



Submission on *Engaging Canberrans: A Guide to Community Engagement*

December 2010

About ACTCOSS

ACTCOSS acknowledges that Canberra has been built on the traditional lands of the Ngunnawal people. We pay our respects to their elders and recognise the displacement and disadvantage they have suffered as a result of European settlement. We celebrate Aboriginal and Torres Strait Islander cultures and ongoing contribution to the ACT community.

The ACT Council of Social Service Inc. (ACTCOSS) is the peak representative body for not-for-profit community organisations, people living with disadvantage and low-income citizens of the Territory.

ACTCOSS is a member of the nationwide COSS network, made up of each of the state and territory Councils and the national body, the Australian Council of Social Service (ACOSS).

ACTCOSS' objectives are a community in which all people have the opportunities and resources needed to participate in and benefit from social and economic life and the development of a dynamic, collaborative and viable community sector.

The membership of the Council includes the majority of community based service providers in the social welfare area, a range of community associations and networks, self-help and consumer groups and interested individuals.

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ACTCOSS advises that this document may be publicly distributed, including by placing a copy on our website.

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Introduction

ACTCOSS welcomes the opportunity to comment on the ACT Government draft manual *Engaging Canberrans: A Guide to Community Engagement*. ACTCOSS commends the ACT Government for the release of the paper for consultation among both the general public and ACT Government departments.

ACTCOSS believes effective community engagement is a planned process with the specific purpose of working with groups of people who collectively make up a community. Community engagement in government decision-making supports a socially inclusive form of decision making.

ACTCOSS aims to provide a voice for and with people living with disadvantage, and as such is interested to ensure the most vulnerable people in our community are fairly represented in any form of community engagement. Civic participation is a human right and the correlation between the two should be carefully considered by all agencies and departments. Community engagement should closely follow the goals of the ACT Social Compact. Furthermore, to ensure all groups are fairly consulted in the decision making process, all engagement activities should follow a good practice community development model. Despite clear guidelines in the current ACT Community Engagement Manual *Your Guide to Engaging with the Community*, procedures are not always followed in a manner conducive to genuine community engagement. The new draft guide needs to be strengthened, and departments conducting consultations need to be trained in ways they can effectively reach out to a broad community.

Human Rights Act 2004

Civic expression and participation are clearly articulated in the *Human Rights Act*. Section 16 (2) of the Act states:

Everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of borders, whether orally, in writing or in print, by way of art or in another way chosen by him or her.¹

Article 17 states:

Every citizen has the right, and is to have the opportunity to
(a) take part in the conduct of public affairs, directly or through fairly chosen representatives.²

Community engagement is not a privilege, but an entitlement for all citizens of the ACT irrespective of race, religion, sex, gender, or ethnicity. Government departments need to be aware of the human rights implications when organising and deciding how to consult with the general public. The *Human Rights Act* should guide all consultation planning and

¹ *Human Rights Act 2004*, ACT Section 16 (2)

² *Human Rights Act 2004*, ACT Section 17

procedures. Therefore, the guide *Engaging Canberrans* should clearly articulate and reinforce the connection between civil and political rights and community engagement.

The previous community engagement manual began with a clear introduction, explaining the importance of engaging with the community. It articulated the role civil society can play in policy development and practical information was provided to assist ACT Government departments to effectively engage with the community. The introductory paragraph to *Your Guide to Engaging with the Community* also linked the importance of engaging with citizens to the *Human Rights Act*, which reads:

Every citizen has the right to have the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives.³

While it may be argued the draft of *Engaging Canberrans* does refer to human rights, it is only a passing reference where the language is weak. The closing section in the introductory paragraph on page 2 states:

A commitment to community engagement respects the obligations of public authorities under the *Human Rights Act 2004* to act in a way that is compatible with human rights, including the right to equality and the right to participate in public life.⁴

The language should be strengthened by stating engagement with the community can *uphold* the obligations of public authorities, rather than *respects* the obligations as is currently stated in the guide.

Recommendation

- Strengthen the language in the Community Engagement manual to ensure agencies and departments are aware civic participation is a human right.

The ACT Social Compact

Engagement with the community forms part of the larger picture of Government and Non-Governmental Organisation (NGO) relations as set out in the ACT Social Compact. The ACT Social Compact, released in current form in 2004 is the framework designed to guide the relationship between the ACT Government and the community sector.

A Compact provides the opportunity to address some of the major issues facing non-profit, community and social services, including establishing mutual respect and understanding between government and our sector; and reforming funding and contracting and regulation policy to ensure that it aids and supports the delivery of quality social services.⁵

³ ACT Government, *Your guide to engaging with the community: ACT Government community engagement manual*, 2005, p1.

⁴ ACT Government, *Draft Engaging Canberrans: A Guide to Community Engagement*, 2010, p.2.

⁵ ACOSS, *Joint COSS submission on a Compact between the Australian Government and the not-for-profit sector*, September 2009, p.2.

Unfortunately, in the experience of the ACT, the Social Compact has had a low impact on the ground. Further work needs to be done to promote respectful relations between government and the community sector. Community representatives have expressed part of the reason it has been difficult to maintain a “compact relationship” with government is due to a lack of trust between the two sectors.⁶

It is important to note, in order for the ACT Government to benefit from the knowledge and expertise of the community sector, the building of trusting relationships is critical. The culture of distrust needs to be addressed in order to ensure transparent and effective dialogue. Community organisations and government departments often support similar goals. The process of working towards these goals collaboratively benefits greatly where trusting relationships can be forged between communities and government departments and when actual commitment is made to value and work alongside community organisations.

Furthermore, genuine consultation can strengthen and add value to the overall effect of the ACT Social Compact. There are a number of ways to consult and engage with the community on a range of issues, including directly with citizens, with organisations providing direct services, and with peak bodies.

Governments can draw upon the concept of Social Capital theory to engage with communities and community organisations, and build successful collaborative partnerships. According to Social Capital Theory communities rich in social capital are more likely to engage in government strategies and be more involved in decision making. Social capital can be accumulated through various social activities and the creation of strong networks.⁷

High levels of social capital will result in greater participation with government. The government needs to initiate and facilitate practices to encourage consultative community interaction with all levels of government. Such practices can include organising lunches or afternoon teas or other social activities between staff members in government appointments and in the community sector.

Recommendations

- Facilitate trusting relationships with the community and community sector organisations
- Draw upon Social Capital theory to stimulate effective dialogue

⁶ Ibid, p.9.

⁷ G. Butler, *Sustainable communities: the important role of local government in building social capital*, La Trobe University, 1997, p.2.

A Community Development Approach to Engagement

Community development seeks to empower individuals and groups by providing people with the required skills to affect change in their own communities. Community development practices can include building stronger community networks, resourcing the community to identify and meet their needs, improving quality of life and empowering individuals and communities.

People experiencing disadvantage need to be supported and provided with opportunities to participate in consultation processes. These groups include Aboriginal and/or Torres Strait Islander peoples, refugees, mental health consumers and people experiencing intergenerational disadvantage. When consulting with these groups, departments need to be aware of the cultural history often experienced by these groups and their unique life experiences.

A project by Swinburne University of Technology *Social Inclusion for the Hard to Reach* offers some strategies for community engagement.⁸ The study provides some lessons for the ACT. The study recognises some marginalised groups can be distrustful of authorities due to previous negative experiences. In these instances, successful community engagement depends on the department's ability to establish ongoing relationships. Meeting with community leaders, utilising support workers and publishing promotional materials in a variety of languages are also specified as effective strategies. For communities which are not confident with their English abilities, translating and interpreter services need to be provided.

Similarly, the Victorian Local Government Association (VLGA) website provides hints and strategies on how to consult groups who have not always been included in the consultation process. Information sheets provided on the website explains key characteristics of the group, implications of these characteristics and the best way to develop protocols with these groups. For example, in regards to consulting with Aboriginal and/ or Torres Strait Islander peoples, it is imperative to begin by recognising the unique role of Aboriginal peoples in the community and their experience with past government policies. Relationships need to be built with leaders in the community groups to create an environment where engagement can occur. Protocols which observe customs also need to be followed. The information sheet goes on to state it is very important Aboriginal peoples have the opportunity to develop protocols for engagement.

Section 4.9 of *Engaging Canberrans* includes a component on reaching out to the community. This section lists some of the hard to reach groups and mentions government agencies need to be creative in order to reach these

⁸ N. Brackertz and D. Meredyth, *Social Inclusion of the Hard to Reach*, Swinburne University of Technology, 2008.

groups. The section needs to be expanded to include information on the characteristics and subsequent implications for this group. There should also be information on how to reach these groups and links to further resources, including to community organisations who work directly with these groups.

Recommendation

- Expand section 4.9 of *Engaging Canberrans* to include information on how to engaged hard to reach groups

Current Community Engagement

Governments often fail to effectively engage the community. As outlined in *Dilemmas of Engagement*, there are seven issues that often arise to hamper consultation.

The seven bureaucratic sins of consultation⁹

1. 'You're off the topic'	Many points that are raised in consultations are not relevant to the designated topic and/or participants have not fully read the consultation documents. There is a tendency to ignore or sideline concerns that are not relevant to the matter in hand.	Suggested remedy: even if it's off the topic, at least pass the point on to the person whose responsibility it is.
2. 'That's not our job'	The consultees have read all the documents, but their particular concern falls between several agencies—in other words, no-one is dealing with it.	Remedy: try to pass the information to the agency that should take it up or at least suggest that the person writes to the minister about it, and suggest which minister they should approach.
3. 'Consulting on motherhood statements'	The consultation never gets near anything controversial or even concrete. The propositions put forward cannot be disagreed with, but the same questions have been canvassed	Remedy: check to see what others have done. If there is a real need to proceed, have something specific to talk to the community about. If you are consulting on

⁹ J. Stewart *Dilemmas of Engagement – The role of consultation in governance* ANU E Press 2009, p. 52.

	previously, often many times over. Consultation fatigue quickly sets in when this happens.	something broad, such as a health strategy, try to give people some sense of what particular elements might mean for them.
4. 'You can't come in here'	The desire for control sometimes results in consultations that are not open to groups whose views are not sought or whose participation is not welcome. At times, there are really difficult scenes when people are physically prevented from coming into the room.	Remedy: if you can't handle the heat, don't hold the consultation.
5. 'Contrived support'	Agencies often misrepresent the true outcomes of consultation. They say, 'We've consulted on this', giving the impression that their view enjoys widespread support. Or they consult using leading questions that push people's views in certain directions.	Remedy: report fully on what you have found, even if it is negative.
6. 'The black hole'	Lots of issues come up through the consultation, only to disappear into the black hole of the bureaucracy. Those who participated in the process hear nothing until an announcement is made, but often there is no tangible outcome at all.	Remedy: agencies should produce a consultation report that conveys the comments that were made. Privacy concerns should be dealt with by asking permission for names to be used.
7. 'The left hand and the right hand'	Decisions are made (often in a budgetary context) that affect a number of programs, leaving 'unconsulted' community organisations with contracts to deliver these programs. The collective impacts on the organisations concerned can be quite heavy. A variation on this theme occurs when a decision in	Remedy: better coordination mechanisms are needed, particularly where community organisations are delivering programs to a number of different agencies. Compacts between government and the community sector should make specific mention of these kinds of

one department impacts directly on the ability of a community organisation, contracted to another, to deliver a program.	issues.
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Despite clear guidelines in the previous community engagement manual *Your Guide to Engaging with the Community*, ACTCOSS members have expressed disappointment at the way most engagement initiatives have been conducted. The seven 'sins' above occur regularly. Consideration should be given to raising awareness with government agencies of the remedies to such issues. Other concerns regarding current engagement practices include:

- Being provided with a short amount of time to provide feedback;
- Gaining little or no feedback regarding consultation processes;
- Outcomes of consultation processes being delayed by months or in some cases years;
- Some aspects of policies appearing to be predetermined, with consultation processes acting as a formality; and
- Replication of consultation processes for projects and policies that are similar or linked.¹⁰

ACTCOSS has consistently raised concerns regarding the consultation process in previous submissions, including the *Comment on the Draft ACT Health Consumer and Carer Participation Framework*.¹¹

Such concerns have limited the community sector's capacity to respond to consultations. Many community organisations operate with limited funding. Organisations are often understaffed and workers often work long hours, and take on additional responsibilities. Considering this environment, tight time frames in which to respond to government policy can prevent effective engagement with the sector.

Furthermore, a perceived lack of co-ordination among ACT Government departments and agencies further deter community organisations from engaging. This issue was highlighted to the Standing Committee on Health, Community and Social Services:

Over 2009 we have been involved in seven different consultations with ACT Health on plans that are being developed this year, separate to this inquiry and separate to ongoing dialogue that we might be having around other issues. That is seven consultations on plans and there are three that we are aware of that are pending. As we see all of them one step removed from the ACT Health system, there is a lack of coordination around what it is that they are aiming for, how they are being developed and how they are being consulted on.¹²

¹⁰ Ibid.

¹¹ The comment can be read in full at www.actcoss.org.au/publications/Publications_2009/0109CMT.pdf

¹² Standing Committee on Health, Community and Social Services (Reference: Access to Primary Health Care Services) Transcript of evidence, Wednesday 22 July 2009. p5.

While some peak bodies within the community sector receive funding to support engagement in policy development and debate, many community organisations operate on limited resources with policy input not being a primary role. Policy development can be further enhanced by the inclusion of 'on-the-ground' experiences of current process and outcomes. However, to ensure these experiences are included proper resourcing is required to support community organisations in the development of well-articulated and researched responses.

In addition, a reporting mechanism which will allow governments to evaluate consultation processes may address the issues hampering effective consultation. To ensure government agencies and departments engage with community groups, departments should be required to report their engagement activities to a central point such as the Chief Minister's Department (CMD). The reporting guidelines should include time frames, information regarding which groups are to be consulted, how they are preparing for the consultation and outcomes.

A central coordinated approach could also result in better use of the ACT Government "Community Engagement website." The current website works well when used appropriately. However, it needs to be noted the website is not consistently used by all agencies conducting reviews. All government agencies need to ensure information regarding current engagement is available on the website.

Recommendations

- Provide more resources to community sector organisations to facilitate greater engagement
- Provide central oversight of consultation through CMD
- Include a reporting mechanism in the manual as a requirement for agencies

Training on implementing *Engaging Canberrans*

Training on how to implement the manual and undertake community consultations is vital to the success of any ACT Government strategy on engagement. The previous engagement manual suffered from a lack of continual reinforcement and awareness within the ACT Public Service. To ensure the guide remains a useful and realised resource continual training is required for those within government who will be engaging with the community. The training, in also exploring different methods of engagement and a variety of tools, will develop the suite of resources available to agencies in undertaking consultation.

The training would benefit from including a cultural awareness component. Cultural awareness training, including information on cultural practices, social norms and history affecting various ethnic groups will assist government departments to run consultations which are culturally appropriate. A consultation which respects different cultural norms will

generate diverse and robust conversations, in turn assisting departments to make informed policy decisions. Cultural awareness training is required when consulting with members of the Aboriginal and/or Torres Strait Islander communities, and people from various Culturally and Linguistically Diverse (CALD) backgrounds, including refugees.

Recommendations

- Provide training to departments and agencies on how to use the manual
- Provide cultural awareness training to allow effective consultation with Aboriginal and/or Torres Strait Islander peoples and CALD communities.

Conclusion

Moves by the ACT Government to strengthen their relationship with the community and ensure a diversity of voices in the policy development processes of bureaucracy are welcomed.

Civic participation is a right enshrined in the Human Rights Act. The language contained in a community engagement manual should be reflective of this right. Effective consultation with the community will also add value to the Social Compact, the main document guiding the relationship between the Government and the community sector.

Unfortunately, despite clear guidelines in the previous community engagement manual *Your Guide to Engaging with the Community*, consultations and engagements did not occur in manner conducive to community sector involvement.

ACTCOSS anticipates and looks forward to strengthened community engagement in future government consultations, with underpinning principles and models of engagement guided by the release of a robust *Engaging Canberrans: A Guide to Community Engagement* framework.