



Australian Government

***Government Response to the Report
of the Government 2.0 Taskforce***

Engage: Getting on with Government 2.0

May 2010

Archived

Format

In this document the Australian Government responds to each of the recommendations made by the Government 2.0 Taskforce, in its report, *Engage: Getting on with Government 2.0* delivered on 22 December 2009. Each Taskforce recommendation appears in *italics*, followed by the Government's response.

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Director
Communications and Public Affairs
Department of Finance and Deregulation
John Gorton Building King Edward Terrace Parkes ACT 2600
Email: financepublications@finance.gov.au

Central Recommendation: A declaration of open government by the Australian Government

Accompanying the Government's announcement of its policy response to this report, a declaration of open government should be made at the highest level, stating that:

- using technology to increase citizen engagement and collaboration in making policy and providing service will help achieve a more consultative, participatory and transparent government*
- public sector information is a national resource and that releasing as much of it on as permissive terms as possible will maximise its economic and social value to Australians and reinforce its contribution to a healthy democracy*
- online engagement by public servants, involving robust professional discussion as part of their duties or as private citizens, benefits their agencies, their professional development, those with whom they are engaged and the Australian public. This engagement should be enabled and encouraged.*

The fulfilment of the above at all levels of government is integral to the Government's objectives including public sector reform, innovation and using the national investment in broadband to achieve an informed, connected and democratic community.

AGREED. The Australian Government is committed to the principles of openness and transparency in Government, and a Declaration of Open Government is an important affirmation of leadership in these principles. A Declaration, in conjunction with the Australian Government's proposed reforms to the *Freedom of Information Act 1982*, will also assist in driving a pro-disclosure culture across government. Accordingly, the Australian Government will draft a Declaration of Open Government for presentation to the Parliament, and through it, to the Australian people.

Recommendation 2: Coordinate with leadership, guidance and support

2.1 *A lead agency should be established within the Commonwealth public service with overall responsibility for advancing the Government 2.0 agenda, providing leadership, resources, guidance and support to agencies and public servants on Government 2.0 issues. Its work program should be developed in consultation with relevant agencies, for example Department of the Prime Minister and Cabinet, the proposed new Office of the Information Commissioner, Department of Finance and Deregulation, the Australian Public Service Commission, National Archives of Australia, Australian Bureau of Statistics, Department of Broadband, Communications and the Digital Economy, through a Government 2.0 Steering Group.*

AGREED. The Government 2.0 work program will be led by the Department of Finance and Deregulation ('Finance'), in consultation with the Government 2.0 Steering Group (the Steering Group).

Membership of the Steering Group will comprise representation from the Department of the Prime Minister and Cabinet (PMC), the proposed Office of the Information Commissioner (OIC), the Australian Public Service Commission (APSC), National Archives of Australia (NAA), Australian Bureau of Statistics (ABS), the Department of Broadband, Communications and the Digital Economy (DBCDE), the Department of Human Services (DHS), the Australian Taxation Office (ATO) and the Attorney-General's Department (AGD).

Finance, in consultation with the Steering Group, will have overall responsibility for developing and implementing the Government 2.0 work program, reporting to Government on its progress, and for providing advice, guidance and support to agencies on Government 2.0 issues.

2.2 The Australian Government should engage other members of the Council of Australian Governments to work with the lead agency to learn from each other and promote their successes in the development of Government 2.0 strategies.

AGREED. Engaging with other levels of Government will not only provide opportunities for learning, innovation and promotion of best practice, but also for collaborative efforts in the area of Government 2.0.

Recommendation 3: Improve guidance and require agencies to engage online

3.1 To make government more consultative, participatory and transparent, the lead agency, in consultation with other relevant agencies, should issue and maintain guidance to improve the extent and quality of online engagement by agencies.

AGREED. Finance, in consultation with the Steering Group, will issue and maintain guidance to agencies to assist making the government more consultative, participatory and transparent. This advice will be developed with the APSC.

3.2 Using this guidance, in conjunction with the lead agency and within 12 months of the Government's response to this report, all major agencies should:

3.2.1 identify barriers within their organisation which inhibit online engagement and document what they will do to reduce these barriers

3.2.2 identify and document specific projects to make use of social networking and 'crowdsourcing' tools and techniques to enhance agency policymaking, implementation and continuous improvement

3.2.3 identify and document specific projects to increase the use of online tools and platforms for internal collaboration within their agency and between agencies that they work with across the public sector.

AGREED. Agency activity implementing Web 2.0 technologies into their everyday business practices will be important if the government is to embed Government 2.0 cultural change in agencies.

Identifying barriers will focus agency efforts on making the necessary internal changes to organisational policies and technology platforms. Piloting specific projects appropriate to an agency's context and stakeholders will role model new practices, assisting employees to overcome any initial reluctance they may have in using the new tools, by active demonstration of the appropriate usage.

The Steering Group will oversee material agencies' project activities, and during the first 12 months, Finance will publish interim progress reports on a Government 2.0 blog to engage the Australian community.

3.3 The Australian Public Service Commission (APSC) will include in the annual State of the Service report details of agencies' progress in implementing the above recommendations, covering successes, disappointments and lessons learned.

AGREED. The APSC will incorporate an Open Government progress report in the State of the Service report from 2010-11.

3.4 Subject to security and privacy requirements, all public inquiries funded by the Australian Government should ensure that all submissions are posted online in a form that makes them searchable, easy to comment on and reuse. The Government 2.0 lead agency should encourage those conducting inquiries to use interactive media such as blogs to publicly discuss emerging lines of thought and issues of relevance.

AGREED IN PRINCIPLE. The Australian Government agrees that, in general, an inquiry process would benefit from open and transparent submissions to public inquiries.

A general proscription may not be appropriate for some forms of public inquiry, such as royal commissions, certain parliamentary inquiries, or certain own motion investigation inquiries by statutory officers like the Auditor-General or Commonwealth Ombudsman.

Accordingly, Finance, in conjunction with the Steering Group, will work to develop a policy to encourage best practice in this area that simultaneously protects information that ought not to be disclosed.

Recommendation 4: Encourage public servants to engage online

4.1 The taskforce endorses the revised online engagement guidelines for public servants issued by the Australian Public Service Commission (APSC) on 18 November 2009, including the declaration that Web 2.0 provides public servants with unprecedented opportunities to open up government decision making and implementation to contributions from the community. The taskforce agrees that, consistent with APS values and code of conduct, APS employees should be actively encouraged and empowered to engage online.

NOTED. The Australian Government welcomes the taskforce's endorsement.

4.2 The APSC in consultation with the lead agency should regularly review online engagement guidelines, using Government 2.0 approaches to ensure the process is open and transparent.

AGREED. The APSC should perform this work regularly in consultation with Finance as the lead agency, using Government 2.0 approaches as suggested.

4.3 The default position in agencies should be that employees are encouraged and enabled to engage online. Agencies should support employee enablement by providing access to tools and addressing internal technical and policy barriers.

AGREED. Finance, in consultation with the APSC and agencies, will lead implementation of the development of guidance to improve online engagement.

It is incumbent on the senior APS leadership to ensure that top-down change is enabled in agencies, and that APS employees are genuinely encouraged and empowered to engage online within their agency-specific context.

The cost of agency change required to address internal technical and policy barriers will be the responsibility of agencies to absorb as part of their business-as-usual activities.

Finance will create an online forum to assist agencies to record their initiatives and lessons learned (see recommendation 4.5).

4.4 Agencies should support employee-initiated, innovative Government 2.0-based proposals that create, or support, greater engagement and participation with their customers, citizens and/or communities of interest in different

aspects of the agency's work. They should create a culture that gives their staff an opportunity to experiment and develop new opportunities for engagement from their own initiative, rewarding those especially who create new engagement/participation tools or methods that can quickly be absorbed into the mainstream practice that lifts the performance of the department or agency.

AGREED. Implementation of this recommendation should lead to a better understanding between government and citizens, with opportunities for innovation and improved service delivery.

Australian Government agencies should therefore enable a culture that gives their staff opportunity to experiment and develop new opportunities for online engagement.

Agencies may wish to develop internal incentive mechanisms – in addition to the Government 2.0 awards proposed at recommendation 5 of the report – to encourage employee innovation and online engagement.

Agencies should also ensure that a broad range of stakeholder groups are considered for engagement online, for example, a health practitioner's blog providing feedback on Medicare procedures, in addition to a citizen's blog on proposed improvements to the claims' process.

4.5 The Government 2.0 lead agency should establish an online forum on which agencies can record their initiatives and lessons learned.

AGREED. It is intended that this will be led by Finance, leveraging existing centralised technology capabilities (govdex.gov.au) hosted by Finance. This is a practical measure that will promote uptake of best practice, and learning from errors that are made.

Agencies will be encouraged to use the online forum, which will be restricted to an internal government audience, to share their experiences with Government 2.0 technologies and associated cultural change.

Recommendation 5: Awards

In consultation with relevant agencies, the lead agency should establish awards for individual public servants and agencies that recognise outstanding practice in the use and impact of Government 2.0 tools to improve agency and program performance.

AGREED. Finance, in consultation with the Steering Group, will include Government 2.0 awards as part of its existing e-government awards. The awards will recognise

both individual public servants and agencies for outstanding practice in the use and impact of Government 2.0 tools to improve agency and program performance.

Recommendation 6: Make public sector information open, accessible and reusable

6.1 *By default Public Sector Information (PSI) should be:*

- *free*
- *based on open standards*
- *easily discoverable*
- *understandable*
- *machine-readable*
- *freely reusable and transformable.*

6.2 *PSI should be released as early as practicable and regularly updated to ensure its currency is maintained.*

6.3 *Consistent with the need for free and open use and adaptation, PSI released should be licensed under the Creative Commons BY standard as the default.*

6.4 *Use of more restrictive licensing arrangements should be reserved for special circumstances only, and such use is to be in accordance with general guidance or specific advice provided by the proposed OIC.*

6.5 *The proposed OIC should develop policies to maximise the extent to which existing PSI be relicensed Creative Commons BY, taking account of undue administrative burden this may cause for agencies. To minimise administrative burden, the taskforce envisages that rules could be adopted whereby a large amount of PSI that has already been published could be automatically designated Creative Commons BY. This would include government reports, legislation and records that are already accessible to the public. Individuals or organisations should also be able to request that other PSI be relicensed Creative Commons BY on application, with a right of appeal should the request be refused, to the proposed new Information Commissioner.*

6.6 *Where ownership of the PSI data rests with the Commonwealth, data should be released under Creative Commons BY licence. Negotiation with the other party/ies will be required to ensure release under Creative Commons BY for PSI which is not owned by the Commonwealth, or is shared with another party/ies. New contracts or agreements with a third party should endeavour to include a clause clearly stating the Commonwealth's obligation*

to publish relevant data and that this be under a Creative Commons BY licence. This policy should become mandatory for all contracts signed by the Commonwealth after June 2011.

6.8 *Any decision to withhold the release of PSI, other than where there is a legal obligation to withhold release, should only be made with the agreement of, or in conformity with policies endorsed by the proposed OIC and consistent with the Australian Government's FOI policy, noting that:*

6.8.1 *in the case of structured data, agencies must exhaust options to protect privacy and confidentiality before seeking an exemption*

6.8.2 *agencies must proactively identify and release, without request, such data that might reasonably be considered as holding value to parties outside the agency.*

6.9 *The Australian Government should engage other members of the Council of Australian Governments to extend these principles into a national information policy agreed between all levels of government; federal, state, territory and local.*

6.11 *Within the first year of its establishment the proposed OIC, in consultation with the lead agency, should develop and agree a common methodology to inform government on the social and economic value generated from published PSI.*

6.12 *The major agencies under the Financial Management and Accountability Act 1997 (FMA Act) should use the common methodology to report their performance in the release of PSI in their annual reports, commencing from the first anniversary of the establishment of the proposed OIC.*

6.13 *The proposed OIC should annually publish a report outlining the contribution of each agency to the consolidated value of Commonwealth PSI, commencing from the first anniversary of the establishment of the proposed OIC. The report should be published online and be accessible for comment and discussion.*

6.14 *Following government acceptance of the initial 'Value of PSI Report', the proposed OIC should consider the development of a 'lite' version of the common methodology for use by other FMA Act agencies.*

6.15 *The taskforce notes the proposed changes to the FOI Amendment (Reform) Bill 2009 to have the proposed OIC issue guidelines to support the future operations of the Act as described in the Explanatory Memorandum for*

Schedule 2, Section 8. To ensure effective and consistent implementation of access to PSI these guidelines should give due consideration to the concepts outlined above.

AGREED IN PRINCIPLE. The Freedom of Information (Reform) Bill 2009 and the Information Commissioner Bill 2009 (the FOI Reforms) will create a new framework through which government information is published and managed. The FOI Reforms will create the new statutory officer, the Information Commissioner, who will be charged with reporting to the Cabinet Secretary on information policy.

Recommendations 6.1, 6.2, 6.8, and 6.15 will all be addressed in the guidelines on the Information Publication Scheme which are to be issued by the Information Commissioner under the legislation.

For recommendations 6.3, 6.4, 6.5 and 6.6, consistent with AGD retaining copyright policy, AGD is to ensure that the IP Guidelines do not impede the default open licensing position proposed in recommendation 6.3.

To ensure these recommendations 6.11, 6.13 and 6.14 are implemented in the most effective way, the Government will ask the new Information Commissioner to identify options for implementation which will further the Australian Government's information management policy and complement Australia's new FOI framework. The Information Commissioner should advise the Cabinet Secretary of options for implementation within 12 months of the commencement of the Freedom of Information (Reform) Bill 2009 and the Information Commissioner Bill 2009.

6.7 Copyright policy should be amended so that works covered by Crown copyright are automatically licensed under a Creative Commons BY licence at the time at which Commonwealth records become available for public access under the Archives Act 1983.

AGREED, WITH MODIFICATION. The Australian Government will amend Australia's copyright policy to ensure that, at the time at which Commonwealth records become available for public access under the *Archives Act 1983*, works covered by Crown copyright are automatically licensed under an appropriate open attribution licence. The selection and use of an appropriate open attribution licence will remain the responsibility of agencies on a case-by-case basis. Agencies can use the National Government Information Licensing Framework (nGILF) tool to assist them making information licensing decisions.

6.10 *In order to accelerate the adoption of Government 2.0, in addition to any distribution arrangements they wish to pursue, agencies should ensure that the PSI they release should be discoverable and accessible via a central portal (data.gov.au) containing details of the nature, format and release of the PSI.*

AGREED. Finance will develop a data.gov.au website to facilitate access to public sector information. Agencies will be required to ensure that public sector information which is released is also made available through this central portal. Information which is posted on data.gov.au should contain details of the nature, format and release of the information.

Recommendation 7: Addressing issues in the operation of copyright

7.1 *Agencies should apply policy guidance, or seek advice on a case by case basis, on the licensing of PSI either before its release or in administering licences after publication from the proposed OIC.*

AGREED, WITH MODIFICATION. Agencies are to apply policy guidance on PSI licensing, or advice on a case by case basis, either before its release or in administering licences after publication.

However, consistent with the response to recommendation 7.2, the responsibility for copyright should not be moved to the OIC, but remains with the AGD. The AGD is to review the Australian Government's Intellectual Property policy to encourage the use of open licensing.

Agencies can use the National Government Information Licensing Framework (nGILF) tool to assist them making information licensing decisions.

7.2 *The functions currently performed by the Commonwealth Copyright Administration (CCA) unit within the Attorney-General's Department (AGD) relating to pre- and post-licensing of copyright material should be transferred to either the proposed OIC or the lead agency. Other administrative functions of the CCA unit should be reviewed to identify which of the functions should remain within AGD and those that should transfer to the proposed OIC.*

NOT AGREED. These functions are best performed by, and should remain with the AGD.

7.3 *It is recommended that the proposed OIC examine the current state of copyright law with regard to orphan works (including section 200AB of the Copyright Act 1968), with the aim of recommending amendments that would remove the practical restrictions that currently impede the use of such works.*

AGREED, WITH MODIFICATION. Consistent with the response to recommendation 7.2, although the Taskforce had recommended that the OIC examine the current state of copyright law with regard to orphan works, it is the Australian Government's view that this review should be undertaken by AGD.

Recommendation 8: Information publication scheme

8.1 *The taskforce recommends that, in the development, management and implementation of a government information publication scheme, the proposed OIC, once established, take regard of the findings and recommendations contained in the report Whole of Government Information Publication Scheme, Government 2.0 Taskforce Project 7.*

8.2 *The taskforce supports the model for the publication scheme set out in the Freedom of Information Amendment (Reform) Bill 2009 and notes that the Bill incorporates complementary aims. To reinforce its support, the taskforce recommends information publication schemes be developed with the following explicit aims. To:*

8.2.1 *provide an overall and consistent statutory framework for information publication by all agencies*

8.2.2 *encourage the widest disclosure of useful government information consistent with the public interest, and thereby greater trust in government*

8.2.3 *guide agencies in overcoming attitudinal, technological and legal barriers to optimal information disclosure and use, and to improved public engagement*

8.2.4 *provide a planning framework to assist agencies in their overall information management*

8.2.5 *provide an integrated and simplified guide for agencies to meet their information publication and reporting obligations*

8.2.6 *provide clear and understandable guidance to the public on their rights to, and methods of, accessing and using government information, leading to improved service delivery and public engagement in policy development*

8.2.7 *enable the proposed OIC to monitor schemes, and encourage agencies towards achieving government pro-disclosure objectives*

through reference to exemplars, and reporting of unsatisfactory progress.

NOTED. The new Information Commissioner, as part of his role in issuing guidance on and monitoring the Information Publication Scheme, will take account of all of the issues contained in recommendation 8.

Recommendation 9: Accessibility

9.1 *Significant cultural change is needed to enable greater support for the adoption of accessible Web 2.0 tools, collaboration and online community engagement activities, and PSI delivery projects. The taskforce therefore recommends that:*

9.1.1 *Agency compliance with the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) as the minimum accessibility level for all online community engagement and online PSI provision is required. Data provided on the primary PSI site data.gov.au, should be provided in full compliance with WCAG*

9.1.2 *Where an agency is considering a Web 2.0 project where strict compliance with WCAG accessibility guidelines risks preventing a project from proceeding, the MO will provide guidance on options to facilitate maximum access for people with disabilities*

9.1.3 *Where an agency elects to proceed with a project that is not fully compliant they must publish an online statement explaining site accessibility, together with an outline of where and why it does not meet a specific WCAG guideline, and what alternative options for accessible access were considered or are provided and plans for compliance within a reasonable timeframe*

9.1.4 *A central register of accessibility compliance statements should be maintained on data.gov.au*

9.1.5 *In consultation with relevant agencies, the lead agency should establish awards for agencies that recognise outstanding practice in the application of accessibility principles and guidelines to Government 2.0 tools to improve agency interactions with citizens, business and community groups.*

AGREED. Web 2.0 tools and strategies are creating new horizons for informing and engaging the public to directly collaborate in the activities of government. The

Australian Government is committed to improving the accessibility of its services and facilities to best support all Australians.

Finance already provides advice on the implementation of the World Wide Web Consortium's Web Content Accessibility Guidelines, the second version of which the Australian Government recently announced it would adopt as its minimum standard for online activity.

Finance also currently considers accessibility as a criterion in its e-government awards. When proceeding with projects that may not be fully WCAG compliant then agencies should outline areas of non-compliance and provide alternative options.

This will ensure that the Australian Government is transparent and accountable in ensuring every Australian has the opportunity to engage in Government 2.0 and access quality services and information online.

Recommendation 10: Security and Web 2.0

10.1 The lead agency, in conjunction with the Defence Signals Directorate (DSD), should develop a better practice guide (or 'how to' guide) to assist agencies in the effective, efficient and secure use of Web 2.0 tools and how to undertake associated risk assessment.

10.2 DSD should provide guidance to agencies on the appropriate mitigation treatments that could be adopted to address concerns or exposures identified in relation to the use of social networking and related tools. This guidance should take into consideration the different environments in which agencies operate, the varying risk profiles that exist and the range of tools that may be used. DSD should update the Information Security Manual (ISM) accordingly.

10.3 Sensitive and national security data requires special consideration in the context of PSI. To ensure consistency between PSI arrangements in the future and the proposed changes to the FOI Act, the proposed OIC should provide advice to agencies in relation to the treatment of PSI to enable its broadest possible release. Consistent with good practice, and the requirements of the Protective Security Manual (PSM), agencies must avoid the over classification of data so as to limit the need to review or pre-process data to enable its release.

AGREED, WITH MODIFICATION. The Australian Government believes that public sector information is a national asset and is committed to working to find the best ways for both government and citizens to utilise its value. Within this frame, it is important that agencies are supported in implementing this measure this by better practice guides and appropriate mitigation treatment options.

The Information Commissioner will take account of recommendation 10.3 when issuing guidelines under the FOI legislation.

Recommendation 11: Privacy and confidentiality

11.1 To protect the personal information of individuals included in PSI, the Privacy Commissioner should develop guidance on the de-identification of PSI before it is released.

11.2 To protect the commercial-in-confidence information of businesses included in PSI, the proposed OIC should develop guidance on the de-identification of PSI.

NOTED. This is already in operation – either by protection of the personal information or by relevant exemptions under the *Freedom of Information Act 1982*.

The Information Publication Scheme will provide the legislative framework for information held by government to be published, subject to the exemptions consistent with the FOI legislation.

Recommendation 12: Definition of Commonwealth Record

12.1 The taskforce recommends that government agencies wishing to use third party sites for the purposes of collaboration, service delivery or information dissemination, ensure that copies of records so generated are retained in the possession of the Commonwealth such that they satisfy the definition of Commonwealth Record in the Archives Act 1983. The Australian Government reviewed the property-based definition of Commonwealth Record in the Archives Act 1983 with a view to replacing it with a definition that defines Commonwealth records as any information created or received by the Commonwealth in the course of performing Commonwealth business.

AGREED. Under the *Archives Act 1983* agencies are required to retain Commonwealth records as defined in that Act. This obligation will continue to apply in the Web 2.0 context. To assist agencies to fulfil this obligation, the NAA will produce guidance on what constitutes a Commonwealth record for the purposes of actions undertaken in the Web 2.0 context.

12.2 To enable and assist the discovery, sharing and reuse of PSI, agencies should deploy endorsed metadata standards such as the Australian Government Locator Service Metadata Standard (AS 5044) together with whole of government taxonomies such as the Australian Government's Interactive Functions Thesaurus (AGIFT) as outlined in the Australian Government's Information Interoperability Framework. Whenever not being able to meet such standards would appreciably delay the release of PSI,

agencies should release non-compliant data until such time as they are able to comply with the standards.

AGREED. The report of the taskforce builds on our FOI reforms to date by seeking to free up government data and information to enhance government accountability. Finance, in collaboration with the NAA, will provide guidance to agencies on the implementation Australian Government's endorsed metadata standards, including the Australian Government Locator Service Metadata Standard and whole of government taxonomies such as the Australian Government's Information Interoperability Framework.

As recommended by the Taskforce in its report, wherever agencies are not able to meet such standards, and doing so would produce an appreciable delay of release on PSI, the data should be released provisionally and then updated with compliant metadata within a stated timeframe.

Recommendation 13: Encourage info-philanthropy

Australian policy makers should minimise obstacles to info-philanthropy being treated as an eligible activity to qualify for deductible gift recipient and other forms of legal status which recognise charitable or philanthropic purposes. Some of the most successful experiments in Government 2.0 have been fuelled by not-for-profits in leading countries such as the UK and the US. As part of their policy approach to recognise volunteers in the community, they should also ensure that online volunteers are appropriately recognised.

DEFER CONSIDERATION This recommendation will be considered in the context of the Australia's Future Tax System Review and the Productivity Commission's report into the contribution of the not for profit sector.