



information
and privacy
commission
new south wales

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Dear Ms Kelly,

The Australian Public Service Framework for Engagement and Participation

The purpose of this correspondence is to provide feedback in respect of the draft version of 'The Australian Public Service Framework for Engagement and Participation' (the Framework). The following comments are provided for your consideration.

We note that the Framework seeks to deliver on commitment 5.2 of the Open Government Partnership Australia. This commitment is to enhance public participation in government decision-making. The Framework applies to all members of the Australian Public Service (APS) and sets out:

1. Principles that guide good engagements;
2. Ways to engage with the public; and
3. Standards that set out expected behaviours of APS staff members.

We will address these three aspects in our comments below.

Principles that guide good engagements

A strategy for empowering the community through public engagement is important in circumstances where 90% of Australians believe they are without influence over the federal government.¹ 70% of Australians came to the same conclusion in respect of other levels of government.²

However, there is also 'strong support for the processes of representative democracy such as consultation, compromise and democratic judgement and citizens display a considerable understanding of its complex processes...findings [of the University of Canberra's Institute for Governance and Policy Analysis] also indicate that citizens could

¹ See Museum of Democracy, Old Parliament House *Annual Report 2016-17* < <https://moad-web.s3.amazonaws.com/heracles-production/4d3/abf/652/4d3abf652b50a5133e09f080fe908887d62df7891888791ba878e4a09598/old-parliament-house-annual-report-2016-17.pdf>>

² This data comes from a February 2013 survey by the University of Canberra's Institute for Governance and Policy Analysis in research partnership with the Museum of Democracy <https://www.governanceinstitute.edu.au/our-director/research-case-studies>

be up for a more extended role if a different politics was on offer that was more participatory, open and perhaps local.³

The Framework is an important means for enabling public engagement with government. We consider that the principles for engagement and the ways of participation set out in the Framework should respond to the above-noted findings by including a proactive approach to engagement. In this regard, we suggest that the Information and Privacy Commission's *Charter for Public Participation – a guide to assist agencies and promote citizen engagement* (June 2018)⁴ (the Charter) could be considered as a model strategy for proactive engagement.

The Charter assists NSW agencies in seeking effective public input into the development and delivery of policies and services. It provides a practical and principles-based approach for embedding public participation in agency decision-making frameworks and policy development. It brings together leading authorities and resources to build capacity and guide the NSW public sector in engaging with the community. The Charter is underpinned by the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act), which has as its object to advance government that is open, accountable, fair and effective.

Ways to engage with the public

The Charter provides a number of examples of engagement and case studies that could be referred to in the 'ways of engaging' section in the Framework. For instance:

- Appendix 2 lists a number of examples of online tools used to promote public participation, such as the Department of Social Services' online engagement platform.⁵
- Appendix 3 describes additional case studies on public participation including labs, which are creative multi-disciplinary environments where diverse stakeholders can be engaged. Other consultative examples are referred to including deliberative polling and mapping and participatory strategic planning.

Standards that set out expected behaviours of APS staff members

We suggest that the standards described in the Framework and expected of all members of the APS be expanded so that they are required to:

- ensure communication is in plain English and in community languages as appropriate;
- offer a variety of communication and feedback channels and methods – i.e. email, face to face, telephone, social media, radio, website with accessibility tools – through which the community can participate;

³ Ibid.

⁴ <https://www.ipc.nsw.gov.au/charter-public-participation-guide-assist-agencies-and-promote-citizen-engagement>

⁵ <<https://engage.dss.gov.au>>

- use stakeholder and agency channels to research critical stakeholder groups and publicise the engagement opportunity;
- give community members sufficient notice of participation opportunities to maximise their chances of getting involved;
- identify potential barriers to participation for community members and provide support where possible – for example, offer transport to and from relevant venues, ensure venues are accessible and/or provide childcare options.⁶

We consider that these reflect a proactive approach to engagement that could be incorporated into the proposed standards.

The 10th standard refers to 'continuous improvement based on feedback.' You may wish to incorporate an evaluation mechanism into this standard. The Charter provides some guidance about of how public participation can be evaluated.⁷

Furthermore, you may wish to consider how the Framework sits with the APS 'Capability Development Framework'. There may be scope to include the standards that set out expected behaviours of APS staff members within that framework. Linking expectations and standards about public engagement to capability requirements for APS staff situates engagement with professional standards and promotes consistency in behaviours.

Application of the Framework

The inclusion of information to confirm application of the Framework would enhance its application in two ways:

1. Provide a positive authority to undertake engagement; and
2. Legitimise the value of engagement with citizens.

An expression of commitment to application of the Framework could take a number of forms. For example, drawing on legislative models, a presumption in favour of engagement similar to the presumption in favour of disclosure contained in the GIPA Act would put beyond doubt a commitment to engagement and public participation.

I hope these comments will be of assistance. Please do not hesitate to contact us if you have any queries. Alternatively, your officers may contact Sarah Wyatt, Assistant Director, Legal Counsel and Regulatory Advice on 1800 472 679 or by email at

[Redacted]

Yours sincerely

[Redacted]
Elizabeth Tydd
Information Commissioner

29 October 2018

⁶ See page 11 of the Charter.

⁷ See pages 20 and 21 of the Charter.