

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Community Consultation Practices

Melbourne – Friday 5 September 2025

MEMBERS

Ryan Batchelor – Chair

David Ettershank – Deputy Chair

Melina Bath

Gaelle Broad

Jacinta Ermacora

Wendy Lovell

Sarah Mansfield

Rikkie-Lee Tyrrell

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WITNESSES

Ika Trijsburg, Head, Democracy and Diplomacy, and

James McLean, Lead, Planning and Sustainable Development, Municipal Association of Victoria.

The CHAIR: Welcome back to the Legislative Council Environment and Planning Committee's Inquiry into Community Consultation Practices. We are joined by representatives from the Municipal Association of Victoria, so welcome.

All the evidence that we take is protected by parliamentary privilege as provided by the *Constitution Act 1975* and the provisions of the Legislative Council standing orders, so the information that you provide us during the hearing today is protected by law. You are protected against any action for what you say during this 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 the evidence we take 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 posted 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 will get members to introduce themselves.

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

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

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

David ETTERSHANK: Hi, I am David Ettershank, Western Metropolitan Region.

The CHAIR: For the purposes of Hansard, if each of you could tell us your full name and the organisation you are appearing on behalf of, please.

Ika TRIJSBURG: Hi, my name is Ika Trijsburg. I am the Head of Democracy and Diplomacy at the Municipal Association of Victoria.

James McLEAN: I am James McLean, Planning and Sustainable Development Lead at the Municipal Association of Victoria.

The CHAIR: Wonderful. It is a pretty straightforward process. We will invite you to make an opening statement, and then we will get into questions. So I will hand it over to you.

Ika TRIJSBURG: Fabulous. Thank you very much. Thank you for the invitation to contribute today to this very timely parliamentary Inquiry into Community Consultation Practices in Victoria. The Municipal Association of Victoria is the peak body representing all 79 councils in this state. Through advocacy, support and advice we build sector capabilities and give voice to the needs and aspirations of communities across Victoria, supporting Victorian councils to create cities, regions, towns and growing suburbs that are thriving, resilient and sustainable. We welcome this inquiry and strongly support reforms that place communities at the centre of public decision-making.

Effective consultation is fundamental to democratic governance and public trust, particularly in an era of increasing community diversity, digital and technological transitions and shifting expectations of public participation. Community dissatisfaction often stems not solely from disagreements with outcomes but from deficiencies in the communication and engagement practices that inform those outcomes. Such shortcomings can erode public confidence in government, public institutions and local authorities. These risks are further compounded in a contemporary environment in which civic literacy is low and society is increasingly polarised and embracing of antagonistic norms underscored by the rapid spread of misinformation and disinformation, distorting public understanding of issues and of each other.

Given the breadth of other expertise this inquiry has heard from other speakers, I will focus my statement on several key interconnected aspects of community consultation in local government that represent the core of our submission, situating these within the broader context of work we are engaged in at MAV to strengthen and progress active local democracy, including our world-leading work to understand and address information manipulation at the local level.

Community consultation now occurs within an eroded informational context that should be a central concern to all tiers of government. Mis- and disinformation have become pervasive elements of our social and political contexts, so much so that the World Economic Forum and United Nations have ranked this at the top of their global risk indexes for its capacity to erode institutional trust; promote social and political polarisation; manipulate systems, including economic, political and essential services; incite violence and conflict; and hamper critical progress in areas like climate action and ethical use of artificial intelligence and technology.

Community consultation currently occurs in a broader societal environment that is shaped by manipulated and misleading narratives that circulate in increasingly insular information bubbles, often on social media. This means a likelihood of higher levels of division and polarisation within the community, where different people are being exposed to entirely different informational ecosystems, shaping divergent local realities. This is also driving increased distrust in institutions and scientific knowledge and increased acceptance and even endorsement of harassment, trolling and threatening of those tasked with leading our communities. As grievances are manipulated to erode institutional trust, these behaviours in turn threaten to erode the trust that those institutions have in the public's willingness and capacity to engage meaningfully, framing community consultation through a lens of heightened risk and inhibiting meaningful and open exchange. This risks the social licence of government, the intangible conditions by which community accept initiatives and changes within their midst. We have seen this play out in local communities globally and locally, with disinformation fuelling protests against emissions reduction zones in the United Kingdom, in some cases leading to their repeal; the impacts of Canadian local governments basing policy decisions on falsified climate briefs provided by an anti-science think tank; and the now ubiquitous disinformation-fuelled arson attacks on 5G towers around the world, to name but a few. This information environment must be proactively considered and addressed in community consultation at all levels, and especially at the local government level, where such events increasingly occur.

In Victoria local government occupies a critical role in engaging communities and fostering participatory democracy. The *Local Government Act 2020* introduced a significant shift from compliance-based regulation to a principle-based framework designed to improve transparency, deliberative engagement and public trust in decision-making. This legislative change supports councils to adopt engagement practices that are more inclusive, transparent and responsive to the needs of diverse communities. This legislative change also has had the impact on consultation required to be conducted under other statutes, most notably in the fields of land use planning and public health and wellbeing, which James is going to speak to in a moment. The strengths of this Act include the potential for higher trust, greater adoption of deliberative methods and greater transparency. The challenges, however, include a lack of accommodation for the resource-intensive nature of such processes, which are especially felt in rural and regional councils; the statutory misalignment of these timelines; and external pressures from rapid planning reforms, which, again, James will speak to in more detail shortly.

Along with this, a rapid shift to embrace deliberative models has driven reliance on consultants for engagement across local government. This has hollowed out internal capacity and driven a loss of institutional learning in this critical aspect of local democratic governance. Victoria has a number of excellent private consultants providing community consultation services for local government, but they remain just that: private consultants that are not embedded within the ongoing operations of councils. Engagement is relational, not transactional. Short-term consultancies undermine continuity, and this can lead to an in-and-out perception or practice of community consultation that can impact the quality of outcomes and weaken community trust and investment in policy outcomes.

Exacerbating the above is a lack of standards of conduct in consultation. There is currently no universal code of conduct or practice standards in Victoria. Impacts of this include inconsistency, confusion, consultation fatigue and perceptions of tokenism. Where community consultation is done poorly by one authority or entity, the reduction in trust and social licence is experienced by multiple authorities. There is a collective, statewide benefit to addressing inconsistency in consultation practices. Such standards must embed core competencies of timeliness, responsiveness, inclusivity, transparency, cultural safety and trauma-informed practice.

Local government engages with communities in dynamic and complex circumstances. This includes increasingly diverse and contested communities, polarisation, increasing reported levels of harassment and threatening behaviour towards staff and elected representatives, and a global and local corrupted information environment. The local government sector must be supported to constantly update their skills to shifting community expectations of public participation. This includes skills for meaningfully engaging with persistently excluded groups, understanding and adapting to shifting sociopolitical norms, and systemic and environmental challenges. As the legislated peak for local government in Victoria, MAV plays a key role in supporting the sector to build capabilities to address these complex challenges. Through our strategic priority to advance strong, active local democracies, we are increasingly recognised in the national and global arena for this work, which bridges government and sectors. We play a pivotal role for local government that delivers a wide range of policy, projects and services and does so within increasingly stretched resourcing.

Our first recommendation is that the state government support the establishment of a centre for excellence for local government engagement practice to build skills, tools, peer learning and sector-wide consistency in this space. MAV is well placed to work with the state government to embed this as a portal through which to enact our subsequent recommendations. These are to collaborate with the sector to review statutory timelines under the Act to improve alignment of council plans, budgets and financial and asset plans; to invest in building in-house capabilities for community consultation across local government, ensuring the sector is supported to meet current and future challenges; and to mandate a code of conduct and practice standards, establishing and monitoring quality standards, including mandatory disclosure of consultant methodologies, findings and how community feedback has shaped decisions.

The MAV and the entire Victorian local government sector look forward to working with the Victorian government to implement the outcomes of this parliamentary inquiry to support strong and active local democracy in this state. Thank you.

James McLEAN: Thanks, Ika. I am not going to say too much, and I will leave it to the folks opposite me to ask questions about Victoria's planning reform system. I presented to this committee earlier in the year on the select committee inquiry.

When we talk about planning reform in the context of community engagement and participation, for a long time local government has been the leader in that space as delegated to us under the *Planning and Environment Act*. In both statutory planning – so development permits – and in strategic planning, councils have been the lead in engaging with communities on shaping their built and natural environments through the planning system in the context of a housing crisis. With the release of the government's housing statement and more recently the launch of *Plan for Victoria* – and I note all Victorian planning schemes were updated just the other day to implement *Plan for Victoria* in the Victoria planning provisions – this shift in the political context of the housing crisis has also meant a shift in the role of local government in engaging with communities in shaping their communities. Through codification and expansion of development facilitation pathways, communities are having less and less of a say in those statutory decisions. Increasingly in the strategic planning space we are seeing a similar shift. The rollout of SRL precincts and the activity centres program has reduced councils' role in leading communities through that housing and urban shaping, I suppose it would be fair to say.

Our submission to this inquiry makes three recommendations to that effect, because councils are finding that this shift from them leading local planning discussions is actually causing unintended consequences along the way. We talked last time about how maybe there is a better way for local and state government to consult with each other and to share information and new ideas on how to do planning reform. We also call for, where councils have already done the strategic work but that work is sitting on a desk somewhere within government, those approvals to get expedited, because councils have already done the community engagement. We have also called out the practice of using non-disclosure agreements, not just in planning, I think it is fair to say, but across a whole range of other government programs, including major transport initiatives. The use of NDAs has proved problematic, not just for MAV but for councils, in terms of sharing information with their communities and councillors when there is change proposed. So those are the key points that I want to make, and I am happy to take questions on those.

The CHAIR: Thank you. I do not know whether it was insightful or presumptuous to think that we would want to talk about planning again, but it is probably a fair bet it will come up in the course of today. I do want to go to the issue of trust, information and misinformation first, because it is an incredibly relevant topic; it is

not something that has really come to the inquiry in the public hearings that we have had so far. How do you think we get better at engagement and build confidence with people when we genuinely want to hear their views, if they are disbelieving of many of the things that we say? It feels like a pretty existential question for an inquiry like this.

Ika TRIJSBURG: Absolutely. And that is the environmental context within all of these conversations and processes taking place. It is multifaceted. In terms of response, there is the institutional trust, and depending on the type of engagement process that is being undertaken, there is also trust in the others who may be participating in that process. Our information environment is driving incivility in engagement within communities, and that is something that has the potential to impact things like deliberative processes and other engagement processes, as well as polarisation. As I mentioned, people within communities now operate within entirely insular information environments that can really impact their local realities. So there are multiple ways that we address that and that we advocate for addressing that. Part of it is around addressing the institutional trust and the trust with governments but also recognising that trust is relational and situational across communities, and sometimes we need to work with other trusted institutions that might hold more legitimacy with a particular group and actually work out how we might best navigate that with them. We also need to look at the trusted nature of information and recognise that different people within communities trust different types of information, and that is not just about accessibility; it is also about what is considered legitimate information, and that is shifting. So we need to engage with that in our consultation processes. We need to make sure that we are engaging with people who are trusted, in trusted places. The MAV was involved in the development last year of the world's first *Disinformation in the City: Response Playbook*, which provides some really tangible guidance around how we do communicate, how we operate and how we can govern in the local context given the environment that we are operating in.

The CHAIR: I do not recall that being attached to your submission. It might have been referred to, that playbook. Are you able to provide a copy to the committee?

Ika TRIJSBURG: Absolutely.

The CHAIR: I think it would be a really interesting environmental context for us to look at. One of the things that you talked about there was trust in others and in civility, and someone earlier today, I cannot remember who off the top of my head, talked about how the consultation processes that they are involved in often are impacted by the disposition of their fellow participants and that that has a real impact on how they – it was a reflection that just so happened to be about planning. But I was at a consultation process recently where there were loud voices and there were quiet voices, and they were saying very different things. How do you think we get our processes on engagement to amplify the quiet voices more?

Ika TRIJSBURG: Are you directing that to James, around planning?

The CHAIR: No, it was just a planning example, Ika – you might be more interested in it. It just feels like there are a lot of people who are not confident in speaking up because there are others who have already spoken loudly. How do we get the quiet voices amplified?

Ika TRIJSBURG: Part of that is the way that we facilitate such processes. Sometimes it is about having multiple ways that people can engage, some that are more suited to people who might have a quieter voice and some that might be more suited to the people who want to have a big platform to speak boldly. Again, that speaks to the need to have skills development investment across the sector, because these are the sorts of things that we that we do face, the sorts of challenges that are getting worse in the community as we do become more polarised, as we do become more fragmented in terms of the information that we are accessing and the behaviours that we are willing to endorse, whether it is towards each other or towards those who lead and serve our communities.

The CHAIR: Do you think there is a value in having a standard or an expectation of how participants are going to engage with each other as part of legitimate consultation practices? And have you seen any examples of where that might have been used effectively in the local government sector?

Ika TRIJSBURG: Absolutely. I have previously run deliberative processes myself in contested environments as well, and the first thing that each of those has done is to actually work with the whole panel, however large they are, to establish what they want to be their binding commitment to each other through that

process. Sometimes that can be a very quick process and sometimes that can take quite a long time, but I think that is absolutely foundational to these processes.

The CHAIR: Great. Mr Ettershank.

David ETTERS HANK: Thank you, Chair. Thank you very much, MAV folks. It is lovely to see you again, James.

James McLEAN: Thanks.

David ETTERS HANK: Like the Chair, I am possibly still slightly PTSD after the inquiry into –

James McLEAN: Same.

The CHAIR: I am not.

David ETTERS HANK: Just one very brief question: I presume your reference before to recent changes was the clause 54 change on standards. Just very briefly, were you consulted on that before it came in, or was it an early Christmas present?

James McLEAN: I would say there was a state government closed working group on second dwellings on lots, but it was not done under any sort of formal consultation program where submissions were invited or there was a broad sector-wide consultation. It was very limited and constrained in terms of time and in scope.

David ETTERS HANK: Well, I am glad to see we are seeing some improvements since the planning report was done. That is terrific. Never mind. Could I ask you about the mandate on disclosure of consultant methodologies, engagement reports and findings? Because I know, like many people involved in these processes, you get involved and then you see these infographics – you know, we had 12,000 engagements and stuff like that, and it is entirely unclear how they got that number. Could you just elaborate a little bit on it? Because it seems to me like a potentially wonderful idea.

Ika TRIJSBURG: Well, we would like to see that a little bit deeper than the infographics, and that could include the level of influence that different aspects of the consultation had on the decision. Sometimes things are recommended through consultation processes that cannot be implemented at any level of government, but it is very important to then feed that back and, as part of that reporting mechanism, to say to community members why that was not able to be implemented and why an alternative solution was chosen. It is really about increasing that transparency and trying to ensure that we are building community trust in these consultation processes at a time when community trust in all levels of government is decreasing. Even though local government trust is higher than other levels of government – and that is something that the sector is very proud of – it is also decreasing. So that is something that we need to have very much front of mind in terms of the way that we undertake our public participation.

David ETTERS HANK: That is terrific, because I think we have had a number of people who have talked about closing the feedback loop and suchlike, and it seems to me to be a fabulous addition to that. Thank you so much for that. NDAs – we have had a number of people raise this question. I know I had one infrastructure manager who declined to sign an NDA as part of the railway crossings process, and as a result the council was shut out until he did. Is that an isolated incident? It seems to me so totally undemocratic and exclusive.

[audio dropout]

Gaelle BROAD: But yes, what were the thoughts of the sector in response to that inquiry?

James McLEAN: I personally – and neither did Ika – did not present at that inquiry, and we were not involved in the preparation of the submission. I can talk broadly from the areas that I am knowledgeable of: for example, planning system reform going on at the moment, as well as some issues around – well, not some issues, I think big issues around – the renewable energy transition in regional Victoria in particular. When it comes to planning reform, and perhaps I can fold in some of the renewable energy stuff within that as well –

Gaelle BROAD: Yes, if you can speak to the renewables, because I have heard from councils that are saying there are massive projects happening in their areas. They do not feel that they are equipped to engage with

some of the challenges. A lot of the consultation could be undertaken by the private companies. What are your thoughts on what can be improved in that space? Because it is causing a lot of frustration in local communities.

James McLEAN: It is a real mixed bag across local communities, as you would understand. Some parts of the state – for example, the Latrobe Valley region – are a lot more accepting of change when it comes to energy transition. Maybe ‘accepting’ is not the right word, but the infrastructure and the energy generation has been there for a long time, so when there is a shift to renewable energy, the dramatic changes to the landscape are not as noticeable. Of course for the north-west and western Victoria, those changes are significant and impactful on landscapes. There are issues around property rights and property access. So it is a mixed bag depending on which council you talk to and which community you are talking to along the way within those councils.

Gaelle BROAD: Do you think there is anything that can be done to improve community engagement? Because the state government has removed the right of appeal to VCAT. It seems to be pushing down any sort of – well, not even dissenting voices – valid questions, I would say, raised by the community. What are your thoughts on what needs to be done?

James McLEAN: That is when I get to my point around the planning system reforms, where changes are being made to community consultation, appeal rights, notice rights and even communities finding out whether or not a project is even happening. Quite often councils find out that a project is happening when the project is lodged with the planning minister. There was no up-front engagement with councils or local communities first. That is why in our *Reforming Victoria's Planning System* submission and in our submission to this inquiry we are talking about a better sort of state and local government led planning reform process where, if there are proposals, for example, to streamline or expedite certain projects, there is actually a genuine engagement process. It is not just giving councils options that will lead to the same outcome but actually asking, ‘What do you think would work?’ So it is kind of a back-to-basics approach, getting back to the very beginning of why we are expediting these things and why we are switching off community objection rights. Councils had no say in whether or not that should happen and on what terms that should happen. The current approach is a rather blunt tool with development costs or the amount – for example, with renewable energy, I forget the exact number, but I think over 1-kilowatt-hour-sized projects go straight to state government for approval. There is no consultation as to whether that is appropriate or whether that would be acceptable to regional communities.

When it comes to planning reform and the role of local and state government in brokering outcomes for communities, councils feel that their planning teams are often under-resourced – particularly in regional areas – to manage these sorts of conversations. As I am sure you all understand, these are politically vexatious and extremely, deeply emotional topics for communities for a whole range of reasons – not just environmental impacts or impacts on the value or operation of agricultural land but right down to community views on the perception of the climate crisis, so –

Gaelle BROAD: What action do you think state government needs to take to ensure that proper community consultation is taking place with these projects?

James McLEAN: It comes down to making sure that councils are informed up-front of all projects that go ahead –

Gaelle BROAD: Informed or – there is a difference between engaged and informed.

James McLEAN: Beginning with informed – saying, ‘Hey, we’ve got proponents here doing pre-applications or pre-application information seeking.’ Quite often councils are not involved with that along the way. We have heard examples of numerous councils finding out just as an application lands on the minister’s desk for certain projects. I do understand that VicGrid in its consultation is seeking to improve a lot of these practices, but unfortunately, when it comes to the transmission framework plan that has recently been released and implemented and the renewable energy zones, we are really fitting a square peg into a round hole where a lot has already happened.

Gaelle BROAD: They were released on Sunday, I think – the updated zones. Is that my time, or do I get any other questions?

The CHAIR: I will go to others first, and then if we have more time we can come back to you at the end. I think we have got Mr Ettershank back, and if so, he can continue with his questions.

David ETTERS SHANK: Thank you, Chair. I am not quite sure where I cut out. I was raising the question of the NDA –

The CHAIR: You cut out just as you were saying how great the level crossing removal project is.

David ETTERS SHANK: Oh, yes. How could I forget? I guess that saw a council isolated and criticised because one of their managers declined to sign an NDA. I am just curious to know what MAV's perception is of the number of these NDAs and also, obviously, their practical impact on the consultative and democratic process?

James McLEAN: I have signed many NDAs in my time at the Municipal Association of Victoria. I have been at MAV for five years now, and I have signed many non-disclosure agreements. Speaking from my perspective, it puts you as an officer in a really difficult position where you are privy to information that could fundamentally, as in my case at MAV, shift the role of local government in planning decisions and infrastructure decisions. In the case that you are referring to – the LXRA and its impact on Hobsons Bay City Council and the community there – being a holder of that information as an officer, without being able to report back to your fellow colleagues, senior officers or council, or in my case the board, means that others are being shut out of the discussion. It therefore undermines the oversight of organisations and councils in what is happening on the ground. It also increases, I think, concerns around integrity of the process being undertaken, and it also brings into question the integrity, I think, of those people under the NDA in that we are not trusted with certain information to, you know, assist in a better outcome.

For example, in the current review and rewrite of the *Planning and Environment Act*, MAV is under an NDA on that. We have been privy to a whole range of information that will have very significant impacts on the ability of local government to implement the planning scheme and to engage with communities in planning decisions, but we are restricted to share that information with colleagues in councils. Councils have been invited to also sign the NDA, but they have been burnt in the past, in the example that you have referred to, and a few years ago there was a large cohort of Victorian local government officers who signed NDAs to become privy to information regarding a tranche of planning reforms that got out in an article in the media, and councillors, elected representatives, were furious that their officers were being consulted on significant information that transferred decision-making from them to state government, that their officers knew about it and that their officers did not tell their council about it. And it put –

David ETTERS SHANK: Can I just clarify something, James? Did I hear you correctly to say that in the consultations around the new proposed *Planning and Environment Act*, the peak body for local government was subjected to an NDA such that you are effectively unable to consult with your members? Is that what you are saying?

James McLEAN: Correct, and that council officers were unwilling to sign NDAs as well because of the experience that they have had in the past in signing NDAs with state government and, you know, being unable to share information and the pushback that they got from their councillors and communities. On this occasion MAV signed an NDA with state government in good faith to partner with state government so that we can assist where we can and provide information and feedback, and we have provided detailed, practical, constructive feedback to state government still. But because of the nature of the proposals and the nature of the NDA, MAV has been unable to consult with councils. We did offer pathways forward to do this without an NDA or under certain circumstances and conditions, but that was unable to proceed.

David ETTERS SHANK: I just think that is scandalous – scandalous. Thank you, Chair, for the opportunity to pick that up. I appreciate it.

The CHAIR: That is all right. Ms Lovell.

Wendy LOVELL: I agree with Mr Ettershank; it is scandalous. And I just wonder how you think it is ethical that you, as an MAV officer, are asked to sign an NDA that you cannot consult or give any information to your funding bodies, your member organisations, or that the council officers and the Hobsons Bay council are asked to disclose NDAs over the closure of the Champion Road gates and cannot actually provide any information to their elected councillors, to their CEO, to their ratepayers, who are effectively their employers.

James McLEAN: As I said just before, it does put us, as officers of MAV or in councils, under significant pressure, and as I think you are sort of alluding to, in the view of MAV and councils, it undermines oversight of decisions that impact communities on the ground, yes.

Wendy LOVELL: The closure of the Champion Road gates significantly impacts the Williamstown and West Newport community, and it is scandalous – scandalous – that they would be dealing with council officers who are employed by the community and there is no information going to the community, just scandalous.

Anyway, I want to go back to more around the development facilitation pathways and also the energy projects. We have a couple in northern Victoria; one is the Riddells Creek development that was rejected by the Macedon Ranges council and rejected by the community strongly – that then went through the development facilitation pathway and has now been approved and is going ahead. Also the energy projects Ms Broad raised – the removal of rights at VCAT, the removal of any rights of councils. We have one in Colbinabbin that has recently been approved that was strongly opposed by the Campaspe shire. I am just wondering about your thoughts on how that actually equates to consultation in communities when communities are just ignored.

James McLEAN: Would you mind rephrasing the question for me?

Wendy LOVELL: Well, I mean, we are talking about consultation with communities, and yet here we have these pathways being proposed by state government that effectively remove all consultation because neither local government nor community members are having any say.

James McLEAN: The MAV's view on this is that under the current planning system reform, the state is carving out different pathways for different types of projects: there are pathways for renewable energy, there are pathways for, in this case, precinct structure plans under the development facilitation program. This sort of carving out of different bits at a time is undermining the basis of a system that was designed to include community appeal rights and participation – where relevant, where needed – to provide detailed feedback on say, for example, use of that land over time or impacts on neighbouring properties. But this sort of carve-out where the state government gets to deal without any appeal avenue for some sorts of projects and leave councils to the rest I think also confuses communities along the way. Why should the planning minister be able to waive community appeal rights and consultation processes when councils still have to follow a very detailed and very dedicated and deliberative engagement pathway with communities to facilitate development, which actually does increase community acceptance of change over time? MAV acknowledges of course that in a housing crisis where people are struggling to find affordable shelter that some things might need to change, but by sidelining communities we really do question whether that will actually get communities on board to accept these changes. Back to the renewables transition, they are the same sorts of questions around how removing the ability of the community to have a view on it or to have an appeal avenue actually undermines the social legitimacy of those projects.

A piece of work that MAV has been doing – we have not published anything yet, but it has been one burning away in the background with my colleagues and I – is looking at the role of councils in brokering better community benefits sharing from renewable energy projects. In terms of increasing that social licence of new energy projects in areas, better brokering of benefits is actually one way to get communities on board, and there could be other ways that we could be increasing the social licence of new development for communities where decisions are being expedited. Also, when it comes to the development facilitation program, the state government still relies a lot on local government knowledge of specific sites and their impacts, whether that is on traffic, water, environment or neighbouring residents. So the local council officers do provide reports and recommendations back to state government on that – a key bugbear for councils. While they are happy to provide that feedback, of course the bugbears are they do not get a fee for that, so the state government takes the whole fee but the council still has to do a heap of the work, and then ultimately a planning permit is issued that the council may not have actually supported, but the council is still responsible for executing the conditions of that permit and overseeing the construction management plan and all of those sorts of things. I do understand that councils on a case-by-case basis do work with the state government facilitation program to perhaps overcome some of those sorts of issues to have a better working relationship. But again, it is a bit of a mixed bag of experience, depending on the project as well and its size and complexity.

Wendy LOVELL: Thank you.

The CHAIR: Thanks. Just to follow up on some of these points. People do not have to agree at the end of a consultation process though, do they?

James McLEAN: No.

The CHAIR: We can have a consultation process that leads to some people disagreeing with the outcome and that does not invalidate the process.

James McLEAN: 100 per cent agree, yes.

The CHAIR: We had this conversation with witnesses prior, that the task of this inquiry is to try and figure out how we get better processes, leaving the space for people in a democracy to disagree with each other about things, and not saying that because we disagree therefore everything else is problematic, and noting that the planning ministers are elected the same way that councils are elected, the same way that all members of Parliament are elected. I just wanted to check if anyone else had any final questions they wanted to make? Ms Broad.

Gaelle BROAD: Thank you. I am just interested, because we have heard today about the non-disclosure agreements. I have spoken to a number of people about the FOI process – just how it is backed right up, and you cannot get information out of the government. I guess there are numerous times when government speaks and they use anonymous spokespeople. Do you feel that this approach is undermining democracy? I am interested in your perspective given your role too, but what are your thoughts?

Ika TRIJSBURG: On the overwhelming of the FOI system?

Gaelle BROAD: I guess just because you can do community engagement, but there have been a number of people talk about the style of this government is more consul-told rather than consult, and a lot of people do not feel listened to, and that can undermine their engagement in democracy and it undermines that trust aspect. With non-disclosure agreements being quite rampant, it is very hard to ask questions and not be able to access information or a significant amount has been redacted. That type of approach where it is informing rather than consulting or engaging communities, what impact do you think that has on democracy?

Ika TRIJSBURG: I mean, there are a few aspects of that. So obviously with use of NDAs and that sort of containing of who is able to access information about these decisions that do have collective impact, it makes it difficult to have oversight, but it also makes it difficult for communities to have the conversations that we do need to have, because we need to be able to disagree with each other respectfully. In the context of increasing incivility, we actually need to restore and relearn some of those skills as well. At the moment, if we are actually removing information, we are removing the opportunity for people to have those conversations with evidence-informed content, then information will fill that void but it will not be accurate information, and people will be frustrated because they know that they cannot access the official information and so then that drives that distrust.

In terms of the backlog of FOIs and the vexatious use of governance processes, I think that is another aspect, certainly around the way that people who are seeking to undermine the consultation processes of government or government itself are using those. It can also be used as a form of harassment obviously. I think that also speaks to that erosion of the community fabric in relation to local democracy and in relation to local community consultation. These are the things that we need to really foundationally address. We have, again, in this playbook, laid out a number of different approaches that are very much multisector, multilevel and multicity or multi-local government in the Victorian context. And we at MAV do a lot of work with the state government around democratic strengthening and particularly also at the federal level. We are doing a number of projects currently with the Department of Home Affairs. We also work with other departments around looking at ways that we can effectively have multi-level approaches to strengthening local democracy. And increasingly we are also called on by foreign national governments for advice around how they might work with their local governments in a more effective way around restoring integrity to local democracy.

Gaelle BROAD: Local governments do reflect communities, and engagement is an important part of that, particularly as you are doing work on behalf of state government. But with the emergency services tax, that was a big change that sort of shifted another responsibility onto local governments. But what engagement –

The CHAIR: Changed the responsibility on local governments, expanded it rather than shifted it, I would say, but anyway, keep going.

Gaelle BROAD: I guess we can debate that another time. But what are your insights into what consultation took place in that process?

James McLEAN: Can I take that one on notice? It was not my area in MAV, but we can certainly get an answer back to you shortly.

The CHAIR: That is fine. Mr Ettershank, do you have any last questions?

David ETTERS HANK: Yeah. Thanks, Chair, I appreciate that. You have raised an issue about expediting planning scheme amendments already adopted by municipal councils. I know for our local structure plan, I think, it is now four years since a very exhaustive council consultation process was completed – that is C419 – and we have just been told now that it will be another six to 12 months before we can get through the bottleneck to get it signed off because of the expert panels. What is the extent of that? I mean, does MAV have some data on just how many planning scheme amendments are actually stuck in that void?

James McLEAN: We do not have great data on it, no, but anecdotally I think every council in Victoria probably has some sort of war story of a planning scheme amendment. As our submission here talks about, to come up to the point of lodging a planning scheme amendment with the state government is a years' long process of many touchpoints with the community along the way and touchpoints even with the state government itself in terms of whether the amendment aligns with state planning policy and so forth. The example you raised is a clear case of that, but we know of other councils. I was speaking, I think, to neighbouring Brimbank City Council a couple of days ago about a planning scheme amendment of theirs – their housing strategy actually – that has been delayed ongoing for years and years now because of the rapid pace of state government planning reform and the need to review, adjust, put it back in, take it back out. It is a very common problem across the sector.

One of the things that we have called for in planning reform in Victoria is a bit more of a transparent process and a time-bound process for the minister's office and DTP or DELWP, or whichever level of government or department, to make a decision on these things, because the detail is there – the community consultation has been done, it has been through a planning panels process, there has been a rigorous review process of the quality of those changes. At the moment all councils are to be doing their legislatively required planning scheme reviews. Within 12 months of municipal elections, councils have to prepare their council plan, and then within 12 months of the council plan, they are required to review their planning schemes. I will say that due to resourcing or that they might have done a really excellent planning scheme review the last time around, the extent of the review often varies a bit. Some rural and regional councils have not done one for quite some time, and we are working to fix that up in partnership with the state government's regional planning teams. But at the moment councils are not really able to do their planning scheme reviews as required under the *Planning and Environment Act*, because we are still waiting on how we are meant to implement housing targets. I understand the planning scheme amendment happened just a couple of days ago to now formally introduce housing targets into all municipal planning schemes.

Councils have been promised tools and assistance to measure the housing capacity. Those have not been available. I understand there are resourcing issues within the department that we would dearly love solved, because what we have seen of the tools and proposals is strong and could be quite rigorous and really useful for councils. That has not been available. They have had to pause a lot of strategic planning because of uncertainty in the direction of the state's planning reforms. Also, why would you spend up to a couple of hundred grand to do a planning scheme review or a related strategy when the whole *Planning and Environment Act* is probably going to land in Parliament later this year and we really do not have much detail on it? So they are sort of between a rock and a hard place in taking that strategic planning at the moment.

The CHAIR: All right. We are at time for today. Thank you both so much for coming in and giving us some very thoughtful evidence. You will be provided with a copy of the transcript following today's hearings for review. With that, the committee will take a short break.

Witnesses withdrew.