

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Community Consultation Practices

Melbourne – Friday 22 August 2025

MEMBERS

Ryan Batchelor – Chair

David Ettershank – Deputy Chair

Melina Bath

Gaelle Broad

Jacinta Ermacora

Wendy Lovell

Sarah Mansfield

Rikkie-Lee Tyrrell

Sheena Watt

WITNESSES

Iain Walker, Executive Director, newDemocracy Foundation; and

Dr Emanuela Savini, Practice Lead, Centre for Deliberative Democracy and Global Governance.

The CHAIR: Welcome back to the proceedings of the Legislative Council Environment and Planning Committee's Inquiry into Community Consultation Practices. Thank you to our next set of witnesses.

All evidence that we take here is protected by parliamentary privilege as provided by the *Constitution Act 1975* and the provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during the hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of the Parliament.

All evidence is being recorded, and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and published on the committee's website.

Welcome. My name is Ryan Batchelor. I am the Chair of this committee and a Member for the Southern Metropolitan Region in the Legislative Council. I might get my colleagues to introduce themselves.

Sheena WATT: Hello. Sheena Watt, Member for Northern Metropolitan Region.

Wendy LOVELL: Wendy Lovell, Member for Northern Victoria Region.

Rikkie-Lee TYRRELL: Rikkie-Lee Tyrrell, Member for Northern Victoria Region.

Melina BATH: Melina Bath, Eastern Victoria Region.

Gaelle BROAD: Hi. I am Gaelle Broad, Member for Northern Victoria.

The CHAIR: And online we have –

David ETTERS HANK: David Ettershank, Deputy Chair, Western Metropolitan Region.

Sarah MANSFIELD: Sarah Mansfield, Member for Western Victoria.

The CHAIR: Thank you so much for coming in. For the Hansard record, if you could each state your name and the organisation you are appearing on behalf of, that would be great.

Emanuela SAVINI: My name is Dr Emanuela Savini, and I am here on behalf of the Centre for Deliberative Democracy and Global Governance from the University of Canberra.

Iain WALKER: Hi. I am Iain Walker from the newDemocracy Foundation.

The CHAIR: Thank you both for joining us today, our first day of public hearings. You are our second witnesses, so we really appreciate the time you are taking to give us the benefit of your expertise as we make this Inquiry into Community Consultation Practices here in the state of Victoria. What we might do is hand the floor over to you if you want to make a brief opening statement, each of you. Then we will go into questions, as you saw before. I do not know who wants to go first. I will leave it up to you.

Emanuela SAVINI: Do you want me to go first? I do have an opening statement, which Iain has already told me it is too lengthy.

The CHAIR: Excellent.

Emanuela SAVINI: I am the Practice Lead at the Centre for Deliberative Democracy at the University of Canberra. Deliberative democracy is a type of democratic practice, which I will talk a little bit more about. At the centre we have one of the founding thinkers of deliberative democracy, Distinguished Professor John Dryzek. My role there is Practice Lead. My research has focused mainly on the implementation of the

deliberative engagement mandate for Victorian local government as part of the Victorian *Local Government Act*. I looked at how local governments interpreted and applied those practices. Most of my points really relate to deliberative engagement, but they capture consultation more broadly.

I want to begin by emphasising that deliberative engagement is not simply another consultation practice; it is a democratic practice that, when done well, actually helps governments and communities work through complexity and disagreement. While the Victorian *Local Government Act* did create a more enabling environment for these practices, without a clear definition of what deliberative engagement actually is it has been interpreted in ways that undermine its core principles. At the centre we define ‘deliberative engagement’ as a range of methods designed to foster inclusive, informed and reflective conversation among citizens and stakeholders aimed at finding common ground. Unlike debate, which is often about persuasion and winning, deliberation is about weighing evidence, listening to diverse perspectives and collectively navigating trade-offs.

In a polarised world deliberative spaces matter, we believe. They do not always bring consensus, but they do help people understand issues and the trade-offs involved. These processes also counteract some of the more corrosive forces in our democracy: polarisation, disinformation and disengagement. When people actually have the chance to listen, question and weigh evidence together, they are less likely to retreat to their entrenched positions and more likely to recognise the complexity of issues. So the potential of deliberative engagement is clear, but government has yet to harness it. To do so we believe we need stronger expectations about the quality and the transparency of how engagement is designed, delivered and reported. Improving the quality is not just about how the processes are designed and delivered, it is also about how they are reported and evaluated, and we heard a bit about that with the Engagement Institute earlier.

So how do we know if a process has been successful if we do not have a standard understanding of what ‘good’ looks like? At present we believe there is too much weight placed on community satisfaction surveys. These are problematic because dissatisfaction often just reflects disagreement with a decision rather than flaws in the process itself. I looked at many of the submissions to this inquiry which came from people who were dissatisfied with a decision of government. They argue the consultation process was at fault. Now, I cannot comment on all of those consultation processes, obviously, but I think that it is clear from those submissions that there is need for greater transparency about the factors that informed those decisions and the influence that consultation can realistically have. I agree with the Municipal Association of Victoria’s recommendation to encourage greater disclosure of engagement methodologies, reports and findings and to require agencies to publicly respond to how feedback has informed decision-making, even where the final policy decision diverges from that feedback. It may not remove disagreement, but it would at least make that decision process more clear and more transparent to community.

We need to think about the integrity of engagement. Just like electoral integrity makes sure that elections are fair and transparent, we need that for consultation. Through ARC-funded research my colleagues at the centre actually looked at deliberative integrity and identified some of the common risks that can undermine integrity in processes. These include excessive control by commissioning bodies, rigid and formulaic approaches to design, weak governance processes and uncertain impact of consultation on actual decision-making. These risks highlight we need to pay more attention to the integrity so that engagement can be consistent and trusted. At the moment what this looks like is really unclear. There is no clear accountability for councils adhering to engagement requirements of the legislation, and it leaves a lot to interpretation. I am not suggesting that engagement should be compliance-heavy, but some structured expectations around accountability mechanisms would provide better consistency, help councils and agencies know what ‘good’ looks like and give communities more confidence in the process they are being asked to be involved in. Importantly, these should be developed collaboratively with agencies and local government.

I just would note also that to date the state government has not undertaken, as far as I can tell, any systematic evaluation of the legislative changes or its own community engagement framework, which includes some really strong sections on evaluation. Much of the reflection and the capacity building has instead been left to practitioners themselves. For example, next week’s Big Deliberative Debrief will bring local government officers together to exchange lessons and strengthen practice, but practitioners have organised this event. This demonstrates both the initiative within the sector and the demand for improvement, but it also highlights a gap of evaluation and capacity building, which should not be left to practitioners alone. As the author of the legislation, the state has a responsibility to play a stronger role in that work.

I will just finish on this: practitioners and local governments I think have shown real commitment to improving engagement practices. I recognise it is not perfect, but there has been genuine progress. Communities too have shown real, clear willingness to participate when given meaningful opportunities. What is needed is leadership from government to support these efforts with the right balance of better evaluation and serious investment in capacity building, I believe. Rules and compliance alone will not get us there. If Victoria wants stronger consultation, it must back the people already doing the work and support them to take it further. Thank you.

The CHAIR: Thank you, Emanuela. Iain.

Iain WALKER: Thank you. Thanks for the opportunity to be at the inquiry. I noted in the opening session a lot of questions about case studies and examples came up. We are a practical organisation – we design, operate and oversee projects, so we are hands on. We tend to take on the hardest projects. When Premier Weatherill wanted to explore whether to have a high-level nuclear waste facility in Australia, we ended up with that. When the Irish government wanted to reform abortion law, we offered technical advice there – and so on for the Bundestag and French Parliament. Hopefully we have got a lot of active, live case studies to share on hard engagement examples.

Where the Engagement Institute is very broad across all forms of practitioners, I sit in front of you as a one-trick pony. We only see value, really, in the deepest form of engagement. The little provocation I would like to leave with you is simply: as a society we have a trusted means that will see people locked up for 25 years and everyone says, ‘That’s fair enough,’ but try to approve a building, try to approve a powerline, and the mistrust is immense. We think there is a huge lesson sitting inside the jury system for how you reach trusted decisions and involve people in a substantive way, and we have made a short, late submission. What I hope to explore with you is I think similar to some of the prior speakers today – in one page, in five principles, you could put real standards around what you do, and we think that is where the most impact will come from. And if you go one step beyond that, reference designs are akin to a recipe book. We are asking a lot of government agencies to do complex things. They are not doing it especially well, but they are getting no help. So they would be the two steps I really hope to explore with you today.

The CHAIR: Thank you. There is a lot I want to get through. I will just start. ‘They’re getting no help’ – where should the help come from? Who should be providing it? What is the form of help that you think government needs to get better?

Iain WALKER: The ideal that we have put in – and I’ve attached a supplementary paper. The Baden-Württemberg German example is really interesting, because I think what got touched on through some of the questions is that by having project proponents or councils do it, you are building in a conflict of interest – they are expected to deliver a ‘yes’. You need to overcome that problem. It is why in the court system we have a pre-agreed structure, and you do not get to pick and choose how that works depending on the offence. We are a stopgap. As a charitable research foundation, we hope to do ourselves out of existence in the next 10 years and not be needed. We tend to provide that design element, give it to government and let them tender on that basis. We do that on a non-commercial basis. Again, we would love to not be doing that.

We see an avenue for a very small centralised agency. To give you context, the Irish government has an office of deliberation that hangs off the Prime Minister’s office – it is five people. The core design in what we do is extremely simple. The principles we advocate for are the five most obvious things you will hear today; it is just that nobody does them. If you ask at any engagement, ‘Are we hearing from a representative sample of the population? Are they considering diverse and contested information? Are they answering an open question? Is there some pre-agreed level of authority? Is there enough time for the complexity of the issue?’ you will come up zero for five on almost every occasion. That is the problem I most hope the committee addresses.

The CHAIR: Thank you.

Emanuela SAVINI: Yes, I mean, I would say that there are plenty of standards that exist. The Victorian *Local Government Act* has its standards, the state government has its standards – they are pretty thorough. It is actually how we evaluate those processes, report on the transparency and how we report on those processes that I think is the main –

The CHAIR: I was interested in the *Local Government Act* changes. Is there any reporting under that?

Emanuela SAVINI: There is no apparent accountability measure. As far as I know, the Victorian Auditor-General last looked at community engagement 10 years ago, over a decade ago, and at the moment it is even left to councils to define for themselves what they believe deliberative engagement is. I do want to say I do not think compliance on its own is the answer. It is about being transparent and evaluating processes but with a capacity-building lens, not just saying, 'That was terrible.'

I heard that you were asking for case studies. I think case studies are great if they are used for the purpose of capacity building.

The CHAIR: Right. If we get case studies, how should we be expecting to use them well?

Emanuela SAVINI: That is right – to derive the learnings from them and to then be able to apply them in practice. If they remain a good news story, that is great. Places win the awards, you get to put it on your – but what did we learn from that? How have we built the practice? So I think case studies are an important mechanism. At the centre we recently wrote a guidebook for deliberative engagement for the New South Wales government that has been taken up federally. This guidebook does not have a prescriptive 'You must do this'; it has features of deliberative engagement, and then it provides checklists and it provides case studies and it will be rolled out with training so that we are providing really clear examples of what is needed and what good practice looks like and then some examples and training to support the practitioners to do the work.

The CHAIR: In the local government example, why don't you think that local governments themselves, or collectively the agent, the local government bodies – you said that there was a review mechanism that was set in place by the practitioners themselves rather than the councils. Why do you think that is?

Emanuela SAVINI: There does not seem to have been any interest from state government to look at how the deliberative engagement practices have been implemented. I would also say that with the legislation as it stands, given that there is no definition and given that it is left to councils to define for themselves what deliberative engagement is, evaluating how people have defined something – I am not sure what sorts of standards we might expect in that evaluation process. I do think that there needs to be more clarity about the expectations, but like I said, also perhaps adding some mechanisms for accountability and transparency.

The CHAIR: I might leave it there and go to Ms Bath.

Melina BATH: Right. This is an easy discussion, isn't it? It is wonderful and massive. In your document, Iain, you speak about a community engagement charter. That is the first one – just expand on that. A charter is only as good as its operation, unless it is adopted. We are a committee; we are going to make recommendations. How could we make recommendations to government with an engagement charter that can filter through to the grassroots where it is needed?

Iain WALKER: Thank you for the question. The principles are in appendix A of that document. We think part of the efficiency is to have them on one page. We design for public trust. There are no right answers in public policy. There is an answer where the greater part of the community says, 'Well, that's fair enough,' and that can change from place to place. We also design defensively: we are looking at how to cheat. If you want to cheat community engagement, what do you do? You constrain the flow of information. That is the straightest thing. If you control the sources, you can make absolutely any output come out. So what should your engagement principle be? That you curate the active stakeholders for a diversity of sources, but that you always allow citizens to have questions and follow up and nominate sources of their own. You control who is put in the room. That is why we are advocates for lottery selection as always a final step. As you would have heard, the number one way you constrain an engagement: time. I have done 32 projects. Candidly, two have really properly blown up in our hands. What have we got wrong each time? If the time is too short, things go awry. There is a certain point where you say, 'It's too late. Don't engage.' Just say: 'We haven't got the time. We go ahead.'

The way a charter works is to put those bounding principles – I think in your analysis of the *Local Government Act* requires deliberative engagement. Almost none of them did a lottery selection. The OECD principles around this, which we were part of the drafting of, actually require that. You can see this departure straight off the bat, because they did not want to do it. It goes to the Chair's question earlier: 'Why is there a gap in quality?' I would give you the uglier answer: council exec teams learn how to run their mayors, and engagement can be disruptive to that, so they try to shrink the scope and shrink the risk. A good charter and a

good set of principles will actually create foundation stones that make engagement harder to corral down a path.

Melina BATH: Thank you. A great example is local government, but we are making recommendations for state government. We have heard if governments are constrained with money – ‘We’ve got to cut, cut, cut to still deliver a service’ – is some of the cut in engagement so that there is less engagement but we have still ticked the box? Can you speak to that? I guess my question is: how can engagement and consultation add value and efficiency and better outcomes to a project, for example, in a constrained fiscal environment?

Iain WALKER: Certainly. I will take that first, if I may.

Melina BATH: Sorry, I was looking at both of you.

Iain WALKER: We would be advocates for less but better. One of the most positive elements of the *Local Government Act 2020* is to say, ‘You will consult on your budget and financial plan.’ That is the strongest element. Why it includes the council vision – that is probably a waste of resources. It does not make any sense to apply deliberative engagement to that. In terms of the cost efficiency, there are all sorts of engagement activities you could not do. Budgeting sliders on websites that go up and down – does any decision-maker learn something from that? Just start to not do the low-value activities. We run things through one filter: will citizens feel heard? And the minute you are departing from that just to hit a metric, just avoid it.

The last point to consider in that question: if you walk out in the city, there will be some wonderful buildings that took 2½ years to approve that will rent out for \$50 million a year. A huge part of that lag – a huge part of the housing lag we see everywhere – is because of the inefficiency of engagement. The minute you say, ‘I’m building a large building,’ who do you hear from? You hear from the two people next to it, who form an action group, who then base things on no information, who do not have enough time from government and then feel constrained, but then that permeates into political pressure, which delays the decision. There was a question in the first session: why do engagement? Because we need to make trusted public decisions and trusted long-term decisions. That is where the huge cost efficiency comes from. I do not do this job out of a positive view that we should just engage people from a hippie, happy-clappy point of view. We do it because there are limitations to what people in elected office can do without a wall of public opinion hitting them. We need to solve that public opinion problem.

The CHAIR: All right, thank you. Mrs Tyrrell.

Rikkie-Lee TYRRELL: Thank you. I am just curious: are you aware of any other governments – say, in Australia or internationally – that have a set of public consultation and engagement standards that you think we could look into that might set a good example, that we could learn from? Are there any that stand out?

Emanuela SAVINI: Sure. I was going to add something to the last question as well.

Rikkie-Lee TYRRELL: You can do that now first if you like.

Emanuela SAVINI: I was just going to say, deliberation is about the trade-offs, looking at the trade-offs. There are many examples of where deliberative engagement actually has supported communities to understand the complexity of the issue, but also, if we choose this, if we prioritise this, then we are going to lose this. I think that social licence is a very important thing for any government decision-making, having that social licence, and deliberative processes or consultation build that social licence. So if you are going to be cost-cutting engagement, you are actually potentially inhibiting the actual social licence of the support of your constituents in that process, which will probably end up costing more. I think Professor Sara Bice would have more to say on that.

In terms of standards, I had a look before the inquiry at the Victorian state government standards. They are very good in my opinion. They have some very strong measures and some evaluation, so I do not think that you are starting from scratch. There are also standards for deliberative engagement. NewDemocracy Foundation has created some; OECD has created some. We are about to launch a guidebook. You can derive from those. But I would say that what you have in place is about increasing the transparency of how these are actually being applied and how decisions are being made, and I do strongly believe in the evaluation of those processes so that we can learn from them.

Iain WALKER: I would look at the OECD.

Emanuela SAVINI: Yes.

Iain WALKER: OECD – it is nicknamed ‘the deliberative wave’, but they looked at all forms of engagement and they landed on basic things, such as, for an issue of budgeting, anything under four days spread across a couple of months being performative. OECD is a great starting point.

Rikkie-Lee TYRRELL: Okay. Thank you. I have been to quite a lot of community consultations where the entire community have packed out the halls, they are out on the street, and as they are being consulted the tension builds, it gets worse, so the consultation process has failed. How can we as a government fix those situations or regain the trust of our communities and deliver a better consultation process?

Iain WALKER: I will be concise: go early. The question about VNI, I believe, came up earlier. We often have this come down as ‘We’re going to build transmission lines here or here.’ Very few decisions are binary. If the federal government had started earlier with ‘How can Victoria meet its power needs for the next 20 years?’ – that is actually the question. If you let citizens solve that question from first principles, you would knock out a lot of tiny downstream engagements that get bogged up. We would always say to go high and go early. It goes to, I think, the strategic point that was made. A little anecdote that tends to stick in people’s minds is: go home tonight and tell your partner that you have booked them for the dentist at 10 o’clock on Tuesday and see what reaction you get. People hate it. People hate being told what to do. If you ask someone how they plan to have teeth when they are 80, it is, ‘I should floss more. Actually, I should book the dentist.’ Ask the open question, and trust builds. We found that absolutely consistently in the high-quality projects. If you get to the last step and give people a tiny choice, they are going to react.

Emanuela SAVINI: I was listening to what Amy was saying before about how if you need security guards at a consultation, you probably know that that was not the right moment to have a public hearing. Most of us will come to a topic with a kind of inherent position, right? Deliberative engagement encourages us to listen to the other perspectives and then try and find common ground. It is not perfect for all occasions. There are sometimes public hearings that are required. But it sounds to me like if you are at a public hearing where there is a whole lot of outrage, then that is not the right engagement method to begin with. The other thing that I was reflecting on when I was sitting in the audience is sort of not starting from scratch. Engagement has always been precursed by other engagement, in a time of consultation fatigue. But we sometimes start these processes like they are from scratch, like nothing has happened here and we are coming into this new. Recognising the history that has happened in those communities and meaningfully engaging with that history and saying, ‘We know that you’ve been asked this question 10 times, and it hasn’t come to a satisfactory point,’ and actually bringing that to the beginning of the conversation I think helps, because communities will feel really tired and exhausted. How many times have you probably heard, ‘We’ve told you a million times. We’ve been consulted about this a million times.’ We pretend that it is from scratch, and it is not. It never is.

The CHAIR: Ms Watt.

Sheena WATT: Thank you. Thank you both for being here and for your opening address. I just want to take a moment to go to the submission made by you, Mr Walker, where you directly answered according to the terms of reference – and can I thank you for that – with a particular interest in (f), which was about best practice community consultation in other jurisdictions, on page 4, in other comparable countries. You had some really interesting examples that I want to take a moment to explore. In fact I am particularly interested in this Brussels Parliament mixed-committee format. Can you talk to me about this? I am trying to understand it and what this means for us as community members, because if we are in fact not best practice as a committee, how is it that we are doing a report to the rest of the state on what is indeed best practice? So I am kind of interested to explore Brussels Parliament. What is that model, and can you talk to us about it?

Iain WALKER: I am so appreciative of the question. It almost feels staged, because it is what I wanted to discuss. I think there are many issues that end up coming before committees. Part of my job is to liaise with these people in different countries. And the proximate issue is – I did speak to the inquiry manager there, and I said, ‘Why on earth? Deliberative issues work when they are resonant to people’s lives: the council budget or major transmission projects. People understand it is relevant.’ And I said, ‘Why would you do 5G telecoms?’

And he laughed and said, 'In Belgium 5G telecom is like abortion law in Ireland.' It had been a five-year political deadlock of being unable to move, and they were using it as a –

Sheena WATT: Are you talking about the phone towers – the 5G?

Iain WALKER: Yes. It was one of those things that people got hold of, and it was unable to be resolved at a political level. So the genesis of it: the original project in Ireland – in what we do, Ireland is the leader and high watermark by a long way – against all good advice, was to blend 66 randomly selected citizens with 33 MPs. No-one thought this would work. It was the single greatest thing they did. We argued against it; we were completely wrong. What did it do? There was a two-way trust-building exercise. Citizens started to realise that MPs from both sides were very reasonable people, because they were starting to spend a long time with them instead of just seeing 20 seconds on the news. Equally, for the elected members, they saw a different cohort of citizens than they normally would. The citizens who are maybe at an electorate office door are about three notches angrier and have no real incentives to read. Everyone has learned from that. It was the Brussels Parliament realising that there had been a dividend out of what had occurred in Ireland. For context, most of their committees are 15-member committees, so the numbers are built –

Sheena WATT: Fifteen members of Parliament?

Iain WALKER: Fifteen members of Parliament, yes. I think there are five parties that tend to be dominant in Belgian politics rather than, with respect, two in Australia, so they built the numbers around that. The core of it is the idea of a blended model, that it benefits elected members to have people who are not advocates, people who are not in activist groups, just regular people – again, akin to the court system – deeply immersed in an issue, and if they find common ground it actually spreads the wider public trust. The core element is this committee. Committees are deliberative in nature – diversity of sources, information, extended time, everything I am asking for or hoping for in this charter you do. All you have really got to do is add a component of citizens. The core of that model was done for public trust on issues which become blocked. The last technical point is they apply it to a committee on an as-needs basis. So it can be applied to a committee looking at transport, it can be applied to one looking at planning, but there is only one active at a time. We would love to see you trial it, and we would help you do it for free.

Sheena WATT: Well, there you go. That is something for us to certainly consider in the deliberations of this committee. Thank you. I thought I would throw that one in there. I am particularly interested to talk about who in fact are mostly engaging in public engagement processes, where that skews, what your views are on that and how we can change it, because clearly that impacts the information that we are getting and the views made by decision-makers.

Iain WALKER: We advocate for stratified lottery selection, which really simply is a random selection where you tell it to match the census profile by very basic variables, so if you start to trick up the variables too far it ceases to have value. We say 50–50 by gender, follow 10-year age bracket, follow geography and ask people if they own or rent where they live. In our experience Australians do not answer honestly when you ask them for income and education; they just do not like the question. But once we started asking that, it was like flicking a switch. We could see blue-collar, white-collar, no-collar people in the room. The reason I am raising that: when we do several thousand invitations out there, who responds in highest numbers? Over-65 males, by volumes. Hardest group to reach – 18 to 24, and good luck to them; you should have better things going on in life at that stage. Why stratified selection works is, if the population is 7 per cent 18 to 24, the draw just locks to that number. It gets a little unrepresentative, but you still end up with a balanced room.

The CHAIR: That is time. Ms Broad.

Gaelle BROAD: Thank you very much for your contribution. I appreciate it. You made a comment in the opening remarks about excessive control over decision-making and the impact that has on engagement, and I guess I am just interested – again, a practical situation in northern Victoria. There are a lot of renewable energy projects, and when it comes to engagement there is not much discussion, even between neighbours in some situations. There are companies that do not want to host meetings or engage with the local community on projects. We have had the government remove the right to appeal to VCAT for projects. Then we had the announcement just recently of the expansion of renewable energy zones, and that was issued on a Sunday. So

there are a lot of people that do not feel that whole situation is being handled very well. I am just interested, with your insights, as you look at the rollout of renewables, in what your thoughts are.

Emanuela SAVINI: Well, you have just demonstrated that research perfectly. The research looked at what was inhibiting the integrity of engagement processes, particularly deliberative engagement processes. That was one of the findings, which I think you have given a perfect case study of. That is the research – that these sorts of factors affect integrity. If we think of integrity like electoral integrity and that communities and our systems deserve fair and open processes, then that is inhibiting it.

Gaelle BROAD: Yes. And do you have any thoughts? You have dealt with big projects, so I am just interested – renewables is a big one.

Iain WALKER: There is a rule of thumb we often apply: local government tends to be the best at engagement, state government is in the middle and federal is the worst. To some extent, without coming in and understanding the full detail, there is some measure of the federal government tending to be the worst tier for engagement. That can set you on a negative path. I think the challenge you often have is that there is some Where's Wally engagement that goes on. Here is our draft plan; we engage; I have a cover sheet now that says we did 13 drop-ins and 52 people attended – and it is exactly the same plan. You have to start with the problem to solve, and the engagements very, very rarely do.

One of the challenges we faced with the *Local Government Act* – and I am happy to give you more background on this – is that it largely emerged from two very successful projects that we did, one with City of Melbourne budget balancing and one with Geelong, who periodically have had their council dismissed for corruption in increasingly entertaining ways.

Wendy LOVELL: Corruption is a very strong word.

The CHAIR: It is all true, so keep going.

Iain WALKER: In each of those cases it started with a problem to solve. Once you had the Act they were now required to do it – they are not starting with a problem. That, we have realised, is a huge challenge. What we do is the slowest and most expensive form of engagement. Why did it make sense at City of Melbourne? A \$400 million-a-year council was overspent by \$1.22 billion over 10 years. I think it was Cr Mayne who fairly publicly said, 'It's not that we couldn't work out how to resolve this, it's that we couldn't discuss it.' That is a deliberative sweet spot. That is the absolute go point. I think that is the parallel – you have to start from, 'We're stuck' generally. We accept that we are the last phone call people make. If you could solve it any other way, you would. Sometimes it just takes repeated failures before it arrives on our desk.

Emanuela SAVINI: I just recently wrote a thought piece with the person who was the manager of engagement at City of Melbourne when they had that successful piece, and I just wanted to comment that the organisational culture and the authorising environment emerged from four years of building up to councillors feeling confident enough in those sorts of practices to be able to have a deliberative process around the budget. It did not just happen without a whole lot of work that happened in the build-up to incrementally build confidence in these processes and incrementally build organisational buy-in to these processes. You have to start with an authorising environment, which includes executive and elected members who say, 'Yes, this is a good process.' That does not happen just because they heard that the council next door did it. It happens over a period of time of capacity building.

The CHAIR: We might have to go to the former councillor for the City of Greater Geelong, Dr Sarah Mansfield.

Sarah MANSFIELD: Thank you. Just for clarity, I was elected in 2017, post the sacked council. I was not one of the sacked councillors. But on that, that was a good example of establishing a citizens assembly – I cannot remember exactly what the term was, but they came up with a whole load of recommendations that were then implemented to help shape the structure of the new council. However, I note that a lot of that has been wound back with further changes that were then made by the state government. While the community had the opportunity to have input into 'What direction do we want our council to take going forward?' and that was a really productive thing, what are your reflections on then – I mean, I think of the example of moving to a multi-member ward structure which came out of that process. The state government has then come in and

created single-member wards across most of the state now. How do you ensure that if you go through one of those processes, the community continues to be able to have input, or that input is not just disregarded a few years down the track when everyone has forgotten about whatever disaster got you into that problem in the first place?

Iain WALKER: The short answer is: as a research foundation, we continually look at parts that are not working and refine the methodology. When we talk about authority, it does not mean elected representatives are bound. We are simply looking for the citizens report being made public immediately, a fixed timeline for response and essentially face time between elected representatives and the participants. They feel respected, and you add more nuance to the conversation. Originally we had always looked at the political decision, so we were seeking follow-up essentially 60 days after project completion. What we have learned from instances like this is that the follow-up should be 60 days, one year and two years – just three little very simple 90-minute pieces – because we have often found that, while we might get a political decision from the elected tier, the implementation, particularly by council officers, can simply revert back to old practice. You gave a different example there, but the most common one is that citizens will balance a budget a certain way, it will resolve an issue and council will pass it. Over time you can start to see this steady departure. We think the solution lies in that authority principle, were you to have a charter. The best practice is to have the feedback 60 days after, but then one year and two years after would close that loop.

Sarah MANSFIELD: Great. The other thing I was interested in – earlier you pointed out that in an ideal world you would have the primary problem that you are trying to solve presented to the community in some way for them to solve. You gave the example of energy security and giving the community that kind of broad problem and looking at what options come out of that. We are often in a situation where, as you said, we are a lot further along the process and that government has made, for whatever reason, a decision about: ‘Well, this is the path we’re going down’ So the community does not necessarily have that opportunity to do that really big picture direction setting. Are there still ways that you can improve the engagement and the capacity for community to have some sort of input into the decision-making or feel like they can be brought along the journey despite some of those big decisions already having been made?

Iain WALKER: If I can just answer you with a short case study example, we were approached by the Moorebank Intermodal Company. It is basically a federal government business enterprise that is building a massive freight terminal in western Sydney. They approached us when their security guards had stopped wanting to attend the community engagement meetings. To your point, the decision was clearly made. They kept on asking the community, ‘Have your say’ and ‘What do you think?’ and they were getting told in very three-dimensional terms what the community thought. As we said to them, ‘It’s called the Moorebank Intermodal Company. Does that give people a hint as to where they’re building this? It might be at Moorebank, so stop asking them if they want it.’ We changed the engagement to ‘We are building a freight terminal in your area’. Like many projects, they had a little slush fund of nice things to announce, like ‘We patched up the swings’ et cetera. We managed to get hold of most of that, and we said to the community – 24 people picked at random – ‘We are building a freight terminal in your area. It will be dirty, dusty and noisy and occasionally breach environmental rules. There is a fund that sits here. This is yours to spend. Tell us how it will help you live with it.’ The actual part of the question in play is what needs to be foregrounded, which goes to – sorry to be a broken record – why we care about this charter. Ask the part of the question that is actually in play. That is why we avoid the theatrics of engagement.

Just to round that out, they were basically given a million dollars to spend. They chose to spend 60 per cent of it on one item, where they said, ‘What we hate about these projects is that they always promise jobs for the local area and they go to people outside the area who are already the truck drivers and already the bulldozer drivers. There is a big unemployment problem. We want anyone in our area who lives within 2 kilometres of the site to be able to get a free TAFE scholarship’ – which is three to five grand for a trade skill. They confronted a trade-off. They stood in front of it. Hopefully that answers your question – focus the engagement on the part of the question that is actually open, and just be honest about the part that is closed.

The CHAIR: Ms Lovell.

Wendy LOVELL: After that, did you have to increase security?

Emanuela SAVINI: I want to sort of bring it back to – any sort of engagement needs to be meaningful, right? That is what leads to consultation fatigue, if you are asking people questions that they cannot have any influence over. I have got an example from DemocracyCo in South Australia, which I think is a really good one. They did deliberation around insurance schemes. They had third-party insurance schemes, and obviously citizens might not have the skills to be able to design a third-party insurance scheme. But what they did was they got the citizens to think about: what is the objective? What sorts of things do we absolutely need to have from our insurance? What are our non-negotiables? They got lawyers and experts to design up four different models for that insurance scheme, and then they brought it back to the community, back to the citizens panel, to pick which insurance scheme or hybrids of those insurance schemes they wanted to see. So it is possible, even with really technical and legal aspects. It just involves being more creative or strategic.

The CHAIR: Ms Lovell, did you want –

Wendy LOVELL: Often some of the most difficult things for members of Parliament to deal with are the social issues. We have spoken a lot, particularly with the former presenters, about consultation around infrastructure and how that can be done better, but sometimes the most difficult things are the social issues, because it does not just involve one community, it involves the entire state and often people who are interested from the United States or anywhere else via email. You mentioned in your opening address that you had done work in Ireland when they wanted to change their abortion laws in a deeply religious community. I just wonder if you could tell us how you went about that and how successful it was.

Iain WALKER: Certainly. There have been a chain of projects in Ireland. I had crossed paths with Art O’Leary, who was the Secretary-General to the President when that was done. We ended up speaking at a conference. That project had already occurred, and I simply made a remark: ‘I bet two elements of your project actually didn’t work’. And he said, ‘How did you know?’ That is how we got engaged. So we were engaged subsequent to the eighth amendment abortion law project. I think at the core of it they realised that if you were to do this through politics as usual, you would end up with interest groups on each side that would go head to head, and what they needed was a third voice. So they took 100 citizens, in this case, because they had done the 66–33 mix, realised that they trusted the process and left citizens to it. Why it worked is because the active interest groups, be they the legalisation group or the church groups, made their case to a group of people in the street. I think that comes back to where you see community angst – if people have to make their case to people in elected office or in an agency or a commercial engagement firm, the brain is ticking over that ‘This is fixed, this is against me; I’m never going to be heard’. One of the key benefits of a deliberative model is that it is a transparently fair hearing. If you cannot convince 35 to 40 citizens from your local area in front of you, then you kind of have to start accepting that you are wrong, and that was a little bit of what was borne out in the Irish example. We funded a documentary, and behind it, what was some of the most persuasive evidence – it was having a truck driver from County Cork who simply said, ‘I hate this issue. I don’t want to think about it. It’s awful. But I have learned that 320 women are dying every year, and that’s making me reflect that I have to start thinking about changing my mind.’ Having a citizen more central to the decision, instead of an active interest making the same point, has a different weight and has a different impact in the wider community.

Wendy LOVELL: And how are those people selected to be on this citizens group?

Iain WALKER: Lottery selection, coming back to principles: start from your largest available database. We use the Australia Post reference file for where anyone has ever delivered mail. You do a random extract from that. They get what hopefully looks like a wedding invitation; they feel special, they see how they will be heard. They opt in, because we cannot compel people. And then we do a second-round lottery draw to match it to the census.

Wendy LOVELL: And how do you guarantee that then gives a balance of views on this?

Iain WALKER: You can talk to this. We do not measure by view. We trust that if you reach your hand into a jar of jellybeans, you do not pull out all the red ones or all the green ones, such that it may be. People are not that political – you know, the vast majority of the community. We deliberately ran a project in Byron Bay, which I am not sure if you are familiar with, but as a community area, there are six activist groups for everything. We deliberately took on – ‘This is going to be the hardest random sample we will have to do.’ As a research foundation, we tested our lowest cost, least robust model. Out of 35 people, only three people were in community action groups, which in Byron Bay, we started to work out, was population-proportional. The more

you put your fingers on the scale, the less people trust it. So if I was to measure political views and say, 'I want 45 per cent Labor voters, 10 per cent Greens,' whatever it may be – it is like the *Q&A* audience question. Did anyone believe it when *Q&A* used to put up 'This audience is these percentages'? No, you start to guess. If you cannot measure it, do not trace against it. Keep it simple. And I think Council Watch made similar comments – and they have given us a whack here and there over time, but in places they are right. If you over-egg that random recruitment, it breaks.

Wendy LOVELL: But I would think that there would be arguments from the public that we are actually abrogating our responsibilities as their elected representatives to do that consultation and make decisions to people who are not elected from the community to do this consultation and make the decisions. I mean, the whole basis of democracy is that the people select their people who come in to local council or here, the state Parliament, or the federal Parliament. When we walk through the vestibule every day, we walk over Proverbs 11:14: 'Where there is no counsel the people fall, but in the multitude of counsellors there is safety.' That is what democracy is, so aren't we just creating another level of bureaucracy?

Iain WALKER: No. If anything, I think we are removing bureaucracy. If a decision cannot be made – and I am in no way advocating for this to be applied to a massive breadth of decisions. We are saying: take your most awful subset – budget-balancing, infrastructure placement, issues like that – and apply it to that narrow subset.

Wendy LOVELL: And source it out to an unelected body to make the decision?

Iain WALKER: May I?

The CHAIR: Yes, please finish. Then we have got to go to Mr Ettershank.

Iain WALKER: We trust juries. People who complain about outsourcing the decision will also be the same people who say that the status quo is terrible. We push back. You cannot have it both ways. You cannot complain that the system is terrible and then complain about an innovation at the same time. What I would say to all those people who criticise is: come along and see it. We run all these projects open door. Come along and see who is in the room. The interesting research finding we did in the background – community groups who criticise but come tend to say, 'Oh, I get it. I'm getting a fairer hearing than I would through traditional channels.' Those who hate it but then do not come, candidly, actually get angrier. They actually go further down the scale.

The CHAIR: Mr Ettershank.

David ETTERS HANK: Thank you, Chair. It has been really interesting, this discussion. I guess, picking up directly on that point that Ms Lovell made and your response, Iain, there is invariably in public policy development and whatever a process of mediation that happens with key stakeholders, and very often that is sought to be addressed through consultative processes. I guess, having been fairly active in Melbourne politics for a long time, there was a lot of resentment when the juries were set up there by community groups. I am wondering: how do you address that fact? Because the reality, I think, as in the case of Melbourne, is that the jury is gone but those other vocal community leaders are still there, and there is obviously then a level of antagonism or distrust associated with that process. I am curious as to your thoughts on that.

Iain WALKER: Sorry, I missed the location that you referred to. In which council area was it?

David ETTERS HANK: City of Melbourne.

Iain WALKER: City of Melbourne. With regard to active voices, we are not saying exclude them, we are saying that they should make their case to a jury of citizens. Invariably what they experience is a fair hearing. There is a structural way we recommend including that, but we would say in any issue, we have a stakeholder reference group that is given four tasks: review the design for biases. If you think we are cheating, call it out in advance. You publish the methodology, and any engagement that does not publish a methodology up-front, no wonder people think they are being pushed. Secondly, they should have the chance to contribute their own answer to the question. If you are asking how to balance the budget – each group, make your case and put it forward. They should be able to nominate speakers, and they should be able to respond to anything in the room in terms of contested questions. That is really structurally the way that community groups have had better

engagement. Where it is a Wild West without standards, if they get excluded entirely, of course they get angrier.

Emanuela SAVINI: Can I just add to that too. Our Professor John Dryzek talks about deliberative systems. A mini public, which is mainly what newDemocracy is talking about, is a form of deliberative democracy, and it exists within a whole system of decision-making, so you need to find ways to connect that to the other forms of decision-making within that system. That includes the public sphere and other kinds of social movement actors. You need to find ways to make sure that these processes are connected. They are not sitting outside of that, and then they impose that decision on it. It is in the design that you think about, okay, how are elected members involved, how are social movement actors involved, and what sort of information are we putting out to the public sphere, because ordinary citizens will want to know what is happening too, and they will want some accountability from their elected members. There are a whole array of things that contribute to it; they do not sit on their own.

Iain WALKER: And very briefly, the people who would mount the argument – similar to your question – ‘You are using these juries. Why do they get such a voice?’ well, just because they created the blue pen action group, that is wholly unrepresentative. At least we show a methodology behind it, and it is statistically representative. The greatest advocate in the country is Harold Scruby. He created the Pedestrian Council. As best we can tell, he is the pedestrian. So why do we prioritise an active stakeholder voice because it has got a group name rather than actually using the selection that we trust in the court system? I would push back on some of the groups a little bit and say, ‘Why are we prioritising your role so heavily?’ Particularly in a planning and housing context, it is having some very detrimental effects.

The CHAIR: That brings us to the end of the session. Thank you so much, Iain and Emanuela, for what was exceptionally thoughtful and thought-provoking evidence. I am sure we will all hunt out the blue pen action group. You will be provided with a copy of the transcript to review in coming weeks. With that, the committee will take a short break before our next witness.

Witnesses withdrew.