

CHAPTER TWENTY-EIGHT

ENGAGE: GETTING ON WITH GOVERNMENT 2.0*

Government 2.0 Taskforce (Nicholas Gruen, Chair)

KEY POINTS

- Government 2.0 or the use of the new collaborative tools and approaches of Web 2.0 offers an unprecedented opportunity to achieve more open, accountable, responsive and efficient government.
- Though it involves new technology, Government 2.0 is really about a new approach to organising and governing. It will draw people into a closer and more collaborative relationship with their government. Australia has an opportunity to resume its leadership in seizing these opportunities and capturing the resulting social and economic benefits.
- Leadership, and policy and governance changes are needed to shift public sector culture and practice to make government information more accessible and usable, make government more consultative, participatory and transparent, build a culture of online innovation within Government, and to promote collaboration across agencies.
- Government pervades some of the most important aspects of our lives. Government 2.0 can harness the wealth of local and expert knowledge, ideas and enthusiasm of Australians to improve schools, hospitals, workplaces, to enrich our democracy and to improve its own policies, regulation and service delivery.

* First published as the Executive Summary and Recommendations in Engage – Getting on with Government 2.0 by the Government 2.0 Taskforce, www.gov2.net.au. The report is available at www.finance.gov.au/publications/gov20taskforcereport and licensed under a Creative Commons Attribution 2.5 Australia creativecommons.org/licenses/by/2.5/au.

Members of the Gov 2.0 Taskforce were Dr Nicholas Gruen (Chair), Ms Ann Steward (Deputy Chair), Mr Glenn Archer, Mr Sebastian Chan, Mr Adrian Cunningham, Prof Brian Fitzgerald, Ms Mia Garlick, Mr Peter Harper, Ms Lisa Harvey, Mr Martin Hoffman, Ms Pip Marlow, Mr Alan Noble, Dr Ian Reinecke, Dr David Solomon and Mr Martin Stewart-Weeks.

See also the Federal Government's response to the Government 2.0 Taskforce report, available at www.finance.gov.au/publications/govresponse20report/index.html. The Federal Government generally endorsed 12 of the 13 recommendations, including that the Creative Commons Attribution (BY) licence be the default licence for PSI. The response itself was made available under a Creative Commons Attribution 2.5 Australia [licence creativecommons.org.au/licenses/by/2.5/au](http://creativecommons.org.au/licenses/by/2.5/au).

- Government 2.0 is a key means for renewing the public sector; offering new tools for public servants to engage and respond to the community; empower the enthusiastic, share ideas and further develop their expertise through networks of knowledge with fellow professionals and others. Together, public servants and interested communities can work to address complex policy and service delivery challenges.
- Information collected by or for the public sector — is a national resource which should be managed for public purposes. That means that we should reverse the current presumption that it is secret unless there are good reasons for release and presume instead that it should be freely available for anyone to use and transform unless there are compelling privacy, confidentially or security considerations.
- Government 2.0 will not be easy for it directly challenges some aspects of established policy and practice within government. Yet the changes to culture, practice and policy we envisage will ultimately advance the traditions of modern democratic government. Hence, there is a requirement for coordinated leadership, policy and culture change.
- Government 2.0 is central to the delivery of government reforms like promoting innovation; and making our public service the world's best.¹

EXECUTIVE SUMMARY

WEB 2.0 AND ITS PROMISE FOR GOVERNMENT

The use of the internet as a platform for collaboration is already transforming our economy and our lives. Whole industries and sectors are being refashioned by this phenomenon of Web 2.0. Citizens are being empowered to express themselves, organise and collaborate in myriad new ways.

The tools of Web 2.0 include blogs, wikis and social networking platforms. These tools enable communities of interest to develop rapidly to find people with local knowledge or technical expertise to build understanding of issues and solve problems as they emerge. They enable communities to filter the torrent of information on the internet and identify the most useful parts of it. They enable us to find the most useful contributors in any given subject area, be they a world expert or someone possessing important local or ephemeral knowledge.

Web 2.0 also encompasses the way in which the internet has become a platform for the distribution of vast quantities of data and the way in which it has empowered people and organisations to transform data by 'mashing it up', combining it with other data so that it can become useful in new ways.

These new tools and the culture of open collaboration which distinguishes the culture of Web 2.0 present important new challenges and possibilities for government. This offers new opportunities to refresh and deepen the enduring principles and values of modern democratic government and improve the quality and responsiveness of government policy making and service delivery.

¹ Advisory Group on Reform of Australian Government Administration and the Management Advisory Committee project on Advancing Innovation in the Public Sector, see www.dpmc.gov.au/consultation/aga_reform/index.cfm or tinyurl.com/yf57mr5 and www.innovation.gov.au/Section/Innovation/Pages/AdvancingPublicSectorInnovation.aspx or tinyurl.com/nbx6jm.

THE TASKFORCE'S GOVERNMENT 2.0 AGENDA

The taskforce came to define its agenda for Government 2.0 in terms of three pillars:

- Leadership, policy and governance to achieve necessary shifts in public sector culture and practice.
- The application of Web 2.0 collaborative tools and practices to the business of government.
- Open access to public sector information (PSI).

Government 2.0 presents challenges to some long held government practices and has the potential to change the relationship between government and its citizens.

THE PROMISE OF GOVERNMENT 2.0

By embracing Government 2.0 we can:

- make our democracy more participatory and informed
- improve the quality and responsiveness of services in areas like education, health and environmental management, and at the same time deliver these services with greater agility and efficiency
- cultivate and harness the enthusiasm of citizens, letting them more fully contribute to their wellbeing and that of their community
- unlock the immense economic and social value of information and other content held by governments to serve as a precompetitive platform for innovation
- revitalise our public sector and make government policies and services more responsive to people's needs and concerns by:
 - providing government with the tools for a much greater level of community engagement
 - allowing the users of government services much greater participation in their design and continual improvement
 - involving communities of interest and practice outside the public sector — which offer unique access to expertise, local knowledge and perspectives — in policy making and delivery
 - more successfully attracting and retaining bright, enthusiastic citizens to the public service by making their work less hierarchical, more collaborative and more intrinsically rewarding.

Government 2.0 will be central to delivering on critical national objectives including delivering on our National Innovation Agenda — including the aspiration for a more innovative public sector.² It will be central to addressing the desire of the Advisory Group on the Reform of Australian Government Administration to establish in Australia the world's best public service

² *Powering Ideas: An Innovation Agenda for the 21st Century*. www.innovation.gov.au/innovationreview/Pages/home.aspx or tinyurl.com/67l3vm and Management Advisory Committee, *Advancing Public Sector Innovation* see www.innovation.gov.au/Section/Innovation/Pages/AdvancingPublicSectorInnovation.aspx or tinyurl.com/nbx6jm.

which puts citizens at the centre of everything it does.³ It will be an important component of the Department of Human Services service delivery reform agenda.⁴ It can improve social inclusion. And it will enable us to make the most of our huge broadband investment making Australia a more connected democracy.

THE STATE OF PLAY

The enthusiasm of public agencies, public servants and the public themselves are all necessary for Government 2.0 to take root. In this regard Australia is well placed. Some Australian Government agencies have become recognised as international leaders in their embrace of Government 2.0 approaches.

In 2001, the Australian Government's Spatial Data Access and Pricing Policy was one of the first substantial programs in the world in which government data which had previously been sold was made available without charge.⁵ Today both the Australian Bureau of Statistics and Geoscience Australia are licensing much of their output using Creative Commons licences which permit others to freely use and remix it. This is an invitation to enhance the value of this public information asset (see Chapter 5).

The National Library of Australia (NLA), National Archives of Australia (NAA) and a number of Museums such as the National Museum of Australia (NMA) and Sydney's Powerhouse Museum⁶ have engaged Australia's citizenry in contributing their own time and content to enrich and improve national historical collections of text and visual material. Some government agencies and some individual public officials maintain blogs where they share their expertise and have informal discussions of professional matters of public interest.

There are many other examples. However efforts to date have tended to rely on the interest and enthusiasm of individual agencies. A recent KPMG survey undertaken for the Review of Australian Government Administration found that the Australian Public Service compared favourably with counterpart services elsewhere in a range of areas, but had worse performance than its best peers in the provision of online access to government information and services, mechanisms for cross-agency collaboration and tools and methods for incorporating external advice into the policy development and service design process. These are all things that Government 2.0 can deliver.

Since 2007 the United Kingdom, New Zealand and, more recently, the United States, have recognised the economic and social benefits of Government 2.0 at the highest levels of

³ Advisory Group on Reform of Australian Government Administration. www.innovation.gov.au/Section/Innovation/Pages/AdvancingPublicSectorInnovation.aspx or tinyurl.com/nbx6jm.

⁴ www.mhs.gov.au/media/speeches-transcripts/091216-service-delivery-reform.html.

⁵ www.osdm.gov.au/OSDM/Policies+and+Guidelines/Spatial+Data+Access+and+Pricing/default.aspx or tinyurl.com/kpghtsn.

⁶ In this report we use many examples of information which is generated principally by state or local government agencies. While our direct mandate is from the Australian Government, we have interpreted that mandate broadly. While our recommendations are, strictly speaking, recommendations to the Australian Government, many of the principles developed apply at the state level and all states are exploring the Government 2.0 agenda, though some are further advanced on the journey than others. We feel the use of such examples is useful both because the states control much of the data that affects people's lives most closely and because data collected by state agencies can and should often be the subject of national information agendas (as in the Council of Australian Government's (COAG) agendas in education and health).

government. These countries have put in place coordinated and centrally driven reforms to advance the Government 2.0 agenda. Until recently, Australia was lagging behind these leaders, but proposed legislation to strengthen access to information and the promulgation of very encouraging new Australian Public Service Commission (APSC) guidelines for online engagement has set the stage for Australia to join the other countries in pioneering Government 2.0.

THE TASKFORCE'S APPROACH

Accordingly the taskforce's central recommendation is for a Declaration of Open Government to be made at the highest level of government emphasising the role of Web 2.0 tools and approaches in

- achieving a more consultative, participatory and transparent government
- realising the full social and economic value of public sector information (PSI) as a national resource
- asserting the centrality of Government 2.0 in the achievement of the government's broader reform objectives.

For Australia to achieve the aspirations outlined in our terms of reference, it will require stronger, more coordinated governance; policy improvements and a renewed public service culture of openness and engagement. It is essential to find ways that government can adapt to the new paradigm of open and transparent government.

Government 2.0 needs concerted leadership to drive the necessary reforms and bring about the shifts of culture and practice required across the whole of government. For this reason the taskforce's second recommendation is that a lead agency be appointed from within one of the central portfolios — either within Finance and Deregulation or Prime Minister and Cabinet — to take responsibility for Government 2.0 policy and provide leadership, guidance and support to agencies and public servants. The agency's work program should be developed through a Government 2.0 Steering Group of high level officials from relevant agencies.

The lead agency will provide guidance and support to improve the extent and quality of online engagement to promote innovation and share knowledge. Agencies will identify and address barriers to online engagement; and nominate specific projects aimed at enhancing policy making and delivery through the use of online tools within and between agencies across the public sector.

According to a recent survey,⁷ governments around the world had the lowest deployment of unified communications and collaboration technology across major industries. Currently, few public servants have work access to these building blocks of Government 2.0. The taskforce recommends that agencies provide employees with access to appropriate technology.

In order to achieve these shifts, public servants should be actively encouraged and empowered to engage online. The recently issued APSC guidelines for online engagement are an excellent start. They begin:

Web 2.0 provides public servants with unprecedented opportunities to open up government decision making and implementation to contributions from the

⁷ See: Table 1: Technology Deployment by vertical Industry.

community. In a professional and respectful manner public servants should engage in robust policy conversations.

Equally, as citizens, APS employees should also embrace the opportunity to add to the mix of opinions contributing to sound, sustainable policies and service delivery approaches.

Security concerns have been a major inhibitor of collaboration technology adoption in the public sector. Accordingly the lead agency should work with the Defence Signals Directorate to develop appropriate guidance so that agencies can undertake security risk assessments and ensure the effective, efficient and secure use of Web 2.0 tools.

Public agencies should also seek opportunities and provide space for staff to experiment and develop opportunities for greater online engagement and participation with their customers, citizens and communities of interest. Over time it will also be important to report and scrutinise progress, ensure that lessons are learned and reward outstanding practice in the use of Web 2.0 tools to improve agency and program performance. Recognition for outstanding practice will include adoption of WCAG as the minimum accessibility standard for Government 2.0.

The Australian Public Service Commission (APSC)'s annual State of the Service Report will be one instrument by which agencies' progress in implementing these measures can be tracked and reported.

We also need clear, strong and simple policies to deliver the aspiration of the Freedom of Information Amendment (Reform) Bill 2009⁸ for public sector information (PSI) to be released by default with secrecy being maintained only where there is good reason to do so. In addition the information must be truly open. This means that unless there are good reasons to the contrary, information should be

- free⁹
- easily discoverable
- based on open standards and therefore machine-readable¹⁰
- properly documented and therefore understandable¹¹
- licensed to permit free reuse and transformation by others.

The need for the licensing itself to be machine readable means that the licence should conform to some international standard such as Creative Commons.

The taskforce proposes Creative Commons BY as the default licence.¹² Where third parties are involved, agencies should contract to ensure that government is able to license their work under the default licence. The government should also proceed with a review of copyright in relation to 'orphan works'¹³. There should also be a process of providing more open licensing to the stock of existing PSI which has been more restrictively licensed in the past.

⁸ www.pmc.gov.au/consultation/foi_reform/index.cfm or tinyurl.com/d7ywkt.

⁹ Provided at no cost in the absence of substantial marginal costs.

¹⁰ The Semantic web involves a vision of a machine-readable web, where intelligent agents would be capable of understanding data presented online by interpreting the accompanying metadata.

¹¹ Supported by metadata that will aid in the understanding the quality and interpretability of the information.

¹² creativecommons.org/licenses/by/2.5/au/.

¹³ Information for which the copyright is held by third parties who cannot be readily identified or located.

Because so many of the benefits of Government 2.0 will accrue when state governments are involved, the taskforce proposes that the principles set out in this report be implemented at all levels of government in Australia through a national information policy and that the Commonwealth should provide national leadership towards such a policy by engaging the Council of Australian Governments.

To accelerate progress the taskforce recommends establishing a central portal (data.gov.au) that will enable access to and discovery of the data and skills necessary in preparing government information to be released as open PSI. Guidance will be required to assist agencies to protect privacy and confidentiality, including making sure that they can reliably de-identify personal and commercial-in-confidence PSI.

The taskforce endorses the proposed Freedom of Information reforms and recommends that the proposed new Office of the Information Commissioner (OIC) operate to ensure the integrity of the process by which PSI is released by default. PSI should be released unless agencies are following the Information Commissioner's (IC's) policies or have the agreement of the IC not to release it.

In addition, the OIC will develop and administer policies to ensure that PSI that may be considered as holding value is proactively identified and released; and that all options to protect privacy and confidentiality by suppressing certain fields in structured data¹⁴ be explored before an exemption from release is granted. The Commonwealth Copyright Administration (CCA) unit within the Attorney General's Department (AGD) should also be moved to the OIC or the lead agency reflecting their charter to optimise the flow of information.

In order to measure the benefits of releasing PSI, the proposed OIC should develop a common methodology to determine the social and economic value generated from published PSI; require major agencies to report and publish their performance on the release of PSI in their annual report, as well as their contribution to the consolidated value of Commonwealth PSI.

Taskforce supports the model for the information publication scheme set out in the Freedom of Information Amendment (Reform) Bill 2009 and recommends that the proposed OIC provide guidance to the public on their rights to access PSI and guidance for agencies to meet their information publication and reporting obligations.

Some of the most successful experiments in Government 2.0 have been led by not-for-profits in the UK and the US. Here, the taskforce suggest that policymakers facilitate recognition of info-philanthropy¹⁵ as an eligible activity to qualify for deductible gift recipient status and other measures that recognise charitable or philanthropic purposes.

WHAT IS AT STAKE

The work of government funded or managed agencies pervades and underpins some of the most important aspects of Australian lives. By improving agency operation and their relationship with stakeholders, Government 2.0 gives us the scope to improve:

- the quality of schools
- the quality and safety of hospitals

¹⁴ 'Any data kept in an electronic record, where each piece of information has an assigned format and meaning.' www.mgrush.com/content/view/70/33/.

¹⁵ The building of public information goods and platforms for public benefit.

- the safety and productivity of workplaces
- the convenience of public utility services such as public transport, energy and the maintenance of government infrastructure
- the dynamism, engagement and responsiveness of the public sector, its services and regulatory systems.

Government 2.0 can enable Australia to achieve all this while deepening democracy and engaging the citizenry so that governments don't just 'consult' their constituents, but draw all those with the enthusiasm, expertise and relevant local knowledge into active collaboration with them.

Getting to Government 2.0 will not be easy or straightforward for it requires co-ordinated leadership, policy and culture change. But as Mike Waller put it in a project for the taskforce 'no country can lay claim to having yet achieved the overall transformation in public sector culture, systems and processes required to deliver a fully articulated Government 2.0 approach'. Having just begun the journey back to world leadership, we should press on secure in the knowledge that a serious effort will see us succeed.

REPORT RECOMMENDATIONS

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.

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 Group¹⁶.

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.

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.

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 agencies¹⁷ 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 'crowd sourcing' 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.

3.3 The 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.

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 re-use. 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.

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.

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.

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

¹⁶ This is not to preclude the possibility of one of the listed agencies being or including the lead agency.

¹⁷ All departments of state and material agencies see www.finance.gov.au/publications/flipchart/index.html or tinyurl.com/yhkrbe2.

addressing internal technical and policy barriers.

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.

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

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.

RECOMMENDATION 6: MAKE PUBLIC SECTOR INFORMATION OPEN, ACCESSIBLE AND REUSABLE

6.1 By default Public Sector Information¹⁸ (PSI) should be:

- free¹⁹
- based on open standards
- easily discoverable
- understandable²⁰
- machine-readable²¹
- freely reusable and transformable²².

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 re-use and adaptation, PSI released should be licensed under the Creative Commons BY standard²³ 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.

¹⁸ The definition was introduced in Chapter 5 of this report. For ease of reference it is as follows: 'information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the government or public institutions, taking into account [relevant] legal requirements and restrictions'.

¹⁹ Provided at no cost in the absence of substantial marginal costs.

²⁰ Supported by metadata that will aid in the understanding the quality and interpretability of the information.

²¹ The Semantic web involves a vision of a machine-readable web, where intelligent agents would be capable of understanding data presented online by interpreting the accompanying metadata.

²² Not having limitation on derivative uses.

²³ creativecommons.org/licenses/by/2.5/au/.

6.5 The proposed OIC should develop policies to maximise the extent to which existing PSI be re-licensed 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 should be re-licensed 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/s 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/s. 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.²⁴ This policy should become mandatory for all contracts signed by the Commonwealth after June 2011.

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.

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 government's FOI policy, noting that:

6.8.1 in the case of structured data²⁵, agencies must exhaust options to protect privacy and confidentiality before seeking an exemption²⁶

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.

6.10 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.

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.

²⁴ A consistent clause should be developed by Department of Finance and Deregulation and inserted as a standing requirement of all Commonwealth Contracts — similarly to that used to ensure access and reporting by the Australian National Audit Office (ANAO).

²⁵ Any data kept in an electronic record, where each piece of information has an assigned format and meaning.

²⁶ This would include, for example, the removal of specific fields or records. However, in considering appropriate treatments, agencies should avoid unduly compromising the potential value of the data that may be derived.

6.12 The major agencies²⁷ 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 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 in the first 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 8.²⁸ To ensure effective and consistent implementation of access to PSI these guidelines should give due consideration to the concepts outlined above.

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.

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.

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

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 7.²⁹

8.2 The taskforce supports the model for the publication scheme set out in the Freedom of Information Amendment (Reform) Bill 2009³⁰ and notes that the Bill incorporates complementary aims. To reinforce its support, the taskforce recommends information

²⁷ All departments of state and material agencies see www.finance.gov.au/publications/flipchart/index.html or tinyurl.com/yhkrbe2.

²⁸ parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2F4163%22 or tinyurl.com/ycqhp83.

²⁹ gov2.net.au/projects/project-7.

³⁰ www.pmc.gov.au/consultation/foi_reform/index.cfm or tinyurl.com/d7ywkt.

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.

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 Worldwide Web Consortium's Web Content Accessibility Guidelines (WCAG)³¹ 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, AGIMO 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 impact of Government 2.0 tools to improve agency interactions with citizens, business and community groups.

³¹ This recommendation avoids specifying which version of wCAG is being referred to as a means of ensuring the recommendation refers to the most current version of the guidelines mandated by the government.

RECOMMENDATION 10: SECURITY AND WEB 2.0

10.1 The lead agency, in conjunction with 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 The Defence Signals Directorate (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.

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.³²

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.

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 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.

12.2 To enable and assist the discovery, sharing and reuse of PSI, agencies should deploy endorsed metadata standards such as the AGLS 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. Wherever not being able to meet such standards would produce any appreciable delay of release, the data should be released provisionally and then updated with compliant metadata. Whenever not being able to meet such standards would appreciably delay the release

³² The Privacy Act 1988 provides for the Privacy Commissioner to prepare and publish guidelines on privacy under s 27(1)(e). The taskforce understands, however, that responsibility for this function would transfer to the Information Commissioner following proposed amendments to the Privacy Act and proposed new legislation to establish an Office of the Information Commissioner. In this event, responsibility for the preparation of guidance on de-identification of PSI as outlined in this recommendation should transfer to the Information Commissioner.

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

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.