

# Submission to the Australian Government Public Consultation on Australia's First Open Government National Action Plan 2016-18

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Open government has been an important focus of the Pirate Party in Australia since its founding in 2008. The Pirate Party thanks the Australian Government for the opportunity to make a submission on Australia's First Open Government National Act Plan 2016–18 ('OGNAP'). While the Party does generally agree with the broad outlines of commitments given, it hopes that they are only a small step along the road to an open government. This submission includes comments on some of the commitments, but reserves judgement on the plan until the details of each commitment are fully released. The Pirate Party eagerly awaits the release of these details which it hopes will meet the ideals of this draft plan.

## Build and maintain public trust to address concerns about data sharing (OGNAP 2.2)

It would be beneficial for the purposes of bolstering public trust and confidence in government if commitments were made to inform the public of how data will be used prior to its collection. It should be a given that the subjects of data are told how it will be used. If uses include passing data to researchers and other third parties, this should be made clear from the beginning.

#### Improve the discoverability and accessibility of government data and information (OGNAP 3.3)

The introduction of a freedom of information classification scheme, similar to security classifications, under which documents are automatically assessed under the *Freedom of Information Act 1982* (Cth) at or shortly after the time

<sup>\*</sup>Pirate Party Australia is a federal political party registered under the *Commonwealth Electoral Act 1918* (Cth) and an incorporated association under the *Associations Incorporation Act 2009* (NSW).

of generation would significantly improve public access and reduce decision-making time. In addition to this, the automatic indexing of all documents at the time of creation, so that lists of documents can be made publicly available, would encourage freedom of information requests to target specific documents rather than requesting access to broad classes of documents would lead to reduced processing, increased efficiency, and enable the public to have access to only those documents they need to access. Further, it is important for the maintenance of public trust in government that decision-making processes be scrutinised, and exemptions undermine this. The reduction of exemptions so that more documents are accessible by the public, including the removal of exemptions for deliberative materials, would assist in this scrutiny.

### Confidence in the electoral system and political parties (OGNAP 4.1)

New technology should be utilised to more easily allow the public to access information on donors and donations to political parties and candidates. A periodically-updated online database managed by the Australian Electoral Commission and allowing members of the public to search by party, candidate, donor and amount would be inexpensive to implement and provide a significant improvement in transparency. It may be prudent to introduce a requirement for incorporated bodies to submit to the Electoral Commission the names of board members who approved donations to better inform the public as to who was actually responsible for the decision to donate.

#### **National Integrity Framework (OGNAP 4.2)**

It is vital to maintaining Australia's reputation for having low instances of corruption that the ability to prevent, detect and respond to bribery and corruption be continuously strengthened. The New South Wales Independent Commission Against Corruption has made enormous strides in uncovering and investigating corruption, including bribes and kickbacks. An independent commission to investigate corruption would indicate to the public that corruption is taken seriously, and would reduce the perception that politicians and public servants are a law into themselves.

#### Enhance public participation in government decision making (OGNAP 5.2)

While Australia provides a substantial amount of public participation through public inquiries and consultations, improvements should be made to encourage and facilitate public participation much earlier in the legislative and decision-making processes. A number of bills have been introduced by the Government to Parliament which have proven controversial, and which have been the subject of Parliamentary inquiries that have effectively delayed the passage of those bills. This could be remedied by increasing the use of exposure drafts before introducing legislation, allowing an opportunity to introduce higher quality legislation from the start. In other consultations, publicity should also be improved. For example, it seems that not many people knew about the consultation on the First Open Government National Action Plan (that is, this consultation) until quite late in the process. Getting the public on board as early as possible should be a priority, and this requires ensuring the public is adequately informed about consultations.