



Sub No: 1107
File No: 12/7233 Date submitted to Office by AGD: 21 MAY 2012

ATTORNEY-GENERAL AND MINISTER FOR EMERGENCY MANAGEMENT

Open Government Partnership – Australian participation

Deadline: None.

Key Issues: Australia has been invited to join the Open Government Partnership (OGP). The Australian Information Commissioner participated in early discussions about the OGP and is well placed to coordinate whole of government advice about the desirability of Australia joining the OGP.

AGD Analysis: The OGP initiative was launched by President Obama and Brazilian President Rousseff in September 2011. It has since met in Brasilia in April 2012. The OGP is a multilateral initiative that aims to secure commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The US Secretary of State invited Australia to join the OGP by letter to the Minister for Foreign Affairs and Trade on 18 August 2011. 34 countries have joined and 21 have indicated their intention to join the OGP (**Attachment A**).

Agreeing to participate would commit Australia to the OGP Declaration (**Attachment B**) and require Australia to develop, adopt, self-assess and report on an open government action plan. The steps required and possible actions are at **Attachment C**. Australia, through a range of agencies, already has activities underway that are consistent with each broad area of the Declaration.

Further work is required to develop a whole of government position on the OGP. A number of departments have an interest in elements of the OGP's work, including the Attorney-General's Department in relation to FOI and anti-corruption measures, the Department of Finance and Deregulation in relation to government data transparency, the Department of the Prime Minister and Cabinet in relation to public service integrity, and the Department of Broadband, Communications and the Digital Economy in relation to access to technology.

The question of joining the OGP was considered by the former Minister for Privacy and Freedom of Information in November 2011 in the context of President Obama's visit to Australia. The Minister did not agree to pursue joining the OGP at that time.

We explored the interest of other agencies in joining the OGP. There was some concern that the OGP would duplicate the work of other international bodies, particularly those focussed on anti-corruption initiatives. The Department of Foreign Affairs and Trade has suggested that a whole of government consultation process be undertaken in order to inform the Government's consideration of the OGP.

The Office of the Australian Information Commissioner also has an interest in OGP and has attended preliminary meetings hosted by the US. The Information Commissioner has informally agreed to consult relevant departments to develop a whole of government position on the OGP, including whether Australia should join and, if it did, which agency should take the lead.

We recommend you invite the Information Commissioner to undertake that work and report back to you so that you can provide advice to the Prime Minister and Minister for Foreign Affairs and Trade the about the desirability of joining the OGP.

Financial Implications: None.

Sensitivities and Communications Plan: Being Drafted.

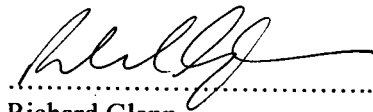
Recommendation: I recommend that you:

(a) sign the letter to the Information Commissioner at **Attachment D**, and

Signed / Not Signed / Discuss

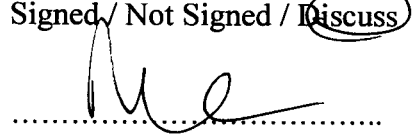
(b) sign the letters to the Prime Minister and Minister for Foreign Affairs and Trade at **Attachment E**

Signed / Not Signed / Discuss



Richard Glenn
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18 / 5 / 2012

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Attorney-General
Minister for Emergency Management
31 / 5 / 2012

Just write
straight to Minister
proposing we join.
Discuss with home
clerk +
Andrea David in my office.
Thanks.
All.

Background

2. The question of joining the OGP was considered by the former Minister for Privacy and Freedom of Information in November 2011 in the context of President Obama's visit to Australia. The Minister did not agree to pursue joining the OGP at that time.
3. We explored the interest of other agencies in joining the OGP. There was some concern that the OGP would duplicate the work of other international bodies, particularly those focussed on anti-corruption initiatives. The Department of Foreign Affairs and Trade suggested that a whole of government consultation process be undertaken in order to inform the Government's consideration of the OGP.
4. Commitment to the OGP Declaration would mean giving practical effect to, and reporting publicly on, the following commitments.
 - a) Increased availability of information about government activities, including:
 - i) promoting increased access to information and disclosures about government activities
 - ii) increased collection and publication of data on government spending and performance for essential public services and activities
 - iii) proactively provide high-value data in easily usable formats
 - iv) providing effective remedies when information improperly withheld, and
 - v) seeking feedback from the public to identify data of value to them and taking those views into account to the maximum extent possible.
 - b) Support civic participation, including:-
 - i) making policy formulation and decision making more transparent, soliciting public feedback and deepening public participation in developing, monitoring and evaluating government activities
 - ii) protecting the ability of the not-for-profit and civil society organisation to operate, consistent with OGP commitment to freedom of expression association and opinion, and
 - iii) creating mechanisms to enable greater collaboration between governments and civil society organisation and business.
 - c) High standards of professional integrity throughout public administrations, including:
 - i) having robust anti-corruption policies, mechanisms and practices, transparency in public finances and government purchasing and strengthening the rule of law
 - ii) make public information on income and assets of national, high ranking public officials
 - iii) implementing whistle-blower protection
 - iv) publishing information on the activities and effectiveness of anti-corruption and enforcement bodies, as well as the procedures for recourse to such bodies, and
 - v) increasing deterrents against bribery and other forms of corruption in the public and private sectors and sharing information and expertise.
 - d) Increasing access to new technology for openness and accountability, including:

- i) developing accessible and secure online spaces as platforms for delivering services, engaging the public and sharing information and ideas
- ii) engaging civil society and business to identify practices and innovative approaches for exploiting new technologies to empower people and promote transparency in government, and
- iii) supporting and developing the use of technology by government employees and citizens alike.

Relevance to Election Commitments/Government Policy

5. This submission goes to the Government's ongoing commitment to the openness and transparency of government.

Consultation

- 6. ICCD.
- 7. Office of the Australian Information Commissioner.

Sensitivities and Communication Plan

8. On 27 March 2012 Senator Rhiannon issued a media release criticising the Government for not having joined the OGP. Stakeholders interested in open government issues will welcome action in relation to the OGP but may be critical that the Government has not yet indicated a firm intention to join. The Department has received a small number of media enquiries about Australia's position on the OGP but there has been limited media coverage.

Advice Rating	1	2	3	4	5	Comments
Timeliness						
Presentation						
Quality of Advice						

Poor

Satisfactory

Excellent

ATTACHMENTS:

- A – List of countries that have joined or intend to join the OGP.
- B - Open Government Partnership Declaration.
- C – Requirements to join the OGP.
- D – Letter to the Information Commissioner.
- E – Letters to the Prime Minister and Minister for Foreign Affairs and Trade.