

**Submission
No 129**

INQUIRY INTO COMMUNITY CONSULTATION PRACTICES

Organisation: New Democracy Foundation

Date Received: 15 August 2025

Submission – Victorian Parliamentary Inquiry into Community Consultation Practices August 2025

We thank the Victorian Legislative Council Environment and Planning Committee for this opportunity to contribute to the inquiry and your invitation to appear.

This paper addresses the six key terms of reference and endeavours to highlight opportunities for improvement to achieve one central goal: *ensuring everyday people feel heard in public decisions*. We see this sense of ‘disconnection’, which in turn feeds mistrust, as the critical problem to solve.

Our recommendations revolve around a common theme:

1. **Focusing on a concise core set of principles** (perhaps through a ‘Community Engagement Charter’) as the most effective way to ensure quality of engagement despite the myriad different contexts in which it must be deployed. (Listed in Appendix A)
2. If adopting a principles based approach, then **you can achieve this in one page with 5-7 principles** to have a highly meaningful impact. Shared understanding across state and local government *and* the wider community would build trust – and this can’t be achieved with lengthy (generally unread) plans.
3. Draw on global experiences to build a set of **Reference Designs**. Essentially, templates outlining models fit to a range of common scenarios scaled by size of council or department. A deliberative approach can scale from close to zero cost (document based engagement) through to very large scale in-person projects. This breadth of models is poorly understood today.
4. Consider the option of **centralising** engagement provision to improve quality and remove conflicts.

Community engagement tends to be of low value to elected decision-makers because in the overwhelming majority of circumstances it is unrepresentative and based on limited information – and therefore warrants being ignored. When the community then sees a different decision taken, mistrust increases.

Formats matter: this is why institutions are essential. Within the justice system, the community’s role is highly substantive, almost always enacted, *and widely trusted*. While not a perfect analogy, the opportunity is to extend the use of juries (broadly defined) from our courts and into our public decisions. We need an institution the public trusts to handle the task of listening and integrating their views. Critically, we need the structure of that to reward thinking, not simply shouting.

Imagine our court system allowing anyone to comment online, then tallying up the comments and deciding to convict or release a defendant. What would happen is either the victims’ or defendants’ families would campaign to flood the system. We would – and *should* – largely ignore the content of that discussion except as a general barometer of sentiment. That is why in the court system we instead see a methodology imposed that requires random selection of participants, a small group size, a requirement to listen to all the evidence, and a commitment to act on a decision once it reaches a given consensus threshold (generally 11 of 12 jurors aligning).

The lesson here is that a defined process exists and the public trusts it. We do not all expect a say – but we trust that a fair process was followed to ground the decision in the community. If we are closely connected to a particular issue, we can submit a ‘friend of the court’ brief or appear as an expert witness. We can’t just insist on being the jury.

We would strongly recommend similar simple principles be established for public engagement.

Response to the Terms of Reference:

(a) community consultation practices done by, and on behalf of, state and local government and statutory authorities, and providers of essential services such as utilities, in Victoria;

Doing engagement well is difficult. Doing it based on flawed principles takes it from difficult to nigh on impossible.

Firstly, a clear delineation should be made in any engagement with regards to it being a public opinion exercise or a public judgment exercise.

A public opinion exercise is excellent for agenda setting, but terrible for taking decisions as people will not have had the time to consider costs and tradeoffs. Tapping public opinion to understand **values, questions and concerns** is of high value. However, most public engagement uses opinion methods for what are actually decisions requiring *judgment*.

As an example, a state government could learn through a public opinion exercise that people want drug laws changed. However, if the engagement rushes to judgment - and is based on easily gamed self-selection – then examples abound of results that have not considered the consequences of the decision. This is not because people aren't capable; *it's because of limitations of the format of the engagement*.

In Item 6 we will highlight a case study from the German state of Baden-Wurttemberg which we encourage the Committee to consider (separate attachment has additional detail) . They centralised within State Government a core of engagement expertise that is available on tap to other state and local agencies. This solves three problems:

1. It ensures the technical expertise to deliver quality engagement is widely available.
2. It removes the real and perceived bias problem that agencies (and especially councils) deliver engagements shaped by what the agency already wants to do.
3. It vastly reduces design duplication, and therefore cost.

An independent office to deliver this need only have 6-8 staff to be effective. In Ireland, the Office of Deliberation (attached to the Oireachtas/ Prime Minister's Office) has operated with a similar number.

We note the attempt made via the creation of Engage Victoria. The Public Engagement Framework has some well-aligned principles, but we cannot see evidence of these being adopted in any meaningful way, hence our earlier comment that one page read by many is preferable to a lengthy report read by few. We also note the heavy focus on simply using the Engage Victoria online tools.

Ultimately, quality of practice will change when leaders value public input. At present, many public leaders view engagement as having little value, while failing to note that is because of *how they are doing it* rather than of public competence. Highlighting the value of 'sharing the decision' for contentious decisions will come when a government leads by example.

We note that at local government level, the impact of the Victorian Local Government Act 2020 requiring deliberative engagement has seen highly variable interpretations. A set of Reference Designs (akin to using a recipe book) would vastly improve the quality of engagement.

(b) the use of non-government providers to do consultations on behalf of government agencies

Firstly, we declare a bias: we are a non-government provider offering process design for Citizens' Assembly style deliberative projects. (We do so on a non-commercial basis.)

We think the question pertains more to commercial providers; in our field, in-room facilitation is a specialised skill and could not be delivered by council or state government staff.

While there is capacity for internal delivery, we would challenge if the more desirable approach (per the 3 item list in item (a)) is to centralise a core set of engagement skills. The in-house pressure to deliver engagement results aligned to a council's leadership team goals is generally insurmountable.

(c) standards of conduct, including preparedness, to be expected in community consultations;

In this answer, we interpret "conduct" as referring to operating principles.

A 1-page Charter around engagement would result in an uplift in quality.

Consider this simple outline:

We will engage with a **representative** group of the community, not only the most engaged.

We will ground this in a **diversity of sources of information**, and respond to questions of fact within 7 days.

We will commit that the amount of **time** offered to the community is commensurate with the importance of the issue at hand.

We will ask an **open question**, not seek to sell you an answer.

We will offer the community the chance to make any recommendation and to **provide a substantive response** within 45 days.

While seemingly obvious, most government engagement adheres to *none* of these principles.

We would recommend pairing this with a concise set of Reference Designs which give an outline of methods to practically apply this at varying levels of scale (from simple, at-home document-based consultation at minimal cost, to single day Deliberative Polls to multi-day Citizens Assemblies).

We would also reiterate the point above that executive leadership needs to have some awakening that community engagement can offer solutions to problems, rather than *being* the problem they need to defend against. The court system shows people are capable if you get the format right; at present, many of the formats are mismatched, and this is the root cause of the problem.

(d) groups or regions who are underrepresented by existing consultation practices, and options to improve their engagement;

Engagement participation skews heavily toward those of older age, and those with a direct (or activist) interest.

The most obviously missing group is regular people with regular jobs.

Too often engagement practices veer in favour of drumming up large numbers as a trophy point to demonstrate engagement. It's the wrong metric to use. The measure for a successful engagement should revolve around whether the decision changed (i.e included citizen recommendations), and whether it was generally trusted.

We improve engagement by making it worth people's time. If you think the decision is a foregone conclusion, then the rational choice is to ignore it. Asking open questions at the beginning of a policy discussion, and then engaging a small, randomly-selected representative group, shifts these incentives.

Today, we have an Electoral Commission, and as the most trusted part of government, their role should be kept narrowly focused just on elections. We think it should be complemented by a Democracy Commission which deliver the non-electoral innovations in democracy.

There is one highly specific interaction between the two we would like to bring to the Committee's attention. Citizens widely understand election day, and part of the power is that all elections occur across the state on the same day. If you adopt the principles of the proposed charter, then a single week when randomised invitations are distributed across the state would be both symbolically and operationally effective. It would clearly communicate that this is *the* main engagement path, and also offer significant cost savings (lottery recruitment is expensive at council level).

(e) the Engage Victoria platform, its use and effectiveness, and areas for improvement;

When Qantas sends you a survey, do you believe – or see – the airline act on the results? Most people think not.

The question of this platform's usefulness is better answered by decision-makers, but as an outside observer it seems to offer a limited range of 'tick the box' (and move on) options.

Consider the simple draft 'Charter' outlined in item (c) above.

Work backwards from an ideal situation: picture a platform where – occasionally – citizens have been able to set the agenda (MPs unaware of an issue being of major community concern and choosing to address it). Or alternatively, where citizens have contributed an idea which a government has been able to act.

If that is the goal, then a platform only offering surveys and submissions can never get there. The City of Madrid took a fundamentally different approach by applying deliberative principles.

(f) best practice community consultation in other jurisdictions in Australia and other comparable countries.

This is the section where we have the most exposure, as we frequently asked for advice from foreign jurisdictions. For the sake of brevity, we want to highlight three examples.

Brussels Parliament has created a 'mixed committee' format where a parliamentary committee (already deliberative in nature) adds a stratified random mix of everyday people for a single inquiry. It has been applied effectively in areas of deadlock and high controversy. One key marker of its success is that the method has been retained following changes of government.

Baden-Wurtenburg (Germany) deployed a centralised community engagement function available to state and local authorities. We have attached a summary paper to this submission detailing its approach.

CESE (France). Pres. Macron has been a leading, high profile user of deliberative approaches. A parliamentary agency (Economic, Social & Environmental Council) was initially responsible for assembling and sharing industry and stakeholder views to parliamentarians. The agency was re-tasked to add the additional view of everyday citizens broadly according to the principles we have laid out above. While initial projects had some challenges, the rapid escalation in engagement quality over 2-3 years highlights the value of a centralised agency and one with visible top-level political support.

Two key reference publications are widely referred to and should be of value to the Committee:

[OECD](#) – ‘Deliberative Wave’ – Innovative Citizen Participation & New Democratic Institutions

[UNDEF](#) – UN Democracy Fund ‘Democracy Beyond Elections’

Locally, utilities are delivering the highest quality of engagement, and we think this is due to the direct financial incentive attached to the ESC’s review and assessment. We assess this against the criteria in item (c) above.

Conclusion

The existence of this inquiry is a positive development.

Engagement that is substantive and well-structured can deliver the same trust dividend as we see from juries in the justice system. We note the irony that it is generally more controversial to approve a building than it is to imprison someone for decades. In the former regular people have a poorly defined role, and people infer negative reasons as being behind this.

We cannot educate the entire population about the complexity of an issue. What engagement can aim to achieve is to identify a group who can absorb the tradeoffs, and whom (like the courts) the rest of the community decides they are willing to trust.

Iain Walker
Executive Director

[newDemocracy](#)

Pier 8/9, Lot 1, 23 Hickson Rd.
Walsh Bay, Sydney 2000

Appendix. A. Key Principles of Deliberative Democracy

It is naturally difficult for large groups of people to find agreement on complex decisions. The OECD recommends a set of *principles* that make group decision-making easier. These principles improve the deliberative quality of citizen discussion by creating an environment for the consideration of the broadest range of sources while giving participants time, and an equal share of voice and an understood level of authority.

These seven principles underpin the growing wave of deliberative democracy processes around the globe:

1. **A clear remit:** A clear, plain-language challenge or question should be asked. It should be a neutrally phrased question that explains the task, shares the problem, and provides a strong platform for discussion about priorities and trade-offs. The question will determine the scope of the process, setting the boundaries for what the group is considering.
2. **Diverse information:** Participants should have access to a wide range of transparently sourced, relevant, and accessible evidence and expertise, and can request additional information. Citizens should be able to spend extensive time asking questions and identifying sources they trust for the information they need.
3. **Demographically representative:** A stratified random sample of the community should be recruited through a democratic lottery. Simple demographic filters (age, gender, education, location) are used to help stratify this sample to reflect the entire population. Most engagement by governments does not enable a representative cross-section of the community to be heard, instead, incentives to participate are often geared toward to those with the most acute interest. The combination of random selection and a meaningful opportunity to influence a decision attracts people from all walks of life.
4. **Adequate time:** These processes develop participants' thinking on a complex issue by giving them multiple opportunities to question experts, learn from one another and find agreement on trusted sources of information. As deliberation requires adequate time for participants to learn, weigh evidence, and develop collective recommendations, the more time they are provided, the more thorough their consideration of the issue.
5. **Influence/ Authority:** It is important to be clear about what impact the work of everyday citizens will have. The convening authority should publicly commit to responding to or acting on recommendations promptly. A meaningful opportunity to influence a decision must be demonstrated to participants before they commit their time.
6. **Dialogue and deliberation, not debate:** Group deliberation entails finding common ground; this requires careful and active listening, weighing, and considering multiple perspectives, every participant having an opportunity to speak, a mix of formats, and *skilled facilitation*. The task for the group is to find common ground on answers to the question, this emphasises the avoidance of simple majorities and challenges them with finding where they can agree.
7. **A free response:** A group should not be asked merely to (critically) review a government or parliamentary reform proposal. Instead, group members should be given a 'blank page' to provide their own set of recommendations with a rationale and supporting evidence that emerges from their shared learning.

Appendix. B. Why consider citizens' assemblies and deliberative democracy?

Across the globe, public authorities are increasingly using these representative deliberative processes to involve citizens more directly in solving some of the most pressing policy challenges. These processes give enough time and information to a group of randomly selected everyday people and facilitate their deliberation on an issue that leads to finding common ground on a set of recommendations.

Australia has been a pioneering, global leader in the development of this practice. OECD research¹ documents more than 48 examples of deliberative engagement practice here in Australia matched only by Germany. This suggests a national capacity to learn from experience and institutionalise these processes. The Victorian Government recently included mandatory deliberative engagement practice for local councils in its [Local Government Act 2020](#) (s55, g). The Western Australian Government's Local Government Act Review Panel also recommended in its [final report](#) the "mandate [of] deliberative community engagement in the preparation of both Community Strategies and Council Plans." (s37, d, iv).

[Evidence collected by the OECD](#)² and existing research in the field of deliberative democracy points to five key reasons why representative deliberative processes can help lead to better public decisions and enhance trust:

1. **Better policy outcomes because deliberation results in considered public judgements rather than off-the-cuff public opinions.** Most public participation exercises are *not* designed to be representative or collaborative. Consequently, they can be adversarial – a chance to air grievances rather than find solutions or common ground. Deliberative processes create spaces for learning, deliberation, and the development of informed recommendations, which are of greater use to policy and decision-makers.
2. **Greater legitimacy to make hard choices.** These processes help policymakers to better understand public priorities, and the values and reasons behind them, and to identify where consensus is and is not feasible. Evidence suggests that they are particularly useful in situations where there is a need to overcome political deadlock or make difficult trade-off decisions.
3. **Enhance public trust in government and democratic institutions by giving citizens an effective role in public decision-making.** People are more likely to trust a decision that has been influenced by the considered judgement of everyday people than one made solely by elected MPs.
4. **Make governance more inclusive by opening the door to a much more diverse group of people.** Deliberative processes, with their use of democratic lotteries and stratified sampling, bring in people proportionate to their presence in society, making the group visibly representative in terms of age, gender, disability, education, and job type.
5. **Help counteract polarisation and disinformation.** Empirical research has shown that echo chambers that focus on culture, identity reaffirmation, and polarisation do not survive in deliberative conditions, even in groups of like-minded people.

¹ OECD (2020), *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, OECD Publishing, Paris, <https://doi.org/10.1787/339306da-en>.

² Ibid.

Appendix. C. Background on constitutional reform and referendums in Ireland

In 2012, Ireland established a Convention on the Constitution by [resolution of both Houses of the Oireachtas](#). Its task was to consider several possible changes to the Constitution and make recommendations. The Resolution committed the Government to respond to each recommendation made by the Convention. It was comprised of 99 members, 66 of which were everyday Irish citizens chosen by democratic lottery, and 33 of which were Members of Parliament.

The Convention met over 18 months between 2012 and 2014. It discussed 10 issues in all. Several of its recommendations resulted in amendments to the Constitution made through referenda.

The Constitutional Convention used the model of deliberative democracy, in which citizens participate meaningfully in decision-making. This involves:

- A democratic lottery of ordinary citizens, who are provided with a range of information
- Expert presentations from speakers, some nominated by citizens themselves
- Facilitated small-group discussions to avoid groupthink and grandstanding
- Plenty of time to consider all the perspectives on an issue
- An emphasis on working to find common ground positions with people different to your 'bubble' rather than it being an individualised activity
- Recommendations fed into the political process are written entirely by citizens

We ask the Committee to especially note that the Convention considered the provision for same-sex marriage which required amending the Constitution by referendum. The Convention recommended such an amendment and the subsequent referendum on this proposal passed on 22 May 2015, and the [Thirty-fourth Amendment of the Constitution \(Marriage Equality\) Act 2015](#) was signed into law on 29 August 2015. **This made Ireland the first country in the world to legislate for same-sex marriage in a traditionally socially conservative country through a process that required constitutional amendment by referendum.**

| Note: We have no policy view on any issue – these examples are used to demonstrate their clear political difficulty.

Arguably, the provision for same-sex marriage would not have been put to the Irish people during the socially conservative *Fine Gael* government's tenure if not for the clear recommendation of the Convention. Including representatives of all the parties in the deliberations (33 political members came from all the parties) ensured a high degree of cross-party consensus in favour of the process — both in favour of the referendum and in favour of the Convention.

In 2016, following the success of the Convention on the Constitution, both Houses of the Oireachtas established what is known as [The Citizens' Assembly](#). The Resolution asked the Citizens' Assembly to consider several matters including the Eighth Amendment of the Constitution which prohibited abortion.

The Assembly was composed of a chairperson, appointed by the government, and 99 ordinary citizens '[randomly selected so as to be broadly representative of Irish society](#)' in terms of age, gender, social class, and regional spread.

The assembly deliberated on the Eighth Amendment throughout five sessions from November 2016 until April 2017. Members were given information on the topic, heard from 25 experts, and received 12,000 submissions from members of the public and interest groups.

The Assembly members overwhelmingly agreed that the constitutional provision on abortion was unfit for purpose and that its article should not be retained in full ([87% of members](#) agreed). The Assembly members also made a [series of recommendations](#) about what the legislation should cover and about the term limits that should apply.

As per its terms of reference, the Assembly submitted its recommendations and [final report](#) to the Oireachtas in June 2017. The Assembly's findings were reviewed by the Joint Committee of both Houses of the Oireachtas, which agreed with the need to remove the article, but advocated a [simple repeal](#) (without inserting a new provision in the Constitution). The [final Referendum Bill](#), however, accorded with the 'repeal and replace' recommendations made by the Assembly.

The Citizens' Assembly results initially faced criticism. Some commentators felt that they didn't represent the views of the public. [Opinion polls](#) at the time certainly showed a different picture. An Irish Times/Ipsos MRBI poll in May 2017 found just 23% of the public in favour of legalising abortion in all circumstances. However, once the public had had a chance to consider the matter more deeply during the referendum campaign, the results were strikingly like that of the Assembly. In the Assembly, 64% voted in favour of "terminations without restrictions". In the referendum, 66.4% voted in favour of repealing the eighth amendment, effectively legalising abortion in Ireland.

That the referendum result so closely reflects that of the Citizens' Assembly shows that the Assembly was more aligned with the national consciousness than some had thought. Notably, in exit polls approximately 40% of voters could name recommendations and insights emerging from the Citizens' Assembly process, demonstrating that it connected with the wider population.