



OUR RIGHT TO KNOW, THEIR DUTY TO TELL

Realising our Right to Information in Papua New Guinea



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12 July 2019

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Print Run: 2

ISBN 978-9980-909-09-1

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Cover Image: Members of the Public reading a display about the National Identity (NID) Card and other Issues of National Concern, TIPNG Biennial Exhibition, Goroka, 2018

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FOREWORD

Transparency International is a global movement whose vision is: a world in which government, business, civil society and the daily lives of people are free from corruption. With a Secretariat in Berlin, there are over 100 chapters in the world leading the fight against corruption to turn the vision into reality.

The TI Chapter in Papua New Guinea (PNG), Transparency International PNG (TIPNG), was established in 1997 as a civil society organisation (CSO) whose mission is to inform, educate and empower Papua New Guineans to take action against corruption and to work together to ensure high standards of accountability at all levels of society. In this spirit, TIPNG has also been the CSO Co-Chair of the Open Government Partnership (OGP) in PNG since 2014.

This report follows an assessment in 2018 of the state of access to information in Asia Pacific chapters of Transparency International, which indicated that there was a lack of institutional support for access to information in PNG.

TIPNG has been at the forefront of liaising with government, civil society, private sector and international partners to push for meaningful and effective Right to Information Policy and Legislation in Papua New Guinea. Since our founding in 1997, this has been a priority for us.

The findings of this report are stark, showing there is a lack of coordination on access by the public of public documents, with a culture of institutional ignorance in the absence of a Right to Information (RTI) framework. The recommendations of this report are equally clear – legislation for RTI must be enacted by the Government alongside a policy to support its implementation.

The democratic and developmental aspirations of Papua New Guineans captured in the Constitution depend on citizens being informed in regards to what the government does on our behalf. This report provides a guide to realising those aspirations and it is TIPNG's sincere hope that all who read it are empowered to take action.



Mr Peter Aitsi, MBE
Chairman
Transparency International PNG.

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ABBREVIATIONS

CPC	Constitutional Planning Committee
CSO	Civil Society Organisation
DNPM	Department of National Planning & Monitoring
FOI	Freedom of Information
IGIS	Inter-Governmental Information System
NACPA	National Anti-Corruption Plan of Action
NACS	National Anti-Corruption Strategy
NAP	National Action Plan
NEC	National Executive Council
NRTI	National Right to Information
OGP	Open Government Partnership
OTC	Over the counter
PNG	Papua New Guinea
RTI	Right to Information
TIPNG	Transparency International Papua New Guinea
TIS	Transparency International Secretariat
UDHR	Universal Declaration on Human Rights
UNCAC	United Nations Convention Against Corruption
WASH	Water, Sanitation and Hygiene

1. EXECUTIVE SUMMARY

An assessment (Foldes et al) of the current state of Right to Information (RTI) in countries with Transparency International chapters indicated that there was a lack of institutional support for access to information in PNG.

There are provisions in PNG's Constitution for the right to information, with exceptions that are in line with international standards (Foldes et al. 2018). Policies that are relevant to RTI include the:

1. Open Government Partnership (OGP)
2. National Anti-Corruption Strategy 2010-2030
3. National Anti-Corruption Plan of Action 2012-2015

In the absence of legislation, institutional responsibility of RTI in Papua New Guinea currently can only be sought from the Ombudsman Commission. PNG has also made global commitments to promote good governance and transparency with regards to RTI. These commitments are made under the United Nations Convention Against Corruption (UNCAC) and the Sustainable Development Goals (SDG).

In recognition of the RTI legislation as a national priority that is aligned with global open government commitments, TIPNG has undertaken a RTI survey on the current state of accessing public information across selected government agencies. Furthermore, the survey complements TIPNG's mandate to promote transparency, good governance and accountability in both private and public sector dealings. .

The objectives of the RTI survey exercise were to measure and assess the:

1. Accessibility of public information from government agencies;
2. Responsiveness of public agencies towards citizen requests; and
3. Annual budget appropriations as a factor in dissemination of public information.

The general findings and trends of the survey are summarised as follows:

1. Accessibility of public documents over-the-counter across agencies is poor.
2. Accessibility of public documents available online is moderate.
3. Responsiveness varied across the public agencies sampled: most officers were helpful but unable to provide information at the counter.
4. Currently poor understanding of the definition of public information among agencies sampled;
5. A high tendency of agencies to not proactively disclose information over-the-counter, despite the same information being accessible online;

6. No clear relationships between agency budget appropriations and their propensity to release official information to the public; and
7. Little evidence that demonstrates a direct relationship between agency budget appropriations and their helpful responses to public requests for information.
8. Accessibility to public documents and agency responsiveness appears to be more closely related to the lack of clear RTI policy and legal guidelines, and the current culture of secrecy of public bodies.

Based on the findings of the RTI survey and PNG's national and global commitments, the following recommendations are proposed:

1. Immediately develop a whole-of-government Right To Information Policy that has the following essential characteristics;
 - a. Legal and regulatory framework with clear definitions of the types of information accessible by the public and what constitutes a public body;
 - b. Proactive disclosure that also considers the most effective method(s) of communication;
 - c. Records and information management, closely tied in with resourcing for the appropriate infrastructure;
 - d. Professional (capacity) development with training modules that support institutional and cultural reform;
 - e. Public awareness and advocacy that actively involves civil society actors in ensuring key messages are communicated, particularly those outside the capital
 - f. Implementation arrangements for the appropriate RTI oversight mechanism.
2. Enact Right To Information legislation and ensure that it is;
 - a. Independent from political influence;
 - b. Accessible, affordable and timely
 - c. Specialist as it deals with sensitive public interest and harm tests
 - d. Applicable to state-owned entities, political parties and organisations receiving funding directly from the government.

The specific political, legal and bureaucratic environment in which the RTI policy and legislation will be applied must be evaluated when considering the appropriate enforcement mechanism. This report also presents a brief snapshot of how five countries have progressed with enabling their citizens with access to official information.

Lastly, this report advocates for the urgent review of the draft RTI Act and its precursory National RTI (NRTI) policy. The proposed enforcement model is the establishment of an Information Commission to ensure citizens have access to official information and participate in civic affairs.

2. INTRODUCTION

Access to public information is a human right: it promotes good governance, accountability and supports the fight against corruption. With rights to access information, citizens can more actively participate in social accountability and hold the government accountable.



Image 1. Citizens in East New Britain Province in 2016, attending a Public Information session by TIPNG.

Wording similar to the Universal Declaration on Human Rights (UDHR) is referenced in the PNG Constitution.

"Everyone has the right to freedom of opinion and expression; this right includes freedom to...seek, receive and impart information and ideas through any media regardless of frontier."

Article 19 of the UDHR.

There are two aspects to **freedom of information (FOI)** as it pertains to being a fundamental human right. Information, communications and technology that involves freedom of speech in producing and sharing internet content (Clarke et al. 2002). Secondly the rule of law that provides for citizens to seek information that is in possession of the State. This report assesses the second aspect of freedom of information.

Transparency International builds on the UDHR and defines the right to access information as the right to access facts and data from the government and any public body based on the notion that citizens can obtain information which is in the possession of the State (Anti-corruption glossary. 2018).

The right to information (RTI) and access to information (ATI) are synonyms (Transparency International. 2018), and for ease of reference the "right to information" will be used in this report.

2.1 Report Objective and Outline

The purpose of the Right To Information (RTI) survey report is to assess the current level of accessibility to public information in PNG and subsequently provide recommendations towards shaping policy and legal instruments towards enhanced transparency and good governance in PNG.

The report is a useful baseline tool that presents the results of a RTI survey designed and conducted by Transparency International PNG (TIPNG) over a seven month period from the end of 2018 to mid-2019.

Section 3 outlines the context of RTI in PNG; highlighting the existing national frameworks and regional commitments related to RTI. It also includes the institutions working within the remit of RTI.

Section 4 describes the process undertaken to collect data; this process was guided by the three key objectives of the RTI survey.

Section 5 presents the quantitative and qualitative results categorised according to the mode data was collected, observations and budget appropriations.

Section 6 examines the trends and implications of the RTI survey results, specifically those related to how information is defined and the current state of proactive disclosure.

Section 7 details the recommendations and policy suggestions for decision-makers responsible for pursuing legislative and institutional RTI reforms. It also looks at examples from other countries and the paths each have undertaken amidst their respective socio-political contexts.

Section 8 outlines the way forward to establishing and implementing RTI reforms in PNG.

The bibliography and attachments are included in **Sections 9 and 10** respectively.

3. CONTEXT

There are provisions in PNG's Constitution for RTI, with exceptions that are in line with international standards (Foldes et al. 2018). Policies that are relevant to RTI include the:

1. Open Government Partnership (OGP)
2. National Anti-Corruption Strategy 2010-2030
3. National Anti-Corruption Plan of Action 2012-2015

PNG has also made global commitments to promote good governance and transparency with regards to RTI. These commitments are made under the United Nations Convention Against Corruption, the OGP and the Sustainable Development Goals.

Institutional responsibility of RTI currently falls within the remit of the Ombudsman Commission, which has a broader mandate to ensure compliance in government processes and procedures (2017). This means that seeking redress for complaints related to RTI involves the often lengthy judiciary process.

3.1 National Priority

3.1.1 LEGISLATION

"Every citizen has the right of reasonable access to official documents, subject only to the need for such secrecy as is reasonably justifiable in a democratic society".

Section 51 of the PNG Constitution

The Constitutional Planning Committee in 1974 also recognised the important connection between enabling citizens' access to government information and effective participation in the public affairs of PNG.

"The degree to which citizens are able to fully participate in debate of public affairs of the country will be a good measure of the extent to which our system of government is truly democratic".

PNG Constitutional Planning Committee

There are possible grounds listed in the Constitution that could be used as reasonable justification for non-disclosure, which include:

1. National security, defence or international relations;
2. Records of meetings and decisions of the National Executive Council (NEC) and of executive bodies and elected government authorities prescribed by Organic Law or an Act of Parliament;
3. Trade secrets, and privileged or confidential commercial or financial information obtained from a person or body;
4. Parliamentary papers the subject of parliamentary privilege;

5. Reports, official registers and memoranda prepared by governmental authorities or authorities established by government, prior to completion;
6. Papers relating to lawful official activities for investigation and prosecution of crime;
7. The prevention, investigation and prosecution of crime;
8. Matters contained in or related to reports prepared by, on behalf of or for the use of a government authority responsible for the regulation or supervision of financial institutions; and
9. Geological or geophysical information and data concerning wells and ore bodies.

Furthermore, the Constitution provides for the creation of RTI legislation:

“Provision shall be made by law to establish procedures by which citizens may obtain ready access to official information”.
Section 51 of the PNG Constitution (National Parliament, n.d.)

3.1.2 FRAMEWORKS

Existing RTI frameworks are useful because they provide guidance on how to support future RTI legislation. There are several national-level policies and plans that capture key elements to support RTI legislation:

1. Open Government Partnership
2. National Anti-Corruption Strategy 2010-2030
3. National Anti-Corruption Plan of Action 2012-2015

3.1.2.1 Open Government Partnership

In May 2014, PNG’s Foreign Minister announced the government’s intention to become an Open Government Partnership (OGP) member country. This intention was formally endorsed in September 2015 through a NEC Decision, and in the following month PNG was accepted into the OGP at the OGP Global Summit in Mexico (OGP Nat’l Action Plan. 10).

In 2018 a NEC Decision endorsed the PNG OGP National Action Plan (NAP) 2018-2020, which is currently coordinated by the Department of National Planning and Monitoring (DNPM). The NAP outlines the implementation activities under the selected 4 OGP Clusters of Commitments. These commitments specified in the NAP (13) are categorised as follows:

1. Freedom of Information (RTI). While the OGP NAP uses the term “FOI”, this report will be considering the OGP commitments under FOI as RTI commitments.
2. Public participation
3. Fiscal transparency
4. Extractive Resources Transparency.

The first commitment under the RTI cluster is for the development and enactment of Access to Information (ATI) legislation by 2020 (OGP Nat’l Action Plan. 16-18). This first commitment

lays the foundation for the other two RTI commitments: an Inter-Governmental Information System (IGIS) and an Open Data Portal.

The leading agency for the RTI commitments is the Department of Communications and Information Technology (DCIT). Key actors also include: PM&NEC, the Constitutional Law Reform Committee (CLRC), Consultative Implementation and Monitoring Committee (CIMC), PNG ICT Cluster, Center for Environmental Law and Community Rights (CELCOR) and the PNG Media Council.

3.1.2.2 National Anti-Corruption Strategy 2010-2030

PNG's National Anti-Corruption Strategy (NACS) sets out a pathway for addressing and tackling corruption in PNG. It highlights strengthened transparency and public exposure of corruption as a key action area (KAA). Primary objectives under this KAA are to:

1. Promote openness and integrity across all institutions and actors;
2. Provide the public and civil society greater access to official information; and
3. Create greater opportunities for public and community scrutiny and reporting of corruption (NACS, 20-21).

"The following actions will be taken in KAA 2:... Enact comprehensive Freedom of Information legislation, in support of Article 51 of the Constitution".
NACS (20-21.)

3.1.2.3 National Anti-Corruption `Plan of Action 2012-2015

The National Anti-Corruption Plan of Action (NACPA) is the accompanying implementation document to the NACS that specifies 14 anti-corruption programmes (POW) for the Government and relevant partners to deploy.

Programme 7 identifies the importance of establishing an access to information legislation. The NACPA notes that public access to official information is a deterrent against corruption (NACPA 2012-2015. 13)

The NACPA is currently being updated and is subject to a review by the United Nations Convention Against Corruption (UNCAC) in mid-2019.

"In PNG, unfortunately, government information is jealously guarded. In recognising this, Government will take immediate steps to introduce a Public Information Access Act. The aim of the Act will be to provide unparalleled access to government information by the citizenry upon request and using properly established procedures".
NACPA 2012-2015 (21.)

3.2 Global Commitments

3.2.1 UNITED NATIONS CONVENTION AGAINST CORRUPTION

PNG ratified the UNCAC in 2007. UNCAC acknowledges the importance of citizen participation and civil society organisations in accountability processes and underlines the importance of citizens' access to information (United Nations. 9-16).

"Each State Party shall take appropriate measures...to promote the active participation of individuals and groups outside the public sector...This participation should be strengthened by such measures as...(b) Ensuring that the public has effective access to information; (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption".

Article 13, Chapter 2, UNCAC.

3.2.2 SUSTAINABLE DEVELOPMENT GOALS

PNG has committed to the Sustainable Development Goals (SDGs) and has undertaken a SDG localisation exercise that will assist in the progress of defining realistic and measurable activities under each goal.

"Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions for all levels.

Target 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

Indicator 16.10.2: Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information."

SDG indicators metadata repository. 2019.

3.2.3 OPEN GOVERNMENT PARTNERSHIP

The OGP is a multi-stakeholder global initiative that focuses on improving government transparency, accountability and responsiveness to citizens (NAP2018-2020. 8). It recognises that governments are more likely to be effective in their performance and functions when public participation and oversight is allowed.

OGP commitments are grouped into 7 clusters: public participation; government integrity; freedom of information; fiscal transparency; public service delivery; extractive resources transparency; and open data (NAP2018-2020. 8). Participating countries select commitments to report against based on their intended results and reform areas articulated in NAPs.



Image 3. State and CSO stakeholders must continue to work together towards implementing the OGP.

The OGP brings together government and civil society actors to drive reforms at a domestic policy level. There are more than 70 participating countries and 15 sub-national governments have made over 2,500 commitments. PNG's NAP contains 4 out of the 7 commitment clusters (NAP2018-2020. 8).

See [3.1 National Priority](#) section on PNG's OGP commitments NAP.

3.3 Institutional Responsibility

The Ombudsman Commission (OC) receives and investigates complaints that are made by any citizen in PNG. This includes complaints related to violations of the right to freedom of information.

Function: *"to investigate, on its own initiative or on complaint by a person affected, any conduct on the part of – any State Service or a member of any State Service; or any governmental body, or an officer or employee of a governmental body..."*

Section 13, Organic Law on the Ombudsman Commission

Purpose: *"to ensure that all governmental bodies are responsive to the needs and aspirations of the People; to help in the improvement of the work of governmental bodies and the elimination of unfairness and discrimination by them; and to help in the elimination of unfair or otherwise defective legislation and practices affecting or administered by governmental bodies..."*

Section 218 (a-c), PNG Constitution.

A recent example of a civic-led push to access key official documents is the actions taken by local communities against the Government of PNG for permitting the Canadian company Nautilus Minerals Inc. to conduct exploration activities. These exploration activities were expected to be the initial stages of a proposed deep sea mining project led by Nautilus.

However, community groups have taken collective action against the State in 2017 in a bid to obtain key documents relating to the exploration permit and the environmental and socio-economic impacts of the project (Deep Sea Mining Campaign. 2017). Environmental Impact Assessments are a prerequisite to the granting of exploration and mining licences in PNG.



Image 4. Local communities must be properly informed about the socio-economic impacts of large resource projects that are likely to affect their surrounding natural environment.

The government has ignored written requests from local community groups for the key documents. This has led to the community groups, which include CELCOR and coastal community alliances, to seek redress through the judiciary system. The community groups have referenced section 51 of the Constitution as the basis for their complaint against the government, citing the need to understand the risk analysis that was (supposedly) undertaken and how their communities would be affected by the experimental seabed mining (Deep Sea Mining Campaign. 2017).

In recognition of the importance of citizens' RTI in the extractive industry, TIPNG's Corruption Risks in Mining Awards (Burton. 2017) report also recommends that Environmental Impact Assessments (EIA's) and Social Impact Assessments (SIA's) be made public.

This case study demonstrates that, despite the national-level strategies and global commitments towards a more open government, there remain practical enforcement issues at the local level. It also portrays how the current lack of proactive disclosure and culture of institutional secrecy has caused concerned local communities to pursue obtaining public information through legal proceedings.

4. SCOPE OF SURVEY

In support of the RTI legislation as a national priority that is aligned with global open government commitments, TIPNG has undertaken a RTI survey on the current state of accessing public information across selected government agencies in Port Moresby.

Furthermore, the survey reinforces TIPNG's mandate to inform, educate and empower citizens to make choices against corruption. This promotes transparency, good governance and accountability in both private and public sector dealings.

The objectives of the RTI survey exercise was to measure and assess the:

1. Accessibility of public information from government agencies;
2. Responsiveness of public agencies towards citizen requests; and
3. Annual budget appropriations as a factor in dissemination of public information.

4.1 Methodology

The following approach was employed in selecting the sample size and data collection:

1. Using the allocations detailed in the 2018 National Budget Estimates (Department of Treasury), agencies from each of the 6 sectors were identified. Agencies located in Port Moresby that received the most and least appropriation value under each sector were selected.
2. The agencies selected in the sample size are below, with additional explanations outlined in the [4.3 Considerations](#) section.

Table 1: Selected agencies with reference to their 2018 budget appropriation within their respective sector.

Sector	Agency	Appropriation ranking within Sector Budget
Administration	1. Department of National Planning & Monitoring (DNPM)	3 rd highest
	2. Department of Prime Minister & National Executive Council (PM&NEC)	4 th highest
	3. National Economic & Fiscal Commission (NEFC)	4 th lowest
	4. National Coordination Office of Bougainville Affairs (NCOBA)	3 rd lowest
Economic	5. National Development Bank (NDB)	Highest
	6. Department of Commerce & Industry (DCI)	2 nd highest
	7. National Institute of Standards & Industrial Technology (NISIT)	4 th lowest
	8. Investment Promotion Authority (IPA)	Lowest
Infrastructure	9. Department of Works (DOW)	Highest
	10. Kumul Consolidated Holdings (KCH)	2 nd highest
	11. Telikom (PNG) Limited	2 nd lowest
	12. Department of Public Enterprises (DPE)	

		Lowest
Law & Order	13. Department of Police (DOP)	Highest
	14. Judiciary Services (NJSS)	3 rd highest
	15. Legal Training Institute (LTI)	2 nd lowest
	16. National Narcotics Bureau (NNB)	Lowest
Provinces	17. Morobe	Highest
	18. Madang	2 nd highest
	19. National Capital District (NCD)	2 nd lowest
	20. Manus	Lowest
Social Services	21. Department of Education (DOE)	Highest
	22. Department of Health (DOH)	2 nd highest
	23. PNG Science & Tech Secretariat (PSTS)	3 rd lowest
	24. Office of Urbanisation (OOU)	2 nd lowest

3. Development of an observation form for TIPNG volunteers collecting information when visiting agency offices in Port Moresby. The observation form is attached at Annex A.
4. Briefing 4 TIPNG volunteers of the survey methodology and preparation for office visits.
5. Desktop search of the following public documents per agency:
 - a. Current corporate/annual plan
 - b. Most recent public speech by the agency head (as per media articles)
 - c. Most recent audited financial report
 - d. Public statistics collected by the agency (referenced in the media)
6. Visiting each of the agencies with requests for the same 4 documents stated in step 5. Volunteers were instructed to wait for a maximum of 15 minutes after clearly articulating the request for the 4 documents.

4.2 Work Plan

Table 2. RTI survey work plan.

Week	Activity
12/11/18 – 16/11/18	> Finalise methodology (Staff) > Finalise activity plan (Staff)
19/11/18 – 23/11/18	> Brief interns on concept (Staff) > Start Desktop check (Interns)
26/11/18 – 30/11/18	> End Desktop Research
12/04/19	> Start office visits (3 x Volunteers)
18/04/19	> End office visits (3 x Volunteers)
May 2019 – June 2019	> Consolidate data (Staff with Consultant)
June 2019 – July 2019	> Finalise Report (Consultant)
July 2019	> Print Report (Staff) > Launch Report (Staff)

The following **assumptions** were considered in the development of the methodology and work plan:

1. Public agency officers were acutely aware of their responsibilities and generally aware of the duties of their colleagues (implying that volunteers could be referred to the relevant officers);
2. Volunteers do not know any of the public agency staff;
3. Public agencies had sufficient existing resources (e.g. printer, paper, internet) to provide the information to the public; and
4. Public agency staff did not discriminate against volunteers based on gender, heritage, and any other physical characteristic(s).

4.3 Considerations

Several agencies were excluded from the survey's sample due to: the application of the exceptions of Section 51 of the Constitution; the disbanding or merging of the agency; or being located outside Port Moresby.

Table 3. Agencies excluded from the RTI sample size.

Sector	Agency	Appropriation ranking within Sector Budget	Exclusion Basis
Administration	1. Treasury & Finance – Public Debt Charges	Highest	Application of section 51 (1c and 1i)
	2. Treasury & Finance – Miscellaneous	2 nd highest	Application of section 51 (1c and 1i)
	3. Central Supply & Tenders Board	2 nd lowest	Disbanded and functions transferred to National Procurement Commission
	4. National Tripartite Consultative Council	Lowest	Closure
Economic	5. Konebada Petroleum Part	3 rd lowest	Closure
	6. Office of Coastal Fisheries Development Agency	2 nd lowest	Merged within the National Fisheries Authority.
Law & Order	7. Department of Defence	2 nd highest	Application of section 51 (1a)
	8. Morobe Provincial Health Authority	Lowest	Located outside survey's geographical area.

All volunteers (whose bio-data is at Annex C) that collected the over-the-counter information had TIPNG identification. TIPNG – and its anticorruption mandate – are recognised by government stakeholders. This may have been a factor in how some agencies responded to the over-the-counter requests, as they were (or currently are) involved in contentious national issues.

Information from 7 of the 24 agencies in the final sample size was collected by TIPNG staff *after* the reviewing the objectives and indicators of the survey. Knowledge of the preliminary results and the final recommendations may have resulted in partiality during data collection and observation by TIPNG staff.

5. RESULTS

The major findings of the survey are that::

1. Accessibility of public documents over-the-counter across agencies was poor. The most and least accessible documents over-the-counter were the corporate plan and audited financial statements respectively. This supports the consensus that each agency should have a departmental plan, usually over a 5-year period.
2. Accessibility of public documents available online was moderate. The most accessible documents available online were the corporate plan and audited financial statements.
3. Despite most public bodies having a designated public relations officer, the least accessible document available online was the most recent speech by the head of the agency.
4. Public servants are generally helpful and this showed through the varied responses across the agencies sampled. Most officers were co-operative but were unable to provide information at the counter as they did not fully understand the process for dealing with such requests.
5. The most common response offered over-the-counter was providing the contact details for the relevant officer and/or agency head. Public servants from 48% of the sample size provided this response.
6. However, there were responses that highlighted the poor practices and inefficiencies of public agencies. There were 3 instances where officers did not want to meet with the volunteers and one agency did not have any staff at work to attend to requests.

Each agency received a score according to the number of documents that were accessible over-the-counter and through the desktop search. The sum of four agencies in each sector was calculated and then divided by 4 to generate the sector average. Sector averages and overall performance were rated according to the values described in Table 4.

Table 4. Performance matrix used to measure the accessibility of public documents.

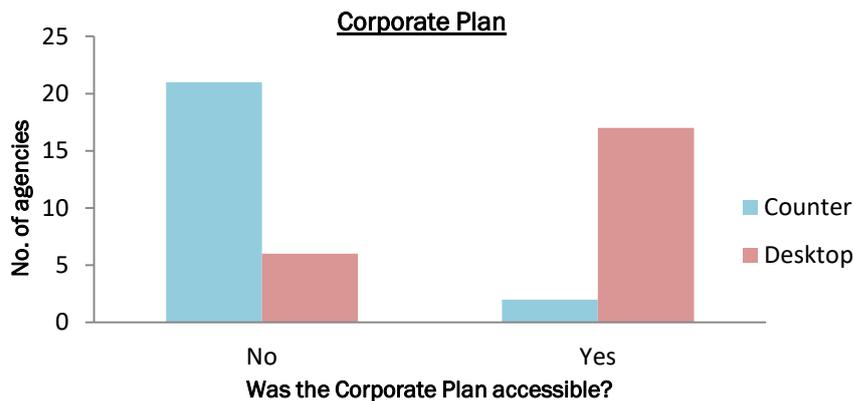
Performance Matrix	
Poor	0 to 1
Moderate	1.1 to 2.9
High	3 to 4

Annex B presents the tables containing the raw data used to measure the accessibility of public documents.

5.1 Over-The-Counter

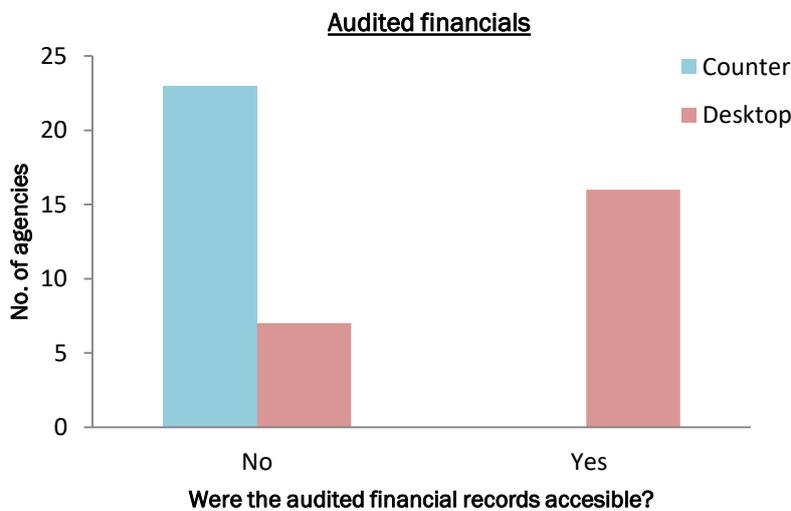
- a) Accessibility of information across 23 public agencies was **poor** (One agency's results were disregarded due to a volunteer having knowledge of one the agency's staff.).
- b) **Most accessible** document was the **corporate plan with 9%** of agencies able to provide the document. (See Figure 1)

- c) **Least accessible** document was the audited **financial statements** with none of the agencies providing the document. (See Figure 2)
- d) **Agency** with the highest rating was the Legal Training Institute, which had on-hand 3 out of the 4 public documents requested.
- e) 21 of the 23 agencies (91%) surveyed were not able to produce any public document.
- f) **Sector** with that provided the most information was **Law & Order** yet it still had a poor rating of 0.75 followed by Infrastructure at 0.5.



Most accessible document OTC is the corporate plan at 9%. This percentage is significantly lower than its accessibility online which was 71%.

Figure 1: Comparison of the accessibility of the corporate plan on-hand versus desktop.



None of the agencies provided financial statements OTC. Yet 71% of agencies financial statements were published online. This implies that citizens are more likely to access public documents when they have internet access. It disadvantages the majority of citizens with low to no internet

Figure 2. Comparison of the accessibility of the corporate plan on-hand versus desktop searches.

5.2 Desktop

1. Accessibility of information across 24 agencies surveyed was **moderate**.
2. **Most accessible** documents were the corporate plans and audited financial statements with 71% of agencies publishing the document online.
3. **Least accessible** document was the public speeches with 8% of the agencies providing a copy of their heads' speech.
4. Agencies with the **highest rating** was the Department of the Prime Minister & National Executive Council and the National Judicial Support Services, which had all 4 public documents available online. (See Figure 3)
5. Agency with the **lowest rating**, i.e. that had none of the public documents accessible online was Kumul Consolidated Holdings.
6. **Sectors** with the highest performance through desktop searches were Administration, Law and Order and Social Services that all scored 2.75.

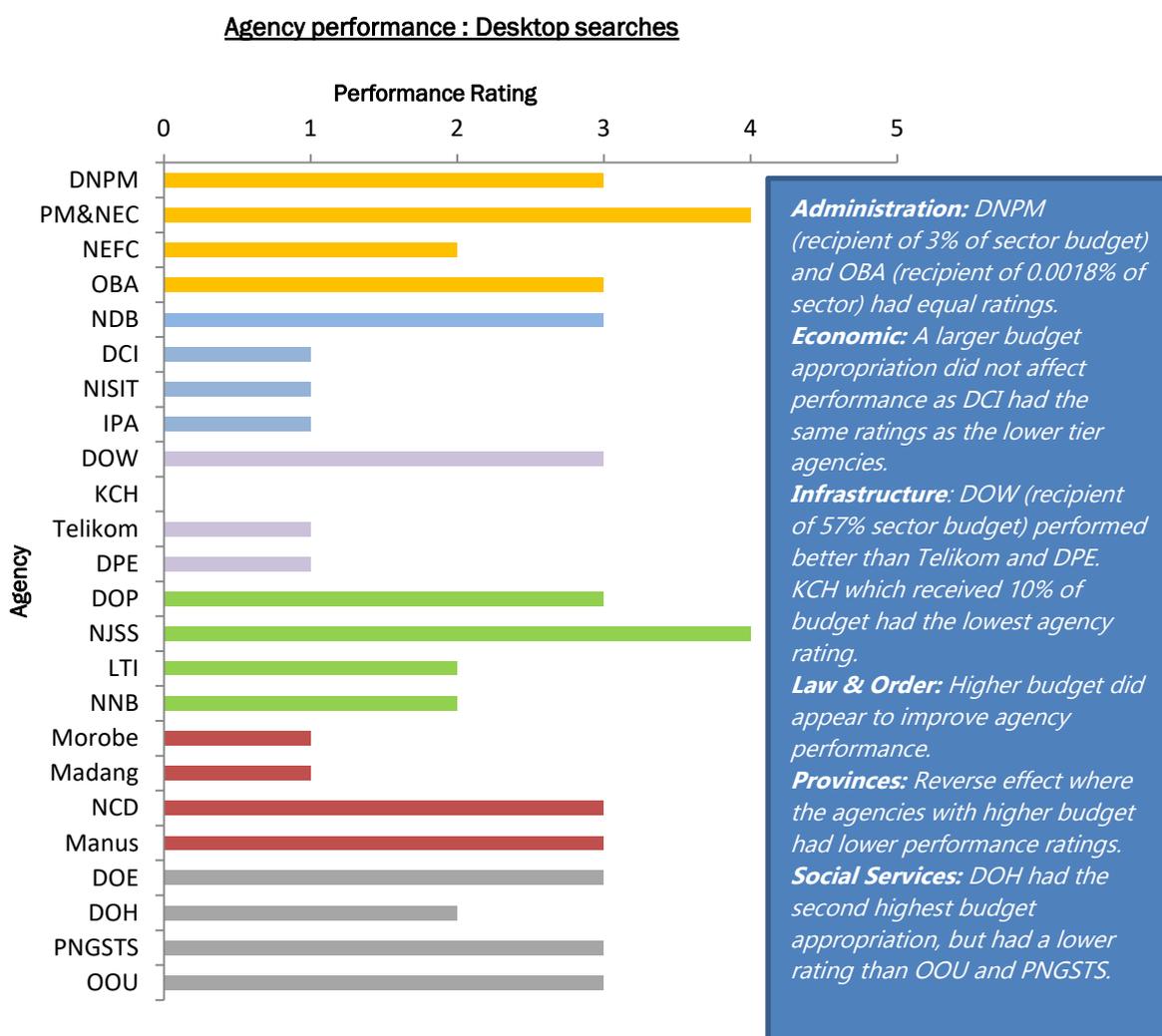


Figure 3. Performance of each agency when considering their disclosure of public documents online.

5.3 Responses

1. Responses were **mixed** across public agencies sampled: most public officers were helpful but unable to provide information at the counter. (See Figure 4).
2. Almost half (48%) of agencies provided contact details of the relevant officer or agency head for the volunteers to formally write to.
3. Most common **positive responses** observed were friendly and helpful behaviour, and providing the contact details of the relevant officer.
4. Most **negative responses** recorded were public agency staff refusal to see the volunteers, with one agency having reported no staff were in the office to attend to the volunteer's request.

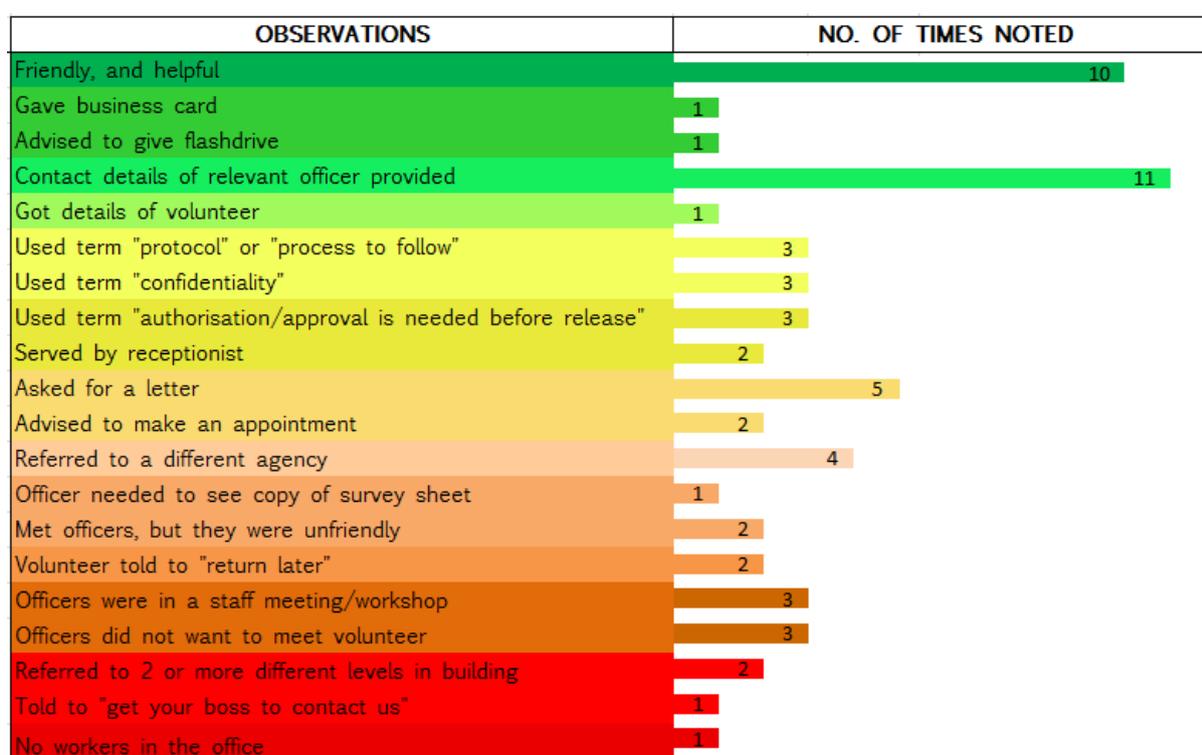


Figure 4. Responses to requests for the 4 public documents across the 23 agencies surveyed.

5.4 Budget Appropriation

- a) Agency with the **highest appropriation** was Department of Works and Implementation at 56.7% of the 2018 Infrastructure sector budget. DOW was one of two agencies that had documents on-hand when volunteers visited, resulting in a moderate rating of 2. DOW also scored highly with 3 out of the 4 public documents requested accessible online.
- b) The agency with the **lowest appropriation** was National Coordination of Bougainville that received 0.018% of the 2018 Administration sector budget. None of their documents were available over-the-counter, yet they performed well during the desktop search with a rating of 3.

- c) **Sectors** with the highest and lowest 2018 budget appropriation was Administration (62%) and Economic (3%) respectively. Both sectors **performed poorly over-the-counter** with none of the 8 agencies providing the public documents. However, Administration was ranked the **highest performing** sector in the desktop searches with a rating of 3 while the Economic sector was the **second lowest performer** with a score of 1.5.

6. DISCUSSION

The following trends were observed from further analysis of the survey results.

1. Weak understanding of the definition of public information; and
2. Tendency of most agencies to not proactively disclose information over-the-counter, despite the same information being accessible online; and
3. No clear relationships between agency budget appropriations and their propensity to enable the public access to official information; and
4. Little evidence that demonstrates a direct relationship between agency budget appropriations and their helpful responsive service to the public.

6.1 Agency-Level Trends

There is no clear relationship between agency's annual budget appropriation and the accessibility of information, for instance:

1. DOW has **highest budget appropriation**, but its desktop performance rating is the same as four agencies that received the lowest budget appropriation: PSTS, OOU, NEFC and OBA all received less than 0.1% of their sector budgets. (Figure 5).
2. DOW's **over-the-counter performance** was ranked second-highest after LTI, which had a high rating yet received 0.23% of the Law & Order sector budget.
3. High performing agencies from the **desktop searches** were almost evenly spread across the lower and upper budget appropriations.
4. LTI was the only high performing agency in terms of over-the-counter service.
5. NJSS had the **highest variance value** between performance ratings, i.e. all of its documents accessible online were not accessible over-the-counter.
6. KCH was the only agency that scored zero in both counter and desktop ratings.

6.2 Sector-Level Trends

There are no apparent direct relationships between sectoral annual budget appropriations and the accessibility of information.

1. Administration had highest sector budget appropriation at 62% and it had the highest **desktop performance rating** of 3.
2. Infrastructure and Law & Order were allocated 5% and 4% respectively of the annual budget and scored a **moderate desktop** rating of 2.75.
3. Infrastructure and Law & Order were also the only two sectors that provided **over-the-counter accessibility**, despite receiving less than 10% of the total budget.
4. Administration sector had the **highest variance value** of 3 between their respective performance ratings. i.e. all their documents accessible online were not accessible over-the-counter.

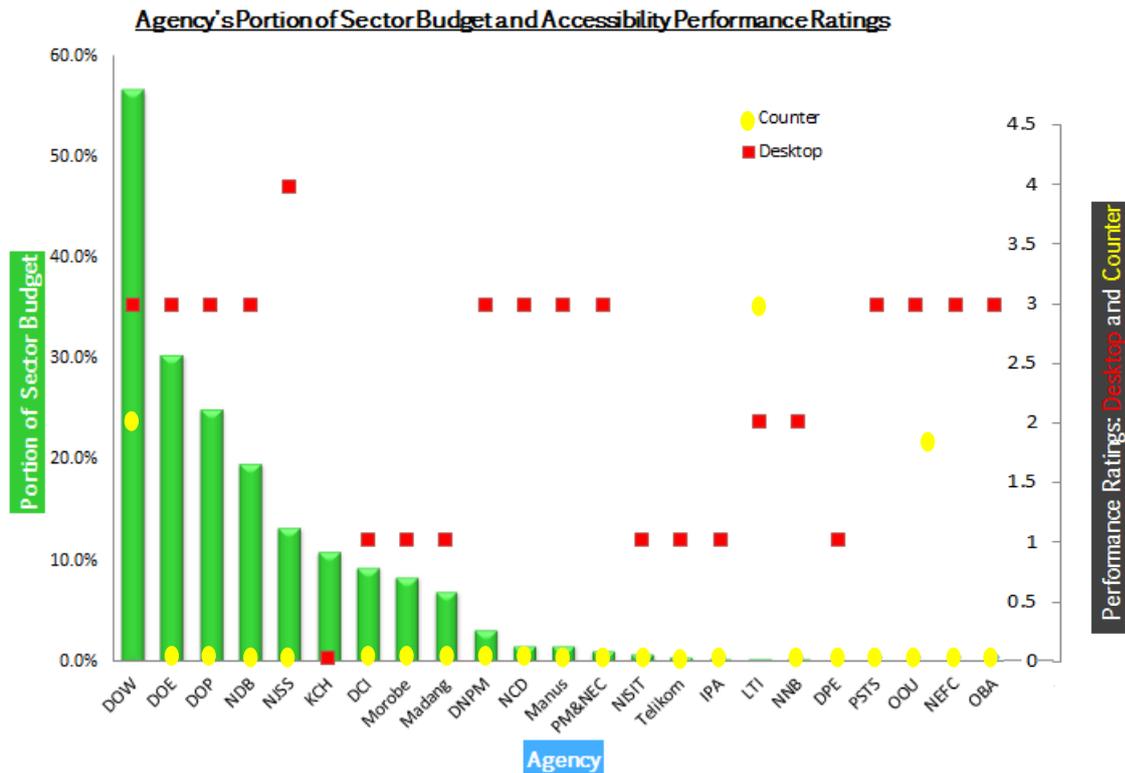


Figure 5. The column graph (in green) measures how much each agency was given in relation to its sector budget (left vertical axis). Each agency's performance ratings (right vertical axis) are displayed as red squares for desktop searches and yellow circles for over-the-counter accessibility.

- Infrastructure had the **lowest variance value** of 0.75, which was mainly due to DOW's moderate counter rating and high desktop rating. DOW also received the largest percentage of the Infrastructure sector.
- Provinces and Economic sectors had the **same variance value** of 2 despite being appropriated 14% and 3% respectively of the 2018 budget.

2018 Budget Appropriations by Sector

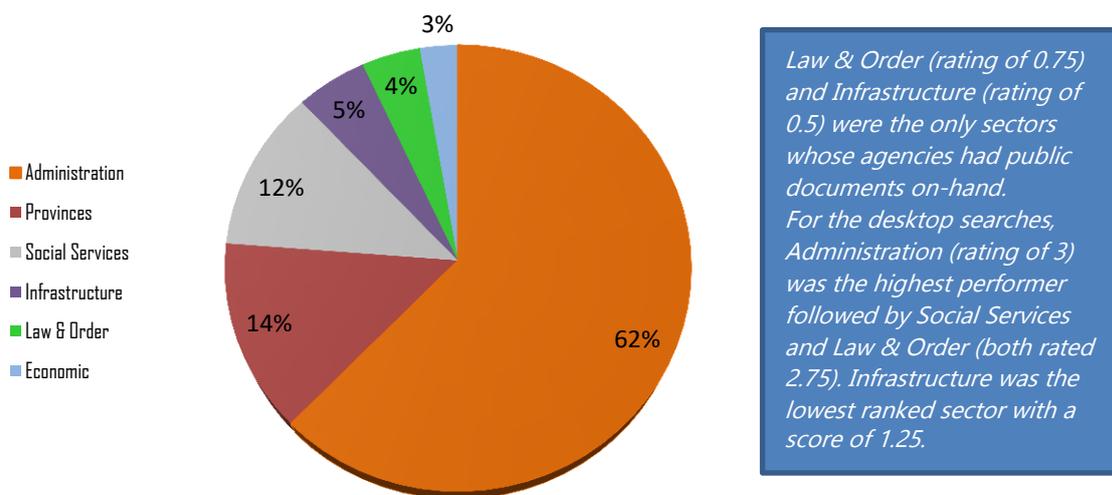


Figure 6. 2018 budget appropriations by sector. Administration received the highest percentage yet it had the same poor performance over-the-counter as the sector receiving the lowest budget appropriation (Economic).

6.3 General Trends

The survey has provided valuable insights that are verify the current level of understanding and capacity of access to information in PNG. These are outlined below as:

6.3.1 SCOPE OF INFORMATION DEFINITION

There is a current misunderstanding among agencies surveyed about the definition of official information. This is evidenced in the fact that most of the documents that were not available over-the-counter were accessible through desktop searches.

Responses that the information was 'confidential' and required authorisation demonstrate that there is a lack of understanding that the documents requested had already been made public. Another serious implication of the higher availability of public documents online is that the majority of PNG's citizens living in rural (or semi-rural) areas without reliable internet connectivity will have limited to no access.

6.3.2 PROACTIVE DISCLOSURE

While some state agencies have taken proactive steps in the disclosure of public information, there remains an unnecessary secrecy and hostility towards citizens that lawfully request information. Most of the agencies surveyed over-the-counter either required a formal letter, often from TIPNG management, detailing the reasons for the request or made referrals to other agencies.

This proves that it is difficult for most citizens to access timely, verified public information. While most of the volunteers were served, the high percentage of those referred suggests a lack of institutional understanding of the public good of accessible information. This attitude acts as a deterrent to citizens seeking information, and subsequently restricts its flow from those who possess it to the community who need it. Having access to accurate and timely official information would also be useful in disproving rumours and speculation, particularly the 'fake news' that is often shared widely on social media.

7. RECOMMENDATIONS

In recognition of the current frameworks related to access to information and the results of the RTI survey, the following recommendations are proposed:

1. Immediate development of a Right To Information Policy
2. Prioritise draft and review of legislation

The specific political, legal and bureaucratic environment in which the RTI policy and legislation will be applied must be evaluated when considering the appropriate enforcement mechanism. This section presents a brief snapshot at how five countries have progressed with enabling their citizens with access to official information.

7.1 Examples In Other Countries

Policy-makers must evaluate the specific governance, legal and administrative contexts in which the RTI policy, legislation and enforcement frameworks will be applied. Below are descriptions of the path that several states have taken – or in Cambodia’s case are currently undertaking – to design, enact and implement RTI.

Table 5: RTI policy and legislation development in various states. All information is extracted from Foldes et al (2018) unless otherwise referenced.

COUNTRIES	DESCRIPTION	CONTEXT/ISSUES
Cambodia	<p>Policy: After 3 years of public workshops involving government officials, members of civil society and the general public, a draft government FOI policy was produced. The policy provided for the creation of an Information Commissioner and would be a precursor to the FOI law.</p> <p>Legislation: The draft law is currently going through the legislative process.</p> <p>Oversight Mechanism: Despite the Policy recommendation for the appointment of an Information Commissioner (Advocacy and Policy Institute. 2010), the draft legislation provides for the Ombudsman Commission to receive and mediate complaints.</p>	<p>It has been over four decades since the civil war ended, and improving transparency in the public and private sector remains as an overwhelming task. Cambodia is considered to be the most corrupt Southeast Asian country (Baliga and Chheng. 2018).</p> <p>There are approximately 40 sub-national Ombudsman offices in Cambodia (Dara. 2017). The passing of the FOI law is anticipated to build on the presence of the local Ombudsmen offices in receiving RTI complaints.</p>
Nepal	<p>Legislation: RTI bill was first tabled in Parliament in 1993, but it was only in 2004 that the Law Reform Commission produced a revised bill. The RTI Act was passed in 2007, after more than a decade of lobbying by the media and civil society community (Dahal.2010).</p> <p>Oversight Mechanism: An independent National Information Commission (NIC) was established to protect, promote and practice RTI. The NIC can investigate</p>	<p>Challenges identified by Dahal (2010) in the implementation of the RTI Act include: a lack of an effective monitoring mechanism (for instance, there is no ministry responsible for the implementation of the act or unit established by the executive branch); and a culture of secrecy in the bureaucracy.</p> <p>The NIC is funded by the government and reports to Parliament through the</p>

	complaints and inspect any document, but has no power to inspect premises. Appeals are heard by the NIC after all attempts to the public body in question have failed.	Prime Minister, which can weaken its independence .
New Zealand	Legislation: Official Information Act (OIA) of 1982 Oversight Mechanism: Ombudsman Commission, established in 1962, has oversight of the RTI (Satyanand. 1999).	The Ombudsman performs its RTI functions, and its overall mandate, quite well (Right2Info. n.d). This is due to New Zealand's strong democracy and an efficient and well-organised administration.
South Africa	Legislation: The Promotion of Access to Information Act (PAIA) of 2000. PAIA, established mainly in response to the apartheid-era secrecy, is considered to be advanced. This is because it goes further than most FOI laws in applying to private bodies. Oversight Mechanism: PAIA is enforced by the South African Human Rights Commission (SAHRC). When a request for information is denied, the requester can seek recourse through the High Court (Neuman. 2009).	Neuman (2009) noted that most citizens are unable to access or afford to resolve their FOI cases through the judiciary process. This makes enforcement of PAIA difficult. SAHRC is considered to play an educational role in the implementation of PAIA. Their main roles are to: promote RTI; monitor public and private bodies' implementation of PAIA; make recommendations and report annually to Parliament (SAHRC. n.d)
Vanuatu	Policy: National Policy on the Right to Information (NPRTI) 2013-2018, with key RTI elements also captured in the Records Information Management Policy. Legislation: Guided by the NPRTI activities under 'Legal, Regulatory and Policy Frameworks', the RTI Act was passed in Parliament and became effective in February 2017. Oversight Mechanism: An Information Commissioner (IC) is appointed by Vanuatu's Judiciary Service Commission. The IC reports annually to Parliament, and funding of the Commission is mainly from the national government (with the flexibility to receive funds from non-state organisations).	RTI has yet to be fully implemented, however there are several recommendations from TIS: - reducing the standard timeframe of granting information (currently RTI officers have to decide within 30 days of requests); - extending the scope of the RTI Act to include information held by customary, traditional practices and systems ; and - more staff for the RTI Unit to support the office.

7.2 National Right To Information Policy

To adequately prepare for RTI legislation and enforcement, priority must be given to the development of a strategic national policy that sets out the objectives and actions of RTI implementation. Some policy actions that can commence immediately would provide a solid foundation for future RTI activities, building on the relevant activities outlined in the OGP commitments.

A comprehensive National Right to Information (NRTI) Policy should support an enabling environment in which the right to access public information can promote the democratic participation of citizens.

Key elements to the proposed NRTI policy include, but are not limited to:

1. Legal and regulatory framework
2. Proactive disclosure
3. Records and information management
4. Infrastructure
5. Professional (capacity) development
6. Implementation arrangements
7. Monitoring and reporting
8. Public awareness and advocacy



Image 5. CSO's strong local presence must be involved in the drafting and implementation of the NRTI policy.

Table 6. Description of the key policy areas that must be captured in the NRTI Policy.

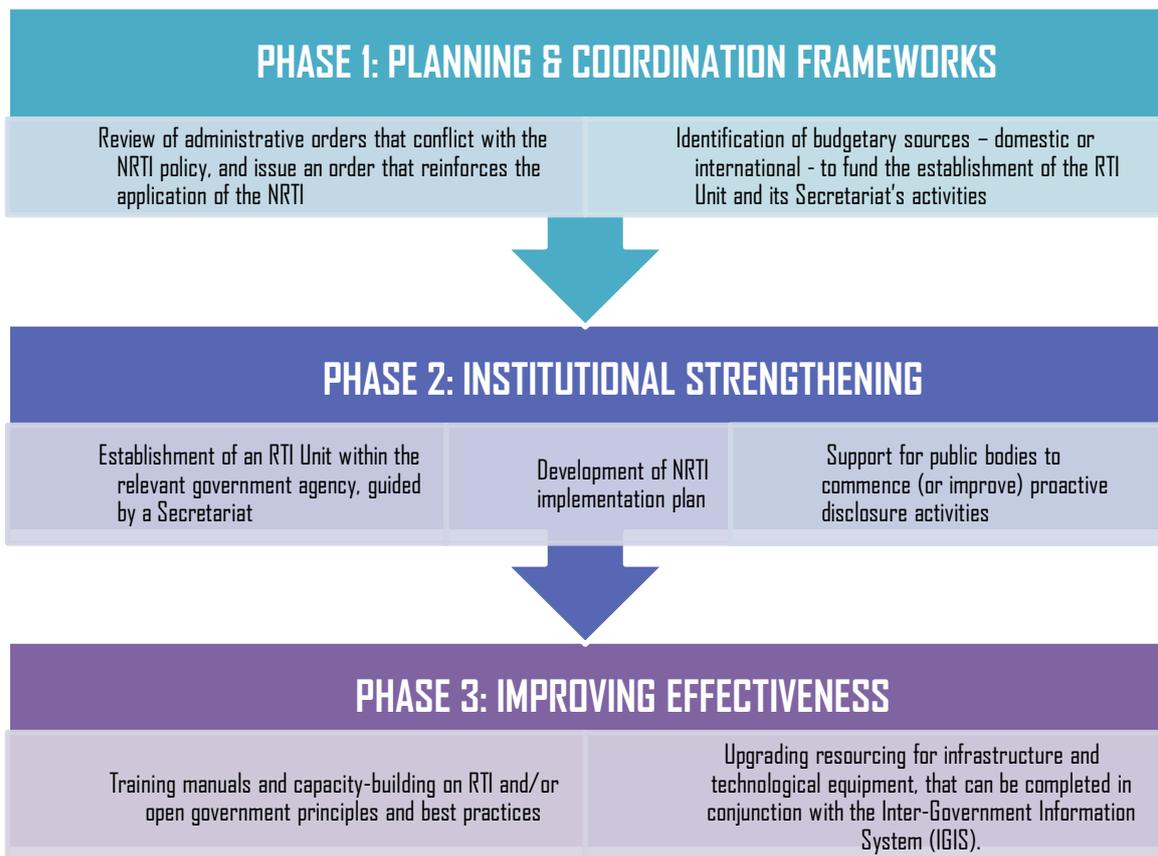
Key policy area	Recommendations
Legal and regulatory framework	<p>Trends observed from the RTI survey revealed that there is currently a weak understanding of official information among the staff of government agencies sampled. This is largely due to the lack of a clear legal definition of the type of documents are accessible to the public and what constitutes a public body. The NRTI should specify that any written document, material or information related to the functions, proceedings and decisions of public importance be made available by a state institution. These guidelines must be applied broadly and have minimal to no fees charged to promote and encourage public participation.</p> <p>Policy and decision-makers should also consider whether to include information held by customary and traditional practices as an exception. Vanuatu has provided for this exception in their RTI legislation (Foldes et al. 50). See section 7.3 Prioritise Legislation for further details on the suggested provisions in the RTI legislation.</p>

<p>Proactive disclosure</p>	<p>Disclosed public information should be freely disseminated and used without restriction. Guidelines from the Queensland Information Commissioner (2009) and Foldes et al (2018) suggest that public bodies be required to publish without any request and regularly update information related to the following:</p> <ul style="list-style-type: none"> a) structure and nature of the body; b) its functions, duties and powers; c) service to be rendered by the body; d) work contact details of relevant officer rendering the service; e) fee and time limit required for service (where applicable); f) decision-making processes; and g) verified description of government income and expenditures. <p>Findings of the RTI survey indicate that while most agencies performed moderately for online accessibility, over-the-counter accessibility was poor. Consequently, there needs to be concerted efforts to ensure agencies are voluntarily disclosing official information both in electronic and printed format, particularly in the provinces.</p> <p>Careful consideration must be given to the most effective method(s) of communication and the cost effectiveness of disclosing the information. The most practical method for central agencies would be to have documents and materials in electronic and printed format, while allowing flexibility for sub-national public bodies.</p>
<p>Records and information management; and infrastructure</p>	<p>The poor to moderate accessibility results of the RTI survey indicate that there needs to be a systematic change within public bodies and their proactive disclosure. A proper information and records system paired with a shift in the guarded culture of most agencies is necessary for improved transparency and good governance.</p> <p>Public information should be recorded, stored and managed – preferably in electronic format - across public bodies. Appropriate standardised security classifications will need to be developed across and applied within public bodies for consistency and ease of reference. Australia’s Protective Security Policy Framework (2018) contains useful guidance and best practices when striking the balance between state secrecy and the vital importance of transparency in public affairs.</p> <p>Furthermore, suitable information management software from a reliable supplier with the main server hosted domestically is strongly recommended. In practice, there should be distinct time periods for public bodies (Foldes et al 2018) when responding to citizen requests for information:</p> <ul style="list-style-type: none"> a) a standard time frame of 10 working days b) if the nature of the information makes it possible, it has to be provided immediately c) if information is deemed to be necessary to safeguard the life or liberty of a citizen then 48 hours on the disclosure of information.
<p>Professional (capacity) development</p>	<p>Training modules based on global best practices of RTI and open government standards will need to be developed and used workshops or similar activities for public officials. These capacity-building activities must also address the organisational culture of secrecy.</p> <p>The unhelpful responses by several agencies sampled indicate that there is a need to improve personnel performance and their understanding as civil servants, particularly when dealing with public requests.</p> <p>Institutional and cultural reform need not be limited to the scope of agencies dealing with RTI; they can be a part of a broader shift within public administration. For instance, since 2007 the Indonesian government has</p>

	undertaken budgetary reforms to improve fiscal transparency (Farhan. 2017). In 2010, their FOI law came into effect and complemented the massive bureaucratic reform so that the overall institutional culture values accountability, efficient business processes, a flexible and effective organisational structure and the empowerment of human resources. Indonesia is recognised for its generally high rankings in the Asia Pacific under the Open Budget Index (OBI) and scored 62 in 2012 (Farhan. 2017).
Implementation arrangements; and monitoring and reporting	See “Oversight Mechanism” under 7.3 Prioritise Legislation for the details of the enforcement models that can guide this section of the policy.
Public awareness and advocacy	The active participation and involvement of civil society must be addressed in the design of the NRTI policy. They are important contributors to public policy and, with most civil society organisations (CSO) having a strong local presence, may be involved in communicating and disseminating crucial information across social media platforms. Moreover, it is strongly recommended that the policy includes consideration for using Tok Pisin in awareness and enforcement of the RTI legislation. PNG’s low literacy rate (Post Courier. 2018) of 63% means that the NRTI policy must also effectively focus on ensuring as many citizens are able to understand their rights to access official information.

Drawn from recent domestic policies within the water, sanitation and hygiene sector (Nat’l WASH Policy 2015-2030 and WSSD Project. 2018) as well as Vanuatu’s RTI Policy (2013), the following suggestions detailed in Figure 7 are made for the NRTI Policy to establish or facilitate under three broad phases.

Figure 7. Recommended RTI policy reforms.



7.3 Prioritise Legislation

To fully enable Section 51 of the Constitution, specific legislation must be enacted to enable the citizens to have access to information and enable greater participation of citizens in public affairs. RTI legislation is a cornerstone for open government policies and is one of the 4 eligibility criteria for joining the OGP (NAP 2018-202).

Effective design and enforcement of RTI legislation fosters good governance by improving information management, enhancing transparency and accountability. The African Commission on Human and People's Rights (2012) suggested that a well-formulated RTI legislation is likely to lead to better management of public resources, improvements in socio-economic rights and contribute to development.

7.3.1 GENERAL PROVISIONS

The balancing of the right to access information and protection of privacy, two fundamental human rights, must be also be carefully considered. Neuman (2009.) noted that the right to privacy can either conflict with or complement the right of access to information. While different jurisdictions have various enforcement mechanisms for RTI legislation, there is increasing recognition (Neuman. 2009) that the optimal system would be:

- a) Independent from political influence
- b) Accessible to requestors without the legal representation
- c) Devoid of overly formalistic requirements
- d) Affordable and timely
- e) Specialist as it deals with sensitive public interest and **harm tests**.

The RTI legislation should apply to government agencies, including the State, entities and bodies established by the Constitution that includes the head of State, judiciary, Parliament, electoral commission, public administration and to any government agency advised by the Minister responsible for the Act.

Application of the RTI legislation should extend to State owned and/or funded private entities in as much information relates to funding provided by the government and functions they carry out. Private-public partnerships would be required to declare information related to procurement, general administration and verified financial documents. This must also extend into international loan arrangements that the State enters into with bilateral or multilateral partners.

It is evident from the findings of this report that that RTI legislation if enacted would be empowering for Papua New Guineans. The ambition in passing the law would be to facilitate positive governance outcomes when RTI is implemented effectively. However, it is equally evident that more than 40 years of defacto secrecy by state secrecy by Papua New Guinean will also be an impediment to the implementation of an RTI law.

For instance, the proceedings of the legislature are captured in Parliament's Hansard and the rulings of the judiciary are publically available online. However deliberations and decisions of the Executive branch are not as readily available. Passing RTI legislation would require NEC records of meetings and decisions – up to a specified time period - to be mandatorily

published. This is critical to accountability and therefore practical considerations may need to be made to ease enactment of RTI in PNG. A model of only making cabinet discussions available after the term of the Government has lapsed could be pursued.



Image 6. RTI is crucial for public participation, good governance and holding public bodies accountable.

Furthermore, public bodies covered by the RTI legislation can include political parties and non-governmental organisations or institutions receiving funding directly from the government. Although these provisions may face complex issues in the initial stages of implementation, it is important establish and enforce appropriate regulations to ensure citizens are able to be informed and participate in holding public bodies accountable.

Consequently, **exceptions** must contain a harm test and public officials have to apply **public interest tests** and overrides when making decisions on disclosure. Provision should also be made for a suitable appeals process.

7.3.2 OVERSIGHT MECHANISM

A World Bank report (Neuman, 2009) describes two main types of oversight bodies for RTI legislation:

1. Information Commission(er)
2. Ombudsman that oversees the right

Most countries (see Table 7) with a similar judiciary and executive system as PNG tend to favour an Information Commission(er), with a few having the Ombudsman or a separate body responsible for RTI enforcement. Therefore, this sub-section examines the advantages and disadvantages of applying the two oversight models under consideration towards developing PNG's anticipated RTI legislation.

Table 7: Types of RTI oversight in countries that have a parliamentary system under the British monarchy. (Source: Right2info 2019 and Foldes et al 2018).

COUNTRY	TYPE OF OVERSIGHT
Australia	Information Commissioner
Bangladesh	Information Commission
Canada	Information Commissioner
New Zealand	Ombudsman Commissioner
United Kingdom	Information Commissioner

7.3.2.1 Model: Establishment of an Information Commission(er)

Table 8. Benefits and disadvantages of the Information Commission(er) model.

PROS	CONS
Commission(er) has the power to issue rulings and binding orders.	Institution can become overly formalistic and bureaucratic
Neuman (2009) noted that appeals are often more accessible and affordable as there is no need for legal representation.	Higher cost for the State to establish new institution with adequate resourcing and specialist staff.
Entity mandated to administrative functions, capacity building and regulation enables decision-makers to become specialists in RTI.	
Is considered to be more independent than other models, and can alleviate the need for further appeals to courts (Neuman.2009).	There still remains the need for judicial involvement in cases of noncompliance.

7.3.2.2 Model: Continued Ombudsman Commission Oversight

Table 9: Benefits and disadvantages of the Ombudsman Commission model as the oversight mechanism for RTI.

PROS	CONS
Ombudsman Commission is an established and functioning agency with 4 regional offices, greater administrative cover in provinces	Countries in transition to democracy usually have Ombudsman dedicated to other issues and cannot fully implement the RTI laws (Right2Info 2019).
Neuman (2009) observed that Ombudsmen can generally be more independent due to their status as officers of legislature (Parliament) rather than a quasi-independent part of the executive.	OC's mandate to receive complaints on a variety of public leadership issues can mean less time and resources dedicated specifically to RTI.
Has the power to issue recommendations to the relevant public body.	Has the power to make recommendations, which may not always be followed. Ombudsmen are often restricted to complaints that are registered with no faculty to initiate investigations without prompting from an external party (Neuman, 2009).
Ombudsman emphasise resolution through mediation and dialogue, which can lead to greater compliance.	A body of rulings may not be created that would guide future determinations on disclosure.

TIPNG strongly recommends that the model of establishing an Information Commission is the most appropriate to be applied in the PNG context. An Information Commission is likely to have a specific mandate and greater powers in relation to administration and coordination of the RTI legislation. Moreover, PNG's relatively new and weak democracy indicates that an independent oversight dedicated to RTI enforcement be established.

8. CONCLUSION

The RTI survey examined three key areas: the accessibility of public documents; the responsiveness of state agencies towards citizen requests for official information; and whether budgetary allocations were a factor in disclosing public information. The findings of the survey indicate that; accessibility is poor and moderate over-the-counter and online respectively; responses were varied across agencies; and there is no direct relationship between agency budget appropriations and their voluntary disclosure. This verifies that there is currently weak understanding of the definition of official information and a culture of secrecy among state agencies that restricts citizens from accessing public information.

This report recommends the urgent review of the draft RTI Act and its precursory National Right to Information (NRTI) policy. The proposed enforcement model is the establishment of an Information Commission accompanied with the necessary administrative resources.

The NRTI policy will allow the establishment of a unit within the executive branch to lead the RTI reforms and possibly propose the relevant ministry responsible for the implementing the RTI legislation. This negates an ineffective monitoring mechanism once the legislation is enacted, as is the case in Nepal. Moreover, the NRTI policy should:

- a) have clear definition of the terms "information" and "public bodies";
- b) be applicable to information held by customary and traditional practices;
- c) provide for mandatory and regular disclosure of official information;
- d) employ written and audio methods of communication as the most effective in the dissemination of information, with translations in Tok Pisin;
- e) have a strong sub-national delivery focus;
- f) complement the current work on improving the Inter-Governmental Information Systems, and tie in with the crucial development of a reliable standardised classification procedure to be used across and within government agencies;
- g) promote organisational change with professional and capacity-building initiatives and incentive-based activities; and
- h) encourage more participation and collaboration with civil society in the development and implementation stages of the RTI reforms.

Good governance, enhanced transparency and improved accountability will result from an effectively designed and enforced RTI legislation. The positive impact of this would be improved and efficient service delivery, state investments and revenue collection that contributes to a more democratic and prosperous society.

The balancing of the right to access information and protection of privacy, two fundamental human rights, must be also be carefully considered. Therefore, it is recommended that the RTI legislation be:

- a) independent from political influence;
- b) accessible to requestors without the legal representation;
- c) affordable and timely;
- d) specialist as it deals with sensitive public interest and harm tests

- e) applicable to state-owned and/or funded private entities including private-public partnerships and international loan arrangements; and
- f) applicable to political parties and non-governmental organisations or institutions receiving funding directly from the government.

Establishment of an Information Commission (IC) is the recommended enforcement. The IC model can be an institution mandated to administer the RTI law in PNG and have specific functions and powers to issue rulings and binding orders within the remit of RTI.

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10. ANNEXES

A – TIPNG Observation Form

TRANSPARENCY INTERNATIONAL INC.
A national chapter of Transparency International
PO Box 591, Port Moresby, National Capital District

FREEDOM OF INFORMATION SURVEY

Agency: _____ Date: _____ Time: _____ Volunteer: _____

Requested Document	Yes/No	Observation notes
(1) Current Corporate Plan		
(2) Most recent public speech by head of agency		
(3) Most recent financial report		
(4) Relevant statistics collected by media		
(5) Notes on Agency		

B – Raw data tables

REQUESTED DOCUMENTS - COUNTER SERVICE

Agencies	Corporate Plan	Speech	Financials	Media Stats	Rating (0 to 4)	Sum (Sector)	Average
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DNPM	N	N	N	N	0	0	0
PM&NEC	N	N	N	N	0		
NEFC	N	N	N	N	0		
NCOBA	N	N	N	N	0		
NDB	N	N	N	N	0	0	0
DCI	N	N	N	N	0		
NISIT	N	N	N	N	0		
IPA	N	N	N	N	0		
DOW	Y	Y	N	N	2	2	0.5
KCH	N	N	N	N	0		
Telikom	N	N	N	N	0		
DPE	N	N	N	N	0		
DOP	N	N	N	N	0	3	0.75
NJSS	N	N	N	N	0		
LTI	Y	Y	N	Y	3		
NNB	N	N	N	N	0		
Morobe	N	N	N	N	0	0	0
Madang	N	N	N	N	0		
NCD	N	N	N	N	0		
Manus	N	N	N	N	0		
DOE	N	N	N	N	0	0	0
PNGSTS	N	N	N	N	0		
OOU	N	N	N	N	0		

REQUESTED DOCUMENTS - DESKTOP

Agencies	Corporate Plan	Speech	Financials	Media Stats	Rating (0 to 4)	Sum (Sector)	Average
DNPM	Y	N	Y	Y	3	12	3.00
PM&NEC	Y	Y	Y	Y	4		
NEFC	N	N	Y	Y	2		
OBA	Y	N	N	Y	3		
NDB	Y	N	Y	Y	3	6	1.5
DCI	Y	N	N	N	1		
NISIT	N	N	Y	N	1		
IPA	Y	N	N	N	1		
DOW	Y	N	Y	Y	3	5	1.25
KCH	N	N	N	N	0		
Telikom	N	N	N	Y	1		
DPE	Y	N	N	N	1		
DOP	Y	N	Y	Y	3	11	2.75
NJSS	Y	Y	Y	Y	4		
LTI	Y	N	N	Y	2		
NNB	Y	N	Y	N	2		
Morobe	N	N	Y	N	1	8	2
Madang	N	N	Y	N	1		
NCD	Y	N	Y	Y	3		
Manus	Y	N	Y	Y	3		

DOE	Y	N	Y	Y	3	11	2.75
DOH	N	N	Y	Y	2		
PNGSTS	Y	N	Y	Y	3		
OOU	Y	N	Y	Y	3		

PORTION OF BUDGET APPROPRIATION PER AGENCY AND RATINGS

Sector	Agency	% of Sector Appropriation	Counter	Desktop
Infrastructure	DOW	56.7	2	3
Social Services	DOE	30.45	0	3
Law & Order	DOP	25.03	0	3
Economic	NDB	19.54	0	3
Law & Order	NJSS	13.21	0	4
Infrastructure	KCH	10.82	0	0
Economic	DCI	9.34	0	1
Provinces	Morobe	8.38	0	1
Provinces	Madang	6.91	0	1
Administration	DNPM	3.17	0	3
Provinces	NCD	1.57	0	3
Provinces	Manus	1.54	0	3
Administration	PM&NEC	1.02	0	3
Economic	NISIT	0.71	0	1
Infrastructure	Telikom	0.40	0	1
Economic	IPA	0.29	0	1
Law & Order	LTI	0.23	3	2
Law & Order	NNB	0.22	0	2
Infrastructure	DPE	0.16	0	1
Social Services	PSTS	0.09	0	3
Social Services	OOU	0.05	0	3
Administration	NEFC	0.022	0	3
Administration	OBA	0.018	0	3

C- Volunteer Biodata

Details	Volunteer 1	Volunteer 2	Volunteer 3	Volunteer 4
Gender	Female	Female	Male	Male
Age	31	24	22	26
Home Province	Simbu	Central & Milne Bay	Manus & Fiji	Central
Employment	Unemployed	Small Business Entrepreneur	4th year Law Student	Casual Attendant Parliament House
No. of agencies surveyed	2	1	10	4

OUR RIGHT TO KNOW, THEIR DUTY TO TELL

Papua New Guineans must be empowered to obtain public information from the State. Once informed, a citizen will be able to more effectively demand accountability, oppose corruption and monitor public service delivery.

Transparency International PNG (TIPNG) has surveyed 24 Government Agencies, to assess their current ability to provide public information both online and over the counter, the findings are contained in this report.

KEY FINDING

Over **90% of State agencies surveyed were unable to give public documents** when requested over the counter, **yet these same documents were already available online for 54% of the agencies.**

This disconnect between officers and agencies demonstrates the culture of secrecy that has formed in the bureaucracy and the urgent need for structural changes within organisations. Public servants should have a clear process and adequate infrastructure to keep the public informed.

KEY RECOMMENDATION

TIPNG calls for the immediate creation of a **Right to Information Policy** outlining the process by which a citizen can expect to obtain information and for a **Right to Information Law** to establish a public-interest body to assist citizens' requests for information from government agencies.

ISBN 978-9980-909-09-1

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