to wider public engagement.⁴⁴</p> <p>However, the review report promoted “an open public service,” “greater trust,” and “greater impact through genuine partnerships, with an emphasis on co-design and collaboration.”⁴⁵ It praised the development of a public engagement strategy and a practical <i>APS Framework for Engagement and Participation</i> and recommended a charter of partnerships that “can be built on work recently commissioned by [the] Secretaries Board on best-practice approaches to public engagement.”⁴⁶</p> <p><i>Delivering for Australians</i>, the government’s December 2019 response to the APS review, agreed in part to this recommendation: “Rather than agree [to] a new framework like the proposed Charter of Partnerships, the APS will apply the recently-agreed <i>APS Framework for Engagement and Participation</i> to support genuine collaboration with Australians in designing better services and finding solutions to policy problems. Application of this [f]ramework will be monitored through individual and agency-level performance.”⁴⁷</p> <p>Government’s public adoption of the framework (i.e., Commitment 6) sets the scene for changes in APS public engagement practice. OGF members reported that the advice was well aligned but felt that there was a gap between this advice and the government’s resistance to co-design.⁴⁸</p>

Commitment 8: Expand open contracting and due diligence in procurement	
Aim of the commitment	This commitment aimed to publish an additional AusTender dataset on data.gov.au, using the Open Contracting Data Standard (OCDS), and to assess the value of that data with user groups including government, business, and civil society. It would also review and report on existing procurement due diligence practices and consider opportunities to further support OGP values of transparency and accountability.
Did it open government? Marginal	<p>This commitment is substantially complete. The government advised the OGF that the OCDS-compliant dataset⁴⁹ was published and promoted with stakeholders⁵⁰. Ten years of procurement data is now machine-readable, new contracts are published in accordance with the standard, the dataset is listed on data.gov.au, and an API was introduced in December 2018. The government also reported that it consulted further on the use and value of the dataset, published additional OCDS information, implemented a minor technical recommendation, and will continue to review regularly the use and value of the OCDS-compliant dataset.⁵¹</p> <p>However, there is no public evidence of this review, its results, nor of promotion of the OCDS-compliant dataset. There was also no clear feedback to the OGF on the process and who was involved.⁵² The government indicated that recent analysis of the API shows an average of around 170,000 API calls per week, which indicates regular demand for this OCDS-compliant dataset.⁵³ There is no current reference on the AusTender website of changes to the dataset⁵⁴ and the link to its API is not easily visible. OGF members were concerned that the welcome changes had not been promoted.⁵⁵</p> <p>The due diligence advice presented to the OGF on 8 October 2020 found that there is no “one size fits all” approach to due diligence across the commonwealth.⁵⁶ This advice has not yet been published on the Department of Finance’s website, which would allow widespread government and public use and re-use, as requested by the OGF and sought in the first and second action plans. According to a civil society member of the OGF, the advice to the OGF was not sufficiently detailed for it to meet the commitment’s original aim of publishing the outcome of the review.⁵⁷</p> <p>The updated government’s procurement rules, released in December 2020, do not cover due diligence.⁵⁸</p> <p>This commitment has marginally changed the government practice of disclosing procurement information, given there have been no significant promotion efforts to encourage wider uptake of the published data and the due diligence advice has not yet been published. The National Indigenous Australians Agency, which has been using this procurement dataset for reporting progress against the Aboriginal Procurement Strategy since 2015, now benefits from the new API and is working with the Department of Finance on how to better visualise its reports,⁵⁹ and the release of the dataset on data.gov.au has made it more accessible.</p>

¹ IRM design reports identified strong commitments as “noteworthy commitments” if they were assessed as verifiable, relevant, and have “transformative” potential impact. If no commitments met the potential impact threshold, the IRM selected noteworthy commitments from the commitments with “moderate” potential impact.

For the list of Australia's noteworthy commitments, see the executive summary of the 2018–2020 design report. Daniel Stewart, *Independent Reporting Mechanism (IRM): Australia Design Report 2018–2020*, (OGP, 2020), https://www.opengovpartnership.org/wp-content/uploads/2020/11/Australia_Design_Report_2018-2020.pdf.

² *Id.* At 29.

³ Asha Barbaschow, COVID-19 stalls Australia's Data Availability and Transparency Act (ZDNet, 22 Apr. 2020), <https://www.zdnet.com/article/covid-19-stalls-australias-data-availability-and-transparency-act/>.

⁴ Australian Office of the National Data Commissioner, *The Foundational Four* (2020), <https://www.datacommissioner.gov.au/sites/default/files/2020-06/foundational-four.pdf>.

⁵ Australian Senate, Finance and Public Administration Legislation Committee, "Data Availability and Transparency Bill 2020 [Provisions] and Data Availability and Transparency (Consequential Amendments) Bill 2020 [Provisions]" (Apr. 2021), [https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024663/toc_pdf/DataAvailabilityandTransparencyBill2020\[Provisions\]andDataAvailabilityandTransparency\(ConsequentialAmendments\)Bill2020\[Provisions\].pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024663/toc_pdf/DataAvailabilityandTransparencyBill2020[Provisions]andDataAvailabilityandTransparency(ConsequentialAmendments)Bill2020[Provisions].pdf;fileType=application%2Fpdf).

⁶ Australian Office of the National Data Commissioner, "National Data Advisory Council" (meeting 5, 26 Aug. 2020) (accessed 23 Jul. 2021), <https://www.datacommissioner.gov.au/about/advisory-council>.

⁷ Australian Government, *Delivering for Australians* (2019), 22, <https://www.pmc.gov.au/sites/default/files/publications/delivering-for-australians.docx>.

⁸ James Horton (OGF civil society member), interview by IRM researcher, 24 Mar. 2021.

⁹ Department of Prime Minister and Cabinet, unpublished commitment progress report, (29 Mar. 2021).

¹⁰ *Id.* at 6.

¹¹ Australian Senate Finance and Public Administration Legislation Committee. Report. Data Availability and Transparency Bill 2020 [Provisions] and Data Availability and Transparency (Consequential Amendments) Bill 2020 [Provisions] (29 April 2021) [https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024663/toc_pdf/DataAvailabilityandTransparencyBill2020\[Provisions\]andDataAvailabilityandTransparency\(ConsequentialAmendments\)Bill2020\[Provisions\].pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024663/toc_pdf/DataAvailabilityandTransparencyBill2020[Provisions]andDataAvailabilityandTransparency(ConsequentialAmendments)Bill2020[Provisions].pdf;fileType=application%2Fpdf)

¹² *Ibid* #11, Section 5.185, p77

¹³ Mel Flanagan (Open Government Advocate, member of Open Government Civil Society Network), interview by IRM researcher, 23 Mar. 2021.

¹⁴ Australian Dept. of the Prime Minister and Cabinet, "Phase 2c - Final Public Consultation on Draft Commitments for Australia's Third National Action Plan" (accessed 23 Jul. 2021), <https://ogpau.pmc.gov.au/consultations/phase-2c-final-consultation-draft-commitments>.

¹⁵ Australian Dept. of the Prime Minister and Cabinet, "3.1 - Information Management and Access Laws for the 21st Century" (10 Jul. 2020), <https://ogpau.pmc.gov.au/national-action-plans/australias-first-open-government-national-action-plan-2016-18/31-information>.

¹⁶ Elisabeth Tydd (NSW Information Commissioner), interview with the IRM researcher on 13 April 2021.

¹⁷ IPC, "Information Access Commissioners and Ombudsman release survey results on community attitudes" (30 Sept. 2019), <https://www.ipc.nsw.gov.au/media-releases/information-access-commissioners-and-ombudsman-release-survey-results-community-attitudes>.

¹⁸ ICP, "National Dashboard - Utilization of Information Access Rights - 2014-15" (Jul. 2020), https://www.ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_jul_2020.pdf.

¹⁹ James Horton and May Miller-Dawkins (OGF civil society members), interviews by IRM researcher, 24 and 29 Mar. 2021.

²⁰ IPC, "Research on Information Access" (accessed 23 Jul. 2021), <https://www.ipc.nsw.gov.au/information-access/research>.

²¹ OVIC "Proactive and Informal Release Discussion Paper" (accessed 23 Jul. 2021), <https://ovic.vic.gov.au/consultation-on-proactive-and-informal-release-discussion-paper/>.

²² Australian Dept. of the Prime Minister and Cabinet, "Phase 2c - Final Public Consultation on Draft Commitments for Australia's Third National Action Plan" (accessed 23 Jul. 2021), <https://ogpau.pmc.gov.au/consultations/phase-2c-final-consultation-draft-commitments>.

²³ Australian Government, *The Australian Public Service Framework for Engagement and Participation* (2020), 25, <https://www.industry.gov.au/sites/default/files/2019-11/aps-framework-for-engagement-and-participation.pdf>.

²⁴ Australian Government, *Australia's Second Open Government National Action Plan 2018-20* (2018), 2, <https://ogpau.pmc.gov.au/sites/default/files/publications/australias-second-open-government-nap-2018-20.pdf>.

²⁵ Australian Government, *The Australian Public Service Framework for Engagement and Participation*.

²⁶ Australian Dept. of Industry, Science, Energy and Resources, "Consultation hub" (accessed 23 Jul. 2021), <https://consult.industry.gov.au>.

²⁷ James Horton and May Miller-Dawkins (OGF civil society members), and Mel Flanagan (Open Government Advocate, member of Open Government Civil Society Network), separate interviews with the IRM researcher on 23, 24 and 29 March 2021

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- ²⁸ OGP, “OGP Practice Group on Dialogue and Deliberation” (accessed 23 Jul. 2021), <https://www.opengovpartnership.org/ogp-practice-group-on-dialogue-and-deliberation/>.
- ²⁹ *Id.*
- ³⁰ Australian Dept. of Industry, Science, Energy and Resources, “Open dialogue roadmap” (Jul. 2019), <https://www.industry.gov.au/data-and-publications/open-dialogue-roadmap>.
- ³¹ Dept. of Industry, Science, Energy and Resources, unpublished commitment closing report, 29 Mar. 2021.
- ³² Damian Carmichael (APS Engage Lead, Department of Industry, Science, Energy and Resources), interview by IRM researcher, 13 Apr. 2021.
- ³³ Australian Public Service, *Our Public Service Our Future* (2019), 122, <https://www.pmc.gov.au/sites/default/files/publications/independent-review-aps.pdf>.
- ³⁴ Australian government, *Delivering for Australians*, 19, <https://www.pmc.gov.au/sites/default/files/publications/delivering-for-australians.docx>
- ³⁵ May Miller-Dawkins (OGF civil society member), interview by IRM researcher, 29 Mar. 2021.
- ³⁶ Australian Dept. of the Prime Minister and Cabinet, “Enhance Public Engagement Skills in the Public Service” (10 Jul. 2020), <https://ogpau.pmc.gov.au/national-action-plans/australias-second-open-government-national-action-plan-2018-20/enhance-public>.
- ³⁷ Observatory of Public Sector Innovation, “Informed Participation, a deliberative methodology” (accessed 23 Jul. 2021), <https://oecd-opsi.org/innovations/informed-participation/>.
- ³⁸ Mark Zirnsak (OGF civil society member), interview by IRM researcher, 26 Mar. 2021.
- ³⁹ Daniel Stewart, *Independent Reporting Mechanism (IRM): Australia Design Report 2018–2020*, (OGP, 2020), https://www.opengovpartnership.org/wp-content/uploads/2020/11/Australia_Design_Report_2018-2020.pdf, p37
- ⁴⁰ *ibid* #39, p39
- ⁴¹ Inside Policy, *An Independent Review of the Australian Public Service: A detailed consultation report* (3 Dec. 2018), 16, <https://www.apsreview.gov.au/resources/consultation-report>.
- ⁴² Open Government Forum, “Meeting of the Open Government Forum Minutes” (Australian Government and OGP Australia, 9 Oct. 2019), 6, https://ogpau.pmc.gov.au/sites/default/files/meetings/Minutes%20-%209%20October%20OGF_I.pdf.
- ⁴³ *Id.*
- ⁴⁴ Australian Public Service, *Our Public Service Our Future*; the panel and the process 352, Australian Public Service, *Our Public Service Our Future* (2019), <https://www.pmc.gov.au/sites/default/files/publications/independent-review-aps.pdf>
- ⁴⁵ *Ibid* #44, Executive Summary, 22 and 23
- ⁴⁶ Australian Public Service, *Our Public Service Our Future*, 122.
- ⁴⁷ Australian Government, *Delivering for Australians*, Commentary on Recommendation 8, 19.
- ⁴⁸ Open Government Forum members, interview by IRM researcher, 29 and 29 Mar. 2021.
- ⁴⁹ AusTender, “Contract Notices” (Aust. Dept. of Finance, accessed 23 Jul. 2021), <https://www.tenders.gov.au/cn/search>.
- ⁵⁰ Open Government Forum, Meeting 8 October 2020. Agenda Item 7.3 - NAP2 OCDS and Due Diligence Commitment, <https://ogpau.pmc.gov.au/sites/default/files/meetings/Agenda%20Item%207.3%20-%20NAP2%20OCDS%20and%20Due%20diligence%20commitment.docx>
- ⁵¹ Open Government Forum, “Item 6: NAP 1 and NAP 2 Commitments – Delayed Commitments updates [Document last updated: 22/06/2020]” (meeting notes from OGF meeting) (26 Jun. 2020), <https://ogpau.pmc.gov.au/sites/default/files/consultation/Agenda%20Item%206%20-%20NAP1%20and%20NAP2%20Commitments%20%28Updated%29.docx>.
- ⁵² May Miller-Dawkins (OGF civil society member), Information provided to the IRM during the pre-publication period of this report, 8 Jul. 2021.
- ⁵³ Dept. of Finance. Information provided to the IRM during the pre-publication period of this report.
- ⁵⁴ Dept. of Finance, “Procurement” (accessed 23 Jul. 2021), <https://www.finance.gov.au/government/procurement>.
- ⁵⁵ Mel Flanagan (Open Government Advocate, member of Open Government Civil Society Network), Serena Lillywhite (OGF civil society member), May Miller-Dawkins (OGF civil society member), separate interviews by IRM researcher, 25, 26 and 29 Mar. 2021.
- ⁵⁶ Open Government Forum, “OCDS-compliant procurement dataset” (8 Oct. 2020), <https://ogpau.pmc.gov.au/sites/default/files/meetings/Agenda%20Item%207.3%20-%20NAP2%20OCDS%20and%20Due%20diligence%20commitment.docx>.
- ⁵⁷ May Miller-Dawkins (OGF civil society member), information provided to the IRM during the pre-publication period of this report, 8 July 2021.
- ⁵⁸ Dept. of Finance, “Commonwealth Procurement Rules” (14 Dec. 2020), <https://www.finance.gov.au/government/procurement/commonwealth-procurement-rules>.
- ⁵⁹ National Indigenous Australians Agency, interview by IRM researcher, 30 Apr. 2021.

2.4. Commitment implementation

The table below includes an assessment of the level of completion for each commitment in the action plan.

Commitment	Completion: <i>(no evidence available, not started, limited, substantial or complete)</i>
1. Strengthen the national anti-corruption framework	<p>Limited</p> <p>The government conducted public consultations on a proposed Commonwealth Integrity Commission (CIC) model from December 2018 to February 2019; consultations on exposure CIC draft legislation were held from November 2020 to March 2021, receiving 333 formal submissions¹ and publishing 219 of the submissions by 2 June 2021.² The announced policy to establish the CIC contributed to fulfilling this commitment’s goal but fell outside of the action plan’s cycle. Civil society attended several of the consultations and the government is currently considering a formal government response to the earlier report on establishing a National Integrity Commission.³ The range of responses to the draft legislation suggests that the government has not found a model that satisfies civil society. Transparency International’s submission said that the proposed commission’s differing treatment of politicians and law enforcement is a “fundamental failing,” and warned that the “commission must be fair and equitable in its treatment of all federal public officials irrespective of status or role.”⁴</p> <p>Until the announced policy to establish a stand-alone agency is enacted, it is not possible to assess whether the national anticorruption framework has been strengthened by the establishment of a stand-alone agency.⁵ Civil society members noted that progress on this work has been slow and “frustrating.”⁶ In October 2020, in response to the time taken for the government’s legislation to be introduced, an independent MP introduced Private Members Bills: the Australian Federal Integrity Commission Bill to establish an independent, public sector anticorruption commission for the commonwealth, and the Commonwealth Parliamentary Standards Bill to enhance the integrity of the Parliament of Australia.⁷</p>
2. Enhance the transparency of political donations and funding	<p>Limited</p> <p>The Joint Standing Committee on Electoral Matters (JSCEM)’s report on the 2016 election in November 2018⁸ envisaged a further inquiry and report on a number of reforms, including limiting political donations and expenditures, timely disclosures, and lowering disclosure thresholds.⁹ It noted that “[d]issenting reports show that the Committee could not agree unanimously on several recommendations, including reporting donations received every six months.”</p> <p>The Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018 introduced an electoral Transparency Register, which restricts the ability of foreign money</p>

	<p>to finance election campaigns. The JSCEM is now reviewing the operation of amendments dealing with foreign donations and related matters made by the 2018 Act.¹⁰ Submissions closed on 17 February 2021 and the date for reporting to parliament is now 30 June 2021.¹¹</p> <p>Civil society representatives noted that the work on foreign donations has been good but there is no proper financial accountability and there is a lack of will to enforce the rules. According to them, there is no real-time disclosure of domestic political donations.¹²</p> <p>Work on the remaining milestones for government, parliament, and other stakeholders to consider the recommendations was not started.</p>
3. Improve the sharing, use, and reuse of public sector data	<p>Substantial</p> <p>For details regarding the implementation and early results of this commitment, see Section 2.3.</p>
4. Improve public service practices using place-based approaches	<p>Limited</p> <p>Progress reports to the OGF note that three of the five milestones were completed before staff assigned to this commitment were moved to COVID-19 tasks (around April 2020): consulting on the scope of work, drafting a report that captured lessons, insights, and good practices from participating agencies, and a desktop review of previous place-based approaches. However, no evidence of this was presented to the OGF, which was not consulted on this commitment. The milestone to submit the report to the government and for the government to publish it was not met.</p> <p>The 14 May 2021 closing report to OGP officials, not yet published, advises that this work was superseded by the government's response to the 2019 Independent Review of the APS, which stated that the Secretaries Board would first undertake cross-portfolio analysis on lessons learned and success factors for place-based approaches. This closing report includes a note from the OGP officials that they also manage the Secretaries Board and are awaiting their advice on an update to the 2019 government response to the APS review's place-based recommendation including progress of work undertaken by the Secretaries Board and any planned next steps to expand this work.¹³</p>
5. Engage states and territories to better understand information access	<p>Complete</p> <p>For details regarding the implementation and early results of this commitment, see Section 2.3.</p>
6. Enhance public engagement skills in the public service	<p>Substantial</p> <p>For details regarding the implementation and early results of this commitment, see Section 2.3.</p>

7. Engage Australians in the independent review of the Australian Public Service	Complete. For details regarding the implementation and early results of this commitment, see Section 2.3.
8. Expand open contracting and due diligence in procurement	Substantial. For details regarding the implementation and early results of this commitment, see Section 2.3.

¹ Aus. Attorney-General Dept. "Submissions received for the Commonwealth Integrity Commission consultation draft" (accessed 23 Jul. 2021), <https://www.ag.gov.au/submissions-received-commonwealth-integrity-commission-consultation-draft>.

² *Id.* The authors of the remaining 114 submissions wanted their submissions to remain confidential or their publication was inappropriate or raised privacy concerns.

³ Aus. Attorney-General's Dept. unpublished commitment progress report, 29 Mar. 2021.

⁴ Christopher Knaus, "Australia's proposed anti-corruption commission creates 'retrograde' system" (*The Guardian*, 11 Mar. 2021), <https://www.theguardian.com/australia-news/2021/mar/12/australias-proposed-anti-corruption-commission-creates-retrograde-system-says-lobby-group>.

⁵ The Government has published statements that it intends to introduce this legislation to Parliament in 2021. Commencement of the CIC is subject to the parliamentary process. Sen. Marise Payne, letter to Sen. Concetta Fierravanti-Wells, (7 June 2021), https://www.aph.gov.au/-/media/Committees/Senate/committee/regord_ctte/Responses/2021/Ministerial_responses_8_of_2021.pdf?la=en&hash=12EBE72AECBDCF7ADC02D894BB38DF9337CC2B78_7.

⁶ Dr Ken Coghill (OGF Co-Chair; member of Accountability RoundTable), Serena Lillywhite (OGF civil society member), Johan Lidberg, (Associate professor, Journalism, Monash University. FOI expert since 2001), interviews by IRM researcher, 22, 26 and 29 Mar. 2021.

⁷ On 25 May 2021, the Australian Federal Integrity Commission Bill was removed from the Notice Paper in accordance with Standing Order 42 (Bills are removed from the Notice Paper if they are not called for eight consecutive sitting Mondays, when the House is sitting).

⁸ Parliament of the Commonwealth of Australia. Report on the conduct of the 2016 federal election and matters related thereto. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024085/toc_pdf/Reportontheconductofthe2016federalelectionandmattersrelatedthereto.pdf;fileType=application%2Fpdf

⁹ Daniel Stewart, *Independent Reporting Mechanism (IRM): Australia Design Report 2018– 2020*, (OGP, 2020), 26, https://www.opengovpartnership.org/wp-content/uploads/2020/11/Australia_Design_Report_2018-2020.pdf.

¹⁰ Parliament of the Commonwealth of Australia. Joint Standing Committee on Electoral Matters, *Report on the conduct of the 2016 federal election and matters related thereto* (Nov. 2018), https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/Operationandimpact.

¹¹ Parliament of the Commonwealth of Australia. "Joint Standing Committee on Electoral Matters" (accessed 23 Jul. 2021), https://www.aph.gov.au/parliamentary_business/committees/joint/electoral_matters.

¹² Johan Lidberg (Associate professor, Journalism, Monash University. FOI expert since 2001), interview by IRM researcher, 29 Mar. 2021.

¹³ National Indigenous Australians Agency, unpublished commitment closing statement, 14 May 2021.

III. Multistakeholder Process

3.1 Multistakeholder process throughout action plan implementation

In 2017, OGP adopted the OGP Participation and Co-Creation Standards to support participation and cocreation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP’s Articles of Governance also establish participation and cocreation requirements a country or entity must meet in their action plan development and implementation to act according to the OGP process. Australia **did not act** contrary to OGP process.¹

Please see Annex I for an overview of Australia’s performance implementing the Co-Creation and Participation Standards throughout the action plan implementation.

Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply it to OGP.² In the spirit of OGP, most countries should aspire to “collaborate.”

Level of public influence		During development of action plan	During implementation of action plan
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		

During action plan implementation, the new multistakeholder forum, the Open Government Forum (OGF), held its first meeting in February 2019 and met a total of eight times until August 2020, mostly quarterly. A written progress report on NAP2 implementation was provided to members ahead of each meeting, but not always included in the online papers. The minutes suggest there was little discussion about implementation at the meetings, beyond a query about due diligence advice for Commitment 8 and a request from one member for more face-to-face meetings with commitment lead officials. The OGF Co-Chair noted that “the low level of implementation discussion reflects the frustrations they have had. Though generally they were very satisfied with the government reports.”³ The primary focus of each meeting over this period was the development of NAP3. Workshops were held with civil society to discuss creating NAP3, not implementing NAP2. OGF members advised the IRM researcher there was regular interaction on

Commitments 3 and 6 but “more attention was given to the NAP creation than to the NAP implementation;” “at the beginning, a couple of Forum members wanted to ask questions about updates but from an early date, the majority of the time was spent on the next plan, implementers did not attend meetings, high-level people did;” and that “there was almost agreement that there was nothing more to say about NAP2 at the meetings as they were finished or nothing had happened.”⁴ The availability of officials and OGF members to attend the online meetings due to COVID-19 changed the nature of these meetings. Participants also needed to adapt to a different format for active discussion.

¹ Acting Contrary to Process: Country did not meet (1) “involve” during the development or “inform” during implementation of the action plan, or (2) the government fails to collect, publish, and document a repository on the national OGP website in line with IRM guidance.

² IAP2, “IAP2’s Public Participation Spectrum” (2018), https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

³ Open Government Forum Co-Chair, Dr Ken Coghill, interview by IRM researcher, 22 March 2021

⁴ Open Government Forum civil society members, Serena Lillywhite, May Miller-Dawkins, James Horton, interviews by IRM researcher, 22–29 Mar. 2021

3.2 Overview of Australia’s performance throughout action plan implementation

Key:

Green= Meets standard

Yellow= In progress (steps have been taken, but standard is not met)

Red= No evidence of action

Multistakeholder Forum	During Development	During Implementation
<p>1a. Forum established: The Open Government Forum (OGF) was established in December 2018 to monitor and drive implementation of the current Open Government National Action Plan, help develop the next Open Government National Action Plan, and raise awareness about open government. See the Open Government Forum Terms of Reference.¹</p>	Green	Green
<p>1b. Regularity: The OGF met quarterly during the implementation process. See the Open Government Forum Minutes.²</p>	Green	Green
<p>1d. Mandate public: The Terms of Reference (which set out the OGF’s remit), membership, and governance structure are publicly available on the Open Government Partnership Australia website.³</p>	Green	Green
<p>2a. Multistakeholder: The OGF “should comprise not more than 18 members, with equal representation from government (including Australian and [s]tate and [t]erritory [g]overnments) and civil society.” See the Open Government Forum Terms of Reference.⁴</p>	Green	Green
<p>2b. Parity: The OGF initially comprised nine government and nine civil society representatives. Two civil society members resigned during the implementation process (one in 2019 and one in 2020) and were not replaced, thus the representation was imbalanced. The forum website now lists eight government and seven civil society representatives. See the Open Government Forum membership.⁵</p>	Green	Red
<p>2c. Transparent selection: A fair and transparent appointment process is set out in the OGF’s Terms of Reference. The actual selection process of 2018, including nominations details of the 27 applicants, is fully described online. See the Open Government Forum Terms of Reference and Civil Society Nominations Process for Australia’s Second Open Government Forum.⁶</p>	Green	N/A
<p>2d. High-level government representation: The OGF is co-chaired by a senior government official and includes high-level representatives with decision-making authority from government. However, delegation and COVID-19 impacts resulted in some mid-level representation during implementation.</p>	Yellow	Yellow

3d. Openness: The OGF sought input and representation on the action plan implementation from their own stakeholder groups but not from civil society generally.	Green	Yellow
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events.	Green	Green
3f. Minutes: The OGF proactively communicates and reports back on its decisions, activities, and results to wider government and civil society stakeholders via the minutes of the OGF's meetings. ⁷	Green	Green

Key:

Green= Meets standard

Yellow= In progress (steps have been taken, but standard is not met)

Red= No evidence of action

Action Plan Implementation	
4a. Process transparency: The dashboard (which details progress of commitments and milestones, causes of delays, and next steps) was partly updated in October and November 2020. Latest progress on the two incomplete commitments was reported in July and August 2020. The most recent OGF minutes are dated November 2020. See the OGP Dashboard and the OGF's minutes. ⁸	Yellow
4b. Communication channels: The OGPAU website has a "Get Involved" webpage offering comments, a mailing list, and email addresses. ⁹	Green
4c. Engagement with civil society: The government does not hold at least two open meetings with civil society (one per year) to discuss implementation of the NAP. OGF minutes show that during implementation, civil society members proposed ways of achieving this.	Red
4d. Cooperation with the IRM: The link to the public comment version of the Australia 2018–2020 design report was shared on Twitter by the then IRM reviewer. ¹⁰ There is no online evidence that the government shared a link to this report with other government institutions or stakeholders to encourage input during the public comment phase. There is no link to IRM reports on the OGP Australia website and no items were posted on Twitter or Facebook. There was no item or notification about the IRM report in the minutes of the OGF's most recent meeting on 27 November 2020. ¹¹	Yellow
4e MSF engagement: The OGF monitors and deliberates implementation of the NAP by receiving written reports at its quarterly meetings. The OGF minutes indicate minor discussion on how to improve implementation. ¹²	Yellow
4f MSF engagement with self-assessment report: The government has not submitted its end-of-term self-assessment to the OGF for comments and feedback.	Red

4g. Repository: The government documents, collects, and publishes a repository in line with IRM guidance. The domestic OGP website with its own URL is available online, without barriers to access, and is linked to evidence. It provides evidence of the development of the third action plan and implementation of each commitment in the first two action plans. However, the implementation updates on the repository are not all current and there is no online evidence of how the government responded to the IRM's five key recommendations from the design report published in November 2020.¹³

Yellow

¹ Open Government Forum, *Australia's Open Government Forum Terms of Reference* (ver. 4) (Aug. 2020), <https://ogpau.pmc.gov.au/sites/default/files/files/og-forum-terms-of-reference-280820.docx>.

² Aus. Dept. of the Prime Minister and Cabinet, "Open Government Forum (OGF)" [meeting list] (accessed 24 Jul. 2021), <https://ogpau.pmc.gov.au/open-government-forum/meetings>.

³ Open Government Forum, *Australia's Open Government Forum Terms of Reference* (ver. 4).

⁴ *Id.*

⁵ Aus. Dept. of the Prime Minister and Cabinet, "Open Government Forum" (accessed 24 Apr. 2021), <https://ogpau.pmc.gov.au/open-government-forum>.

⁶ Open Government Forum, *Australia's Open Government Forum Terms of Reference* (ver. 4); Aus. Dept. of the Prime Minister and Cabinet, "Civil Society Nominations Process for Australia's Second Open Government Forum" (accessed 8 Feb. 2018), <https://webarchive.nla.gov.au/awa/20190208065517/https://ogpau.pmc.gov.au/civil-society-nominations-process-australias-second-open-government-forum>.

⁷ Aus. Dept. of the Prime Minister and Cabinet, "Open Government Forum (OGF)" [meeting list].

⁸ Aus. Dept. of the Prime Minister and Cabinet, "Second National Action Plan Commitments" (accessed 24 Jul. 2021), <https://ogpau.pmc.gov.au/national-action-plans/second-national-action-plan-commitments>; Aus. Dept. of the Prime Minister and Cabinet, "Second National Action Plan Commitments."

⁹ Aus. Dept. of the Prime Minister and Cabinet, "Get Involved" (accessed 24 Jul. 2021), <https://ogpau.pmc.gov.au/get-involved>

¹⁰ Daniel Stewart (@DanielStewart4), "My draft report on the design of Australia's second OGP national action plan..." (Twitter, 23 Oct. 2020), <https://twitter.com/DanielStewart4/status/1319496231081500674>.

¹¹ Open Government Forum, "Meeting of the Open Government Forum Minutes" (Australian Government and OGP Australia, 27 Nov. 2020), <https://ogpau.pmc.gov.au/sites/default/files/meetings/201127-minutes.docx>.

¹² Aus. Dept. of the Prime Minister and Cabinet, "Open Government Forum (OGF)" [meeting list].

¹³ Aus. Dept. of the Prime Minister and Cabinet, "National Action Plans" (accessed 24 Jul. 2021), <https://ogpau.pmc.gov.au/national-action-plans>.

IV. Methodology and Sources

Research for the IRM reports is carried out by national researchers. All IRM reports undergo a process of quality control led by IRM staff to ensure that the highest standards of research and due diligence have been applied.

The International Experts Panel (IEP) of the IRM oversees the quality control of each report. The IEP is composed of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Juanita Olaya

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual¹ and in Australia's 2018–2020 design report.

About the IRM

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



Keitha Booth is an independent consultant advising and commenting on open government and information-related matters. She has wide experience in e-government matters and led New Zealand's Open Government Information and Data Programme. Keitha has over 30 years of research experience in the public and private sectors and is a fellow of InternetNZ; a Senior Associate of the Institute for Governance and Policy Studies, Victoria University of Wellington; Associate of the Open Data Institute (UK); and a former member of the Digital New Zealand Advisory Board and the Creative Commons Aotearoa NZ Advisory Panel.

¹ IRM, *IRM Procedures Manual* (OGP, 16 Sep. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

Annex I. IRM Indicators

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text, the guiding questions to determine the relevance are:
 - Access to information: Will the government disclose more information or improve the quality of the information disclosed to the public?
 - Civic participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - Public accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
- **Potential impact:** This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the IRM implementation report.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the IRM implementation report.

Results-oriented commitments?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment design is one that clearly describes the:

1. **Problem:** Describe the economic, social, political, or environmental problem rather than describing an administrative issue or tool (e.g., 'misallocation of welfare funds' is more helpful than 'lacking a website').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26% of judicial corruption complaints are not processed currently")?

² IRM, *IRM Procedures Manual* (OGP, 16 Sep. 2017) <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation? E.g., "doubling response rates to information requests" is a stronger goal than "publishing a protocol for response."

Starred commitments

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 entities. To receive a star, a commitment must meet several criteria:

- The commitment's design should be **verifiable, relevant** to OGP values, and have **transformative** potential impact as assessed in the design report.
- The commitment's implementation must be assessed by IRM implementation report as **substantial** or **complete**.

This variable is assessed at the end of the action plan cycle, in the IRM implementation report.