

Submission  
No 31

**INQUIRY INTO PROCUREMENT PRACTICES OF  
GOVERNMENT AGENCIES IN NEW SOUTH WALES AND  
ITS IMPACT ON THE SOCIAL DEVELOPMENT OF THE  
PEOPLE OF NEW SOUTH WALES**

**Organisation:** Nook Studios  
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Nook Studios submission on the Inquiry into the procurement practices of government agencies in New South Wales and its impact on the social development of the people of New South Wales.

Submitted 25 January 2024

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## 1. Introduction

### 1.1 Nook Studios

Nook Studios is a female founded social enterprise of researchers, strategists, designers, content makers, civic technologists, and software developers established in 2008. We are world leading transparency advocates and innovators in social impact data storytelling, information and legal design, and the development of open knowledge systems and community information services.

Further details about our backgrounds and work can be found at [www.nookstudios.com](http://www.nookstudios.com).

Our submission is informed by our experience working with the NSW Government for over ten years as suppliers with innovation, creative and cultural backgrounds - and as open government advocates and designers.

Nook is an approved supplier on the Information Communications Technology (ICT) Services scheme - professional services.

It was our first government procurement experience in NSW that led to us becoming transparency and open government advocates.

**We would be happy to give evidence, clarify aspects and expand on recommendations.**

### 1.2 Unlocking the potential of procurement

We believe substantial holistic changes to procurement, grants and contracting culture, information, and processes are necessary to deliver social innovation and make it easier and safer for the public service to innovate, and for the government to support local small businesses and workers. That applies in particular to suppliers with skills that don't currently 'fit in' to existing procurement processes, categories, panels and schemes.

The NSW Government has a once-in-a-generation opportunity to transform the state's public procurement from a compliance-driven chore into a strategic lever for achieving policy goals and better social, economic and environmental outcomes.

When it comes to impact on 'social development', we believe a comprehensive view of government expenditure should be taken that recognises procurement and grants are intrinsically connected.

Procurement is the NSW Government's single biggest item of spending at \$37 billion annually.

Grants are another important mechanism for investing and spending public money to buy goods, fund works, and deliver services. They are worth an estimated \$4 billion each year, and reached as much as \$10 billion during the response to the pandemic and recent disasters<sup>1</sup>.

Grants are the front line of how people in NSW experience the government's ability to meet their needs, especially place based investments, community led development, and partnerships.

To be able to accurately track social development and to improve opportunities for inclusion and diversity, transparency, social and economic outcomes, we believe grants should be administered in coordination with and subject to the same scrutiny as procurement processes.

Effective management and accountability of efforts to advance social development also relies on being able to connect procurement and grant data and processes to their related policies, plans, budgets and spending decisions, and delivery through projects and programs.

When thinking about government spending and how services are delivered, we should also recognise the word 'procurement' goes hand in hand with 'contracts'. For government buyers and communities, a poorly designed contract can lead to added costs, delays, disappointment and expensive enquiries.

For social enterprises and small business owners, a government contract can either make or break a company. Poorly designed contracts and processes lead to exploitation, loss of revenue and reputational damage. On the upside, where procurement and grant processes are open, flexible and buyers are empowered to collaborate and experiment with new approaches - they can lead to world leading innovations and stimulate small business growth.

Outlined below are our experiences, suggestions and examples of leading practices.

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<sup>1</sup> See Cabinet Office, 2022. Review of Grants Administration in NSW:  
<https://www.nsw.gov.au/sites/default/files/2023-06/Review-of-grants-administration-in-NSW.pdf>

## 2. Recommendations

### 2.1 Empower government to collaborate with small-scale creatives

In section 4 'Enabling diversity through schemes', we discuss the challenges for creative and cultural businesses to engage in whole-of-government schemes, and propose the following solutions:

- Establish a Creative and Cultural Services procurement category/scheme
- Modernise the categories of the ICT Services Scheme
- Conduct research on existing procurement practices and contracts under the Advertising and Digital Communications Scheme

### 2.2 Establish NSW as an innovation hub

In section 5 'Competition and Innovation', we propose measures to make NSW a leader in groundbreaking content, innovation and immersive experiences:

- Enable novel partnerships, funding and agreements, innovative collaboration program with agencies
- Reframe competition to promote collaboration, participation and diversity among suppliers
- Conduct research on procurement practices under the PBD-2016-05-Procurement Innovation Stream
- Create sustainable funding streams for agencies to innovate and collaborate

### 2.3 Foster creative innovation

In section 6 'Creative Innovation' we outline steps that would give the multitude of great creative organisations and arts practitioners in NSW ways to work with government through procurement, such as:

- Create funding avenues for content innovation, data storytelling collaborations, and community information and social impact projects
- Establish a way small businesses and social enterprise can submit candidates for short - mid term contingent workforce roles, creating a level playing field with recruiters

### 2.4 Embed openness and respectful cooperation in culture and language

In section 7, 'Procurement language and culture', we highlight the role that the current culture of fear and focus on risk and compliance plays on hindering opportunities to work with small businesses and social enterprises, and make the following recommendations:

- Address the pervasive misuse of the term 'consultant'
- Conduct research into the contingent workforce, its impact and ways it can expand to be inclusive, not exclusive
- Publish supplier lists and data in an open format for analysis
- Build capacity to manage multiple suppliers and collaborative contracts

## **2.5 Enable open-by-design data, processes and digital systems**

In section 8, we provide recommendations to replace the state's siloed, closed record keeping practices with cutting edge open and connected systems that help people in government generate data-driven insights and better decision-making:

- Reduce the mandated threshold for publishing details of government contracts and purchase orders to \$10,000
- Create a single digital, open data register for all NSW linking budgets, plans, procurement and grant information
- Raise awareness of the API that publishes NSW eTendering data as structured, open data in the internationally recognised Open Contracting Data Standard format and conduct research about how it could be improved
- Devise a plan to improve the quality and coverage of the NSW eTendering open data, funding a collaborative research and design process with open government advocates on the most important use cases among a range of agencies, organisations, audiences, and users. For example, Closing the Gap spending
- Develop training data literacy and mapmaking skills and workflows for agencies
- Develop the data structure to allow government agencies to publish and acknowledge all contractors who participated on projects, programs and works to recognize small business, social enterprises and other partners
- Establish an open government community in collaboration with civil society advocates, properly fund collaborations and events to raise awareness for open government projects and grow a network of practitioners (beyond gov hack)
- Training and a mandate for participatory approaches to be taken with designers, data storytellers, content makers, and audiences included will deliver better results.

## **2.6 Embed open process as a principle**

In section 9, 'Open Process' we examine the potential to open up processes and use participatory design and recommend to:

- Create process mapping content to demystify procurement processes and systems for different kinds of suppliers and government agencies based on what they supply and buy
- Introduce agile procurement as a legitimate approach, opening up and adapting processes, using participatory design to meet the needs of the public servants, projects and programs

## **2.7 Provide better environmental outcomes in communities**

In section 10 we cover how the NSW Government can facilitate innovative local solutions to resource recovery via a collaborative approach to waste management contracts. We recommend:

- a statewide participatory design program to design community led local resource recovery solutions created by the community for the community. To do this everyone

needs access to accurate data about the current state of waste management contracts, services and waste streams.

- create community recycling how to guide for social enterprises to set up operations and navigate procurement processes
- publish current and upcoming waste management contract information publicly in accessible formats online so that local social enterprises can see what contracts are coming so they prepare to collaboratively bid or partner with big companies for different waste streams and set up reuse and transfer stations close to landfill sites.

## 3. Our background

### 3.1 Community centred, collaborative innovations

Nook's first experience with NSW Government procurement processes was in 2012 during the making of the world's first community focused open government mobile web app, [Common Ground](#)<sup>2</sup>, with the Department of Resources and Energy. Completed in 2014 and launched in 2015, the location service helped the public find useful information about mining, oil and gas exploration and production activities and other land uses in NSW and their local area. It was decommissioned by the Department of Regional NSW in 2023.

In 2012, user experience and service design were new concepts and the Department of Resources and Energy also had no experience in community stakeholder engagement. Nook introduced participatory design and a collaborative agile way of working to the Department, which was revolutionary at the time.

Nook fulfilled producer, creative director, strategy, engagement, lead service designer, and content creator roles, and led the team of over twenty small businesses and individuals with specialist skills. Over 200 people externally were involved (community members, environment groups, industry associations, companies and other agencies) in making the service and contributing content for Common Ground during the research, design and development phases.

This work has been internationally recognised as world leading best practice in government transparency, data and service design approach, and Common Ground as a pioneering community engagement and communications platform.

Common Ground is proof that government-to-business outreach and engagement campaigns work. The project came about because of an innovation event in 2011, Collaborative Solutions Mobile Government, hosted by the Department of Trade and Investment.

Nook had been invited to the event, after which we pitched an online data storytelling project we'd been developing to the Department to explain their processes and bring their data to life for community audiences. Although the innovation scheme was designed with limitations to exclude small businesses like us, importantly it led to us meeting Geoscience Information

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<sup>2</sup> See The Making of Common Ground: <https://nookstudios.com/the-making-of-common-ground>



Program leaders and other small businesses who became part of the Common Ground team.

### **3.2 Open Government in NSW**

Nook is part of the global community of 'open' advocates, a movement of thousands of individuals, government innovators, civil society organisations, academics, and the private sector, working together to make societies better, strengthen democratic processes and create healthy information ecosystems.

The NSW Government made a commitment to Open Government in a [directive](#)<sup>3</sup> issued by Premier Barry O'Farrell as part of the ICT Strategy in 2012. During this time an Open Government Community of Practice was established. Free events were held for people from businesses and departments who were working on open data and other open initiatives to present projects and meet each other.

This provided a way for people to share ideas, knowledge and innovations. We were subsequently invited to attend open data roundtables and became part of an open data policy advisory group (unpaid). The community of practice no longer exists as there is unfortunately no sustainable funding for these kinds of initiatives and public servants are expected to dedicate their personal time to run them.

New procurement rules were being put in place around 2012 to make it easier for small businesses to work with the NSW Government. A fundamental positive shift in government policy was ICT contracts now allowed service providers to retain their intellectual property and licence it to the government in order to foster new ideas, small business growth and support startups.

As a small new supplier of services to the government, it was extremely difficult to understand the procurement processes during this transition, how an agile and collaborative approach we had taken could be achieved under the new rules, and what panel or scheme we needed to be on, which impacted what contracts applied to us. There was no access to information about usual rates for roles, which led to us undercharging and being paid much less than other suppliers.

We shared our experiences with the NSW procurement team. They were a huge help in advising us how to navigate the experience - and our story provided background for them to try to overcome challenges to public service innovation.

We wrote a detailed case study [The Making of Common Ground](#)<sup>4</sup> to support conversations about what's possible and the need for different procurement approaches to design community centred and collaborative whole of government innovations. We've heard from many people in the NSW Government that they have found the article very useful. Note: The internal project team and all suppliers and contractors on Common Ground were listed on an acknowledgements page in the footer.

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<sup>3</sup> See Premier's Memorandum M2012-10 Open Government at:

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

<sup>4</sup> See The Making of Common Ground <https://nookstudios.com/the-making-of-common-ground>

Since Common Ground, we've been part of a team that has worked on many high profile multi million dollar projects. More details about Nook's past NSW Government projects are mentioned below in section 11.

We work with many international non government organisations such as the Open Government Partnership<sup>5</sup>, Open Contracting<sup>6</sup> and most recently on an open process project with the Zambian Government Mining Department in partnership with our colleagues at Open Ownership<sup>7</sup> and the Extractive Industries Transparency Initiative<sup>8</sup>.

The Australian Government has been a country member of the Open Government Partnership since 2015, dormant under the Morrison Government, and revitalised in 2023 by the Attorney General's office<sup>9</sup>. The NSW Information Commissioner Elizabeth Tydd is a member of the OGP Multi Stakeholder Group. We've worked closely with Liz and on awareness raising and OGP engagement, unpaid due to lack of Federal funding.

In 2021 Nook received international philanthropic funding to research and develop advocacy materials, content, explainers and workshops for advocates and public service open government champions - with a focus on financial transparency and contracts. Over 100 people and organisations participated. More can be found at [makingopen.org](https://makingopen.org)<sup>10</sup>

### 3.3 Creating Better Futures with Contracts

Since 2021, Nook has been collaborating with [Yuwaya Ngarra-li](https://www.unsw.edu.au/walgett-partnership)<sup>11</sup>, a partnership between an Aboriginal Community Controlled Organisation, the Dharriwaa Elders Group of Walgett, and the University of NSW. This work included researching procurement and grants data and ways to improve opportunities for community organisations to work with governments.

The **Creating Better Futures with Contracts** policy paper will be submitted to this inquiry by the Yuwaya Ngarra-li team. The second policy paper, **Making Government Finances Make Sense for Communities**, related to access to budget information and Closing the Gap allocations and spending, and examples of leading practices and platforms will be released March 2024.

## 4. Enabling diversity through schemes

### 4.1 Establishing a Creative Services Procurement Scheme

We have a great deal of empathy for public servants having to navigate procurement processes. In particular those who need and want to engage suppliers who don't fit the mould of current schemes and panels.

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<sup>5</sup> See Open Government Partnership website <https://www.opengovpartnership.org/>

<sup>6</sup> See Open Contracting Partnership website <https://www.open-contracting.org/>

<sup>7</sup> See Open Ownership website <https://www.openownership.org/en/>

<sup>8</sup> See Extractive Industries Transparency Initiative website <https://eiti.org/>

<sup>9</sup> See Australia's Open Government Partnership <https://www.ag.gov.au/integrity/australias-open-government-partnership>

<sup>10</sup> See Making Open [makingopen.org](https://makingopen.org)

<sup>11</sup> Yuwaya Ngarra-li Partnership <https://www.unsw.edu.au/walgett-partnership>

In 2016 we wrote a proposal, [Igniting Creative and Cultural Industries](#)<sup>12</sup> in NSW and shared it with NSW Procurement and relevant Ministers.

The call to action was for the government to establish a **Creative Services Procurement Scheme** to make it easier for people in government to engage and collaborate with creative and cultural workers, small businesses and social enterprises.

Why? The roles required for the design and development of content and community information services were not well covered under any existing scheme - which is still the case today.

The existing categories and scheme structures make it very difficult for government agencies to engage people and businesses with the right skills to help them and confidently 'buy' what they need. They fear breaking the rules and great projects that serve communities' needs never happen.

Nor are there avenues for people and businesses to approach departments with innovative content projects and partnerships or data, information products and services without risking losing their intellectual property and their concepts and early stage projects being taken out to public tender.

#### **4.2 Information Communications Technology Services Scheme**

The Information Communications Technology (ICT) Services Scheme is a mixed bag of technical roles, skills and tasks. It is listed under the professional services category as well as a category on its own - which is confusing.

The 'C' in ICT stands for communications meaning telephony and network infrastructure. The emphasis of the IT categories is on the 'T' technology, hardware, backend database and software integration, and other technical processes.

There is less emphasis on the 'I' information, as in designing great information and user experiences and fit for purpose products and services - with data and content.

In our experience, content and information is usually considered after a technology purchase has been made. (See attached examples of information technology illustrated content we use for advocacy to shift this way of thinking - information technology advocacy elephants and procurement digital services pathways).

A challenge governments need to overcome is that not all skills and roles are on the ANZ Standard Classification of Occupations<sup>13</sup> list published by the Australian Bureau of Statistics (infrequently updated, this list is currently undergoing consultation for a refresh). Other international categories and terms governments use, such as the UN Standard Products and

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<sup>12</sup> See Igniting Innovation in Creative and Cultural Industries:  
<https://nookstudios.com/igniting-innovation-in-creative-and-cultural-industries>

<sup>13</sup> See Participate in ANZSCO consultations  
<https://www.abs.gov.au/about/consultation-and-conferences/updating-anzSCO/participate-anzSCO-consultations>

Services Code<sup>14</sup>, don't reflect contemporary terminology and types of products, services and businesses.

While many suppliers like us, who create and design modern audience-and-user-centred services and products don't fit well into the categories, we have been successfully engaged under the ICT scheme many times - as we can smooch what we do into professional services.

The ICT categories need a refresh to recognise and include essential and contemporary strategy, research and design roles such as:

- content and data strategy
- audience and user experience research and design
- service engagement and communications strategy and delivery
- content design, information design
- content and digital producers
- data analysis and visualisations (for community audiences rather than analysis).
- service and product design
- policy research and analysis
- process mapping, analysis and visualisations
- legal design
- map design and geospatial services
- interaction and interface design

#### **4.3 Offering fair rates for tech research, design, and production**

While there is an increase in diversity in gender roles, there is a lack of pay parity in technology. Traditionally ICT is dominated by highly paid technical and developer roles filled by men.

The newly recognised essential technology roles - for research, design, digital and content design and production - are lower paid and mostly filled by women. These design and content roles are chronically underfunded and people expected to work to short and constantly shifting deadlines.

#### **4.4 Barriers of the Advertising and Digital Communications Scheme**

The Advertising and Digital Communications Scheme is for public relations, advertising and digital marketing campaigns. It was created with large advertising agencies and campaigns in mind.

This scheme is not suited to all types of content, for example websites, digital products, information services, transactional services and forms design, or creative and cultural innovation and partnerships.

The scheme has some of the most harsh and onerous contractual terms and conditions we've come across, leading to the exclusion of small businesses and risk of loss of

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<sup>14</sup> See UNSPSC website <https://www.ungm.org/Public/UNSPSC>

intellectual property rights, copyright, moral rights and restricting trade. For this reason we have chosen not to apply for approval to be engaged under this scheme.

For example:

- The payment terms are invoice only in arrears, monthly, 30 day payments. As a comparison the Federal Government can pay invoices in 5 days, NSW ICT services scheme terms can be 7 - 14 days, and with both vendors can negotiate commencement payments 50% up front to help with cash flow and wages.
- Unfair and unreasonable copyright and intellectual property clauses
  - don't allow for acknowledgement and negotiation of existing copyright and IP, licencing and reuse of existing materials;
  - don't allow for creative commons and open source products;
  - don't allow for content partnerships and innovation projects.

The restrictive nature of this scheme, its contract, and commercial terms, reinforces the need for a more open and equitable Creative and Cultural Services Scheme and avenues for innovation.

If it hasn't been done already, we recommend some data analysis and survey about which departments are using this scheme, what kind of teams, whether it be department communications teams or other project and service design teams - and survey supplier's to understand their experiences.

## 5. Competition and innovation

### 5.1 The competition myth

At the heart of the culture of procurement (rules, policies and supposed best practice) is 'competition' to promote fair trading and value for money (which usually means lowest price).

In practice - it's a myth. The reality is the current state of 'competition' is unfair and imbalanced.

The notion that there is 'fair competition' between the suppliers in procurement is well known to not be true and erodes public trust and credibility in government. There are many mechanisms in place that create exclusions.

We work on anti-corruption and advocating for access to information and systems of protection to prevent corruption and conflict of interests - so we are well versed in why competitive practices are important in a lot of instances. It's not always appropriate nor is 'competition' leading to better social outcomes.

Most importantly, government processes and systems are designed to favour big businesses, large consultancy firms, multinational companies, and large charities who have:

- a recognised company name (brand awareness)
- existing relationships with departments
- dedicated people to track and apply for tenders
- negotiating power and can afford lawyers to review contracts

- funds to pay to attend the expensive government events or become part of an association
- knowledge about the system and know how to 'hack' procurement
- enough funding to cover project overruns and influence to insist on variations and amendments
- existing infrastructure

In order to deliver social development and impact, all governments need to get real about the current state and **reframe** competition and think more about enabling collaborations that deliver social value.

Framing procurement as 'competition' between small businesses, suppliers, social enterprises, and community controlled organisations hinders collaboration and creates unhealthy behaviours and working environments, and protectionism. The lack of a collaborative approach to contracting can lead to dysfunction and duplication.

The current systems favours big business, including big name charities and a privileged few who can navigate the multitude of complex procurement schemes. It is currently more of a 'closed system' requiring a huge amount of effort and cost making it inaccessible for small enterprises.

Big businesses have an unfair advantage because they have procurement professionals and resources to fill out unnecessarily complicated requests for quotes and tenders on contracts that should be straight forward.

Big businesses can also afford the at times costly and onerous contractual obligations. They are adept at getting variations and amendments to contracts so they can deliver what's needed without having to bear risk and overages.

An elite and privileged group of companies and individuals who know how to work the system, get the lion's share of work with long-standing contracts. These large companies do chunks of work such as strategies and other pieces of work they are sometimes not skilled to do for free in order to score further work (loss leads). These pieces of specialist work are important for smaller organisations. It's unfair they aren't given the same opportunities and access to buyers.

The other inconsistency with regard to competition is, big businesses and big charities are able to pitch government ideas - such as big infrastructure projects, digital innovations or solutions, and social innovation programs. Yet small businesses and social enterprises are not provided the same opportunity.

Tenders for services are often crafted for organisations such as big charities and churches who own property and have existing buildings with infrastructure, which excludes local social enterprises and Aboriginal Community Controlled Organisations who don't have their own spaces or capital.

In our experience, small businesses are often treated with suspicion, subjected to discrimination, risk financial losses, loss of reputation, and restriction of trade when dealing with government agencies.

Small businesses are overly scrutinised, whilst big agencies and consultants are on projects for long periods of time, charging excessive rates, and flourish without question.

The [Performance and Management Services](#)<sup>15</sup> framework which consultants use is 'commercial in confidence'.

Some consultancy firms McKinsey and Boston Consulting Group were exempt from having to declare rates and have the details of their spending with the NSW Government made public. There is information as to what they are doing, no oversight on whether it has delivered value or accountability.

Big consultancies put graduates with no experience onto jobs and charge them out at 'senior rates' - allowing them to 'learn as they go'. A privilege not given to small businesses and other types organisations - or innovators who may deliver social value and make reusable products and services for the whole of government and others.

Big companies also hide behind the 'consultant' title when in fact they consistently put people into roles that do not comply with the definition of a consultant - such as writers, strategists, designers, data analysts, software developers - the 'doing' roles. They provide services that could and should be delivered by either internal teams, independent contractors, and/or small businesses - because it's easy for them to get a contract and once they do - they can get amendments to expand their scope.

Other pressing issues that could be resolved with a fit for purpose free, open beneficial ownership register the Federal Government are meant to be developing are:

- big business masquerading as small businesses to win SME contracts
- 'black cladding' where businesses pose as Indigenous owned businesses
- other forms of misleading conduct such as not being a genuine female owned businesses
- clarity about who is behind companies, trusts, and charities and their donation history and sphere of influence

This inquiry is a great opportunity to explore ways to address these systemic issues. We provide background to a few ways to approach this.

## **5.2 Innovation funding**

To overcome existing barriers we believe new ways of engagement and avenues for unsolicited proposals for social development and fostering diversity are needed.

Innovation in NSW is very top down. Previously 'innovation' had to align with the Premier's Priorities and it seems now must align with the Strategic Priorities.

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<sup>15</sup> Performance and Management Services Scheme  
<https://info.buy.nsw.gov.au/schemes/performance-and-management-services-scheme>

Innovation initiatives in NSW seem to be focused on startups (early stage companies with ideas) and providing work spaces for tech hubs, the creation of innovation districts<sup>16</sup>, and supporting imported incubators like Tech Stars. The regional startup link<sup>17</sup> leads to a dead page.

There doesn't seem to be space for emergent bottom up ideas - and where organisations have identified a need the government has or NSW communities have (that other people have not) - and have the skills and experience to deliver them - there are no channels of collaboration and funding partnerships.

The MVP funding initiative<sup>18</sup> has thankfully been revived by the NSW Government. That said, it is exclusive to organisations who have the \$25,000 - \$50,000 in the bank right now to match investment.

Innovators need funding and real life partners to test ideas and sustain growth.

If you are a minority owned small business with a great idea or social enterprise like us who is self funded and has already invested well over \$50,000 into product research and development (and can prove it) - it doesn't apply. There currently seems to be no other avenues for NSW Government funding for enterprises who fit a diversity profile.

We'd love and need some funding to progress the development of our products and support to pitch for funding partners and customers in local and international markets.

Government contracts are a way small businesses, social enterprises, and community-led organisations can get great ideas off the ground, grow and scale in partnership with government clients and other collaborators such as the social sector.

We are often asked by international governments about civic technology and innovation in Australia - and why we can't get funded for our work in NSW when what we do clearly has a large need and market for what we do.

We want to keep our business in NSW, but have considered going elsewhere - places where there are genuine opportunities and support for openness and innovation.

### **5.3 Procurement Innovation Streams**

After our experiences and difficulty navigating the NSW procurement processes, in 2015 we pitched our open process approach and Make Paths product to the Department of Finance Services and Innovation.

Our pitch was to help the department create interactive process pathways with content to help people in small businesses and social enterprises navigate the then overwhelming

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<sup>16</sup> See Greater Cities Commission Innovation districts <https://greatercities.au/innovation-districts>

<sup>17</sup> Inactive "regional startups" page <https://www.nsw.gov.au/business-and-economy/support-for-startups/regional-startups>

<sup>18</sup> MVP Ventures 2023-2024 <https://www.nsw.gov.au/business-and-economy/support-for-startups/regional-startups>



government policies and content. Many people were supportive of the project including the Minister's advisors.

While there were no channels for funding, this did lead to the 'Eligible Buyers' research project with NSW Procurement. The aim was to help the NSW Government better understand how community, social and human services purchase goods and services and make procurement decisions, so they can improve their services to meet their needs.

Our recommendations and research were used by the department to improve the procurepoint website. The department created their own version of procurement decision trees and process maps (in a powerpoint doc and PDFs). Helpful for buyers, it wasn't really guidance - and not designed or helpful for a supplier audience. It was far from the innovative content and approach we pitched - and the open source product we could have developed in collaboration with the NSW Government.

We have continued with this open process<sup>19</sup> work and research and development of our product on projects with the Federal Government, and internationally with NGOs and governments.

In 2016 the NSW Procurement Board Direction<sup>20</sup> PBD-2016-05-Procurement Innovation Stream was created to allow:

*"Procurement accredited NSW Government agencies can engage a supplier through direct negotiation on short term contracts valued up to \$1,000,000 (including GST) in order to do proof-of-concept testing or outcomes-based trials."*

As a concept this looks like it was a fantastic step forward. It allowed for collaborations and public servants to experiment without fear of failure.

We would have like to have worked with NSW Government departments again but the fundamental issues we encountered were people in departments:

- were unaware of the new innovation scheme
- didn't have budgets to allow for innovation and/or proof of concepts
- were fearful of breaking procurement probity rules to establish partnerships
- had to do a comprehensive market analysis to demonstrate that a competitive process need not be conducted
- were constrained by fitting into Premier's priorities
- thought it was going to be too hard to get their great ideas past agency heads, chief procurement officers and get the other 'high level' approval they needed

Policies like this often fail because people don't know about them and have what they need to proceed with confidence. The other problem with this direction is it wasn't clear that a supplier could come to a department with a concept or prototype.

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<sup>19</sup> See Open Process - Nook Studios <https://nookstudios.com/open-process>

<sup>20</sup> PBD-2016-05-Procurement Innovation Stream  
<https://arp.nsw.gov.au/pbd-2016-05-procurement-innovation-stream/>

This above direction appears to have been replaced by PBD-2019-03<sup>21</sup> which removed **products and services**, and is now an exclusive direction for the **construction** sector.

*“The Procurement Board encourages NSW Government agencies to consider small and medium enterprises (SMEs) for construction procurement opportunities.”*

We cannot find any explanation as to why the board direction for the innovation stream changed, who has used it, and how successful or not they had been.

We know of one case study and use of the innovation stream which was with the Data Analytics Centre (DAC) and State Insurance Regulatory Authority (SIRA) CTP project. We only know of this because of a research project we did with the DAC.

If it hasn't been done already, we recommend some data analysis and/or a survey about which departments used this innovation stream, what kind of teams - and survey the department team and supplier's to understand their experiences.

The other question we have is - do the procurement plans, tender data and documents or contracts reference the PBD code so that use of Procurement Board Directions are tracked? If not, this would be a good way to monitor uptake and assist with awareness and evaluation of any - and in fact all board directions.

#### **5.4 Unsolicited Proposals**

Another process related to how the government procures and who it chooses to do business with and invests in is the [NSW Government unsolicited proposals](#)<sup>22</sup>.

The intent behind this is fantastic and full of promise of opportunities for innovation. The reality is it is suited to large businesses, large infrastructure and a small group of organisations with existing connections.

The website states:

*“Does your organisation have an innovative commercial proposal that can provide tangible benefits to the people of NSW?”*

*“The NSW Government welcomes unsolicited proposals from the non-government sector that will deliver innovative ideas, places, services and infrastructure to the people of NSW.”*

*“Unsolicited proposals provide opportunities for the **NSW Government and the non-government sector to work together to develop and deliver innovative ideas, places, services and infrastructure**. Successful projects have generated billions of dollars for the NSW economy to date.*

*“Its key objective is to provide consistency and certainty to non-Government sector participants seeking to deal directly with the Government. The Guide sets out how*

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<sup>21</sup> PBD-2019-03 Access to government construction opportunities by small and medium sized enterprises <https://arp.nsw.gov.au/pbd-2019-03-construction-procurement-opportunities-sme/>

<sup>22</sup> See <https://www.nsw.gov.au/nsw-government/unsolicited-proposal>

*unsolicited proposals will be assessed within a transparent framework. The key criteria are uniqueness, value for money and strategic fit with Government objectives.”*

**Uniqueness:** *Is your organisation uniquely placed to deliver a proposal that will bring tangible benefits for the NSW Government and people of NSW? For a proposal to meet the uniqueness criterion, you must be the only party able to deliver the proposal and the proposal must deliver unique benefits to the people of NSW. The NSW Government reserves the right to initiate market testing of a proposal if it has merit but is not unique.*

This is a government initiative that could deliver better social and economic outcomes. It currently is designed in a way that hinders innovation and inclusiveness - and puts innovative ideas, projects, and early stage products and services generated by small businesses and community led organisations at risk.

For example, we have innovative products and services we have been researching and developing for 10 years - tried, tested and proven to have a local and international market - and will be of great value to the people of NSW. We design technology and content so if the government puts our ideas out to tender for 'competition' - of course others can say they can do it. How can we prove we are 'unique' and 'the only party' capable of doing it?

Another example is say, for example, a community led or Aboriginal Community Controlled Organisation (ACCO) with great ideas and had a concept to help other communities that they would like to trial and test. Once an idea is out there - how can they say they are the 'only party', when what they are proposing is to help others? Especially when what they want to do needs the participation and collaboration of others?

The key to positive and lasting change is collaboration.

It would be good for the NSW Government to consider how they could create channels that acknowledge and protect the research and development small businesses and social enterprises have already invested in and offer opportunities for community-led and placed based initiatives with the potential to help others, grow, scale, and adapt their great ideas.

## 6. Creative innovation

### 6.1 Fostering creative innovation

Creative and cultural industries are integral to social development and cohesion, and to ensure local content is devised and developed with our multicultural communities in mind.

The NSW Government could make it easier for government staff to engage creative and cultural workers and small businesses in order to help drive innovation within the NSW governments (including local government).

This will assist with the development of design, content, storytelling, innovation, communications and engagement capabilities within government, and create new job opportunities and economic growth for the creative and cultural industries sector.

This will require the creation of funding avenues for content innovation, data storytelling collaborations, and community information and social impact projects.

## **6.2 Removing barriers to funding partnerships**

In other places and countries, people and small businesses can find ways to partner with government agencies, either through sponsorship, contracts or grants to produce films, interactive documentaries, 3D projection mapping projects, data storytelling projects, cultural and art projects, and so on.

GLAM - Galleries, Libraries, Archives, Museums - initiatives are a popular way international governments fund open data and innovative collaborations, to bring information to life and raise awareness for creative commons and public information as valuable public assets.

There are a multitude of creative organisations and arts practitioners with great ideas and nowhere to go in NSW. If projects happen they are happenstance and there is currently no central place for people to share in-development projects or projects that have been completed successfully with the help of a government agency or funding.

The Vivid Festival is a huge success and a major 'once a year' cultural and tourism event. However, fees and budgets for artists and this kind of work are getting lower. People are increasingly expected to work for free - making it unsustainable for businesses to be involved and grow.

'Immersive and interactive experiences' are a multimillion dollar booming industry. Sydney and NSW are interested in becoming leading centres for this kind of entertainment and content - beyond a once a year festival event.

Government departments and agencies are potential content partners - they have content, data, and own or manage spaces that are suitable venues for events.

We were recently approached by a small team of immersive experience designers and producers who had created a site specific show for Central Station that could have been rolled out to other rail centres. They had taken their idea to Transport for NSW and the response they received was - "Great idea. We love it. We need to go through a procurement process and take it out to tender".

This is not an isolated incident. We and other colleagues have had their project and product pitches published as tenders and awarded to others.

Our experience was with the WA Government - where they awarded the contract to a local supplier (after they wrote a tender based on our pitch). In another example with the Department of Defense, an arts organisation was told it had to assign its IP of its existing work to the department to get the contract and then the department awarded the work to someone else. Meaning the company could not continue to trade and market the work they had developed over years to other governments.

The need to overcome these kinds of ethical issues, barriers to engagement and risks for small organisations losing projects and intellectual property are obvious.

### 6.3 The role of Create NSW

It is heartening to read the new [Creative Communities](#)<sup>23</sup> policy. This represents a substantial shift in respect and acknowledgement of the value of creative and cultural workers.

As stated above, procurement can play an important role in supporting creative and cultural industries, social and economic development and diversity.

A future role for Create NSW could be to assist with the development of a **creative and cultural services scheme** and help facilitate and co-fund collaborations and partnerships with government departments.

Principle Two *Embrace the arts, culture and creative industries.*

*The NSW Government acknowledges the value of NSW arts, culture, and creative industries, including the talented, innovative artists and other creative practitioners at its centre. We will establish a whole-of-government approach to creative industries investment, services and program provision.*

*We will reform the various forms of creative industries investment, programs and initiatives provided across NSW Government into a coordinated and cohesive network. We will review the arts and cultural sectors to assess needs and build effective partnerships across agencies and with philanthropists, commercial and not-for-profit enterprises. We will strengthen industry pathways and training for the next generations of artists, cultural and creative workers.”*

To achieve this there needs to be a fundamental shift in practices and an openness to new ideas and ways for working.

Over the last 15 years, we've approached Screen NSW, Screen Australia, and other agencies who ran innovation funds. Initiatives consistently seemed to have limitations tied to whatever latest tech was out there and criteria designed to suit a specific type organisation - or they insisted on 'market interest'.

More importantly, being both 'screen' and 'arts' agencies - Screen NSW/Create NSW are focused on 'entertainment' and traditionally have not funded 'community information' projects. For example, the kind of practical and useful content and online platforms we have been developing to help inform communities about open government, natural resources projects and processes, the energy transition, and raise awareness for and advocate for supporting environmental, resource recovery and the circular economy social enterprises in local communities.

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<sup>23</sup> Creative Communities

<https://www.nsw.gov.au/arts-and-culture/engage-nsw-arts-and-culture/resource-hub/creative-communities>

The objectives of the [Screen NSW program](#)<sup>24</sup> are to:

- Support the nurturing of new ideas and talent in NSW
- Ensure Key Creatives are given access to opportunities that benefit their careers and reinvest back into the NSW screen industry
- Support connections that will shape the future of our creative landscape and strengthen our position in the global market.

The expectation that applicants 'identify **appropriate** market partners to ensure significant audience reach' makes it prohibitive for interactive and online ideas with their own places, spaces, audiences, and platforms. Crucially, who determines who is an 'appropriate' partner?

Another barrier to nurturing talent and new ideas is the eligibility criteria. It is fantastic that Screen NSW has prioritised diversity of people as a core concept. It is equally important to embrace diversity of experience and remove limitations around 'key creative'.

For example, Mel has worked in the screen industry in story development and in production between 1994 - 2012 on over 40 productions. The company she worked with did not credit her properly for her work on films and without a 'film producer' credit, she does not fit Screen NSW's eligibility criteria. She is not eligible for funding unless she finds a producer with a credit to apply with.

There are other colleagues who have also left the industry - and left NSW because of similar barriers to funding.

The eligibility criteria doesn't account for online and digital experience design and expertise. Nook has a large international network and Mel has over 12 years experience of creating online content and digital product development that many eligible 'key creatives' don't have.

Collaborations are important but people should be able to choose the right kind of creative partners for their kind of projects when they need them. People's proven experience rather than a 'credit' should be the basis for eligibility.

The reason Nook was invited to attend the Collaborative Solutions Mobile Government event in 2012 was because we were executive producers of an award winning mobile TV show, Street TV, on the Vodaphone platform. This was before the Apple iPhone was launched (creating a walled garden and death of mobile TV for a while). The Victorian Government had supported mobile producers in Victoria with grants up to \$180,000, which led to a small but thriving local community producing local content . We were the only producers in NSW.

Back then, when we approached Screen NSW a common response was "it's great you are so cutting edge", "we can't help you". We applied for other innovation funding at the time but that was solely for games designers - not interactive storytellers.

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<sup>24</sup> Available at Screen NSW Development Program  
<https://www.screen.nsw.gov.au/funding-support/development-program>

In contrast, Victoria has a diverse ecosystem of creative, cultural and social innovation businesses and people. The Victorian Government was the first in the country to have a minister for Creative Industries and over the years they have consistently created generous funding initiatives to support home grown local content, storytellers, designers, small business and social enterprise growth and innovation.

Victoria governments have placed a high value on creativity and recognised the research and development required to make quality art, design, and content projects. It has enormous pride in its people and developing capabilities and culture. [ACMI](#)<sup>25</sup> (Australian Centre for Moving Images) are responsible for funding amazing design and tech collaborations.

We hope the Creative Communities policy delivers the change needed in NSW for creative and cultural workers and organisations to flourish. To do this, we would like to see NSW embrace our large and growing **design** community too.

#### **6.4 User friendly tools for place based content, data and location services**

There is a large and growing need in the public service for data storytelling and geospatial skills, and training about how to establish efficient and effective map making workflows to make community friendly maps.

This is imperative for designing and publishing time sensitive community focused printed and interactive maps for engagement and submissions, and online location services for ongoing communication and dynamic reporting about government funding, project information and land use decisions, and strategic planning.

We've worked on two high profile projects where these kinds of skills were needed and we provided support and capability building for internal teams. The **Greater Sydney Commission Draft District Plans** in 2016 - 2017 and **Transport for NSW's Future Transport Strategy and Plans** 2017 - 2018.

The challenges we encountered during these projects are described in detail in Section 11. In both cases, Nook joined the projects in the months leading up to a fixed launch date to get them over the line, after a number of other suppliers and consultancy firms had been on the projects for some time (in some cases years).

The lack of a content and strategic service design lead with experience in designing for community audiences early in the process created a disconnect between the content, maps, and other digital products being produced, and what was needed for the intended stakeholders, communities and industry audiences.

An underlying problem is many existing geospatial platforms and data dashboards used by governments are tools designed for business analysis not public focused communications and have poor interaction experiences. Or they are designed for very technical audiences, slow to load and difficult for community audiences to use and have limited / to no ability to provide contextual content and guidance. Examples are Minview<sup>26</sup> (NSW Geoscience

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<sup>25</sup> See <https://www.acmi.net.au/>

<sup>26</sup> <https://minview.geoscience.nsw.gov.au/>

platform) and SEED<sup>27</sup> (the NSW environmental data portal - which also has poorly designed and difficult to use Power BI dashboards) and Live Traffic NSW<sup>28</sup>.

How departments produce maps and data information often falls to who they have a contract with. Sometimes department's have technology platform mandates, other times they use platforms such as ESRI and ArcGIS that aren't always fit for purpose because they pay large licence fees so staff have no other choice.

Many data dashboards have limited interaction and are poorly designed. Data analysis programs such as Microsoft Power BI and Tableau are used to create data stories and graphs and then plugged into websites, rather than other tools and programs specifically designed for communications such as Infogram.

Place based stories, information and analysis are essential for social development. Also for tracking community grants, service delivery, investments, and Closing the Gap and Indigenous spending. The people of NSW deserve better location and information services and fit for purpose information experiences.

Training and a mandate for participatory approaches to be taken with designers, data storytellers, content makers, and audiences included will deliver better results. We have advocated for this with the then Minister and the Data Analytics Centre to no avail.

Attached are some examples of procurement pathways we have created to advocate for changes in the way governments procure design and content.

## 7. Procurement culture and language

### 7.1 Fostering a respectful and open culture

The reality is 'procurement' is done by everyone, not just by 'procurement professionals'.

It is instigated and managed by project leaders, managers and many others who don't have training, are placed under pressure to get things done, and are often time poor. Brief writing, project scoping, commercial negotiations and contracting are not their strengths.

In our experience, the culture of fear and focus on risk and compliance in procurement is pervasive.

People are uncertain about how to engage suppliers. There is an overwhelming amount of information and it's confusing.

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<sup>27</sup> [https://geo.seed.nsw.gov.au/Public\\_Viewers/](https://geo.seed.nsw.gov.au/Public_Viewers/)

<sup>28</sup> <https://www.livetraffic.com/>



They are stifled by fear of doing the wrong thing - leading to great ideas and innovation projects not being executed well or at all, and do not feel empowered to negotiate for fairer terms.

This is leading to a stasis that is hindering opportunities to work with small businesses, social enterprises, design fit for purpose services and grow local economies.

## **7.2 Language leads culture**

There are fundamental problems with the transactional language used in procurement which creates unhealthy attitudes and power dynamics.

Whilst terms such as buyers / sellers and vendors are suitable for goods - and are seemingly unavoidable - those terms do not suit all engagements and arrangements. For example: suppliers of services, Aboriginal Community Controlled Organisations partners and other kinds of partnerships.

We've heard the term '**one throat to choke**' over the years, especially in ICT procurement events when people refer to their preference in having a 'primary contractor' to lead projects so departments don't have to deal with multiple suppliers. It says a lot about the conditions some suppliers are subjected to and the ways of working.

There are two underlying issues of note. One is the lack of accountability, and the other the lack of willingness and skills to manage multiple suppliers and collaborative contracts.

[World Commerce and Contracting](#) is a global association "dedicated to helping our members from all around the world, achieve high performing and trusted trading relationships."

Their mission is to enable better trading relationships and respectful engagement.

World CC offers fundamentals training, certification, benchmarking and runs events.

They are active members of the Open Government movement and connected to the Open Contracting Partnership. We have worked with them and attended their events over the years. Some NSW Government departments are members.

## **7.3 Information experience**

The information and navigating categories, schemes, and panels is extraordinarily confusing. We know how hard the team has worked to try to improve the previous procurepoint experience - because a) we've worked with them and b) we have had two people who were on the NSW Government team work with us at the Nook.

Whilst working on this submission, we wasted so much time figuring out "Was it a category?" "Is it a scheme?", "Why is a category also a scheme?", "Where do I find 'contingent workforce' again without having to google it!?"

The department could do with an interactive visualisation that maps the categories, schemes, panels and categories under the scheme to help with making it clearer how things are connected.

#### 7.4 Consultants vs Contractors

In the public service and more generally across the private and the social sector, there is a great deal of confusion and misuse of the term 'consultant'. People use the term when in fact they mean supplier or contractor. Or they use 'consultant' when referring to anyone who is not a public service full time employee.

'Consultants' are not typical service providers, partners or collaborators - they are not meant to be 'doing the doing'.

We make it very clear that the Nook crew are not consultants. We are clear that we work collaboratively and the skills, roles, expertise and value we provide are obvious and descriptive:

- Research
- Experience Design
- Strategy
- Content Design
- Service Design etc

Most small businesses we know that work with governments call themselves 'consultants' because they think it's easier for them to get hired. This is a systemic issue that needs to change for a number of reasons.

This misuse of consultant is leading to:

- confusion about skills required, roles, responsibilities, and ways of working
- people being hired from the wrong schemes and panels
- consultants doing tasks and fulfilling roles they are not meant to be (eg. writers, developers, designers etc)
- incorrect contracts being issued
- inaccurate data being captured about what government is spending
- proper analysis about the roles, skills and value people are delivering is not possible
- the government is not learning who and what it takes to make, design, and deliver, works, projects, programs and services in order to apply this to future budgets.

No wonder it is confusing....

The [Professional Services web page](#)<sup>29</sup> has an explainer box that states:

*Consultant or contractor?*

**Consultants** are a subset of professional services. Consultant spend must be disclosed in annual reports.

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<sup>29</sup> <https://info.buy.nsw.gov.au/categories/professional-services>

**Contractors** are employed by a contingent labour supplier. Agencies typically engage them via the [Contingent Workforce Scheme](#).

This explainer is not quite right. Contractors are also engaged via other schemes such as ICT. It is confusing and misleading in that the Contingent Workforce scheme is for **recruiters only**.

The [definition of a consultant](#) page is helpful:

*'A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from the other contractors.'*

It further states that:

**Contingent labour (or contractors)** refers to people employed by a contingent labour supplier and hired from that supplier by a NSW Government agency to provide labour or services. Contingent labour does not refer to consultants or companies engaged under a contract or statement of work to provide services to a client.

**Non-consultancy** professional services engagements often have one or more of the following characteristics:

- *implementation or delivery of an existing proposal or strategy*
- *output that does not represent the independent view of the professional services provider*
- *more direct supervision and control by the client.*

So, businesses who aren't Consultants or Recruiters are 'Non-Consultancy'.

The characteristics of a 'Non-Consultant' is also extremely confusing and not quite right - making it hard for suppliers to know where they 'fit in'.

The definition on the Professional Services page is:

**Professional services** are a **type of external labour** that provide specialist advice and assistance. Government agencies engage professional services providers, including consultants, to:

- *provide strategic direction*
- *independently review a proposed course of action*
- *provide recommendations for organisational change*
- *strengthen a team*
- *implement a new system or process.*

It's all very circular and not very clear. It makes it extremely difficult for anyone working with the NSW Government to know where they fit in, and for buyers to know where to look for suppliers and how to contract them.

## 7.5 Contingent Labour

Aggregate workforce spend on [Contingent Labour in FY 2022 - 2023](#)<sup>30</sup> was \$1.989 billion. (This is published as \$1,989M in 'proactive release of information' - in a closed PDF format making it not easy to do further analysis).

Some of the NSW Government objectives for the contingent workforce strategy are:

- introduce best practice services and systems to drive value
- make government contingent pool(s) the primary candidate source
- increase opportunities for participation by small and medium enterprises by reducing red tape
- decrease the cost of the contingent workforce.

There are 332 suppliers on this [scheme](#)<sup>31</sup>. Many of these are 'small businesses'. 183 results show up on the NSWBuy supplier list search using the term 'recruiters'.

If you were to do an analysis of the top NSW small businesses getting contracts and funding to support their growth via the NSW Government, recruiters are top of the list. Exclude recruiters, then you'd get a different picture. Similar results happen if you did a search on Indigenous small businesses.

As a point of reference, Mel's background is building teams working as a producer and as an internal recruiter for big digital and visual effects production companies such as George Miller's Dr D Studios and Rising Sun Pictures, and in the UK as a film agent. We have nothing against recruiters.

In the ICT, design, software development, and creative and cultural fields, there is a great deal of value in having different experiences, gaining new skills on different projects and expanding networks in new workplaces.

Understandably the government wants to work with recruiters to source full time roles and fill executive level roles. The reality is many contracts are 'short term project contracts', people who need to fill a role for 3 months to a year that could be fulfilled by team members of other types of small businesses.

It's interesting that the public service doesn't use the term 'freelancer' which is common in the creative industries, gig economy, and business world. Which is in fact what many people are sole traders or working for small businesses - forced to go through recruiters to get a short term contract with the government.

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<sup>30</sup> Contingent Workforce Scheme <https://info.buy.nsw.gov.au/schemes/contingent-workforce-scheme>

<sup>31</sup>As of 19.01.2024 <https://buy.nsw.gov.au/scheme/65CDBCCA-EA61-2354-9ECAFC84AE5A95B8>

The contingent workforce scheme is exclusively for recruitment firms and the barriers to entry for new suppliers or hybrid social enterprises is high.

We believe the contingent workforce scheme is having unintended consequences that are harming other types of small businesses and social enterprises like us that have people on their team who could fulfil these short term and project contract roles.

For example, when team members of ours (who have worked in government previously and who want to continue to work with us) hear about or are approached about open roles, they are told if they want a contract role they have to go through a recruiter who they've never met and has no connection to them.

When our team members asked if they could be engaged via Nook (which is a female owned social enterprise on the professional services scheme), they were told they had to use the contingent workforce scheme and go through the recruiter the department was using.

They lose \$150 + a day of their fee to a recruitment business that didn't actually find them a job - when they would prefer that fee could come to a business they are connected to, to cover expenses and contribute to our growth. Note there is little transparency as to exactly what the recruiters are earning on contractors day rates.

Businesses like us have expertise and know what is required to do specialised roles. Not only do we lose our team members, we cannot provide genuine professional support and mentoring our team wants and needs for certain roles. The other benefit of being engaged via us is they have somewhere to go when the contract ends.

The Federal Government's Digital Marketplace established by the Digital Transformation Agency had come under criticism for a few reasons - one was they are seen to be a 'body shop' for agencies. The positive aspect of the marketplace is - we have the same opportunities to place people as recruiters do.

The marketplace has categories that reflect our skills. They advertise specialist roles on projects and agency teams. The applications can be time consuming but at least we are on the same level playing field as recruiters when it comes to submitting candidates. Whilst not perfect, in the past the digital marketplace made it very easy for Federal Government teams to engage us and they felt confident they were following a proper process.

Big consultancies know how to hack the procurement system - this is their bread and butter and how they grow. We have come across many situations where full time roles and short term project contract roles are filled by large consultancy firms who are placing people - to fulfil roles the 'doing roles' that do not fit the consultant definitions they have been contracted for. Many of which are recent graduates they hire out for 40%-60% more than they pay them.

We understand this is a very broken system that the NSW government is trying to fix by establishing more sustainable jobs through a direct relationship with employees - but recruiters are killing opportunities for small ICT and creative businesses.

It is harming growth by limiting options for small businesses with specific skills and expertise to work with the government, and not allowing professionals to get the mentoring and support they need.

We recommend the government conduct an analysis and research into the contingent workforce, its impact and ways it can expand to be inclusive, not exclusive.

We also recommend that supplier lists and data be open in an open format for analysis. If they are already, it's not easy to find.

## 8. Open by design data & digital systems

### 8.1 Transparency

The current lack of transparency and access to quality data in NSW procurement and grant systems and processes makes it challenging to evaluate the value, integrity, effectiveness and compliance with, and impact of, relevant policies and regulations - let alone social development and impact.

[Procurement Board Direction 2021-04 Approved Procurement Arrangements](#)<sup>32</sup> states that:

*Procurement valued up to \$10,000*

*Unless an agency has specific requirements related to safety and infrastructure, any agency may enter into an arrangement with any supplier for the procurement of goods and services valued up to \$10,000 even if the goods or services are available on the whole of government procurement arrangements. **The procuring agency should ensure the rates are reasonable and consistent with normal market rates.***

*A process diagram is attached.* [Note: there is no link to a process diagram]

It's our understanding the threshold for transparency and publishing of data via the eTendering platform is still at \$150,000<sup>33</sup>. This has a number of knock on effects.

A lot of small businesses like us are working under \$150k which means we are not being captured and people are not able to search for us on systems to see what projects we have worked on.

More importantly, government agencies, auditors, and the public are not getting a clear and comprehensive picture of spending and who has been awarded contracts and work.

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<sup>32</sup> PBD-2021-04 Approved Procurement Arrangements

<https://arp.nsw.gov.au/pbd-2021-04-approved-procurement-arrangements/>

<sup>33</sup> As outlined in the NSW Government Procurement Policy Framework and GIPA Act

The Australian Federal Government threshold for publishing public spending is \$10,000. This is in the same range as the mandated minimum in other countries such as the UK (GBP 10,000)<sup>34</sup> and Canada (CAD 10,000)<sup>35</sup> along with the state of Queensland (\$10,000)<sup>36</sup>.

In order to clearly understand the social impact of procurement, we recommend the NSW Government change the rules and mandate publishing government contracts and purchase orders to capture all spend from \$10,000.

The current rules are that information must be published in 45 days. Designing systems for dynamic, immediate reporting is possible and available in other countries as we have outlined below.

## **8.2 Data is a valuable public resource**

Lack of usable data makes it impossible for departments to learn from past contracts and have credible information to inform future budgets, approaches, and who and what is required to deliver quality projects and services with realistic timelines and budgets.

Without this data available in open formats and processes mapped in accessible ways, knowledge about what worked and what didn't cannot be shared with their peers across their department and whole of government. Poorly designed procurement practices continue, innovative and successful approaches are lost in the mosh.

The disconnect and absence of information and data about budgets, planned spending, project cap prices, and market rates and fees means small businesses have no clarity about thresholds of spend, and waste time second guessing budgets for tenders - either over or under charging.

Without access to data, it is not possible for researchers analysis and compare different procurement spend of say contingent workforce, professional services, consultants, and other schemes. It would be interesting to compare this spend and roles to full time staff and full time equivalent staff and whether this internal and external spending is captured in capital expenditure or operational expenditure.

Most scheme data doesn't have granularity about roles. For example under the contingent workforce categories include: administration, specialist, ICT Management, Implementation and Support. So it makes understanding what specific skills and roles are needed extremely difficult.

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<sup>34</sup> See UK Cabinet Office Procurement and transparency requirements: guidance  
<https://www.gov.uk/government/publications/procurement-and-contracting-transparency-requirements-guidance>

<sup>35</sup> Government of Canada Guide to the Proactive Publication of Contracts  
<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32763>

<sup>36</sup> See Queensland Government Procurement Guidance: Contract Disclosure  
[https://www.forgov.qld.gov.au/\\_data/assets/pdf\\_file/0021/183630/procurementguidecontractdisclosure.pdf](https://www.forgov.qld.gov.au/_data/assets/pdf_file/0021/183630/procurementguidecontractdisclosure.pdf)

### 8.3 Using data to understand who was on a project or program

Currently it is not possible to get a comprehensive list of all suppliers on any works, program or project, whether it be digital, large infrastructure or ICT, or Indigenous program. This leads to a number of different issues that impact small businesses, social enterprises and Aboriginal Community Controlled Organisations, and communities.

Like the film industry, the government should have clarity about 'who was on your crew' internally and externally and publish a list of acknowledgements and credits for roles supplied.

This will help:

- raise awareness and recognition for small business, social enterprises and other partners
- make it easier for government agencies to find who did what on which project, for how long and apply lessons learnt to their own budgets and procurement processes
- stop other businesses from taking credit for work they did not do or deliver

### 8.4 Creating a single digital, open data register for all NSW linking budgets, plans, procurement and grant information

There is no centralised platform to allow government staff, suppliers, and the public to have a real-time overview of the procurement system and to search for individual purchasing procedures from start-to-finish, connecting procurement plans, upcoming opportunities, and past processes and contracts with information such as final cost (including variations and amendments) and evaluations.

### 8.5 Open data enables participation and innovation

The good news is that **structured, open data** on some stages of the procurement cycle for procedures awarded through the NSW eTendering system is [already published](#)<sup>37</sup> using the internationally recognised Open Contracting Data Standard (OCDS) format.

The OCDS is a schema used by more than 50 governments worldwide to track procurement procedures from start to finish, from the planning phase to award and implementation.

Its development was led by the Open Contracting Partnership, originally an initiative of the World Bank that has scaled to become an independent non-profit, supporting procurement reformers to publish and use open, accessible and timely information on public contracting to engage businesses and citizens to fix problems and deliver results.

The OCDS itself was created through a collaborative design process that consulted hundreds of procurement and contracting experts worldwide to identify the most important

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<sup>37</sup> See OCDS Datasets Search: Australia: New South Wales: Treasury  
<https://data.open-contracting.org/en/publication/11#access>



data and documents that enable an understanding of who is buying what, from whom, when and how.

Nook was funded by the Open Contracting Partnership in 2018 - 2019 to research the level of awareness and interest in open contracting in Australia, design an engagement strategy, provide advocacy services, and run data storytelling workshops in collaboration with Infrastructure Partnerships Australia.

[An analysis](#)<sup>38</sup> by the Open Contracting Partnership shows the best data from NSW is related to the tendering, award, and amendment phases of the procurement cycle.

There remains much room for improvement. To take one example, data on whether a supplier is Indigenous-owned, female- or minority-owned, or whether it is an SME or large organisation could be integrated into the OCDS data by using [extensions](#)<sup>39</sup> to the schema. Or to understand where contracts are being executed, the address and coordinates of places where work is carried out can be shared using the “Location” [extension](#)<sup>40</sup>.

The NSW eTendering data being published in OCDS format is already valuable. [The public API](#)<sup>41</sup> has allowed third parties to easily re-use procurement data and display it in ways that are most useful for different audiences, without needing to request the creation of bespoke reports from the government. For instance, the Australian platform [Bidhive](#)<sup>42</sup> uses the NSW API to help bidders find relevant tenders and streamline their bid preparation process.

Many other services, such as [Tendertrace](#)<sup>43</sup>, one of the organisations who helped us with the Yuwaya Ngarra-li data analysis, ‘scrape’ government websites for data. Although these services would benefit from using the API if it was designed with them in mind. In our research, we’ve discovered people don’t know it exists, as it’s not easy to find on the NSW eTendering website or other government platforms.

Improving the coverage and quality of the NSW eTendering data across **all stages** of the procurement cycle would allow many more insights and applications of the data to evaluate value for money, social outcomes, competition, and efficiency.

We recommend initiating a design process bringing together government agencies, businesses, civil society, Indigenous owned businesses, social enterprises, Coalition of Peaks Aboriginal Organisations, and Aboriginal Community Controlled Organisations - to understand how people wish to use the NSW procurement information to achieve specific outcomes and to identify what adjustments could be made to data collection and publication processes to fulfil those needs.

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<sup>38</sup> See OCDS Datasets Search: Australia: New South Wales: Treasury  
<https://data.open-contracting.org/en/publication/11#access>

<sup>39</sup> See OCDS “Organization Classification” and “Organization scale” extensions  
<https://extensions.open-contracting.org/en/extensions/>

<sup>40</sup> <https://extensions.open-contracting.org/en/extensions/location/master/>

<sup>41</sup> Access Github here: <https://github.com/NSW-eTendering/NSW-eTendering-API/wiki>

<sup>42</sup> See Bidhive: <https://bidhive.com/about-open-contracts/>

<sup>43</sup> See Tendertrace <https://tendertrace.com/>

We also suggest providing capacity building workshops and other guidance to inform both people in government and externally about the potential of open contracting and how capturing accurate and complete data can be the catalyst for tangible improvements in procurement processes and outcomes.

## 8.6 International examples

In other countries open data on procurement and contracting has been used to create:

- business intelligence platforms (such as [Italy](#)<sup>44</sup>, [Ukraine](#)<sup>45</sup>, and [elsewhere](#)<sup>46</sup>) for analysing **best practice performance indicators** to measure savings, market prices, competition, and efficiency.
- [Red flagging platforms](#)<sup>47</sup> that act as early warning systems of corruption risks
- Platforms to **boost opportunities for local businesses**; such as, the Colombian platform [CREDERE](#)<sup>48</sup> which allows small businesses to search for upcoming opportunities and apply for credit to avoid liquidity issues; and the [VIGIA](#)<sup>49</sup> website in Paraguay which gives buyers structured, transparent channels to engage the market and gather feedback to make improvements to procurement practices and policies.
- Tools to improve **service delivery**, such as an Indian data model to predict where to invest [disaster relief](#)<sup>50</sup> and resilience funding to reach the most vulnerable; and a Moldovan portal that helps administrators and patients detect procurement delays that could lead to [medicine](#)<sup>51</sup> shortages.

In our experience, one of the most powerful applications of e-procurement systems has been in unlocking knowledge from past procurements to design better budgets, procedures and policies in the future.

A leading example is [in Italy](#),<sup>52</sup> where the government's database of 60 million procedures from 39,000 government entities over 15 years, is used as a source for tasks such as budgeting, setting reference prices, vendor due diligence, and preparing procuring entities' annual corruption mitigation plans.

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<sup>44</sup> ANAC <https://dati.anticorruzione.it/superset/dashboard/appalti/>

<sup>45</sup> Prozzo Business Intelligence Module <http://bi.prozorro.org>

<sup>46</sup> OCDS Business Intelligence dashboards <https://bi.open-contracting.org/benchmarking/>

<sup>47</sup> See case study on Indonesia's red-flagging tool:

<https://www.open-contracting.org/2021/07/19/opentender-net-the-site-helping-indonesians-spot-shady-government-spending/>

<sup>48</sup> See case study on Colombia's CREDERE platform

<https://medium.com/strive-community/introducing-credere-a-new-solution-using-open-data-to-improve-the-financial-inclusion-of-small-68ea4670f42a>

<sup>49</sup> See case study on Paraguay's VIGIA platform

<https://www.open-contracting.org/2023/09/25/vendors-as-partners-how-paraguays-vigia-provides-a-community-to-increase-competitiveness-and-opportunity-for-smes/>

<sup>50</sup> See case study on Assam's Disaster Management model

<https://www.open-contracting.org/2023/09/28/improving-climate-resilience-in-flood-prone-assam-india/>

<sup>51</sup> See Moldova's HIV scorecard platform <https://scorecard-hiv.md/>

<sup>52</sup> See Italy case study

<https://www.open-contracting.org/2022/09/21/behind-italys-small-revolution-in-the-fight-for-corruption-free-contracts/>

Similarly, **timely disclosure** of NSW contracting data and planning documents and contracts would allow for the early detection and prevention of problems in the procurement process, such as inflated prices, conflicts of interest, unqualified suppliers, and concerns over quality or other failures to meet contract specifications during implementation. Currently such discoveries are post-mortems, mostly made long after the fact in Auditor-General's reports or by the media.

According to the NSW Procurement Policy Framework, government agencies are allowed 45 working days after concluding an above-threshold contract to publish it. This is slow compared to international best practice: for instance, authorities in Ukraine established rules early on in the coronavirus pandemic, declaring that all emergency contracts must be published on the e-procurement platform [ProZorro](#) within 24 hours of being awarded.

A decade after its initial investment in e-procurement transformation, Ukraine continues to reap the benefits, having built on the original technology, principles, and coalitions-for-change to develop a transparent system for selling [state assets](#) (generating revenue from assets considered worthless previously), and the [DREAM](#) system to manage war reconstruction projects in real-time.

## 9. Open process

### 9.1 Open process as a principle

Nook are open process pioneers, run participatory design workshops bringing people together to work across a diverse range of process mapping projects.

Since 2015 we have been keen to partner with governments to create visual guidance on procurement processes and systems to make it easier for social enterprises, small and minority-owned businesses, and First Nations organisations to work with governments.

Our open process storytelling approach, as used in Nook's Common Ground project with the Department of Resources and Energy mentioned in section 3, was a powerful engagement tool and great way to demystify complex systems. Since then, we've worked with Transparency International mapping mining licence legislation and regulations in 23 countries and the Department of Agriculture, Water and the Environment on the Environment Protection Biodiversity Conservation (EPBC) Act, and Sea Dumping Act, visualising and interpreting legislation and regulations, creating plain language guidance.

Process mapping is also a stepping stone that enables government leaders to identify barriers and bottlenecks in these processes (and what's working well), and fine-tune them to make procurement more accessible for small and minority-owned businesses.

In our experience, public servants and project leaders get confused, are given mixed information and we often end up being the ones explaining the rules and how we can be engaged.

Proactively enabling everyone to do what they need to do well, rather than people feeling like they are being policed and constantly in fear of doing the wrong thing - will lead to increase in capabilities, respectful and quality interactions, more projects and services with better results.

Placing emphasis on creating a supportive, enabling, open and blame free culture will lead to better outcomes for people inside government, suppliers, partners and the people of NSW.

## 9.2 Opening processes leads to increased participation

As outlined above, open contracting is a leading approach to procurement focused on publishing and using open, accessible and timely information on public contracting to engage businesses and citizens to fix problems and deliver results.

Over 50 governments have an open contracting program in place, and major global institutions like the G7, UN, OECD, World Bank, IMF and more have endorsed the importance of open contracting. That's because the evidence<sup>53</sup> is clear: open contracting works.

Examples of strategies used in reforms that opened processes and data and that saw an increase in the participation of small, women- and minority-owned businesses include:

- running supplier outreach events and campaigns (see for example, strategies used in the American city of [Des Moines](#)<sup>54</sup>);
- training and capacity building resources for potential suppliers to participate in the market and for government buyers to design more business-friendly procurement processes;
- engaging the market and communities who are the ultimate beneficiaries of the goods, works, and services procured, early on in the design of planned procurements to ensure purchases meet real needs and to minimise cost and time overruns;
- adding data tags in e-procurement systems to identify tenders that are suitable for certain suppliers and to identify suppliers categorised as small-, Indigenous-, women-led and other minority businesses.
- Simplifying contracting processes for small-, Indigenous-, women-led or other minority businesses through measures like making advance payments by default, reserving a share of procurement plans for these businesses, and minimising cumbersome bureaucratic processes.

Engaging with the market can improve the planning and design of complex projects (for a great example of this, see how [Scotland](#)<sup>55</sup> handled a new bridge construction in 2006).

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<sup>53</sup> See key impact figures on Open Contracting Partnership's Evidence page <https://www.open-contracting.org/impact/evidence/>

<sup>54</sup> See Des Moines case study <https://www.open-contracting.org/2023/07/31/buying-local-inclusive-and-green-how-iowas-capital-des-moines-is-living-its-values-through-better-procurement/>

<sup>55</sup> Engaging with the market to facilitate supplier collaboration in Scotland <https://sustainable.open-contracting.org/engaging-with-the-market-to-facilitate-supplier-collaboration-in-scotland>

Further examples of participatory procurement will be published in the Yuwaya Ngarra-li Making Government Finances Make Sense for Communities policy paper and on [makingopen.org](http://makingopen.org) over the coming weeks.

### 9.3 Agile procurement, order splitting and open processes

Order splitting is prohibited in government. As outlined in the now replaced Procurement Board Direction - **PBD-2014-02 Access to government contracting opportunities by small and medium sized enterprises**:

*“As a matter of good practice, agencies are encouraged to apply the principle of this Direction to all procurement sourcing activities for work valued up to \$1 million, where two or more possible suppliers are invited to submit quotations.*

*Agencies are not obliged to apply this Direction in the exceptional circumstances, where owing to the nature of the service being purchased, there is no reasonable prospect of a SME business feasibly delivering a competitive quotation.*

*If this appears to be the case, agency buyers should consider whether it is feasible to break up the procurement so that SMEs are capable of delivering some part of the procurement.*

*Note that ‘order splitting’ with the intention of avoiding upper procurement threshold levels is inconsistent with the objectives of the procurement system and is prohibited under the [Procurement Policy Framework](#).<sup>56</sup>*

Understandably governments do not want people breaking the rules and engaging in corrupt behaviour. Providing better access to data about contracts under \$150,000 and enabling everyone to have access to analysis tools will deter this behaviour.

The reality is people who need to get things done sometimes ‘hack the system’ because they need an agile procurement approach. They don't know what they need, they need people to help them figure it out. What they do know is they don't want to go to tender for one big company to do the work. They want to work with smaller businesses and try new ways of working.

Agile procurement is a growing area, much needed in when governments want and need to engage widely on projects and programs in a participatory way and don't know what an entire project or program of work requires in order to write a tender to take to market.

Agile projects are commonplace in digital service design. Breaking down the work into small phases, learning what is needed through research and engaging with communities and users, and pulling in teams as required to work collaboratively, and continuously improving.

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<sup>56</sup> PBD-2014-02 Access to government contracting opportunities by small and medium sized enterprises  
<https://arp.nsw.gov.au/pbd-2014-02-access-government-contracting-opportunities-small-and-medium-sized-enterprises>

Under current procurement rules, it is not possible to take an agile approach. It is really only possible with building internal teams using contractors hired via recruiters. As we outlined above, this is leading to the exclusion of small businesses.

Introduce agile procurement as a legitimate approach, opening up and adapting processes, using participatory design to meet the needs of the public servants, projects and programs will provide a profound shift and contribute to better services, projects, supplier diversity, and social outcomes.

## 10. How procurement can provide better environmental outcomes in communities

We are passionate about the environment and enabling people to do the right thing. Nook has been supporting community resource recovery, reuse and recycling enterprises pro bono and low bono for years.

Local council and business waste contracts are usually held by large companies with big trucks and infrastructure. It is one of the least transparent, monopolistic, dirty, corrupt and ineffective industries in the world.

In places where authorities rely on large waste management incumbents, residents are impacted by foul odours<sup>57</sup> while offenders can go years without appropriate penalties because oversight authorities and regulators lack the resources to do their job effectively.

It doesn't have to be this way.

In 2012, we produced a short documentary, [Waste to Wages](#)<sup>58</sup>, about the impact national state and local government policies and contracts can have on social development through supporting community social enterprises.

The audience for this short doc was local council waste managers and has led to many councils being more open to collaborating with social enterprises.

It's 2024 and governments are still grappling with waste and failing fast.

Resource recovery, reuse, and recycling small businesses, social enterprises, and Aboriginal Community Controlled Organisations should and could be better supported.

One very important reason: the people who run social enterprises and initiatives come from the very communities where large waste management industries are not interested in protecting the environment, and there is not enough incentive or profit for them to reuse and recycle responsibly - they need to take control and be empowered to make positive change.

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<sup>57</sup> See Environmental Protection Agency, Minchinbury odours: <https://www.epa.nsw.gov.au/working-together/community-engagement/updates-on-issues/odour-investigations/minchinbury-odours>

<sup>58</sup> Waste to Wages <https://vimeo.com/64778485>

Circular economy and resource recovery are growing areas, policies, processes, systems and access to data needs urgent attention and overhauling. There are few effective product stewardship programs in place and with the energy transition and need for critical minerals for renewable energy technology and batteries, we are going to have more supply chain issues and need better ways to recover resources for reuse.

There are hundreds of existing and budding community recycling enterprises and innovators all over Australia located in urban centres, rural towns and in our most remote communities:

We recommend a statewide participatory design program to design community led local resource recovery solutions created by the community for the community. To do this everyone needs access to accurate data about the current state of waste management contracts, services and waste streams.

Over the years, we've approached the EPA to try to partner to create how to guide for social enterprises to set up operations and navigate procurement processes. We have also approached them about publishing the contract information publicly in accessible formats online so that local social enterprises can see what contracts are coming so they prepare to collaboratively bid or partner with big companies for different waste streams and set up reuse and transfer stations close to landfill sites.

The waste contracts data is currently held in an excel spreadsheet and when we last engaged with the agency, it was still not publicly available.

There are excellent success stories but without proper funding and awareness raising we will continue to miss opportunities to develop this crucial industry.

A few other examples of advocacy content we produced are:

- [Zero Waste Network - Soft Landings](#)<sup>59</sup>
- [Zero Waste - The Role of Local Councils](#)<sup>60</sup>

If there was one area that the NSW Government could influence that would have a massive impact on social development and innovation, it is this. We and many of our colleagues have a lot of knowledge in this space and welcome the opportunity to discuss this further.

## 11. About Nook / projects

[Nook Studios](#) is a female founded social enterprise of researchers, strategists, designers, content makers, data storytellers, civic technologists, and software developers established by Mel Flanagan in 2008.

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<sup>59</sup> Zero Waste Network - Soft Landings <https://vimeo.com/347424833>

<sup>60</sup> Zero Waste Local Councils <https://vimeo.com/347459898>



The Nook crew work across many areas including:

- natural resource governance
- extractive, energy, agriculture industries, energy transition
- waste, resource recovery and reuse, circular economy
- land use planning and infrastructure, sustainable development
- government and business transparency, integrity and accountability
- financial transparency, procurement and contracting reform
- data sharing, open data and open process initiatives

**Mel Flanagan** is an open government advocate, advisor, trainer, designer. She has been involved in numerous government procurement roundtables, advisory panels on open data and runs open government workshops. Since 2015 she has worked pro bono on raising awareness of Australia's Open Government Partnership (OGP) National Action Plan commitment development, and on engaging with Australia's Federal, State and Territory Governments to commit to the Extractive Industry Transparency Initiative Standard (EITI), and conducted research on the implementation and use of the open contracting data standard (OCDS) in NSW and Federal Governments.

Mel is the Chair of the Steering Committee of NGO Publish What You Pay Australia, Open Knowledge Network member and international speaker about the role of design and technology in delivering positive social and environment impacts.

**Sophie Brown** is a communications specialist with over a decade of experience as a digital journalist and campaigner for open societies and good governance. Her work on politics, corruption, government reform, public procurement, open data, and civic engagement has been published by leading media outlets and agenda-setting organisations, including CNN International, Transparency International and the Open Contracting Partnership. Sophie returned to Australia in 2023 after living overseas for 12 years. She is also a representative of the Seek Initiative, an international non-profit organisation dedicated to supporting civil society and grassroots advocates by strengthening their research and investigative skills on issues in the public interest.

## **Nook Projects with NSW Government**

### **2012 - 2014 NSW Trade and Investment Resources and Energy**

Producer, creative director, lead service designer, content design, engagement and communications strategy. Common Ground location web service, mobile web app.

### **2015 NSW Procurement**

Research to support NGOs, community and social enterprises and improve engagement and content.

### **2017 NSW Planning and Environment, Greater Sydney Commission**

Greater Sydney Draft plans

We were asked by the Department of Planning to urgently help the Greater Sydney Commission (GSC) when the Six District Plans were being drafted for publication. The GSC wanted to "digitise the draft plans" for community engagement. We were tasked with



researching and recommending what was possible in the 12 week timeframe to meet the legislated first release deadline.

The draft District Plans were designed as six individual 100-page PDFs to be published in a book format. The purpose of the first exhibition phase was to solicit formal submissions, gather feedback and comments from all stakeholder groups on the content of the plans. The final plans were published in late 2017.

A number of other suppliers and consultancy firms had been engaged and been on the project for some time (in some cases years), delivering various aspects in a non collaborative way. A data dashboard prototype and other content had been produced but no maps.

No one had been given the task of an overarching content and data strategy or engagement strategy. At the time the Department of Planning had a large geospatial team, data and business analysts. They were using mapping tools not suited for community audiences and no one was clear about what data was needed for the GSC maps and where to find it.

Due to the very tight deadline we worked fast on a content and data strategy, introduced some participatory design elements to get what they needed for launch and provided recommendations for a collaborative service design methodology and with the roles required for the Planning and Greater Sydney Commission teams to have what they needed for future iterations. The interaction data stories are well designed. It doesn't appear that the GSC ever created an online mapping tool for their plans - the maps appear in the 100 + page PDFs.

## **2017 - 2018 Transport for NSW, Future Transport Strategy and Plans**

Community engagement content design for the three phases of the development of the Future Transport Strategy and Plans.

For the Future Transport Strategy, we were asked to urgently help 12 weeks before the launch of the website. A large consultancy firm has been on the project for years and about eight smaller suppliers were already on board working on different aspects. There had been no content or data strategy and they needed creative direction and content design to bring all the elements together.

We designed over 450 data and policy visualisations, animations and gifs for print, the website and social media.

The department had data and business analysts using mapping tools but they were not skilled at designing for community audiences. They had been designing maps for engagement using powerpoint which were hard to read and digest.

We designed over 109 maps for print, many of which had over 15 different versions. We used an open source mapping tool that allowed us to quickly respond and make changes based on feedback from planners and ministers offices. Some of these maps ended up in the Greater Sydney Commission plans.

Unfortunately, the interactive project map on the Future Transport website (created by another supplier) for the launch was unusable, and it led to a lot of complaints, confusion and frustration.

The Future Transport Strategy and Plans content style guide and design asset library we handed over to Transport for NSW included a map making workflow guide, and we'd provided recommendations of how to improve the online experience.

### **2018 Point to Point Commissioner**

Process mapping and regulation explainers to help the point to point industry understand the rules, their roles and responsibilities.

### **2018 NSW Treasury, Data Analytics Centre**

Research into how the DAC was perceived and how it could improve data sharing across government departments. The Pathway to Trust and Participation is the findings of our research and a series of recommendations. It included 14 principles to improve data sharing across jurisdictions, and enable public participation in data collection and use, allowing communities to be able to contribute to government 'evidence based' policy design and decision making. Aspects of this project went on to contribute to policy at state and federal levels, including the Australian Digital Council and the National Data Commission.

### **2020 NSW Department of Education**

We provided content strategy, content design, visual design and writing style guide development, School Online Enrolment system, a Digital Restart project to digitise the application process, and better support and connect schools, parents and teachers.

We appreciate you taking the time to review our submission.

Yours sincerely,

Mel Flanagan & Sophie Brown  
[nookstudios.com](http://nookstudios.com)