Department of the Prime Minister and Cabinet

Online engagement - governance and moderation guidelines (Interim)

www.pm.gov.au

Contents

Overview

The Department of the Prime Minister and Cabinet (PM&C) will be supporting a Prime Minister's blog and web chat program on the Prime Minister's website (www.pm.gov.au).

The purpose of this document is to provide a set of interim protocols (rules and arrangements) for the PM&C, the Prime Minister's Office (PMO) and participants during the program's initial trial period. The trial will be conducted over three months (commencing July 2009). Final guidelines will be developed on completion of the trials after the program has been subject to an evaluation.

The program of online engagement, including a blog and live web chat, on the Prime Minister's website provides a vehicle for the Prime Minister (and/or other Ministers) to engage in an informal conversation, on specific policy topics, with groups of interested participants.

It is proposed that a combination of blog and live web chat is implemented according to the following steps -

1. A Prime Minister's blog is hosted on www.pm.gov.au on a specific topic related to government policy development and matters of interest;

2. Comments from the community on the blog topic are open for five working days after the Prime Minister makes the first blog post. Comments will be published on the site following Departmental moderation to ensure compliance with the published guidelines;

3. After the blog closes, between 60 and 80 blog contributors are randomly selected and invited to participate in a live, public web chat with the Prime Minister on the blog topic. The first 20 participants to accept the invitation are provided with access details. User numbers are limited to 20 to ensure a quality discussion is facilitated;

4. Moderation of comments in the live chat will take place in a two pass process, whereby after a user submits a comment, the comment is moderated by PMC, then moderated by PMO and then posted as a discussion comment.

Governance Summary

The operation of the website is subject to a number of principles –

1. Published information must follow the **Australian Government Information Management Office (AGIMO) Government Online Standards** which state that departmentally funded websites should only contain information relevant to the minister's official duties and not reference party political activity (eg. fundraisers, candidates etc).
2. All information on Australian Government websites (including interactive elements such as web chats, blogs etc) is required by law to be accessible to people with disabilities such as the visually impaired.
3. While not a campaign, information on government funded websites must reflect the underlying principles of the **Governments Guidelines on Campaign Advertising** that the dissemination of material using public funds should not be directed at fostering a positive impression of a particular party or promoting party political interests.

Where members of the Australian Public Service participate in the provision of content for websites, the following additional principles must be observed -

1. Working with online media is subject to the same standards set out in the **APS Values and APS Code of Conduct** that apply in the physical environment. These include behaving with respect and courtesy and without harassment, complying with all applicable Australian laws, protecting confidentiality, making proper use of Commonwealth resources, and upholding the reputation and integrity of the APS.
2. Information provided by the departmental officers must be accurate, informative, objective, impartial, and apolitical in explaining Government policies. We also have an obligation to provide information as to how participant responses will be used (privacy and confidentiality issues).

Departmental rules governing blogs and web chats on www.pm.gov.au

The Department has established two sets of rules governing the use of the online engagement features of www.pm.gov.au. The first set provides guidance to all external participants in these engagements. They are designed to assure both the government and the community that the blog and web chat is being conducted in a fair, responsible and appropriate way. The second set provides guidance to the host and moderators of these blogs and web chats. They are designed to ensure that the governance principles referred to above and relevant government guidelines are observed.

As the Department is responsible for what goes on the website, these rules are key mechanisms for ensuring that content on the website is consistent with the guidelines referred to above. The Department reserves the right to remove any material from the site which does not meet these principles.

All of the following rules should be considered with reference to the perception of users, the community, government and the media. Most importantly, the extent to which something is appropriate will rely heavily on context and cultural mores. When considering how content may be perceived, reference should be had to "the standards of morality, decency and propriety generally accepted by reasonable adults". (See Section 11 Classification (*Publications, Films and Computer Games Act 1995*)

Rules of Participation for External Participants

The intent of the Protocols for Participation is to create a positive environment where people are able to publicly contribute their views to the consultation forum, in the spirit of improving government policy, without fear of abuse or harassment or exposure to offensive or otherwise inappropriate content and protecting the operators of the consultation forum from legal liability.

When contributing your views to this consultation forum, please ensure that you:

- do protect your personal privacy and that of others by not including personal information of either yourself or of others in your posts to the forum, (such as names, email addresses, private addresses or phone numbers);
- do post material to the forum that is relevant to the issues currently being consulted on;
- do represent your own views and not impersonate or falsely represent any other person;
- do not be abusive, harass or threaten others;
- do not make defamatory or libellous comments;
- do not use insulting, provocative or hateful language;
- do not use obscene or offensive language;
- do not post material to the forum that infringes the intellectual property rights of others;
- do not post multiple versions of the same view to the forum;
- do not promote commercial interests in your posts to the forum; and
- do not include internet addresses or links to websites, images, video or any email addresses, in your contribution.
- do not post overtly party political comment (e.g. reference to candidates, fundraisers, support for political parties, etc)

Furthermore, prior to participating in any blog or web chat, users must read and agree to the site Conditions, Protocols for Participation and Privacy Statement.

Rules for Hosting and Moderation

Rule 1: The Host and moderators should encourage contributions that are relevant.

The host and moderators should encourage discussion that is relevant to the subject matter of the discussion at hand. In particular, this should ensure, where possible, discussion relates to government responsibilities as they relate to existing government initiatives or decisions or to matters that the government may wish to consider in developing policy or potential initiatives.

Specifically, moderators will look to ensure that:

- post material to the forum that is relevant to the issue being consulted on;
- material does not contain or reference spam – i.e. multiple post versions of the same view or unsolicited or undesirable messages that are repetitive or promote commercial interests in posts to the forum;
- not include links, video or images in posts to the forum irrespective of content; and
- material does not contain or refer to specific advertising – including any material that is directed to informing potential customers about products or services or material referencing government advertising campaigns.

Rule 2: The Host and moderators should encourage contributions that enable a fair and appropriate discussion.

The host and moderators should encourage discussion and debate which is fair and meaningful. Contributors should be encouraged to appropriately differentiate between fact and opinion.

Specifically, moderators should ensure that comments:

- are relevant to the discussion ;
- presented in an explanatory, fair, objective and accessible manner;
- presented to enable recipients of information to reasonably and easily differentiate between facts and comment/opinion and analysis; and
- when from the host, are accurate, verifiable and be able to be substantiated, if any assertion is presented as fact.

Rule 3: The host and moderators should avoid overtly party political statements.

The host and moderators should encourage debate that is free of commentary that is overtly party political. While it is appropriate that commentary about, and comparisons between government, opposition and other party policies takes place, commentary should never relate solely to party political issues or categorised as "how to vote" material. Commentary that seeks to influence or garner public support for a specific political party, funding, candidates for election or for particular Minister's or Members of Parliament should be discouraged.

Moderators, particularly public servants should not moderate comment on the basis of whether certain matters are "political", if the comment is otherwise relevant to the subject matter of the debate. Any reasonable perception that material is censored for political purposes may create a perception of politicisation of the APS and is to be avoided at all costs. Moderators should therefore only moderate material that is specifically:

- providing information directed at fostering a positive impression of a particular political party or promoting party political interest;
- referencing party political slogans or images;
- involves direct attack or scorn of the Government, Opposition/other parties that is not related to specified policy positions; and
- referring to or linking to the websites of politicians or political parties.

Rule 4: The host and moderator should encourage behaviour that is appropriate.

The host and moderators should encourage a positive environment where people are able to publicly contribute their views to the forum safely and respectfully. This involves ensuring that users protect their own identity and that of others. It also involves ensuring that contributions are possible without fear of abuse or harassment or exposure to offensive or inappropriate content.

Specifically moderators should ensure that contributions:

- do not include personal information of either themselves or others in their posts to the forum (such as names, email addresses, private addresses);
- do not disclose information would could be used to identify themselves or others;
- do not abuse, harass or threaten others;
- do not contain defamatory, libellous or discriminatory comments;
- do not use insulting, provocative, disrespectful or hateful language; and
- do not contain obscene or offensive language.

Rule 5: The host and moderator should encourage behaviour that complies with Australian criminal and civil law.

The host and moderators should encourage content that complies with Australian Law – both civil and criminal.

Specifically moderators should ensure that commentary:
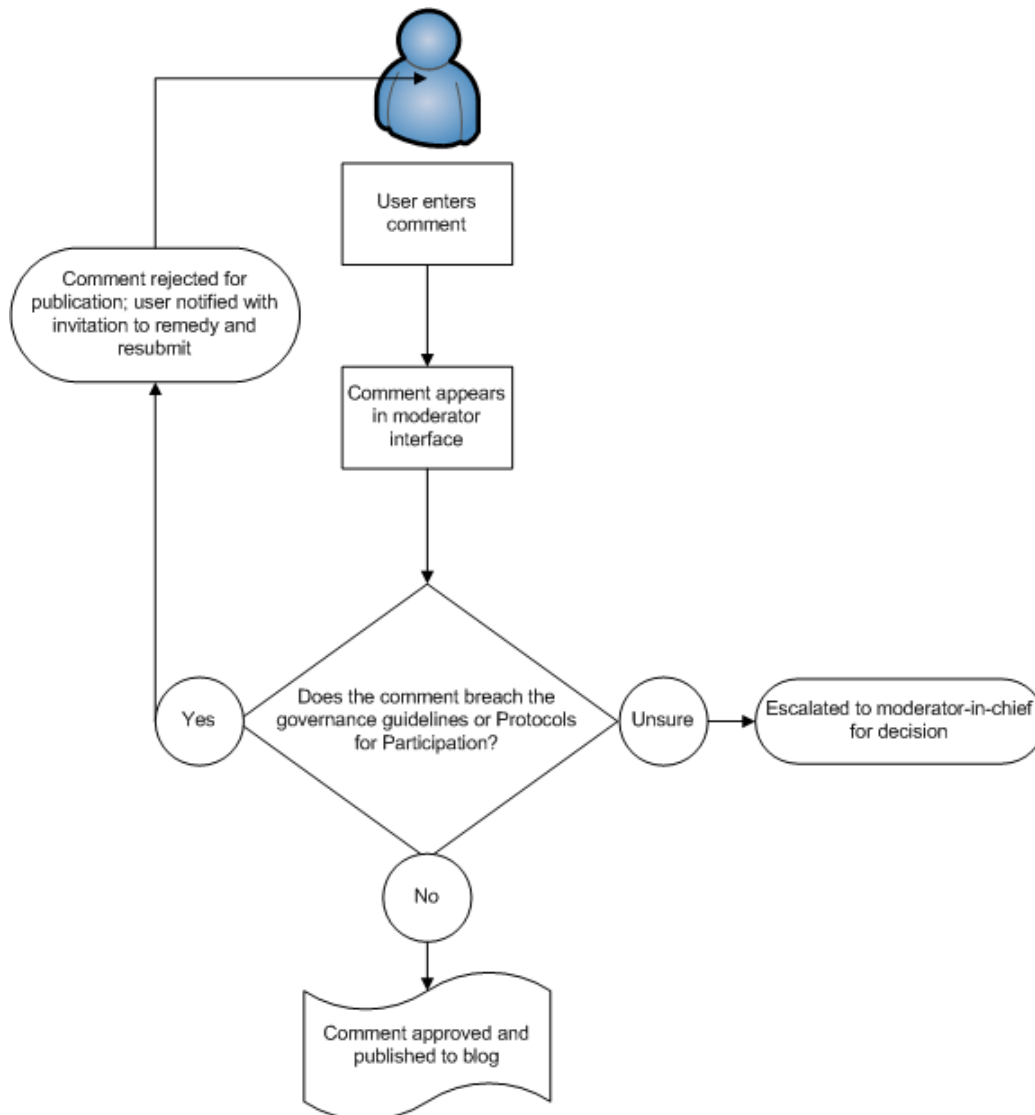
- complies with laws such as Defamation Law, Criminal Law, Vilification Law, Broadcasting Services Law, Privacy Laws, Copyright Law;
- does not infringe the intellectual property rights of others(such as Trademarks or copyright); and
- does not encourage or reference conduct that might constitute a criminal offence or give rise to a civil liability or that violates an Australian law.

Moderation process

In consultation with AGIMO, the Australian Public Service Commission and the Department of Finance and Deregulation, the PM&C has developed a Moderation Policy to ensure that rules referred to above are observed.

How blog moderation works

It is necessary to use a moderator to review comments pre-publication and, where necessary, reject contributions that do not comply with the Protocols for Participation.

User enters comment

Comment rejected for publication; user notified with invitation to remedy and resubmit

Comment appears in moderator interface

Does the comment breach the governance guidelines or Protocols for Participation?

Yes

Unsure

Escalated to moderator-in-chief for decision

No

Comment approved and published to blog

How web chat moderation works

It is necessary to use a moderator to review comments pre-publication and, where necessary, reject contributions that do not comply with the Protocols for Participation.

Moderation is conducted in a process whereby after a user submits a comment, the comment is moderated by PMC, then moderated by PMO and then posted as a discussion comment.
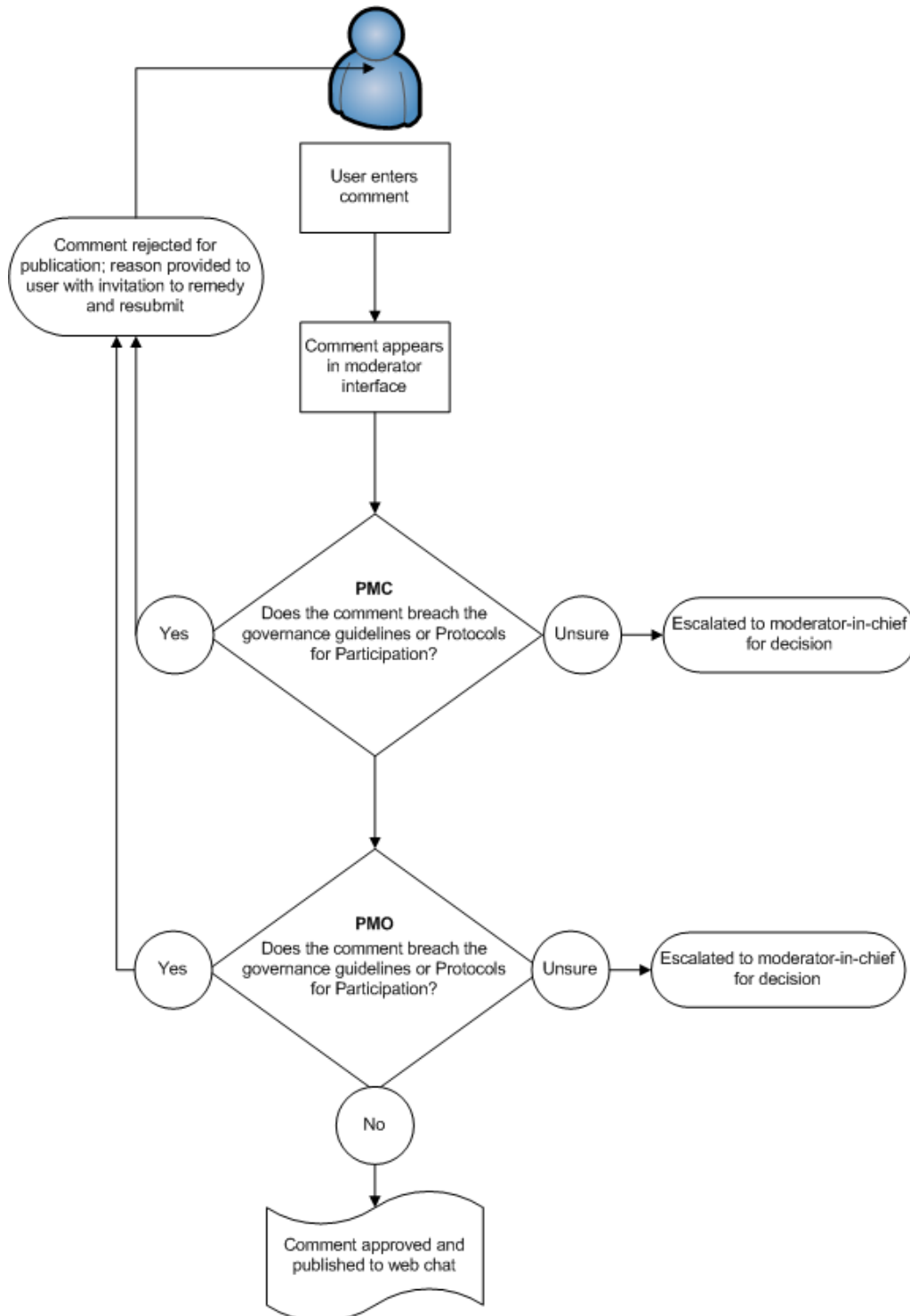
ATTACHMENT A – SUMMARY OF GOVERNMENT GUIDELINES

APSC Circular 2008/8: Interim protocols for online media participation

http://www.apsc.gov.au/circulars/circular088.htm

The APSC advice provides a set of interim protocols to agencies that are using or planning to use online media, including blogs, as a means of communication with clients and stakeholders.

Official use of online communication

This falls into two basic types:

- agencies utilising existing external communication platforms to canvass stakeholders and to disseminate information, including clarifying misinformation, on specific or ongoing policies and programmes
- agencies setting up their own discussion forums or other online communication platforms for the same purposes. These may be ongoing or they may be established for a specific time limited proposal or initiative. They may be open to the public or access may be confined to a particular group of stakeholders.

The official use of online media comes under the same general policies and guidelines that apply to the use of other media and forums to explain and provide information on Government policies and programmes. These include:

- Australian Public Service Commission publication APS Values and Code of Conduct in Practice
- Guidelines on campaign advertising by Australian Government departments and agencies issued by the Department of Finance and Deregulation, June 2008
- Australian Public Service Commission Circular No 2007/5: Involvement of public servants in public information and awareness initiatives

Role of the moderator

Online communication can be used by agencies to consult with and canvass the views of the community and stakeholders as part of a policy development process. These processes will inevitably attract comments that are offensive, inappropriate or irrelevant and many will require some form of moderation.

Agencies that seek comments online should have an acceptable use policy that is displayed on the website and that makes clear:

- that contributions should be relevant, non-threatening, respectful of the views of other contributors and avoid insulting, obscene and defamatory comment
- that the site will remove any posts that do not comply with the rules of participation.

Agencies should have guidelines in place to cover the role of the online moderator, and these may vary in detail in individual exercises, depending on the aim of the consultation and the topics and issues under discussion. They should, however, cover the following principles to ensure consistency with the APS Values and the Code of Conduct:

- the moderation process must be objective and impartial and avoid any perception that posts are being censored for political reasons
- the moderation process must be sensitive to the diversity of the Australian public and avoid any perception that it is being applied in a discriminatory manner
- the moderator must inform posters as to why a post has been rejected and give them an opportunity to resubmit an edited version.

APSC Guidelines on the involvement of public servants in public information and awareness initiatives

http://www.apsc.gov.au/publications07/publicinformation.htm

These guidelines set out the ethical issues that need to be taken into consideration when public servants, including agency heads, become involved, in their official capacity, in helping to explain and implement Government policies and programmes.

The guidelines also implement the Government's policy commitment not to use public servants in government advertising unless that role is essential in the communication of an important message on an issue such as public health or similar.

While it is the responsibility of individual agencies to develop strategies that most effectively explain and implement the policies and programmes of the Government of the day, any perception of politicisation or bias in these strategies can affect the reputation of the APS as a whole. These guidelines provide a framework for a consistent approach to managing public information and awareness initiatives.

APS Values and APS Code of Conduct

http://www.apsc.gov.au/values/conductguidelines5.htm

The APS Values form the enduring framework that defines the Australian Public Service.

The principles of good public administration, embodied in the APS Values, lie at the heart of the democratic process and the confidence the public has in the way public servants exercise authority when meeting government objectives. Good public administration is a protection not only against inefficiency and poor performance, but also against fraud, corruption, inequity, inability to conduct business confidently and infringement of human rights.

The APS Values and Code are not simply aspirational statements of intent. They are mandatory. A breach of the Code of Conduct can result in sanctions, ranging from a reprimand to termination of employment. All APS employees are required to uphold the Values and comply with the Code. Failure to do so may attract sanctions. Agency heads (and the Senior Executive Service) are required also to promote the Values. The Public Service Commissioner is empowered to evaluate the extent to which agencies incorporate and uphold the Values and the adequacy of systems and procedures to ensure compliance with the Code.

The principles of apoliticism, impartiality, professionalism, responsiveness and accountability are at the heart of strong, productive relationships between the APS and the elected government. These Values need to be considered together as a set. Most of the time they complement each other. At times, they need to be balanced so that no single Value is pressed to the point that it conflicts directly with another.

APS employees, Ministers and parliamentarians operate under the law within a democratic political system in which there is ultimate accountability of governments to the Australian people through the electoral process. They also operate within a framework of accountability and external review where the courts, and various offices established by the Parliament such as the Auditor-General, tribunals and the Ombudsman, operate as checks and balances within the system. A sound appreciation of the respective role of the Parliament, the executive and the judiciary is essential.

Ministers and governments as the elected representatives of the Australian people determine and define the public interest. Public servants advise and implement—assisting governments to deliver their policy agenda and priorities.

They share an objective of achieving better outcomes for the Australian community.

1. **APS Values**

- The APS is apolitical, performing its functions in an impartial and professional manner.
- The APS is openly accountable for its actions, within the framework of Ministerial responsibilities to the Government, the Parliament and the Australian public.
- The APS is responsive to the Government in providing frank, honest, comprehensive, accurate and timely advice and in implementing the Government's policies and programs.

- The APS delivers services fairly, effectively, impartially and courteously to the Australian public and is sensitive to the diversity of the Australian public.

2. **APS Code of Conduct**

- An APS employee must behave honestly and with integrity in the course of APS employment.
- An APS employee must act with care and diligence in the course of APS employment.
- An APS employee, when acting in the course of APS employment, must comply with all applicable Australian laws.
- An APS employee must maintain appropriate confidentiality about dealings that the employee has with any Minister or Minister's member of staff.
- An APS employee must not make improper use of: (a) inside information, or (b) the employee's duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the employee or for any other person.
- An APS employee must at all times behave in a way that upholds the APS Values and the integrity and the good reputation of Australia.
- An APS employee must comply with any other conduct requirement that is prescribed by the regulations.

Code of Conduct for Ministerial Staff

The *Code of Conduct for Ministerial Staff* (the Code) was tabled in the Senate by the Special Minister of State, Senator Faulkner, on 26 June 2008.

The Code applies to ministerial staff employed under the *Members of Parliament (Staff) Act 1984*. It covers all ministerial employees, including the personal and electorate office staff of Ministers as well as consultants engaged by Ministers. The Code sets out the standards of personal integrity, professionalism and behaviour that are expected of ministerial staff, including a requirement to treat with respect and courtesy all those with whom they have contact in the course of their employment. It includes provisions covering working relationships between ministerial staff and APS employees recognising the distinct role of ministerial staff in providing advice and assistance to Ministers but making it clear that they do not have the power to direct APS employees in their own right and that executive decisions are the preserve of Ministers and public servants.

Together with the APS Values and Code of Conduct, the Code of Conduct for ministerial staff helps set the framework for the working relationship between agencies and ministerial offices. APS agencies should therefore ensure that all employees who are likely to have communications with ministerial staff, including those employed in electorate offices, are aware of the existence of the Code and where it can be accessed. In their dealings with ministerial staff, APS employees should also be mindful of their responsibilities under the APS Values and Code of Conduct to maintain appropriate confidentiality as well as remaining apolitical and impartial. References to the Code of Conduct for Ministerial Staff should be incorporated into internal agency guidelines.

Australian Government Information Management Office (AGIMO) Government Online standards

Guidelines for Ministerial and Departmental Websites

The maintenance of websites by departments and agencies can raise particular issues related to the guarding of the impartial, apolitical, professional nature of the Australian Public Service (APS). It is important that departments consider carefully the content of their websites and those they maintain on behalf of their ministers.

Australian Government departments and agencies are responsible for deciding what information to place on their websites. They are guided by the APS Values, which are set out in section 10 of the *Public Service Act 1999*. The Values require APS agencies to provide high quality, professional support to the government but at the same time to do so on a basis that is free from political bias and political influence.

An important element of maintaining the proper use of official resources and the apolitical nature of the public service is the avoidance of official involvement in the personal or party political activity of ministers. Departmentally funded websites should not therefore contain information about a minister's activities or

views that have no relationship to official duties (e.g. favourite books or diaries of children's activities). Ministers can establish personal websites at their own expense for such purposes.

Departmentally funded websites should not contain material of a party political nature. Some judgement will of course be needed. Ministers in the explanation and defence of government policies will draw distinctions between Government and Opposition policies and might attack the policies of the Opposition. Such material may be placed on the ministerial website funded by the department. It is not in order, however, for material that relates solely to party political issues or that could be categorised as "how to vote" material to be placed on a departmentally funded site.

Accessibility

Accessibility is a general term used to describe the degree to which a system is usable by as many people as possible without modification. Web pages often have access issues for people with disabilities or with technological constraints.

Australian Government departments and agencies are also required to maximise their use of new technologies by ensuring that their websites address access and equity issues for people from culturally and linguistically diverse backgrounds.

Department of Finance and Deregulation Guidelines on Campaign Advertising

DOFD have confirmed that any additions/enhancements to the Prime Minister's website are not affected by the Guidelines. The guidelines refer specifically to advertising campaigns with expenditure exceeding $250,000. If the Department was planning to undertake advertising to raise awareness of the web site or the new features, that advertising may be captured but the web site itself would not be.

Definition of Campaign Advertising

http://www.finance.gov.au/Advertising/guidelines-on-campaign-advertising.html

The underlying principles governing the use of public funds for government information and advertising campaigns ('campaigns') are that:

- all members of the public have equal rights to access comprehensive information about government policies, programs and services which affect their entitlements, rights and obligations;
- governments may legitimately use public funds for information programs or education campaigns to explain government policies, programs or services and to inform members of the public of their obligations, rights and entitlements; and
- government campaigns shall not be conducted for party political purposes.

Guideline 1: Material should be relevant to government responsibilities

The subject matter of material to be communicated to the public should be directly related to the Government's responsibilities.

Guideline 2: Material should be presented in an objective, fair and accessible manner

The material communicated must be presented in an explanatory, fair, objective and accessible manner. Where information is presented as a fact, it should be based on accurate, verifiable facts, and expressed in conformity with those facts. No factual claim should be made which cannot be substantiated.

Guideline 3: Material should not be directed at promoting party political interests

The dissemination of information using public funds should not be directed at fostering a positive impression of a particular political party or promoting party political interests.

The information and material presented in a campaign should not:

- mention the party in government by name;
- directly attack or scorn the views, policies or actions of others such as the policies and opinions of opposition parties or groups;

- include party-political slogans or images;
- be designed to influence public support for a political party, a candidate for election, a Minister or a Member of Parliament; or
- refer or link to the websites of politicians or political parties.

Guideline 4: Advertising must comply with legal requirements

Material, the manner of presentation and the delivery of the campaign
must comply with all relevant laws including:

- laws with respect to broadcasting and media;
- privacy laws;
- intellectual property laws;
- electoral laws;
- trade practices and consumer protection laws; and
- workplace relations laws.

ATTACHMENT B –Moderation checklist

The moderation process must be objective and impartial and avoid any perception that posts are being censored for political reasons.

When rejecting a comment, the moderator must inform the user as to why a post has been rejected using one of the following statements, and give them an opportunity to resubmit an edited version.

1	overtly political
2	contains obscene, indecent or offensive language
3	is defamatory, abusive, harassing or hateful
4	contravenes discrimination law
5	is off-topic
5	invades privacy or impersonates
7	Is unlawful - you do not have the necessary rights, licences and consents to post
8	constitutes spam or advertising
9	contains links, images or video
10	encourages conduct that might constitute a criminal offence or give rise to civil liability, or that otherwise violates an Australian law

Moderation roles

Title	Role
PM&C moderator-in-chief	Final arbiter in all disputed moderation issues
PMO moderator	Responsible for ensuring all published comments are on topic; Only to moderate content that is off topic
PM&C moderator	Responsible for controlling and driving the moderator interface; Responsible for ensuring all published comments meet governance requirements; Responsible for any and all communication with users