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
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WITNESS

Simon Faivel, Director, Consulting, Social Ventures Australia.

The CHAIR: Welcome back to the Legislative Council Environment and Planning Committee's Inquiry into Community Consultation Practices. Welcome, Simon from Social Ventures. I am just going to read out our standard statement for you.

All evidence we take 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 Parliament.

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Welcome. My name is Ryan Batchelor. I am the Chair of the committee and Member for Southern Metropolitan Region. I will ask the committee members to introduce themselves.

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

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

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

Sarah MANSFIELD: Sarah Mansfield, Member for Western Victoria.

The CHAIR: And Melina Bath will be joining us shortly. It is a pretty straightforward process. We will invite you to make an opening statement, and then we will begin asking you some questions. Thanks very much for coming along today. I will hand it over to you.

Simon FAIVEL: Fantastic. Thank you very much for the invitation to be able to share from Social Ventures Australia, SVA, our experience and what could be helpful for the inquiry. First of all, I want to share a little bit about SVA. If you have not come across SVA, we have been around for over 20 years and are a pretty unique organisation in terms of being able to combine consulting, impact investment, public policy work as well as advocacy in innovation across Australia. We do have that remit across Australia, as well as some other experience across in Aotearoa, New Zealand.

Based on our role as an intermediary and being able to work across sectors, we have been able to get a very good understanding of what can work with community consultations. In fact if we did not have that, we would not be doing our job. And we do that right across the life cycle and across different communities, from metropolitan to regional as well as remote communities across Australia. I want to bring some of that to light as a part of this inquiry.

One of the things that we are able to do is to bring different groups together as well. So what is important in terms of the consultation in the work that we do is to be able to bring together different actors, different players, from different sectors often but sometimes within the same group, who need to be able to work well together. We do work in partnership with non-profit organisations, government bodies and agencies, as well as community-based organisations to be able to support them and to create more social impact. Most of our clients when it comes to our consulting work are non-profit organisations and community organisations. That is one of the threads I want to be able to share with you a bit more today with respect to how we can do consultation best – it is with those organisations who are part of the community. What I want to try to do through the questions in particular today is give you some of the insights from the work that we do across the different parts of Social Ventures Australia. As I mentioned, it has been over 20 years, and one of the key things I want to highlight is the time factor it takes to be able to do some of that consultation well.

One of the things that I want to emphasise now is that we do have different frameworks and rubrics that structure our thinking. I want to share a little bit of that with you because I will be able to tap back on that and

use that as examples throughout the session that we have today. Overall, for community engagement we do leverage and use the IAP2 structure, the framework for the International Association for Public Participation. Some of that work was developed in the 1960s, and it has continued to evolve over the years, with an update about 10 years ago.

There are five phases. I will mention them because it will change the nature of the conversation as we continue today. First, there is that need to be able to inform, meaning that we want to be able to give the right type of information to communities so that they know what the inquiry, the consultation and the engagement may be about. The right type of information needs to be brought to the fore. Often we hear about communities that have been overconsulted, and so giving them the right type of information up-front is essential. The next phase, the second one, is about consulting and doing that in a way to be able to work out who to speak to and when and how. We can often use these phrases around engagement, but we need to be very clear about what we are wanting to do through the consultation. The third phase is about involvement and being able to work directly with the community as a part of that process. Again, these are words to provide the structure for us, but it is important to get into the detail around what that actually looks like. The fourth phase is around collaborating, so being able to appreciate that there are different ways of collaborating with the community, so this is part of that spectrum. That collaboration is an integral part of being able to progress and do things more with communities. Finally, it is being able to empower. We are thinking about those five phases of the spectrum from the IAP2. We use that to work out what is most inappropriate when we are engaging in communities.

One of the other things that is pretty relevant at the moment within the Victorian context and relates to SVA's work is that about a quarter to a third of our work is with First Nations organisations. I have got some examples I am able to share with you throughout the conversation today. We have principles for how we do approach work with First Nations communities, and I want to run through them as well with you briefly. The first is being able to consider what support for self-determination and empowerment may look like. That is different across different communities in Victoria, and we have experienced that across the country. The second is to make sure we have the right kind of understanding of historical contexts and appreciate cultural integrity. We do have First Nations staff members. We also have different consultants who we bring on for those consultations to make sure that that local understanding is right. The third principle for how we approach First Nations work is around being respectful and authentic with our engagement. Now, they are easy words to say, but importantly, it changes how we go about that process and the different types of questions and engagement that might occur. The fourth one is reciprocity and value of learning. It is recognising that anyone who has the privilege and honour of being able to go into community and do that work is also learning and needs to learn on the spot as well as reflect that afterwards. The final one, the fifth one, is around being trauma aware – particularly in the Victorian context, with colonisation and the stolen generations, being aware of, one, what we do not know and then finding the right approach to be able to be trauma aware in those types of consultations.

With the IAP2 spectrum around the consultations, as well as the First Nations practice principles, it gives us a good foundation for being able to do engagement across the different areas of SVA. I might pause there.

The CHAIR: Wonderful. Thank you so much. I should just also note that Ms Bath has joined us, and Jacinta Ermacora from Western Victoria is also with us for this session.

Simon FAIVEL: Fantastic.

The CHAIR: I want to go to this question of reciprocity, which I think is a really interesting concept. We probably heard about it earlier today in a different form, but maybe you could unpack a little bit for us what you mean by that in the context of a discussion about consultation practices. Have you got any examples of how that has worked in practice and the benefits that adhering to a principle such as that has achieved?

Simon FAIVEL: Great question. Thank you. Reciprocity – what is important to note is that SVA is a non-profit organisation. I say that deliberately and up-front because our purpose is to be able to support communities in Australia to thrive and to alleviate disadvantage. If that is our drive when we are engaging in consultation, even though we might have a particular focus based on a project or remit from government or directly with other non-profit organisations, we want to be able to make sure that we are taking that and learning that. One of the ways reciprocity works is that in our engagements we want to be able to share what we learn with others, so it is not contained within that particular project or engagement. So that is one way – being able to share.

The other thing is to recognise that we are all people learning as we work through this. So whoever has the job of being able to go out there and engage with community, whatever type of community, we need to be able to learn ourselves as individuals and then play that back. It is foolish for us not to have that reciprocity mindset in place as we learn, particularly with First Nations communities but also across culturally and linguistically diverse communities and in other areas that we might not often work in. Some of the ways that has worked very well has been with the traditional owner land management boards in Victoria. We have done a lot of work with the Gunaikurnai Traditional Owner Land Management Board as well as the Yorta Yorta, heading up north, and their traditional land management board. With both of those organisations half the representation is from the First Nations community, either Yorta Yorta or Gunnai/Kurnai.

We cannot go in there and consult with them and their communities and then produce something and then say, 'Congratulations, here's the report.' We necessarily need to be there for the long term. Reciprocity comes with time and being able to come back again and again and make sure we are available. It might be a gap, it might not be commercially amazing, but equally we need to be there and be ready to be able to support them over that time. That is what has occurred with the Gunaikurnai Traditional Owner Land Management Board. We first started to work with them in 2017 supporting the development of the first plan and then being able to come back again and again. Reciprocity comes from the same faces as well. We cannot remove having people being at that centre and being able to engage in that relationship.

The CHAIR: How have you found those principles that clearly are needed and effective, or hopefully effective but definitely needed, in consultation with First Nations communities – their application more broadly? Do you have any experience in that and any insights into how government agencies or government instrumentalities could better do that? You mentioned consistency of the people doing the engagement. Obviously that is something that does not always occur in a public service context. How do you overcome that?

Simon FAIVEL: That is the reality. We cannot often have the same people coming back time and again. We try when we can to be able to do that, and I think that it is important for community to see that. Often with community organisations we have leaders who are there, and they remain there for a long time. So ideally, yes. What we have learned, particularly from the First Nations work but also applying to other communities, is to be open and transparent around how we are going about that process. The lesson from the First Nations work is it is being clear and not pretending to be something that you are not in those engagements. Within SVA we have 100, 110 staff, so we have a lot of people who are able to go out there through our consulting work as well as our other work to be able to consult in communities. We need to make sure that when new people start, which they inevitably will, they have got that mindset. It is more about teaching and talking to people about that mindset to be able to go into the communities before that consultation. We can write down the words, but being open and transparent is the first part.

Another part is about being respectful and authentic. If we are open and transparent, if we are being authentic, it is bringing yourself and all your whims into that engagement. When engaging in community, people can smell if you are from a mile away, if you are just reading from the sheet, for example, rather than truly being there. A lot of what we do with our training of our staff at work is to be able to make sure that is appropriate. We also bring in others. One of the best examples of how we have been able to do this work is with the Koori justice unit in Victoria and being able to involve a First Nations woman Nicole Cassar to be able to support us. We recognise when we are not able to do that or when we need to bring the right person into that room to be able to hold that space. There are going to be some situations where our team who we are directly employing will not be able to, so we find those experts. Thank you.

The CHAIR: My time is up. I might hand over to Ms Bath.

Melina BATH: Thank you. Thank you very much for the work that you do. GLAWAC is in my electorate, which is fantastic, and in my portfolio as well, Yorta Yorta. I am interested in your comments around respectful interactions and authenticity. Is it immediate, that interaction and that knowledge? At what level is there trust established, from your experience? When there is an interaction, an engagement, does it take a long time? I guess how long is a piece of string, but what are some of the things that you are seeing, because the more you can establish it quickly, the better that is potentially for the outcomes.

Simon FAIVEL: Thank you very much for the question. It is based partly on the individual but also on the organisational reputation, and they are both variables in terms of those types of interactions. When we are

thinking about engagement with community, if we have got a scope of work and we are trying to work out who or what, we will first deeply consider the individual who we have to be able to do that – it just cannot be anyone – but then also how much does that community know about us, how strong is that reputation? With GLAWAC and the Gunaikurnai Traditional Owner Land Management Board, that has developed over a very long time, and I know who I could bring onboard to be able to support that work for the community consultation. The others might not know us as well, and therefore they have got some idea about what the approach may be because they have heard the experience from somewhere else. We try to get those threads right. People talk – organisations and the representatives of organisations talk – so they have an idea about how you approach something. For government to be able to consider what might work best in the community, recognising from the community itself where things have worked, they will know, and they will be able to invite people into that space.

Melina BATH: Thank you. Really important stuff. We heard before from some of the professors that it is not consultation fatigue, there is just bad consultation. I think that was a lightbulb moment for me, because we often hear about people being fatigued through multiple layers of consultation. I want you to expand or reject or put your lens over if there is consultation fatigue or is there just bad consultation which then puts up a barrier for people. And if there is, how have you gone about diminishing that barrier?

Simon FAIVEL: I am going to suggest a weasel way out, in that it is both. Consultation fatigue can just be fatigue, or it could be bad consultation. The reason is some people in community are genuinely sick of being asked questions and they are shut down, so there is not that openness for anything. Unless they can see that spark, it is going to be difficult to have that meaningful interaction, and it is going to be important criteria for thinking about who is engaged and how, because it is going to subsequently change the engagement approach. Then there is how you go about it – so we have got that first screen that we pass, and then it is how we go about it. It is about working out the right first step – who needs to be there and being able to engage in a way where you are invited in the community.

One of the things that we are very careful about in terms of the structure of the work that we do is being able to make sure that we have the right people who take us now into the community. I will actually use an example from Western Australia, which is obviously another jurisdiction, but it is with a group of traditional owners called Martu, out in the western deserts. The work with Martu that we have had has evolved over 15 years – so first there is that timeframe. How it started initially was with the members of the organisation – it is a Martu organisation – being with us for a couple of weeks on country. I am using this as a dramatic example because it was an environment which allowed us to build that trust and that understanding that there is this mob from the east, they are SVA and they are here to help us tell our story. And even though in that first consultation 15 years ago we were not there having those questions back and forward and back and forward, it still allowed us to develop that reputation. So the invitation into a community becomes essential.

Melina BATH: My question was going to go to people in places and being on country. I think people all like you to come to their country, whichever nation we have originated from, but is being on country important for First Nations people?

Simon FAIVEL: A hundred per cent. And 'on country' can look quite different depending on where it may be. It can mean having the ability for community members to share freely and feel comfortable. I cannot imagine many people feel very comfortable in this sort of environment, but it can mean being able to be in an environment where you are not directly looking at someone, where you are able to look to the side or you are able to sit on the ground. In the example from Martu country out in Western Australia, the form of communication is not didactic; the power is not with the speaker, the power is with the listener. It is about understanding what that might look like in different contexts, even extending that from First Nations to communities where English is a second or third or fourth language and having the right person to translate at the right time as well. And it might not be in that moment – so it is not, 'I have the questions for the consultation and engagement. I will now ask that. Can you please translate?' You need to work out the right format to be able to do that and, for a lot of our work with culturally and linguistically diverse communities, work out who can actually share that information, because there are power dynamics at play in that too.

The CHAIR: Thank you. I might go to Dr Mansfield.

Sarah MANSFIELD: Thank you. I really appreciate what you have shared today and some of your experience. You provided a couple of examples of different projects where the consultation can be done well. Is there a stand-out for you where you really saw that maybe there was what seemed like an intractable problem or difference of opinion between, say, a decision-making body and a community where better engagement was able to find a path through?

Simon FAIVEL: Thank you for the question; it is a great one. I want to highlight some work that took shape over a few years. This was within disability, and it was disability housing. It was navigating a sector, an industry, that was in its earlier stages. It was finding a balance between the SDA providers as well as the SIL providers, the supported independent living providers. The nature of SDA is that you have got someone who is coming much more from an investor perspective, building the places, but then you have a different agency working in the home with people with disability. Finding a way to be able to navigate between those two to develop the disability housing outcomes framework was what we did over the course of a year and a half, two years. Critical to that was being informed by people with disability. Many of the people who live in SDA may be non-verbal, they may not trust the person who they have that current relationship with. We engaged some different organisations across the country, state-based organisations who work with people with disabilities to be able to do those consultations and were finding ways of being able to get that insight, even if they are non-verbal.

That is an example of trying to navigate those different worlds and being able to subsequently come up with a framework that allows the sector to be able to measure what matters most for people with disability living in SDA. That is one example.

Sarah MANSFIELD: So centring the experience of the people who the decisions are going to impact the most, I suppose.

Simon FAIVEL: It is, and it is also about power. A lot of the work that we do has to overtly recognise power, where power lies. We recognise that, and we have to try to give back power to those who are experiencing the change. If we are looking at that example, the SIL providers and the SDA providers ultimately are in it maybe to make some money, maybe to be able to pay their staff, but equally they are there for the people in those homes. We need to be able to have that voice come through, so recognising that power dynamic.

Sarah MANSFIELD: On the flip side – and it does not necessarily have to be examples from work you have done but maybe things you have observed – what are some common mistakes in consultation or engagement that you have observed, where you may end up in a position where you cannot get an outcome that is optimal or a project does not get off the ground? What are features of poor engagement?

Simon FAIVEL: Thank you once again – great questions. The one thing that comes to mind with respect to the mistakes that can occur is nearly always we will have some timeframe that we need to get it done in, and that often does not work with community. That often does not work – particularly in northern Australia, for some of our work – because of geography. You hit the wet season, game over – got to wait four or five months. But often it might be that, for example, with First Nations communities, there is sorry business. In our project plan we might have had three or four months for the project, and month two is when we do the consultation. Lo and behold, there is sorry business and no-one is around, or we have spent a fortune trying to get to a place and for whatever reason something else is happening. The events that might occur that are unplanned, that we cannot control, then blow things up. It is harder for us, particularly with contracts, to complete work. That does not then allow us to appropriately engage with community. We try as much as possible to get variability around that, and a lot of the time that is possible, but that is one of the difficulties.

The other one that might occur is that we have not got full information about the dynamics in community. We can often talk about community as this one holistic 'the community speaks as one' – of course not. There is often a lot of division. There is often a lot of division within organisations as well, who might be representing the community. So it is recognising that once we get in there, we might hear diametrically opposed beliefs. This is just within the community, let alone as we try to navigate from a government or investor perspective. That is always hard to navigate. We bring things to the fore. Consultation does not always result in something that is neat and packaged, and we need to be able to address that head-on.

Sarah MANSFIELD: Thank you.

The CHAIR: Ms Lovell.

Wendy LOVELL: Hi. Thank you for the work you do. You obviously work with some of our most vulnerable groups, people who do not necessarily have a voice of their own or are not empowered enough to fight for themselves. Can you tell us if there has ever been a consultation that you have done where a decision has been made and the consultation has actually resulted in the overturning of that decision or a major change being made to that decision?

Simon FAIVEL: Just to clarify, the decision has been made, the consultation is taking place.

Wendy LOVELL: Well, normally in this state what happens is the decision is made and consultation occurs afterwards. They are not going in consulting first and then making a decision on whether they build something in an area or impose a project or whatever.

Simon FAIVEL: Thank you. The first thing I want to do is take some of that on notice, just because I am sure there are some examples from my colleagues that I will be able to bring to the fore. However, I will respond that often a decision has been made, but we need to unpack what the word 'decision' means. It might be directional, but then often it is about how something might translate in practice. So I think when we are talking about community consultation, this is about being honest and transparent – directionally, this is where we are going, be it in infrastructure investment. But how that takes shape is often when we need to consult and work out what sorts of things might need to shift and change, and that is where the community can have a say. So it is working out the boundaries around what is possible. A lot of the time for our work it is after the direction has been set and we are able to work out, well, what does that actually look like? And that can often be quite broad. Quite a lot can be allowed within that, recognising that any decision that is made has other things surrounding it too. We do not operate in a vacuum; there is often a lot happening within community.

Wendy LOVELL: You talked about working with traditional owner groups, particularly Gunaikurnai and also the Yorta Yorta. Both Mrs Tyrrell and I are from Shepparton. We actually have two First Nations groups in Shepparton: there is the Yorta Yorta and the Bangerang. Do you engage with both groups or are you specifically engaged to just engage with the Yorta Yorta?

Simon FAIVEL: Our work at Social Ventures has been with the Yorta Yorta.

Wendy LOVELL: Have they engaged you, or has someone else engaged you?

Simon FAIVEL: They engaged us.

Wendy LOVELL: They engaged you. That is all right.

Simon FAIVEL: Particularly with that work we were engaged through their connection to the Gunaikurnai traditional owner land management group**.** They heard about what were doing, and given the similar but very different as well remit for how they work, they inquired about how we could support them. We also engage with Ganbina. Ganbina has been an important partner of SVA since our very early days, going back 20-plus years.

Wendy LOVELL: They do great work in our community.

Simon FAIVEL: They do fantastic work. They have people from all nations come in as a part of that, so it is not solely an Aboriginal-controlled organisation with that one identity. Ganbina I think is a great example of just how things can work. We have also done some work with Rumbalara in terms of being able to support them as a cooperative to understand how they can structure their own operations. So I understand a bit about your region.

Wendy LOVELL: I am glad you mentioned Ganbina. It was actually set up by a very good friend of mine, Adrian Appo, and it has done amazing work in our community.

Simon FAIVEL: It has. And the special part about how they engage with the community is they have got a two-generational approach for what they are trying to achieve. They are one-generation-and-a-bit into that at

the moment, and they have been able to engage people from primary school age moving up to 25 years old, when they are going into work and further education. That support over time is how they have engaged with the community, and we have been lucky enough to be able to work with them right throughout that period.

Wendy LOVELL: Fantastic.

Simon FAIVEL: Fantastic work.

Wendy LOVELL: Thank you.

The CHAIR: Thanks. Ms Tyrrell.

Rikkie-Lee TYRRELL: Thank you, Chair. In your opening statement you mentioned some steps that you like to take to ensure good consultation and engagement. You started off with inform, and then it went to consulting, involvement, collaboration and then empowerment. How do you ensure that a community is feeling the empowerment? Because from my experience, and I am sure other members of this committee, we are not seeing that empowerment in our communities – they are left feeling very unempowered.

Simon FAIVEL: Thank you again for the question.

Rikkie-Lee TYRRELL: Thank you.

Simon FAIVEL: That structure from IAP2 is a spectrum. We need to recognise how we can progress along that spectrum and what is possible, so when it does come to empowerment, that can often only take shape over a very long period of time. I think that is part of: what is the engagement, what period of time do we have for a consultation, is it something that is specific, or is it, for example, with Ganbina, which is generational change and engaging with families over time? So it depends on what lens we want to take: whether it is a non-government organisation like Social Ventures Australia coming in to support a particular engagement at a point in time or whether it is engagement over a long time or whether it is working alongside a community organisation that is doing that work. So the empowerment can happen only with time and only from deep involvement and engagement with the community.

Rikkie-Lee TYRRELL: Those other steps before that are how we achieve empowerment – is that what you are saying?

Simon FAIVEL: Yes, we can think about those five as the spectrum and being able to subsequently go, 'What level can we get to through the type of engagement?' Often urban-focused activities are a lot harder, given the boundaries are not as well defined with respect to who is a part of which community, or it is much more fluid often. Regional areas, remote areas can be fluid too, but more fluid – that becomes then more important to do something in that moment. Or there might be a particular investment or project that we want to get engagement on that is timebound, so the empowerment might be harder to achieve over that time. It is it is highly dependent on what we are trying to achieve.

Rikkie-Lee TYRRELL: When you said empower, I was like, 'Woo hoo. Nobody's said that word yet. Nobody's mentioned it to us in these community groups.' We are thinking it would be great to see a bit.

Simon FAIVEL: Again we use words all the time. But at Social Ventures Australia we partner with organisations. Our consulting work is to partner over the long haul – the work with Ganbina, for example. We did start that back in 2004, which was sort of the first engagement directly with them. It is now 2025 I think.

Rikkie-Lee TYRRELL: Unfortunately, some of our communities do not have that kind of timeframe.

Simon FAIVEL: We do not, but that is how we can then slot in something specific. If there is something specific that needs to be done and there is consultation around that, if those relationships are established, then that gives us the right, the invitation to empower, to give power back to those who are going to be experiencing that change and hear their voices truly through the consultation.

Rikkie-Lee TYRRELL: Thank you, Chair.

The CHAIR: Thank you. Ms Ermacora.

Jacinta ERMACORA: Thank you, Chair, and I apologise for not being there in person. Thanks for the work that you do, Simon. It is very interesting. I have got a couple of questions that are a bit more reflective. I am interested in your reflections rather than the specific work you are doing, because you have clearly got a lot of experience. One is: what is your observation around organisations that contract out engagement versus organisations or departments or teams that do it in house? I know that is being dichotomous almost, because I am sure there are different ways of doing it. But what is your reflection on that?

Simon FAIVEL: Thank you again. They are great questions, and I am more than happy to riff and share some observations on this, because it is something that we consider deeply. Any organisation, any agency, any department is going to have limitations in what it can do and who might be available. Keeping things in house or at least sharing things in house can be useful, but it may not be the best option. The first pass, being able to look and work out what legitimately is going to be best for the engagement for the consultation, is imperative, and then being able to see, 'Do we have the right people, the right person, the right individual with the right relationships at that point in time?' Initially you need to be able to look outside and not just be closed with the boundaries around being in house, but then it might be better to be in house versus finding a contractor. We do have a lot of different contractors that we use depending on what the ask might be and what relationship is required to make sure that it is meaningful consultation.

Jacinta ERMACORA: I think what you are saying is sometimes you might work with the entity that has contracted you and bring them along with you, literally.

Simon FAIVEL: Ideally that can happen, making sure that it does not change the dynamic of the consultation. I reflect on some work that we did with the Department of the Prime Minister and Cabinet, and this is Indigenous land and sea management again – it is a good example because it is often out on country. At that point in time we were able to have representatives from Canberra, from the department, go out on the consultations with us. But we were quite clear about when we were going to be involved and when they were going to be involved, so creating the right boundaries around that. Often we find that agencies do not have enough capacity, time, budget to be able to have staff members come out with us. But that was one example where it was incredibly valuable to have them involved.

Jacinta ERMACORA: That is interesting, not having the time to visit. In that situation, because I presume not all your work is with First Nations –

Simon FAIVEL: Correct.

Jacinta ERMACORA: Do you have First Nations people on your staff?

Simon FAIVEL: We do have some First Nations members on our staff. We are always looking for more wonderful First Nations staff members, as I am sure many businesses out there and non-profit organisations are.

Jacinta ERMACORA: That brings me to my next question. I have experienced a flood of inquiries from government departments, well meaning, in my community towards a particular First Nations community, who have been very clear about not having the resources to respond to all the engagement that everybody wants to know. What would you see as their best response in that situation?

Simon FAIVEL: Thank you for the question. It ties into a comment earlier about consultation fatigue. We need to unpack whether that fatigue is based on what you are wanting to consult about, whether there is too much happening in community or whether there is friction within the community whereby they do not have enough time to be able to do that. Part of it may be trying to re-establish a different type of relationship with them, working out and opening it up. So rather than it being direct around, 'We need your input on X,' being able to be there and listen without having that framework in place or that structure. I think that is a really big one. If I think about some of the consultation and involving directly, often it is not question, answer, question, answer. It is, 'I will be there, and I will see what emerges from the time that we have together around what is most important, and we might get to what is required.' So it is a different type of engagement interaction that is less about 'I have the remit. I must do X,' but rather 'I will be there.' And that builds that trust as well over time.

Jacinta ERMACORA: Do you ever find that – there are probably a couple of different examples, and one might be First Nations – when you are asking First Nations people for their position on an issue, which is a very

simple proposition, really your job is to translate what they are saying back into the coloniser's governance framework? Or is it that you are channelling the feedback saying, 'Hey, colonising people, you need to restructure how you hear this message, because that is the feedback'?

Simon FAIVEL: Fantastic question. I want to build a couple of points off that. The first is with some communities – and this is an example from up in northern Queensland with the Australian Institute of Marine Science. They have got four different stages that they do think about with respect to how they engage with First Nations communities. What becomes critical for them as they move further up those stages is to have free prior and informed consent. This means that when you are able to start the consultation you are able to work out if you are trying to get information from their perspective and subsequently change the coloniser, western way of thinking, or if it is to be able to test a certain directive from a western government department. So having free prior and informed consent can be a way of working out which one of those that might be. Often the work that we do at Social Ventures is being commissioned directly by the community organisation, and therefore we are trying to tell the story from the perspective of the people who are experiencing that change directly. We sort of describe it as, 'All we are is we're just these people in the middle. We sit in the middle. We have the pen, and we have these great images we can create on the screen, but we're trying to do that translation from your world to another world and to bridge that divide.'

The CHAIR: All right. That is time, Ms Ermacora.

Jacinta ERMACORA: Thank you. Sorry.

The CHAIR: That is all right. Ms Broad

Gaelle BROAD: Thank you very much, Simon. I appreciate your input this afternoon. Looking at your website, it says this is a:

> … value-driven principle – believing that the people who are impacted by the decisions made by organisations should shape how it accounts for the value of these decisions and how things should be done differently in the future.

Looking at that social licence, I just want to give you an example, and I do not know if you have got any insights. In regional areas there are things like renewable energy projects – you know, there are transmission lines that are going in. I think of the Albury Wodonga Hospital too, where there has been a long period of community engagement in that process. They want to build on a greenfield site, but then the government has announced a project that is more redoing what is existing. There are a lot of local councils that have all come together really pushing for a new site, and then a lot of health professionals are also pushing for a new site. But they feel that they are not being listened to in that, and that has an impact on the area. Can you talk to that social licence – how important is it, and when it is so low or non-existent, how do you engage? What can you do in the community consultation when there are clear differences in opinion?

Simon FAIVEL: Thank you. The first thing is social licence is integral. It is central. We need to be able to have that, because whatever might be built, whatever program might be delivered, that is going to continue over time – or it could change. Even for big infrastructure projects, things can be adapted or changed. So the first thing is that it is essential.

There is never going to be that agreement in community around what is required. There is always going to be difference. Being able to appropriately listen, and that means being able to ask those open questions and see what emerges – that emergence theory in those environments – becomes critical. And then play that back and then feed that back – because sometimes we are going to hear things, and it is going to be, 'We can't do that' – and explain the reason why. That is often what we have had to do when we have had, even with smaller projects – with different opinions that might be shared, they are diametrically opposed. The 'social licence to operate' environment needs to be able to balance those views and to work out which one is most appropriate, not just given the voice. It is stakeholder or community informed, not community driven or led. That might be the distinction that we are trying to make here for social licence. It is never just one, and that is recognising the power of a consultant or intermediary – a power of government to make that call and be explicit and transparent about that call.

Gaelle BROAD: I agree. The social licence is just so, so important with big projects. But just as a practical insight too, because we have not really covered this today, when you go to inform – like early on in the process you talked about informing – there are so many different forms of media today. What tools do you recommend

using? Is it newspapers, is it social media, is it direct mail, is it doorknocking? Are there any tools that have been more successful than others that you see? We also heard earlier how the younger age group – depending on how old you are, but 18 to 24 – is not necessarily engaging sometimes. I think they were referring to surveys, particularly, at the time, but do you have any insights into those practical tools?

Simon FAIVEL: Thank you very much. I am going to have to take that one on notice, just because undoubtedly my colleagues will have an informed view based on some more-recent examples. I think that goes back to recent examples as well. The nature of consultation is changing, the nature of informing is changing, and you want to make sure you get the most relevant, up-to-date information, rather than a great example I might have from a decade ago.

Gaelle BROAD: No, that is great. And if I can add to that – and I am happy for you to take it on notice as we are short on time – just with your experience too, working with different cultural groups, multicultural communities, different languages, different backgrounds, are there any recommendations that you have for this inquiry on how that can be done better to engage with communities? I know just from the floods inquiry, we remember talking about the challenges of trying to reach or engage or inform people with different languages and different age groups – if there are particular tools that work well.

Simon FAIVEL: In particular I would be focusing on who from the community can share with you what is current and relevant at that point in time. With respect to commissioning those activities, it is making sure that it is explicit as to who the community partner is, because they will understand more about what can actually work directly at that time. That is how we often get in and try to work out what is best. We work across Australia, and with every community, if you go 20 kilometres down the road, things can be quite different. We are always thinking about 'Who else?' Those connections and that insight become incredibly important with respect to what tools could be used and how to get that meaningful consultation. Just a final point on that is making sure that in any consultation, thinking up-front and those connections – that should be front loaded. Everything rolls from there. Being able to invest properly up-front in getting the right people to the table and the right people to have that interaction rather than just a particular consultancy – that would be my advice.

Gaelle BROAD: Thank you.

The CHAIR: Thank you, Simon. Thanks so much for coming in today and for the thoughtful evidence that you have given us. You will be provided with a copy of the transcript of the evidence you have given to review before we publish it. With that, the committee will take a short break.

Witness withdrew.