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Towards a NSW Charter for Public Participation

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Introduction

The Organisation for Economic Co-operation and Development (the OECD), in *Modernising Government: The Way Forward* describes open government as “The transparency of government actions, the accessibility of government services and information, and the responsiveness of government to new ideas, demands and needs”.

The object of the *Government Information (Public Access) Act 2009* (the GIPA Act) is to open government information to the public and advance government that is open, accountable, fair and effective. This object enshrines a commitment by NSW government to NSW citizens. The object also creates a legitimate expectation that government decision-making will be open, transparent and accountable, and will promote public participation.

Public participation is integral to Open Government. The GIPA Act contains a number of mechanisms to ensure that citizens have a knowledge of and access to government information that is both current and significant in relation to the formulation of policy and service delivery by agencies, together with access to arrangements to participate in the formulation of policy and service delivery by agencies. These mechanisms are promoted through the Agency Information Guide (AIG) scheme established under Part 3 – Open Access Information.

AIGs provide a clear and consistent device through which citizens are able to identify information held by agencies with certainty and confidence. In coupling this legislative certainty with opportunities to participate in agency policy formulation and service delivery the GIPA Act provides the mechanism to promote responsiveness by government.

To advance Open Government we need to identify ways in which we can improve the way that agencies use and share information and data, and develop and embed engagement/consultation arrangements to encourage greater public participation in decision-making.

In September 2015, at an event to mark Right to Know Week, the NSW Information Commissioner announced a commitment to collaborate with NSW citizens and agencies to promote public participation and assist agencies in achieving success in their engagement with NSW citizens, through a *NSW Charter for Public Participation*.

The Information and Privacy Commission NSW (IPC) has commenced a program to advance the commitment to develop a Charter. The IPC’s approach has been informed by the work of other jurisdictions and in particular the Victorian Auditor General’s Report, *Public Participation in Government Decision-making: Better practice guide*.¹ The IPC’s approach will be focused on the provision of a range of reference materials and technological solutions or approaches that may be adopted by agencies in response to their operating environment and accountabilities. It is anticipated that this approach will further the objectives of providing a consistent and transparent way to open government, promote public participation and support agencies through the identification of efficient and effective resources to promote compliance with the GIPA Act.

To inform the development of the Charter, the IPC has:

- trialled a platform for canvassing the views of the public on approaches to public participation;
- conducted a desktop monitoring of current practices and extant arrangements that manifest through the AIGs of principal departments to enable members of the public to participate in the formulation of agency policy and the exercise of agency functions; and
- highlighted some of the resources being used across Australia and internationally to provide indicators to assist agencies to enhance their arrangements for public participation.

Towards a NSW Charter for Public Participation reports on this work and sets out the next steps that the IPC will take, in collaboration with agencies and the public, to support greater public participation arrangements across the NSW public sector. This report provides:

- the NSW context for public participation;
- findings of the desktop monitoring of the AIGs of principal departments;
- insights from the IPC’s trialling of an online consultation platform; and
- a sample of Australian and international resources to support public participation.

The report concludes by setting out the future action that the IPC will take to advance public participation and Open Government through raising awareness and providing assistance to ensure that agencies and citizens realise the benefits of meaningful engagement supported by the GIPA Act.

¹ *Public Participation in Government Decision-making: Better practice guide*, Victorian Auditor-General’s Report, January 2015

Section 1: NSW context for public participation

Governments are responsible for decisions that affect the public and government holds information that informs those decisions.

Transparent and well managed public participation, in combination with release of government information, is essential to harness the ideas, knowledge, wisdom and skills of citizens and non-public sector organisations for development and implementation of effective government policies and services.

The NSW Government recognises the value the public bring to understanding problems and crafting solutions that work. The NSW Government has already taken a number of steps to move toward Open Government and greater public participation. For example, in August 2012 the then-Premier issued [Premier's Memorandum M2012-10 Open Government](#).² The Memorandum stated:

The NSW Government is committed to the open government principles of transparency, participation, collaboration and innovation.

The NSW Government will be:

- Open in our work for the people of NSW
- Open to participation in the policy process
- Open to collaboration on how we do business

To do this, the NSW Government will enhance:

- Online access to government services to make them available anywhere, anytime
- Online communications, including social networks, for internal and public dialogue
- Online mechanisms for community and industry collaboration on innovative solutions

Since 2012, the [NSW Government ICT Strategy](#) has set out a plan to build capability across the public sector in support of better, more customer-focused service delivery including through digital channels. [OpenGov NSW](#) and [Have Your Say](#) websites support the release of government information and support agencies to publicise consultations being conducted throughout the State.

More recently, the NSW Government's [Making It Happen](#) articulates the NSW Premier's priorities and State priorities, which confirm the commitment to improving government services.

² See <https://arp.nsw.gov.au/m2012-10-open-government>

The Premier's priorities support a commitment to "... improving services and customer satisfaction rates, and ensure we are delivering services that are responsive to the community and meet the customer needs".

The NSW Public Service Commission's 2015 report [State of the Service Report: To the Next Level](#) identified that the results of the 2015 *Customer Satisfaction Measurement Survey* highlight areas of excellence and opportunities for targeted improvement. The overall analysis in the 2015 *State of the Service Report* indicates the need to focus on customer service that promotes integrity and trust, builds perceptions of accountability, and enables the public to "participate in decision-making".

Accordingly, the work of the NSW Public Service Commission is focused on building a NSW Public Sector service that is customer-focused. In the foreword to its 2014 Research Report [Doing Things Differently: Raising Productivity, Improving Service and Enhancing Collaboration across the NSW Public Sector](#), the Chair of the NSW Public Service Commission Advisory Board, Professor Peter Shergold, addressed the need for citizen-centred engagement: "Where possible, new approaches should be co-designed by those inside and outside the public service. It should be a joint activity... The role of public servants will be to operate at the collaborative centre of a new public economy, actively encouraging flexibility, diversity, choice and innovation... to build and sustain partnerships that allow them to encourage, coordinate and evaluate a flow of imaginative ideas on how best to design and deliver the mandate of elected government".³

Professor Shergold's approach is founded on his conception of a 'participation society', with its "twin pillars of trust and engagement", recognising that there are "forms of architecture governance that can enhance the development and delivery of public policy by engaging citizens in more engaging ways", resulting in "a more inclusive and civil society, strengthened by new manifestations of social capital and marked by renewed interest in diverse varieties of social innovation".⁴

A key mechanism for achieving a citizen-centric approach to developing and delivering the policies and services of the public sector is in the realisation of Open Government. Public participation is central to the achievement of Open Government. Public participation happens when citizens affected by government decisions are able to provide their views and have input into the policy development and services provided by government agencies.

The GIPA Act was a much heralded "overhaul" crafted to "... turn the Freedom of Information regime on its head"

³ *Doing Things Differently: Raising Productivity, Improving Service and Enhancing Collaboration across the NSW Public Sector* available at: <http://www.psc.nsw.gov.au/reports---data/other-publications/doing-things-differently-report/doing-things-differently-report>

⁴ P. Shergold, "Been there, done that, still hoping for more", *Griffith Review, Edition 24: Participation Society*, 2009, p.141

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through the establishment of a framework to actively promote the release of Government information by shifting the focus toward proactive disclosure. Agreement in principle to the Bill confirmed that:

Members of the public should be able to have access to the widest possible range of information to give them confidence in Government decision-making.⁵

The GIPA Act recognises that proactive disclosure of information promotes transparency and provides the constituent element to promote meaningful engagement by citizens.

NSW agencies have arrangements in place to enable citizens to participate in the formulation of agency policies and the way they undertake their work.

These arrangements take many forms and are required to be documented in AIGs, which provide a consistent gateway for the public to access and understand agency arrangements for public participation.

A *NSW Charter for Public Participation* will provide a framework for these and many other steps being taken to achieve greater public participation, and will provide guidance on how best to efficiently and effectively develop and deliver arrangements to involve the public in agency policy formulation and service delivery.

Agency Information Guides' relevance to Open Data

The NSW Government has also committed to Open Data. The *Data Sharing (Government Sector) Act 2015* (the DS Act) enshrines a commitment to promote and use government sector data as a public resource, facilitate expeditious sharing of government sector data between agencies and confirm existing data-sharing safeguards.

The Second Reading Speech for the DS Act confirms the utility and application of government-held data in providing a sound, trusted evidence base for agency policy formulation and service delivery. It also confirms the nexus between Open Government and Open Data, and extends the government's commitment to citizens to manage data well and to publish and use data wisely:

In these circumstances of strong support from government, universities and industry alike, I am pleased to introduce the Data Sharing (Government Sector) Bill 2015. The bill is an important marker; it signals that New South Wales is ready to embrace the power of shared data. Doing nothing is not an option. In order to serve the people of New South Wales, the Government needs to adopt or develop best practice.

The bill enables the Government to make the best use of its data assets so that together it and the people of this State can achieve better outcomes.

It is recognised globally that public sector sharing of data results in the facilitation of high-quality, policy-relevant research by sharing and combining data from a variety of sources; promoting new research and allowing for testing of new or alternative methods of service delivery; reducing costs by minimising duplication of effort, particularly in collecting and storing data; and reducing the burden on New South Wales citizens in providing data multiple times to multiple agencies.

This bill complements the existing legislative responsibilities of government sector agencies that collect, publish and provide access to data.

The objects of the DS Act have a clear alignment with the objects and intent of the GIPA Act. The NSW Information Commissioner's statutory responsibilities correlate with this information sharing initiative. That alignment is well demonstrated in the context of AIGs. In particular, AIGs must identify:

- the various kinds of government information held by the agency;
- the kinds of government information held by the agency that the agency makes (or will make) publicly available; and
- the agency's disclosure log of access applications. A disclosure log records information about information access applications that have resulted in a determination to release information by the agency and that the agency considers may be of interest to other members of the public.

The legislation mandates review and adopting of a new AIG at intervals of not more than 12 months. This requirement for currency of information promotes transparency and accessibility and applies to government information broadly as a 'record' meaning any document or other source of information compiled, recorded or stored in written form or by electronic process.

AIGs provide a valuable mechanism to promote currency of information identification and appropriate release which serves to stimulate visibility and accessibility of government information. The value of government information as a strategic asset is realised in the application of that asset.

Policies, practices and resources have been developed to support data information sharing and application. These policies, including the [NSW Open Data Policy and Action Plan 2016](#), promote the responsible custodianship and use of public data by industry, researchers and the community.

⁵ GIPA Bill 2009 Agreement in Principle Speech, Mr Nathan Rees, 17 June 2009

In this context AIGs provide a mechanism to measure the increase of publicly available information including data year on year and through that assessment create opportunities to increase the identification and appropriate proactive release of government information.

As Open Data Advocate the NSW Information Commissioner has committed to three outcomes:

1. Providing guidance to agencies and citizens in promoting the availability of open access data
2. Contributing to the development of indicators and measures to better recognise the most effective open data practices
3. Promoting Open Data as a cornerstone of Open Government.

The IPC's work towards a *NSW Charter for Public Participation* contributes to the achievement of these outcomes.

Agency Information Guides' relevance to open access information

Part 3 of the GIPA Act – Open Access Information, provides a comprehensive framework to support transparency through AIGs. Section 20 of the GIPA Act requires agencies (other than a Minister) to develop and adopt an AIG as part of their mandatory open access information. AIGs must be made available free of charge on the agency's website.

The requirements encompass a description of the agency's structure and functions; recording of government contracts; access to policy documents; records of open access information and disclosure logs. These mechanisms all support public participation through establishing a baseline of 'open access information', ensuring that the AIG and therefore the information made available through the AIG is regularly reviewed to maintain currency. As a result of this legislative framework established under the GIPA Act citizens can, from a position of knowledge, engage meaningfully with agencies in the formulation of agency policies and delivery of services by agencies.

In addition to adopting and regularly reviewing AIGs, agencies are required to:

- notify the Information Commissioner before adopting or amending their AIG (section 22); and
- if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed AIG or amendment (section 22).

The legislative codification of a mechanism to promote public participation together with independent oversight contained in the GIPA Act represents a commitment by NSW Parliament to enable citizens to engage with agencies with confidence and certainty, through a consistent mechanism.

Section 2: Monitoring of current arrangements in the Agency Information Guides of principal departments

This monitoring builds on the IPC's previous monitoring activities of AIGs in the context of measuring compliance with the mandatory proactive release requirements under the GIPA Act.

Prior to the introduction of the NSW Government's *Making It Happen* in 2015, the *NSW 2021 State Plan* required the NSW public sector to deliver on goals, targets and actions. In particular Goal 31 aimed to improve government transparency by increasing access to government information. The target to measure Goal 31 was compliance with the mandatory proactive release requirements. To assess compliance, the IPC undertook audits of agency compliance to determine whether open access information was made publicly available, including whether an AIG was available for public access. This monitoring was further undertaken to assess the mandatory proactive release pathway reported in the [NSW Information Commissioner's 2010/13 and 2014/15 Reports on the operation of the GIPA Act](#).

Additionally, the results of the *NSW Customer Satisfaction Measurement Survey*, the Information Commissioner's Reports on the operation of the GIPA Act, and the development of an action plan to support Australia's membership of the Open Government Partnership, have all informed the IPC's prioritisation of the monitoring of AIGs. That prioritisation reflects the IPC's implementation of a proactive, risk-based approach to its regulatory responsibilities.

This context directed the work of the IPC in May 2016 to monitor the articulation of existing arrangements for public participation as documented and published in the AIGs of the ten NSW Government principal departments and of the IPC. The monitoring program was undertaken in accordance with section 17(g) of the GIPA Act and will inform the provision of advice, assistance and guidance to agencies and the public in accordance with section 17(b) of the GIPA Act. Additionally the Information Commissioner's statutory functions specifically include issuing guidelines and model AIGs for the assistance of agencies (section 22(2)).

The monitoring of AIGs will inform work towards a *NSW Charter for Public Participation*. Accordingly the focus of this monitoring has been deliberately discrete to provide a baseline assessment of two specific legislative requirements

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in respect of AIGs. Those requirements are set out in section 20(c) and section 21 of the GIPA Act as:

- an expression of arrangements for public participation; and
- currency of the agency's AIG.

Each of the principal departments of the ten NSW 'clusters' were selected to be monitored. The IPC's AIG was also monitored in recognition of the requirement for regulators to demonstrate transparency and model compliance practices.

The selection of principal departments was informed by factors including that:

- under the Departmental 'cluster' structure Departmental Heads and Secretaries assume responsibility under the *Government Sector Employment Act 2013* (GSE Act) for the employment of public servants and determining the branches or groups of employees (section 22 of the GSE Act);
- the scope of the clusters included a range of different bodies, and so would give a broad base for assessing AIGs;
- the GSE Act requires public sector employees to "uphold the law, institutions of government and democratic principles" and "provide transparency to enable public scrutiny" (section 7 of the GSE Act);
- as principal departments, they would be expected to demonstrate leadership in the use of AIGs; and
- principal departments include many of the most significant governmental functions where transparency is particularly important.

The principal departments are:

- Department of Education
- Department of Family and Community Services

- Department of Finance, Services and Innovation
- Department of Industry
- Department of Justice
- Department of Planning and Environment
- Department of Premier and Cabinet
- Ministry of Health
- NSW Treasury
- Transport for NSW.

Assessment criteria

The GIPA Act implements a non-prescriptive approach to the 'arrangements' for public participation. Further, unlike jurisdictional counterparts there is limited NSW whole-of-government guidance on public participation generally that would form the basis for such criteria.

However the IPC's 2012 IPC Knowledge Update [Creating Agency Information Guides](#) provides guidance to agencies regarding the content of AIGs:

In demonstrating how members of the public are able to participate in policy development and the exercise of an agency's functions, it is useful to note any regular public meetings or committees that have public membership; other initiatives, such as calls for submissions on certain issues; and any other ways that members of the public may be consulted about or provide input.

Agency information guides should note an agency's commitment to openness with regard to government information, and indicate any initiatives the agency plans to implement to improve transparency and access.

The monitoring adopted a set of indicative criteria based on the relevant provisions of the GIPA Act, the guidance in the IPC's 2012 Knowledge Update [Creating Agency Information Guides](#), Premier's Memoranda and the guidance provided by jurisdictional counterparts.

THE ASSESSMENT CRITERIA WERE THAT THE AGENCY'S AGENCY INFORMATION GUIDE:

- exists;
- contains arrangements established by the agency to support public participation;
- differentiates between arrangements for public participation between the "formulation of policy" and "exercise of the agency's functions";
- has been updated regularly – the GIPA Act requires agencies to review their AIG and adopt a new guide at intervals of not more than 12 months;
- where relevant, refers to any other arrangements in place to encourage public participation such as referring to *Have Your Say*, expert panels, consultative committees, feedback channels, digital channels and calls for submissions.

Monitoring findings

The monitoring focused on the extent to which AIGs describe arrangements for participation. It is possible that agencies may have arrangements in place to facilitate public participation but do not describe them in the AIG, or alternatively that the arrangements described in the AIG do not, in fact, operate in practice. Likewise agencies may have embarked on a review of their AIG since the point in time monitoring undertaken by the IPC, and this action is supported and encouraged by the IPC.

Publication and currency

The monitoring considered whether the AIG was present on the agency website and up to date.

The monitoring confirmed that all ten principal departments and the IPC had an AIG accessible on their website.

However, in a number of cases it was not clear that agencies had met the obligation to review their AIG and adopt a new AIG at intervals of not more than 12 months.

The results that support this finding are that:

- 50% (five) principal department AIGs did not have a date indicating when they were last updated (additionally the IPC AIG did not have a date indicating when it was last updated); and
- of the five containing a date of review, four (Health, Justice, Transport and Planning and Environment) had been updated within two years, and one agency (NSW Treasury) confirmed that the AIG was last updated in December 2013.

Expression of arrangements for public participation

The monitoring considered whether the principal department AIGs contained an expression of the arrangements that are in place to promote public participation as required by section 20(c) of the GIPA Act.

Although the legislation does not specify the mechanisms to be used for public participation the IPC has, as a component of its work, identified a number of approaches that are available to NSW agencies and which it would be reasonable to expect to see mentioned in an AIG.

These approaches included use of:

- the NSW government portal for consultation, *Have Your Say*;
- expert panels;
- consultative committees;
- structured feedback channels;
- innovative digital mechanisms, e.g. specific web pages or apps; and
- calling for submissions.

The results of the IPC's monitoring to examine the expression of arrangements to support public participation were that:

- 60% (six) of the ten principal departments' AIGs included an articulation of the arrangements that are in place to promote public participation. The IPC's AIG did not include a commitment statement;
- 50% (five) of the principal departments and the IPC specifically mentioned feedback channels, usually by including an email address that could be used to provide feedback or online feedback forms; and
- calling for submissions was mentioned by 10% (one) of the principal departments.
- only 10% (one) of the principal departments mentioned *Have Your Say*;
- only 10% (one) of the principal departments referred to its use of expert panels or consultative committees with members of the public;

The 'specification' of arrangements contained in AIGs could in some instances be described as confirming in general terms that arrangements are in place, rather than responding to the legislative requirement to 'specify' any extant arrangements and thereby providing a mechanism through which those arrangements could be readily accessed by citizens.

The general nature of the content of the AIGs is further exemplified in that none of the ten AIGs reviewed separately addressed the distinction in the GIPA Act between policy formulation and what the GIPA Act describes as the "exercise of the agency's functions". Instead, where the AIGs discussed participation they usually did so in general terms, and often included mention of both policy and more operational or service-related functions.

In most cases the AIG was a stand-alone document with few pointers or references to other mechanisms. One exception to this was a principal department's reference to its *Get Involved* page, which had a listing of current consultations.

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Monitoring conclusions

All principal departments and the IPC have an AIG in place and 50% (five) of the principal departments provide some detail on the arrangements for the public to participate in agency policy formulation and the exercise of agency functions. However, the general nature of the description of arrangements for public participation together with the absence of integration with any other existing arrangements for public participation retard the utility of, and compliance with, the legislative provisions to promote public participation.

Accordingly, the potential of AIGs to inform, educate and engage the public is not yet being realised.

Maximising the purpose and value of the AIGs could be achieved through applying this established and certain legislative mechanism to provide a comprehensive statement of arrangements to support public participation. This goal could be supported through the inclusion of links from the AIG to current engagement processes including consultations, reviews, web content, expert panels and opportunities to make submissions.

In the absence of any other consolidated legislative mechanism to promote transparency, accountability and responsiveness by government a failure to implement AIG legislative requirements limits the capacity of the public to gain access to a central repository of agency information and participate in the formulation of agency policy and the exercise of functions.

The IPC has already issued guidance to agencies on AIGs; however, this is now some years old and would benefit from revision to reflect recent growing commitment to Open Government and Open Data, the availability of new community engagement mechanisms and the changing technological environment. There is a significant opportunity for the IPC to provide enhanced guidance and to itself model a contemporary AIG to support improvements across all sectors.

Section 3: Your Say IPC – engaging the public

Promotion of the objects of the GIPA Act through an examination of existing practices and alternative avenues to enable public participation necessitates citizen engagement, and through that engagement an understanding of citizens' needs.

As a component of this program the IPC commenced a citizen engagement process to provide insights into:

- the ways in which citizens have interacted with government agencies and would like to engage with government agencies;
- the types of agency functions that generate interest from the community and that would inspire their willingness to engage with agencies;
- the positive participation practices that have been implemented by agencies and other entities; and
- the communication channels and opportunities to promote public participation.

In December 2015, the IPC commenced a scan of online platforms designed for large-scale customised community engagement. A platform was selected to trial software which allows consultation projects and components and utilises feedback tools such as Q&A, online discussion forums, surveys, formal submissions and interactive modalities.

The IPC has commenced using this platform, through a portal called *Your Say IPC*, to gain citizen views and insights into positive engagement experiences provided by agencies through their information guides. *Your Say IPC* is an opportunity for citizens to provide feedback together with their thoughts and ideas on how best to participate in the formulation of policy and provision of services by local councils, agencies, universities and state-owned corporations. *Your Say IPC* provides a variety of options for citizen contribution including posting shared experiences, ranking ideas and views, online surveys and posing questions.

A preliminary assessment of the IPC's consultation to date confirms the challenges experienced by agencies and citizens alike in establishing a meaningful and rewarding dialogue. Some of the issues identified to date include the requirement for mechanisms to:

- establish a baseline of information and consistent approaches to enable citizens to obtain information regarding the types of services provided by government agencies and the policies applied in exercising agency functions;
- promote issue identification and targeted consultation to ease the engagement effort for citizens and agencies;
- build confidence and trust through participation practices which demonstrate a commitment to early, purposeful engagement to inform ideas generation and development;
- articulate the value and purpose of public participation;
- identify the linkages between consultation, outcomes and community effect;
- establish effective communication channels that respond to geographic and demographic requirements;
- customise consultation processes to maximise the engagement experience for citizens and agencies;
- diminish duplication of input by participants;
- incorporate accountability and transparency in participation processes and the dissemination of information; and
- promote consistency and complementarity of process which ensures that citizens receive feedback from agencies regarding the outcomes of their engagement.

A number of these issues necessitate consideration of operational implications for agencies. They require, in part the implementation of a more contemporary approach to engagement and associated capabilities, capacity and resources.

The literature on digital engagement and e-government reflects the challenges and opportunities for truly effective public participation and embedding practices for open and transparent government.⁶ As the Canadian Institute of Governance has recognised, citizen engagement will need to take different forms according to the nature of the issue at hand, and the expectations of both public servants and citizens involved must be clearly understood and managed. This is particularly so where information technologies are applied to citizen engagement, requiring careful attention to the sociology/demography of internet use and how information is prioritised and dialogue facilitated in online environments.⁷

⁶ OECD, *Promise and Problems of E-Democracy: Challenges of online citizen engagement*, 2003, <http://www.oecd.org/dataoecd/9/11/35176328.pdf>

⁷ Institute on Governance, *A voice for all: engaging Canadians for change*, 1998, http://iog.ca/wp-content/uploads/2012/12/1998_October_cereport.pdf

This approach recognises that leveraging of information technologies to generate public participation should not adopt a utilitarian approach to technological solutions that focus on a data-driven unidirectional citizen engagement. To harness and advance e-government two-way collaboration is required and web-based tools can facilitate social interaction and accelerate the impetus for government fulfilling open government goals.⁸

The evolution of citizens from a dependent relationship upon government for information to one of mutuality and reciprocity where citizens as recipients can actively collaborate and contribute to service effectiveness has been recognised in both research⁹ and the application of technological solutions including whole of government platforms for service delivery.¹⁰

Approaches to public participation are best informed by clearly defining the objectives of the engagement as viewed by both the government agency and citizens. Those objectives will inform an understanding of:

- the purpose of engagement;
- the audience;
- an assessment of the effectiveness of the suite of tools to be applied; and
- the level of collaboration sought to ensure customisation of the engagement process to respond to unique subject matter and content factors.

The International Association for Public Participation (iap2) has established a spectrum of public participation that categorises the goals and promises delivered to the public through each of the five stages of public participation it defines as:

1. Inform
2. Consult
3. Involve
4. Collaborate
5. Empower

The IPC engagement and action towards a *NSW Charter for Public Participation* will draw on a range of other resources published by engagement experts.

⁸ *Open Government Initiatives: Realizing Principles of Citizen Participation*, A.M. Evans and A. Campos, Lyndon Baines Johnson School of Public Affairs

⁹ *Advancing the Objects of the Government Information (Public Access) Act 2009: An international comparative evaluation of measures used to promote government information release*, University of Technology, Sydney, June 2015

¹⁰ 2014 Open Government Awards – <https://www.opengovawards.org/>

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The IPC engagement regarding public participation will continue throughout June and July 2016. The results of this engagement will inform the IPC's production of guidance material to assist agencies and the public in identifying the most positive public participation practices. The identification and implementation of those practices will support agencies' compliance with the GIPA Act and promote a culture that advances a representative democratic government that is open, accountable, fair and effective.

Section 4: Resources to support public participation from Australia and internationally

The following resources are provided to support agencies and their consideration of arrangements for public participation.

Jurisdiction	Resource	Description	Link
NSW Public Service Commission Advisory Board	<i>Collaboration Blueprint</i>	Research to provide advice on successful models of collaboration within and between the public, private and not-for-profit sectors. The Nous Group led the research and examined leading practice in Australian and overseas jurisdictions, and collaboration with academia. Findings were tested with knowledge experts as well as practitioners from all sectors, with the aim of gathering evidence that could be used to build on leading practice and challenge all sectors to work differently in the areas that show the most benefit in delivering improved customer outcomes.	http://www.psc.nsw.gov.au/reports---data/other-publications/collaboration-between-sectors
Victorian Auditor-General's Office	<i>Public Participation in Government Decision-making: Better practice guide</i>	The guide provides a high-level framework for agencies across the public sector to use when deciding how best to involve the public in government decision-making and implementation, and the principles and elements to audit the efficiency and effectiveness of public participation exercises.	http://www.audit.vic.gov.au/publications/20150130-Public-Participation-BPG/20150130-Public-Participation-BPG.pdf
Queensland Department of Communities	<i>Engaging Queenslanders: A guide to community engagement methods and techniques</i>	Introductory information on a range of traditional and innovative techniques to assist public officials at all levels and other practitioners to choose the most appropriate community engagement process. Strengths and weaknesses are summarised for each technique to support decision-making.	https://www.qld.gov.au/web/community-engagement/guides-factsheets/documents/engaging-queenslanders-methods-and-techniques.pdf
UK Minister for Communities	<i>National Standards for Community Engagement</i>	Best practice guidance for engagement between communities and public agencies.	http://www.scdc.org.uk/what/national-standards/
Organisation of Economic Co-operation and Development (OECD)	<i>Evaluating Public Participation in Policy Making</i>	Strategic guidance for policy makers and senior government officials responsible for commissioning and using evaluations of public engagement. It provides an indication of the key issues for consideration when evaluating information, consultation and public participation, and offers concrete examples drawn from current practice in eight OECD countries – Canada, the Czech Republic, Finland, Italy, Mexico, Norway, Sweden and the United Kingdom.	http://www.oecd.org/gov/evaluatingpublicparticipationinpolicymaking.htm

Section 5: Next steps towards a Charter for Public Participation

The IPC is taking an incremental approach to its program to advance the NSW Information Commissioner's commitment to develop a *NSW Charter for Public Participation*.

The program will be collaborative and will assist agencies and the public to enhance the application of AIGs, strengthen compliance with the GIPA Act and promote arrangements for public participation. These arrangements are predicated upon the disclosure of Open Access information to ensure that public participation commences from a position of public knowledge. Essential elements of that knowledge base are prescribed under the GIPA Act, and include information about:

- the structure and functions of agencies;
- the manner in which agencies exercise their public purpose functions, in particular their decision-making functions;
- the various kinds of information held by agencies;
- the mechanisms that enable members of the public to access this information; and
- the arrangements that are in place (if any) to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions.

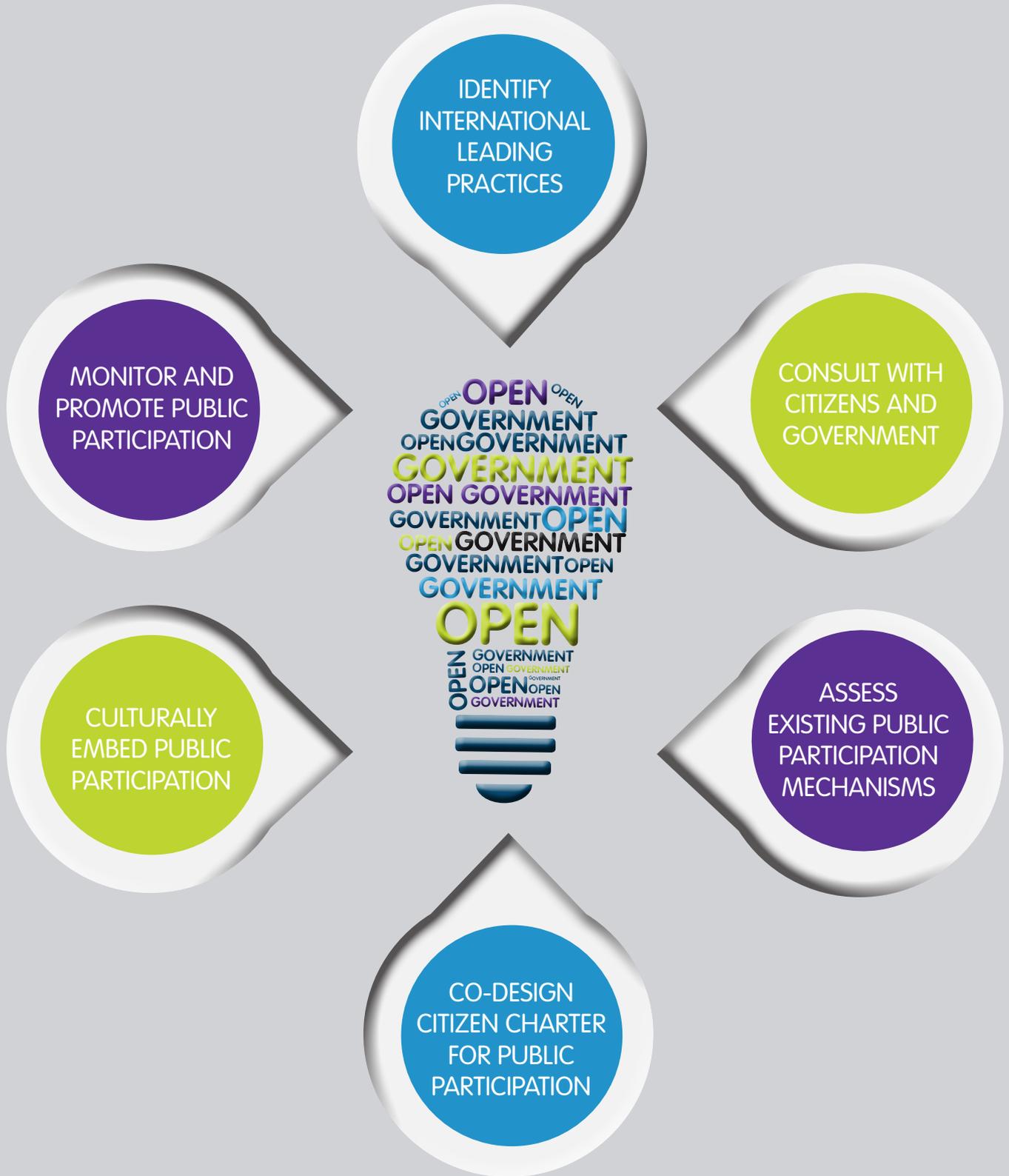
To enliven the statutory mechanisms provided under the GIPA Act to promote access to information and public participation, the IPC will:

1. engage through *Your Say IPC* with the public and agencies to understand attitudes towards AIGs and public participation, and to develop ideas for improving AIGs and inputs to a *NSW Charter for Public Participation*;
2. revisit and update its guidance to agencies on AIGs;
3. update its own AIG to be a model of good practice for agencies;
4. engage with the principal departments to improve the quality of their AIGs;
5. host a summit on public participation and AIGs;
6. co-create a *NSW Charter for Public Participation*;
7. work through the Open Government Steering Committee on how agencies connect AIGs with Open Government Plans;

8. monitor agencies' use of AIGs to understand the trends in AIGs facilitating public participation; and
9. monitor disclosure logs and identification of the various kinds of government information held by agencies and made available by agencies with the objective of promoting Open Government and Open Data.

AIGs are an important element of the GIPA regime and can play a significant role in supporting Open Government. They are a mechanism common to all agencies that enable citizens to understand the agency's purpose, structure and functions and the arrangements each agency has to facilitate public participation. The NSW Information Commissioner will report progress on this program, which is designed to ensure activation of the legislative mechanisms to enable meaningful public participation enshrined in the GIPA Act.

Commitment to Public Participation





information and
privacy commission

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