LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into Community Consultation Practices

Melbourne – Friday 22 August 2025

MEMBERS

Ryan Batchelor – Chair
David Ettershank – Deputy Chair
Melina Bath
Gaelle Broad
Jacinta Ermacora
Wendy Lovell
Sarah Mansfield
Rikkie-Lee Tyrrell
Sheena Watt

WITNESSES

Marion Short, Chief Executive Officer,

Amy Hubbard, Practice Lead, and

Donna Groves, Member, Advocacy Committee, Engagement Institute.

The CHAIR: I declare open today's public hearing for the Inquiry into Community Consultation Practices. This public hearing is part of the Environment and Planning Committee, an all-party committee of the Legislative Council of the Victorian Parliament, looking into consultation practices here in Victoria. The evidence that we gather will help inform a report we provide to the Parliament, which may include recommendations to the government. For those who are joining us in the room, could people please ensure their mobile phones have been switched to silent and minimise background noise.

I will begin today's proceedings by acknowledging that we are meeting today on the lands of the Wurundjeri people. I pay my respects to elders past and present and acknowledge any Aboriginal and Torres Strait Islander Australians who are joining the proceedings of the committee today. I would like to welcome members of the public who may be joining us in the gallery or viewing online. These proceedings are being broadcast, and we remind any members of the public in the gallery today to please be respectful of proceedings and to remain silent at all times. Thank you all for joining us.

All 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. Therefore the information you provide to us today is protected by law. You are protected against any action for what you say during these hearings, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of the Parliament.

All evidence is being recorded, and you will be provided with a transcript following the hearings, which will ultimately be made public and placed on the committee's website.

Welcome. My name is Ryan Batchelor. I am the Chair of the committee. We really appreciate the time you have taken today to come and join us for the first of our hearings into community consultation practices. I might ask members of the committee to introduce themselves, and then we will hand over to you. I might start with Sheena.

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

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

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

Melina BATH: Melina Bath, Eastern Victoria Region. Good morning.

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

The CHAIR: And joining us online we have –

David ETTERSHANK: Good morning. David Ettershank, Deputy Chair of the committee, representing Western Metropolitan Melbourne.

Sarah MANSFIELD: Sarah Mansfield, Member for Western Victoria.

The CHAIR: Thanks very much. If each of you could state your name and the organisation you are appearing on behalf of for the Hansard record, please. I might start with you, Donna.

Donna GROVES: My name is Donna Groves. I am on the Advocacy Committee for the Engagement Institute.

Marion SHORT: Good morning. I am Marion Short, the CEO for the Engagement Institute.

Amy HUBBARD: Hello. My name is Amy Hubbard. I am a fellow of the Engagement Institute.

The CHAIR: Thanks very much. Basically the way we run these proceedings is we will ask you to make a short opening statement, should you wish to do so, and then we will take it in turns to ask you questions. Hopefully it should be pretty straightforward. If you have any questions at all about the way things are working during the proceedings, just ask. They are pretty relaxed. So I might hand over to you to kick off today and this inquiry.

Marion SHORT: Thanks so much, Ryan. It is a delight for the Engagement Institute to be here with you this morning. I am really grateful for the support of Amy and Donna as part of these conversations with you. The Engagement Institute is formerly IAP2 Australasia, and we are the peak body for the engagement profession. We have almost 16,000 members across Australia and New Zealand, over 5000 in Victoria, and we are part of the global IAP2 network. Our members operate in an incredibly broad range of sectors: all levels of government, infrastructure and construction, energy and renewables, mining and extractives, transport and roads, education, health – the list goes on. We are recognised for our standards for engagement best practice, capability building, continuing professional development, networking events and advocating for the sector.

Today we are going to use the term 'engagement', which is our broad term for all levels of engagement or consultation. For us as a practice, consultation has a very clearly defined promise and description as outlined in the IAP2 spectrum. I just wanted to be clear we are probably going to say 'engagement' a lot, because we see the intent with that, and 'consultation'. Joining me, as you know, we have Amy Hubbard, who is a fellow – both Amy and Donna are long-term members of the Engagement Institute – and Donna Groves, who is a very active Member of our Advocacy Committee here in Victoria. I would like to pass over to Amy to introduce herself.

Amy HUBBARD: As I said before, my name is Amy Hubbard. I have 25 years experience in community engagement, mostly in the planning, environment and transport sectors. Ninety per cent of my work is in Victoria, and I think I can confidently say I have worked with every local government in Victoria and every iteration of state government departments over those 25 years, so I have got a little bit of experience in this space. Thank you.

Donna GROVES: My name is Donna Groves. I have been doing this for 33 years, which really tells my age. I am originally from western Sydney, but I have been in Melbourne for 14 years. I have worked in every state in Australia. I have worked in community engagement overseas, in the UK, the Middle East and a number of European countries. For the last 16 years I have owned my own consultancy. Prior to that I was in-house in the Victoria, Commonwealth and New South Wales governments and spent a little bit of time working with the Queensland government. I have also worked in construction companies. I predominantly deliver projects, although I have worked in planning projects as well. I am very passionate about the wellbeing of communities and infrastructure and renewables being delivered for the community's benefit. I have worked closely on the community benefit planning framework in Queensland, and I am now embedded in a renewables company. They construct, develop and operate renewables in Victoria and throughout the east coast of Australia.

The CHAIR: Thanks very much. I am going to start the questions off. This inquiry has been established so that we can understand how community consultation practices are undertaken in Victoria and really what we should be expecting and whether current practices are living up to those expectations – that is the crux of what we are trying to do. And then there are various tools that we can use. Maybe I can start with foundational principles: why does government need to do engagement, and how should it do it well?

Marion SHORT: Gosh, they are two questions.

The CHAIR: I know, but – Chair's prerogative. I kind of slipped it –

Marion SHORT: It is when you get to three or four we are going to get confused. No, it is an interesting position. From the Engagement Institute's perspective, we believe that engagement, when done well, increases community's trust in government, in their decision-makers and in democracy as well. We believe that it is the foundation to good decision-making. Amy, Donna, do you want to add to that?

Amy HUBBARD: I will go back to the first part of the question – so why we are doing engagement, Ryan. There are a whole lot of reasons. I started my career as an urban planner before very quickly moving into

community engagement. The *Planning and Environment Act* is one of the first pieces of legislation that has consultation enshrined in its foundation. That is one reason – there is a statutory requirement for some projects and programs and policies. But it is also about providing community with the opportunity to add to the government's pool of evidence before they make decisions. When we talk about that pool of evidence, it is about hearing from all corners of the communities that may be impacted or may be interested in a project, not just those that might be more resourced or more connected, who may dominate that conversation. But we also are lucky enough to live in Australia and we are lucky enough to live in Victoria, and it is a democratic right to participate in democratic processes. I think why also we engage – people over the last decade, they have changed in the way that they communicate with government and with each other, and we are in a world where communication is everywhere. That brings about an opportunity and also a tension in how we engage. So there are many reasons why we do engage. But the starting point is really about those statutory requirements.

Donna GROVES: And after the statutory requirements you engage with people that are impacted by projects. For example, I headed up North East Link early works stakeholder and community engagement, and the impacts were astronomical. So you engage with people to minimise the impacts, to deliver a project that has already been decided because we have gone through the planning process. But that engagement is just as important because those people are being impacted dramatically by the works but they are for the benefit of the greater community. So obviously that creates divides in community, and good engagement can mitigate that.

The CHAIR: Not everyone agrees with everything that happens. Is the purpose of community engagement and the best practice community engagement to convince everyone that they need to agree?

Donna GROVES: Absolutely not, and if I get called a salesperson by one more engineer, it is not going to go well. We are not salespeople. It is not our job to make people agree, but it is our job to give transparent and honest information and to take people along the journey to explain the decision-making. As government, what you could do for us is let us give more information, because often people will be more accepting of a project if they understand the reasons behind it. It is really that simple. We listen, we sit down and we talk to them. We really engage, and we say, 'We understand you're going to have an impact. This is the reason why.' Ninety-nine per cent of people are reasonable if they are given honesty and transparency and openness and a chance to actively participate. We are never all going to agree – we are all different sorts of people – but we can mitigate this process and we can have a better process if we are open and transparent.

Marion SHORT: I think one of the really important points here – and this is one of our policy calls to action – is a really clear definition of 'engagement'. Our definition of 'engagement' is: engagement is an intentional process with the specific purpose of working across organisations, stakeholders and communities to shape the decisions or actions of members of the community, stakeholders or organisations in relation to a problem, opportunity or outcome. It is very purposeful, but it is purposeful in the context of and in relation to a problem, opportunity or outcome.

Amy HUBBARD: I just want to make a comment about the term 'engagement'. It is problematic, and we use it as an umbrella term, but engagement means different things to different people. If you are a person that has been part of an engagement process where there are very clear negotiables and the community ultimately are making decisions, something that might be deliberative engagement – more intensive – we call that engagement. But then some people, where there is a predetermined outcome and they write a fact sheet to communicate with the community that that is going ahead – that is also engagement. The process and the intent of those different engagement tools are very different things. In the community there is a high level of misunderstanding and a low level of literacy around public engagement. This is something that we come across every day as practitioners – that this term 'engagement' can mean so much that it means nothing at all.

The CHAIR: Thank you. My time is up. Ms Bath.

Melina BATH: Thank you, Chair. Thank you very much. This is fascinating. I have written some words down that you mentioned, Donna, and I would like to take you to that. It is a big topic, but you said, 'As government, let us give more engagement and let us provide more information.' Could you expand on that? Because the whole premise of engagement is about building confidence on both sides. If information is being inhibited, why is it being inhibited? Are we, the society, getting told what we need to know for government purposes? What is the right amount of information, and are you having to withhold some information because it is not good for the public to hear?

Donna GROVES: Yes, absolutely. It has been a while since I have been in-house in government, but there are so many things that I have not been allowed to say. I headed up the Monash Freeway upgrade community engagement as well, but I worked for the contractor. But there was a lot of information that I just did not have, like: 'Why is the route option here?' 'No, we can't say that.' We are often not allowed to release the costings for projects. There is lots and lots of information, whether you are with the contractor or the government, that we are not allowed to release. Then the community, when they are not told this information or they are not told why decisions are made, say, 'Why that route option?' I had one part of a road I worked on where the route went through a number of houses and we had to acquire them. The reason was that there was contaminated swampland, but because we did not want to create community outcry, they were not told that. If we could have given the information better, they would have accepted that: 'Okay, we understand. Are there any health concerns?' They were worried about there being further health concerns. That is one example.

I understand that there are times when information has to be kept quiet, but communities are smarter than we give them credit for. I was just consulting at a council in Queensland that was quite irate. We went into the council expecting them not to want this project, and they spent 20 minutes telling us, 'We want you – not consultants, the in-house team – to come and front the community. I'm the mayor. I stand at public meetings and tell people the truth. We want everyone to hear the information. You come and tell us, and then we'll support your project because we'll get the truth.' That really resonated with me when I was thinking about what we are saying today. Let us tell people the truth, let us give them context, let us of course not create public fear. But give them the context, explain the process, and engage early if you can – Marion is going to have a strong point on this. If you can, engage early and tell people what is negotiable and what is not negotiable. If we engage early and say, 'Where would you like the road? But it can't go in a number of places,' that is going to create community angst. But if you say, ''We've got these four options. That will be right.'

Melina BATH: Routes.

Donna GROVES: Yes, route selection. Twenty years ago in roads we used to do that quite often. It does not happen too much now. We do not often bring the community along on the process. I know it is expensive, I know it is time-consuming, but if you have a say in the development, you are not going to be so upset about the construction.

Melina BATH: It may diminish angst and cost in the long term.

Donna GROVES: Yes.

Melina BATH: Thank you. My time is limited, so I am going to ask for a recommendation, so you can put it on record in a minute if you do not mind. Also to Marion: shaped decisions. One of the things that we hear in the regions – I am from Gippsland, Eastern Victoria Region – is many people feel like they are being consultold. Part of the shaping of the decision means that my voice has resonance, has value. Many feel like they did not know about the engagement – now, that is community awareness. But also how is it a cyclical impact of engagement, listening and communication? Could you walk us through what good engagement for shaping decisions looks like?

Marion SHORT: I think this goes back to the purpose of engagement and the intent of engagement. We are actually launching an incredible case study around a recent *Act* that was introduced. For those of you that are aware of this Act, it started off moving through the house really smoothly, supported by all parties, and then went out for engagement, where it sort of went into disarray because the purpose of the engagement was not strategic enough. Therefore it drilled down and the questions we were asking did not align with the purpose and did not align with the negotiables and non-negotiables. In this case the decision had already been made, but the questions were asking, 'Do you support this? How can you influence the decision?' They were the wrong questions. Given the disarray, a new strategic approach was considered and the questions were shaped to align with the purpose much more tightly: 'What else do you need to know? What impacts are there that we haven't considered? What resources do you need?' This got it back on track.

This ties into the points that Donna is making, but it also ties into the points that we are making around having a really clear definition of 'engagement', being really clear of the purpose of engagement and having the engagement strategically shaped to align with all of that. There are going to be some engagement projects where it is about keeping the community really well informed and therefore operating at that end of the

spectrum, the inform end of the spectrum. It is about how you do inform really, really well. There are going to be other projects, which you want to start at the right time, for the right purpose, with the right people, which are going to be around things like route selection: 'These are the options that we have, and so we're consulting with you.' Because when you are talking about option selection, you are at the consult level of the spectrum. Like we said, engagement is a really big thing, but we have to be really, really clear at that strategic level: what is the purpose and what are we here for?

Donna GROVES: And the relationships – you need to own the relationships. I could not agree more that you should have more staffers that own the relationship. Sure, use consultants with back end knowledge. There are not many of us that have 25, 30 years experience anymore. We are probably not likely to come back and work for government, but we are happy to help out in the background – not that there is anything wrong with working for government, but we have done our time.

Amy HUBBARD: Can I just add one thing about good engagement. Engagement is about a relationship, and every time the community, the general public, step into a conversation, which is called engagement, it is like a new process. There is a start date and there is an end date. Every year Victorians are presented with hundreds of opportunities to participate in these things called engagement. Where does that data and information sit, and is there a golden thread between those conversations? At any one point in time, can you go in and have a look at the types of public conversations an individual or a lobby group might be having with the state or local governments? You cannot. So at the moment we are in an environment where engagement is very fragmented, and the community find it very challenging to navigate. Ninety-nine per cent of Victorians do not participate in public engagement processes. But where does that data and information go? We should be building on those conversations, not starting afresh every time the state determines we are going to go again.

The CHAIR: Thanks very much. Mrs Tyrrell, did you want to ask a question?

Rikkie-Lee TYRRELL: Yes, thank you. Leading on from that, Amy, you just said 99 per cent of Victorians do not participate in public engagement. How can we get them to engage more?

Amy HUBBARD: How can we get them to engage more? We go to them.

Rikkie-Lee TYRRELL: Okay.

Amy HUBBARD: We go out to the community. We do not expect them to go to an online platform. A survey is a great research and feedback tool. Is it engagement? I do not think so, and I am a social scientist. So it is understanding who our community is. In every community there are louder voices, but people living with disabilities, culturally and linguistically diverse people, people in remote and regional areas, young people, First Nations people – they are the people that we are not seeing stepping into these public engagement processes, because we do not create them in an accessible way. For most people, attending a public forum is fairly off-putting.

Rikkie-Lee TYRRELL: Definitely. Thank you. You mentioned before that engagement has changed over time. Do you think we still have a lot more to go before we can reach these individuals, and how do you think we can do that better?

Amy HUBBARD: Before COVID, as practitioners I think we were being really creative in how we went out and engaged in different areas, and we would have conversations with communities about how they wanted to participate in government decision-making. People were really extending themselves. Then the pandemic happened and everything went online. I can remember at one point in time a client of mine was saying that their community could not get online, because quite a few Victorians cannot get online, so we used a very creative tool called the telephone. In COVID it really narrowed, and I think since then we have not come out and embraced innovation and creativity and we have not taken the time to go out to communities and ask them how they want to participate. I think we were progressing, then there was a relapse, because the whole world for a couple of years – you know. I think we have got a fair way to go.

Rikkie-Lee TYRRELL: Okay. Thank you very much for that.

Marion SHORT: Just building on what Amy is saying, though, I think there is an important point around building on data with communities, because in terms of consultation fatigue, quite often communities are just

frustrated because they do not know what happened with the last piece of advice and guidance or input they provided. Closing the loop on communities' input into decision-making is equally important. I do think that there is the opportunity to create community wikis of all the consultation that is going on in my community at the moment. What are some of the challenges and impacts, where are our heritage sites, our cultural sites, our protected trees? If you raise community awareness and you give them access to a single source of truth about what is going on, you are going to manage a whole stack of things: you are going to get better engagement, you are going to manage misinformation and disinformation and you are going to build education and awareness of what is happening in my community. But also, what is engagement?

Donna GROVES: Can I just also add that it is about building those relationships. If you have staffers within government that are community engagement specialists and they continually engage with the same people, you are getting them the first time and then you are getting them back – you are getting those hard-to-engage-with people.

Also, best practice is asking the community how they want to be engaged. There is nothing worse than going out to the community and saying, 'This is how you will be engaged.' Ask them, and they will tell you. There are different regional communities; different regional communities want different things. Give them the options, tell them about our tools, but ask them: how would you like to be engaged, how can we best represent your community? I would argue as well, as politicians, you know your communities well – I mean, you are out there campaigning, you are doorknocking, you are speaking to them, and that data should form part of the project data, in my opinion.

Rikkie-Lee TYRRELL: Thank you, ladies.

The CHAIR: Thanks. Ms Watt.

Sheena WATT: I want to go to the question about consultation fatigue, and I want to just explore that. What are your findings, research or evidence around consultation fatigue? Because whilst I understand that some groups are left out more broadly, that has been recognised by governments, and then those groups are overwhelmingly consulted on many, many things. I am interested to understand best practice findings, research and evidence around consultation fatigue and what recommendations you might have around that particular phenomenon in the engagement.

Marion SHORT: I just want to open with saying consultation fatigue does pick up those people that are just choosing not to be consulted with because they are disenfranchised with the consultation processes. Amy and Donna, would you like to jump in on this one?

Donna GROVES: Yes, I can talk to this. You have got Professor Sara Bice coming this afternoon from the Crawford School at ANU, and they have just done a massive survey on engagement professionals in infrastructure. Consultation fatigue is a big part of that, and the data is pretty clear. A lot of the consultation fatigue unfortunately is talking to those talking heads that we see over and over again. They are being overconsulted partly because they want to be overconsulted. Then when we come to infrastructure – areas like the Monash – there is construction fatigue because there are so many different projects in the same area because you have got big growth. So you have got the two drivers as well. But I know Amy has some research around that as well.

Amy HUBBARD: Yes. Consultation fatigue means different things in different communities. It can boil down to mistrust: 'Too many opportunities', 'My contribution going into the black hole'. So there are many reasons. As I mentioned before, it is overwhelming for members of the public to try and navigate these spaces. I think we always have to acknowledge that at the start, and there have been some really creative responses to that.

The Major Transport Infrastructure Authority, pre-COVID, created a framework for their engagement which was place-based, because there were so many transport conversations going on in communities. Instead of having eight different projects in the one suburb or activity centre, with eight different lines of communication and public forums, they rolled them up into a single conversation. This is much more user-friendly, because I think we forget about the users or the participants of these engagement processes. There is another example in Launceston. When the City of Launceston mapped out their engagement over the year, they had nearly 50 engagements across all their different plans and policies. They bundled that up into four conversations

across the year. There were higher level themes, and again, it was much more user-friendly and much more accessible to the community.

Fatigue is different things in different communities, and there are different ways to respond to it. But again, it is about looking at engagement creatively and finding those innovative opportunities, and not just the rinse and repeat, talking to the community.

Marion SHORT: I think also a growing area of awareness that we have is cultural load. We do not have much data or research on this, but we are very aware of, in Aboriginal and Torres Strait Islander communities, the increasing cultural load of engagement and expectation for them to be interested in engaging on everything. What I really like about Amy's example from the City of Launceston is looking at engagement as a strategic part of, in that case, the council's responsibilities to the community. They elevated it and considered it in terms of what it is that they really want to engage on and how they do this more strategically. Amy is using the word 'creatively', but I hear strategy there.

Donna GROVES: Can I just add, Amy is talking best practice; that is not happening generally in the field. As someone who is delivering the projects, that is not happening, I would get on the phone from the Monash or North East Link to other people to find out what was going on and occasionally we had cross-departmental working groups, but that is the exception. That is best practice; that is beautiful. We should all do that, but we are not at present.

Sheena WATT: Which spoke to my question. Thank you, I appreciate that. I will cede the rest of my time, Chair.

The CHAIR: No worries, that is fine. We are just about up here. I might go to Ms Broad.

Gaelle BROAD: Thank you very much for coming today and your contribution to this inquiry. I represent Northern Victoria. There are a couple of practical things I would appreciate your insights on – practical examples. VNI West is a major transmission project, and there have been communities that feel it has been such a difficult process right from the word go – changing routes without explanation, wrong information in guides that went out or a lack of information about compensation, for example. Just today in the paper there is a story about Barry Batters, who is saying he is willing to go to jail over some of these things, he is so frustrated. Piles of papers are being given to people with very little time for farmers to digest the information. I went to an information session where there was a security guard. I went to another information session where they had a closed door. I asked to go in, and they said, 'No, you can't go in there.' They had individuals set up at tables that you were allowed to go to. There have been protests, and government politicians have not attended those. I consistently hear from the community that level of frustration. I am just interested in your insights as professionals. As we look to this inquiry, what recommendations can we give to improve community consultation? As Barry Batters said in the paper today, it feels like they are ticking the boxes when it comes to consultation, but I think there are a lot of people who feel like they are not being listened to. I want to hear your practical insights into how to improve that or what you are seeing.

Marion SHORT: I think there are two key challenges there. You have got current projects that are underway, and then what do future projects look like, because trying to manage that level of opposition and outrage in current projects is a challenge. But there is the opportunity to ensure that future projects start off better, although you will have to manage community mistrust in them. Certainly at the Engagement Institute we have been working on and are about to launch an organisational engagement maturity assessment tool – launching in September, so we are very close. We will be able to certify organisations' engagement maturities so that when government make decisions around proponents, organisations or even themselves – what their level of engagement is – they can make better decisions. Certainly working with people who do engagement well is going to be a really important first step, but where you are now is tough.

Donna GROVES: I have been on projects that have blown up. My practical solution is you draw a line in the sand, you redo your plan, you look at your team, you look at your information and you are honest with the community. In the best project I ever worked on we went out to the community and said, 'We've stuffed up. We've made a mistake.' They got cross-government and opposition officials. They sat down and they said, 'We actually want to deliver this project. It's really important.' It does not matter if I say what the project is, because it was in Sydney. It was WestConnex, so you had half the city being impacted. A third of the

population of the state was being impacted. They very clearly said, 'We've made mistakes. There's been problems. These are what they are. Let's draw it in the sand. Let's start again.' That was the history, we were being transparent and we turned it around. The project was delivered on time, on budget and mostly with community support. When we did not have support, we had people understanding what had occurred. Sometimes I really think it is that simple. I think it is being open, transparent and agreeing that we have got issues. The Murray–Darling Basin and consultation on that is another one. Let us talk about it. You have got federal and you have got state governments – I get it. I understand we have all got different agendas. Communities are like that as well. But we can deliver things better, and we can do better community engagement. I really think openness, transparency and the wellbeing of the community are the most important.

Amy HUBBARD: Just a couple of comments there: it sounds like the projects are on the run, so there is there is not enough time there, and that is what we are seeing. I observe across government that projects are all time-sensitive for whatever reason, and I do understand that. My advice would be that government really need to reflect on when they do engage, because if – what is the metaphor? – you are building the plane as you are flying it, then that is what the engagement looks like as well. Engagement is a strategic process. Best practice would be you plan for 60 per cent of your time. You deliver your engagement for 20. The other 20 per cent of the time you are closing the loop – you are looking at the information you are getting back to people. I do believe that if you have to engage security for a public event, it is probably not the right time to engage or it is not the right tool to be using. But there are other issues. For me, that is like disengagement

Marion SHORT: And perpetuating it.

Amy HUBBARD: But it is the time factor.

Marion SHORT: I also think one of the engagement profession's superpowers is to be able to translate great screeds of technical information into language that communities can understand, and you have got to give your engagement teams time to be able to do that. There is no point giving community a whole stack of technical information in a short amount of time – and even if you gave them a long amount of time, would they understand it? So let the engagement teams do their job. They partner really well with allied professionals. You know, planners, project managers, engineers – they are very good at this. Give them the time.

The CHAIR: That is time. I might go online to Mr Ettershank if he is there.

David ETTERSHANK: Thank you, Chair. It is much appreciated. And thank you to the folks for their submissions this morning – very thoughtful. I think at this stage in the inquiry we are trying to just be clear on exactly what we are talking about and understand the subject. So could I perhaps ask: is there a difference between engagement and consultation? Because the two terms seem to have been used virtually interchangeably. Perhaps if I could just toss that question first for hopefully a fairly brief response.

Marion SHORT: Reading the materials from Victoria, it feels like 'consultation' is being used as we intend 'engagement' to be used. It is being used as an umbrella term. To give you an example, the IAP2 spectrum provides a definition and a promise for 'consultation' that is really about working with the community on options. If you then think about your deliberative engagement requirements here in Victoria, they would sit at the higher end of the spectrum, which is around 'collaborate' and 'empower'. The spectrum is a tool for decision-makers regarding the level of influence a community has in a decision. From a practitioner perspective, when we look at words like 'inform', 'involve', 'consult', 'collaborate' and 'empower', we look back to the definition that sits in the spectrum. That is why we use the word 'engagement' as our umbrella term. But given, when you talk about 'consultation', the disconnect between the spectrum's definition of consult and your expectations around deliberative engagement, our interpretation of how you are using this 'consultation' is more as an umbrella term.

David ETTERSHANK: In terms of just recent practical experience, I am looking at the Melbourne Water consultation, where it seems to have been largely individualised. There are these pop-ups. They are basically very nice and well meaning but low-level staffed to provide some information. I think in the case of the Melbourne Water ones, everyone was rather staggered in that it is about, obviously, flood mitigation, and there were eight plastic tubes, each of which had a heading, like 'biodiversity', 'your home', 'infrastructure', 'community and culture', 'water assets'. Everyone was given a ball, and they had to put into one of the eight tubes which was your priority to save in the event of a flood. Now, when staff were asked, 'Well, surely that

depends on who, what, where, when, how,' it was like, 'Oh, no, no. We're just counting this, so we need to find out what the community thinks.' It strikes me that in many of these circumstances 'consultation' has been reduced to issue management. I think for many in the community their 'consultation' appears in lovely little infographics, which then look a hell of a lot like gaslighting. I am wondering your thoughts on the pop-up and the individualised approach to engagement.

Donna GROVES: The mayor I dealt with in Queensland quite recently said it was a 'divide and conquer' mechanism, and she felt like it treated the community disrespectfully. She did not use the word 'gaslighting', but I can see your point of view on that. It can be tokenistic. Some of our engagement is simply around ticking the boxes, and that is not best practice and not what any of us would advocate for. I have worked closely with Melbourne Water over the years. I was not involved in the balls, I am glad to say, but I can see your point. That is simplistic, and communities are smarter than that and do deserve better information. That is personal opinion of course, but that is certainly the way I operate in the field.

Amy HUBBARD: I just want to make one comment about the individualised approach. An element of leading practice engagement is to bring the diversity of voices together. Whether they are in a physical room or an online forum, they need to be able to hear each other's views, because until they understand that people may think, feel or value things that are different to their own, they are not able to accept that perhaps the government might think, feel or value something different to what they think. Fundamentally, in engagement people need to have access to the views of others in the public domain. How that is done – there are many different ways. But when it is that sort of vacuum approach, it is very much a risk management approach – 'We'll keep everyone separated; we're not going to share anything, and then we'll make a decision.' We want to leave communities in a better place than when we got there, we want to create connections and we want to build knowledge and understanding, so keeping people separated is poor practice engagement.

Donna GROVES: Yes. I would say that Engage Victoria, being a survey mechanism now, is probably doing the same sort of thing. It originally had a lot more functionality. There are some great tools in the market where you can engage online in a meaningful manner, where you get good feedback and where you can share that feedback among communities. People are less likely to be vehement if they understand other points of view as well and they understand other motivations.

The CHAIR: All right. Thanks. Mr Ettershank.

Marion SHORT: I just want to add to that question. So a pop-up is a method, as is a survey or a town hall or a deliberative engagement. We currently have over 70 methods. I think this relates back to the point around the strategy behind engagement and the purpose of engagement. You need to choose the method that suits the complexity, scale, resourcing and timeframes of the project. I think sometimes there is a mismatch between how we want to engage, the method, and the complexity, scale, resourcing, budget and timeline even.

David ETTERSHANK: Can I ask then – I am conscious of time – recognising that consultation is not engagement, it is a subset: can you provide the committee with something, and I am happy to take this on notice, which actually defines what represents good consultation practice, as opposed to the more generic engagement?

Amy HUBBARD: I am happy to provide examples. It would be selecting a range of tools to engage the community that reflect their needs in the participatory process and their values. Consulting the community using a single online tool like Engage Vic is not good practice. But you could use Engage Vic combined with, you know, establishing a reference group, having some public workshops or focus groups around specific cohorts – those that are under-represented in the public process. But every engagement process is different, and you need to give people different options at different times to participate. If they do not like the outcome, they attack the process. The first thing they say is 'Your tools were not accessible', so you need to use mixed methods in your engagement. So that is what is important, those mixed methods. And when we say Engage Vic, it is very much 'consult Vic'. It should be rebranded, because that is what the tool is at the moment. Previously it was a lot more.

The CHAIR: All right. I might go to Ms Lovell.

Wendy LOVELL: Thanks very much. I am just looking at your core values here for public participation and best practice. I am going to just pick out a couple of those. You say that public participation:

> is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.

The second one is:

> includes the promise that the public's contribution will influence the decision.

Another one is:

> seeks out and facilitates the involvement of those potentially affected by or interested in a decision.

And the last one is:

> communicates to participants how their input affected the decision.

Do you think that that is happening with consultation by the state government in Victoria?

You can say yes or no.

Amy HUBBARD: You have pockets of excellence in Victoria, but –

Wendy LOVELL: Can you give us an example of a pocket of excellence, because I have not seen any.

Amy HUBBARD: Wannon Water authority. There are pockets. But it is coming back to that issue of time and strategic thought and understanding communities, having that conversation with them about the engagement process before we actually engage, building that awareness – all those things in the core values. If you deliver on those core values, that is leading practice in this state. We do not have a lot of that at the moment. Let me reflect on where the pockets are. But it really is about the leaders in the organisations, and it is about the shared responsibility –

Wendy LOVELL: Isn't it about the leadership from government? You talk about Wannon Water. That is a government authority, so really it is leadership from government. Let me give you an example of consultation that Mrs Tyrrell and I are involved in; in fact it is how we first met. We were told in Greater Shepparton that the government were going to close our four secondary schools and we would have one secondary school. We were not consulted – the town did not want that – and the facilitated discussions and consultation were actually insulting to the community. The one in Mooroopna was held at school pick-up time; the one in Shepparton was held over family dinnertime. For every two members of the public that were at them, if you sat at a table of eight, there would have been four teachers, two people from the department and two members of the public at that table. It was then: 'Oh, write everything, your ideas and what you want, on Post-it notes, go and stick it on a bit of butcher's paper or on the wall somewhere, and then we'll pick which ones are discussed.' It was an absolute disgrace. The so-called independent member at the time backed that plan and lost her seat over it. But there was really no discussion, no taking the community with you. It was just: 'We know what's best for your kids, and this is what we're imposing on you.' It was an absolute disaster, and we see that so often.

Rikkie-Lee TYRRELL: Yes, it has turned out to be an absolute disaster.

Amy HUBBARD: It does not sound like engagement, it does not sound like consultation, and this is where people are hiding behind those terms and it is very much a 'tick the box' process. It is really disappointing and devastating your communities in particular.

Marion SHORT: And you can see how it does not align with our core values. You just almost spoke to all of them as being what went wrong there.

Wendy LOVELL: But so often when there have been discussions with individuals in communities about big projects, there are, built into those discussions, confidentiality clauses that they cannot discuss with their neighbours what they are discussing with the proponents of the projects and things like that. This just seems to be standard procedure in Victoria at the moment.

Marion SHORT: I understand there is a bit of a shift, particularly with the energy transmission, to take some of those confidentiality provisions out, which I think will be a very good thing moving forward, because communities do talk. They all do know, and it just creates this distrust and mistrust. As an organisation, we have really started to say the single source of truth is going to be really important for some of these significant projects that we need to deliver.

Wendy LOVELL: So how would you suggest that a government start if they have a project that they know is going to be terribly unpopular but needs to be done, whether that is a road that is going to go through a community where properties have to be acquired, whether it is transmission lines that are going to go through farming properties, where people are not going to be happy but we need to get the electricity from one place to another? How do you begin those discussions without setting a fox amongst the chickens?

Marion SHORT: I think – and we have been saying this a lot at the Engagement Institute in all of our government meetings at various levels – that if you can only do one thing, and I am actually going to ask you to do more, it would be to embed an engagement professional, like one of these two wonderful women who have joined me today, as a technical expert onto your advisory groups. It would significantly shift the dial in terms of engagement practices.

Moving on from there, I think a clear and consistent definition of engagement is absolutely critical. We all need to make sure we are talking about the same thing, don't we? We need to set and maintain minimum standards for engagement. We have to be really clear what those expectations are. All today you would have heard me talking about elevating engagement to that strategic level. It is quite often an afterthought or 'Oops, we'd better do this'. Your school example sounds like that. And there is the opportunity to link the requirement for engagement to funding. You just make it a mechanism of government right there.

The CHAIR: Okay. I might go to Dr Mansfield

Sarah MANSFIELD: Thank you. That has all been really interesting. I guess further to what you are saying and some of the comments that have been made by others, so often we see poor community engagement – or at least perceptions of that amongst the community – ending up slowing down or frustrating the progress of different types of projects. It seems to happen quite often, and it also just reduces community acceptance of different projects and potentially causes them to be wound back. I mean, you have outlined what sound like some quite logical tools and some structural changes around engagement that could be made. Why do you think it is so often done poorly?

Marion SHORT: I think in terms of all of our policy calls to action, they are the things that we are seeing – that is, that we are not seeing engagement being considered at a strategic level by organisations. They are starting late. There is misinformation and disinformation. There is a sentiment of community distrust already because of the school engagement. It does not matter that it is an energy transmission project or not, it is already there. There is lack of transparency, of quality information. Screeds of technical information being provided to you a week before a town hall that you are just not going to understand makes it feel like organisations have got something to hide.

Now, you will hear from Dr Sara Bice later today. We are an investor in their research program around the social value and social risk, which does put a financial cost on community opposition and outrage to projects. So we know that they are having a significant fiscal impact on projects. Its impact on Australia's GDP is also high. Better-functioning towns and cities could increase our GDP by 29 per cent. We need to do it better in the first place so that we do not cost more money, but there are equally as many case studies for really wonderful projects that are delivered on time and on budget because the engagement has gone well.

Sarah MANSFIELD: Yes, and that was actually going to be my next question: do you have some examples of really good engagement that you can provide for the committee?

Wendy LOVELL: That would be good.

Amy HUBBARD: We can do that.

Marion SHORT: We can absolutely do that. We have an extensive case study library of past engagement excellence award winners. We call them our core values award winners. We would be very happy to provide them to the committee.

Amy HUBBARD: Can I just say one thing?

Sarah MANSFIELD: Yes.

Amy HUBBARD: There is no oversight of our public engagement processes in Victoria. As I said, it is fragmented. Different organisations go about it in a different way, and at any time in the state there are literally thousands of public engagement processes going on, when you have got 79 local governments as well. Imagine a world where we had a community engagement advocate that sat adjacent to the state government, like they have in the financial services sector, someone that just across government could see what was happening, could set those standards and work with the likes of the Engagement Institute or other organisations to have that oversight. Because at the moment, where does the buck stop? What do you do if you have a complaint, you know, about the process? I have been reflecting on that a lot, because in other sectors that does work really well. So I just wanted to put that out there.

Sarah MANSFIELD: Yes, great. With these examples of good engagement, are there common features? Have they done things like some of those structural changes or policy changes that you are suggesting where they have embedded engagement in the overarching strategy or sought advice early? What are some of the common features when it is done well?

Marion SHORT: That is a great question. These are some of the elements of engagement that we have built into our EngageMark, which is our certification tool. What is true of excellent engagement is that there is a culture, leadership and governance of engagement embedded in organisations, so it is from the very top. And it is beyond that – these organisations have systems and resourcing to support their engagement practice. Their capability is high, they build relationships and they have got excellent First Nations capability embedded within their organisation, so these nine contemporary elements of engagement sit in our certification tool. This is true of all of our past core value award winners: they have leadership, culture and governance of engagement, together with great engagement processes, good impact analysis and good evaluation. It is a suite of things, and we say there are nine.

The CHAIR: We are out of time for this session, unfortunately. Thank you all so much for coming in today. I think it has been a really great way for us to start the inquiry. You will be provided with a copy of the transcript following today's proceedings for review. With that, the committee will take a short break.

Witnesses withdrew.

WITNESSES

Iain Walker, Executive Director, newDemocracy Foundation; and

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

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

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

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

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

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

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

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

Melina BATH: Melina Bath, Eastern Victoria Region.

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

The CHAIR: And online we have –

David ETTERSHANK: David Ettershank, Deputy Chair, Western Metropolitan Region.

Sarah MANSFIELD: Sarah Mansfield, Member for Western Victoria.

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

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

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

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

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

The CHAIR: Excellent.

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

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

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

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

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

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

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

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

The CHAIR: Thank you, Emanuela. Iain.

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

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

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

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

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

The CHAIR: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Iain WALKER: I would look at the OECD.

Emanuela SAVINI: Yes.

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

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

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

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

The CHAIR: Ms Watt.

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

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

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

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

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

Sheena WATT: Fifteen members of Parliament?

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

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

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

The CHAIR: That is time. Ms Broad.

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

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

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

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

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

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

Wendy LOVELL: Corruption is a very strong word.

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

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

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

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

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

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

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

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

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

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

The CHAIR: Ms Lovell.

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

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

The CHAIR: Ms Lovell, did you want –

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

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

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

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

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

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

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

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

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

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

Iain WALKER: May I?

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

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

The CHAIR: Mr Ettershank.

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

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

David ETTERSHANK: City of Melbourne.

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

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

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

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

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

Witnesses withdrew.

WITNESSES

Professor Carolyn Hendriks, ARC Future Fellow *(via videoconference)*, Crawford School of Public Policy, Australian National University; and

Professor Sara Bice, Director, Institute for Infrastructure in Society; Co-Founder and Director, Next Generation Engagement, Crawford School of Public Policy, The Australian National University

The CHAIR: Welcome back to the proceedings of the Legislative Council Environment and Planning Committee's Inquiry into Community Consultation Practices. Welcome, Professor Bice and Professor Hendriks. Thank you so much for joining us here today.

All the evidence that we are taking 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 hearings 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 evidence is being recorded, and you will be provided with a proof version of the transcript following the hearings. Transcripts will ultimately be made public and posted on the committee's website.

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

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

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

Melina BATH: Melina Bath, Eastern Victoria Region. Good morning.

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

David ETTERSHANK: Good morning. David Ettershank, Western Metropolitan Region.

Sarah MANSFIELD: Sarah Mansfield, Member for Western Victoria.

The CHAIR: If I can ask you both to just state your names and the organisations you are appearing on behalf of for the Hansard record.

Sara BICE: I am Sarah Bice from the Australian National University.

Carolyn HENDRIKS: My name is Carolyn Hendriks. I am also from the Australian National University.

The CHAIR: Welcome to you both. It is a pretty straightforward format. We will hand over to you, if you would like to make an opening statement, and then we will get into questions from the panel. Who wants to go first?

Sara BICE: Carolyn is going to first on our team.

The CHAIR: There you go. Thanks, Carolyn.

Carolyn HENDRIKS: Great. Thank you for this opportunity. I am joining you from Canberra, and so I pay my respects to the Ngunnawal people here, on whose land I stand. I want to thank you for the opportunity to share some of my research and educational perspectives. I am a professor at the ANU, and I have been working as a researcher for over 25 years in the field of community consultation and broadly on democratic aspects of public policy. I have worked as a practitioner as well in community consultation, designing and facilitating deliberative processes for state and local government around Australia and internationally. An essential theme of my research has been to better understand how community consultation practices, especially innovative ones, can productively work alongside other forms of political participation such as advocacy, lobbying,

community organising and voting. In this work I have examined participatory practices in a variety of spaces, including government, the private sector, civil society organisations and also parliaments and their committees, including research on this Parliament. I currently hold a four-year ARC Future Fellowship project examining how elected representatives engage and connect with their communities.

The other perspective I bring to the committee is that of an experienced educator of public participation. I have taught foundational elective courses on the practice and politics of public participation at several universities, educating well over a thousand masters students, most of whom are public servants. My students have taught me many things about the challenges and possibilities of doing effective consultation, particularly from their perspective as public servants in middle management.

As a longstanding researcher and educator working in this field, my overarching recommendation to the committee is that we do not need more handbooks on how to do community consultation, more innovative methods or more best practice guidelines. These all exist and have done so for decades. Instead we need to work on changing the way public servants, decision-makers and consultants value, understand and approach community consultation.

For the Victorian government, I recommend three core areas of change, which I will now briefly outline. The first one is to think about and work on embedding participatory values and knowledge into the public sector. We need to shift from understanding consultation as something that a particular person or a consultant does to something valued and recognised in the public sector for delivering that core public value that the public expect of our government organisations. Like OH&S, community consultation needs to be embedded in all levels of the public sector, from senior executives right down to frontline staff. This needs to be done through strong leadership, champions and staff training. It requires a commitment to building infrastructure – that is, teams and systems – to not just design and commission community consultation but also systems for listening and processing public input. This is a long-term process about building systems for community consultation and ownership in the outcomes, addressing the common criticism from the public that no-one pays attention to the outcome of their efforts.

The second area of change is to boost participatory design capacity in the public sector. Governments often outsource consultation to external consultants for their expertise and for independence, but the public sector need internal capabilities to know where consultation fits into their programs, what questions to ask and how to commission, select and evaluate consultants. Skills in design rather than method selection need to be the focus here. Too often decision-makers, public sector agencies and consultants run directly to the innovative method before thinking broadly about purpose, promise and prospects of consultation for a given issue or context. The fundamentals of participatory design include bringing leaders on board from the start and co-designing, ideally, the process with them; determining the level of influence and your promise; getting agreement on the fundamental question you are asking the community; understanding the people and the context of the issue and the opportunity; designing objectives, inputs and outputs at each stage before moving on to methods; and following up with the community about the process.

The third and final area of change is to think about participation as building participatory relationships. We need to shift from a mindset of consultation as a tool or a mechanism to viewing consultation as a relational exercise. Effective public engagement requires building relationships with the public, especially in low-trust environments. Relational work involves understanding the social and community fabric and working with that fabric and building that capacity. To do this effectively, we need to appreciate where communities are at. Are they hopeful, angry, disinterested? We need to understand participatory history – so is there a legacy of problematic consultation before we even go out and consult again? – working with and empowering existing community groups and communicating intentions and managing expectations as well. Without building relationships with communities, governments risk solving the wrong problem and thus getting the wrong outcome, or they risk involving the wrong people. Thank you. I look forward to your questions.

The CHAIR: Thank you. Ms Bice, do you want to make a statement?

Sara BICE: Yes, for sure. Thanks, Carolyn. Of course Carolyn and I are good colleagues, so we have had a discussion and we will try to complement and not repeat each other. I would like to also begin by acknowledging the traditional custodians of the land where we are meeting, the Wurundjeri people of the Kulin nation. Thank you for having me. It is wonderful as a professional working in Canberra to be here but also

personally as a Melburnian. Despite the accent, I have called this my adopted home for more than a quarter of a century – strength of character.

Today I will be speaking from the angle of the Institute for Infrastructure in Society. Next Generation Engagement is our research implementation arm. It is where we go out and we actually put into practice the co-designed and co-produced research that we develop with government and industry. The institute exists to transform the relationship between major projects and communities, and we have been doing this work now since 2017. I myself have been a professional in practice in social, gender and human rights impact assessment, having led the global membership organisation the International Association for Impact Assessment as their president for a number of years and also previously worked with non-profit and parliamentary authority groups, including the Queen Victoria Women's Centre Trust, around community and international development programs, all involving extensive community consultation and engagement.

The work that we do at the institute directly engages government, industry, civil society and communities, and there we co-design, co-produce and implement research outcomes. Indeed the Victorian government, through what was originally the Major Transport Infrastructure Authority and now VIDA, the Victorian Infrastructure Delivery Authority, is one of our institute's founding partners, and we continue to work together. These founding partners work with us alongside other governments, including state governments in Queensland, South Australia and the ACT, and also private sector firms including Transurban and Lendlease, among many others. The state of Victoria makes a sound and I believe genuine effort to engage community members across a wide variety of public concerns. As a Victorian I see this regularly, and as a Melburnian I receive many 'Participate Melbourne' emails, so I do think that there is a genuine effort to better understand and advance best practice consultation, and that is to be commended.

To support your efforts today for improvement, I am going to focus on my area of expertise, which is major project delivery, and that includes renewable energy projects. I will today suggest five recommendations based on the institute's longstanding research and in direct response to the inquiry's key areas of interest. Our recommendations are, first, to adopt place-based approaches to consultation – and I am sure some of these will very much reflect what others have said already today; secondly, ensure quality of consultation through certification, and I will detail all of these a bit in a moment; thirdly, remove requirements for non-disclosure agreements wherever possible; fourth, prioritise inclusive human interactions and long-term relationships; and fifth, Carolyn and I are in deep agreement that we should encourage and expect principles-based consultation, not compliance-based. I am going to speak very briefly to each of these recommendations to ground them in evidence, and then I will welcome your questions.

Adopting place-based approaches to consultation – people live in places, not projects. Just yesterday the New South Wales Parliament released their inquiry report into their renewable energy zones, and again this is an aligned area that is in conversation now in Victoria. The report found that REZ consultations have been inadequate, and it focused heavily on the need for cumulative impact assessments. I2S's 'Australian Perspectives on Infrastructure' national study found that where communities are experiencing six or more projects in their local government area – and we did study metropolitan, regional and rural communities here in Victoria as part of that major study of more than 7000 members of our Australian community – those community members are far more likely than their counterparts experiencing fewer projects to report that they have poor relationships with government and developers. They are far more likely than others to say that their treatment has not been transparent, so they are less likely to agree that there has been transparency in processes. They are more likely than their counterparts to have a really good understanding of formal planning processes, and what this means is that they are then better equipped to engage effectively in opposition through things like public submissions. And finally, they are far less likely than other members of our communities to agree that there is a good overall planning picture for their communities.

What does this tell us? It tells us that there is a real need to begin approaching the way that we consult communities beyond project-by-project approaches and meeting communities where they are at by adopting place-based approaches. Cumulative-impact assessment is a very well developed approach. Fortunately, as Carolyn mentioned, there are lots of principles and frameworks available. We do not need to lay the groundwork or build new tools and frameworks; what we need to do is make better use of the existing standards, frameworks, tools and assessment approaches available to us already. For example, with cumulative-impact assessments, our institute offers social due diligence, which is a cumulative-impact assessment approach that is evidence based, where we work with government, communities and proponents to understand

communities' priorities; to identify social risks, which are non-technical risks on projects within communities; to pinpoint opportunities to boost resilience; and also to create social value, which is incredibly important.

In terms of then ensuring the quality of these consultations, community engagement should be embedded within projects, and consultation should be delivered to a standard and with a regularity that we would expect of our engineers or our risk managers. We should be expecting that same consistency of quality from what we often think of as the non-technical work as we do of the technical work. Currently there are a number of available certification schemes which government guidelines or requirements could use to ensure that there is appropriate certification of the individuals and consultants doing community consultation. The Engagement Institute, formerly IAP2, was here previously. IAP2 certification is very widely known and acknowledged as a leading standard for certification. You may also not know that the certified environmental practitioner scheme, which is based here for the country in Victoria – they are just over in Box Hill – recently launched the world's first social impact assessment practitioner certification scheme. There is an opportunity for the Victorian government to work with groups like the environmental practitioner scheme to consider whether you might require social practitioners to be certified in the same way that we require it of environmental practitioners, and that certification is now available.

Removing requirements for non-disclosure agreements wherever possible – public submissions to this inquiry make it very clear that NDAs, or confidentiality agreements, are being widely used by consultants carrying out consultations, and we know that is true particularly in the renewable energy sector. This is not appropriate, and it really should be discouraged. NDAs do not protect community members. Usually what happens is that they sow seeds of community division, limit transparency and close down critical opportunities for robust discussion within communities. Trust and social cohesion are vital to thriving communities, and NDAs, intentionally or unintentionally, undermine this.

We should also prioritise inclusive human interactions and long-term relationships. So again, public submissions to this inquiry regularly note the lack of relationships between those undertaking the consultations and the local community, and our research bears this out. Trust which is formed over time via high-quality relationships is vital to meaningful community consultation and – I have heard this term has come up earlier today – a social licence to operate. Place-based approaches further require consistent contacts who understand and respect the communities with whom they are working. That does not necessarily preclude the use of external consultants, let me make that clear. Instead, like place-based approaches, it encourages a rethink of subcontracting and innovative ways to support that the same appropriately qualified people are building relationships in particular communities across projects and consultations.

Finally, it is encouraging and expecting principles-based consultation, not compliance-based. Community members do not have consultation fatigue. They have bad consultation fatigue. Our research shows this. Our research demonstrates that over one-fifth of the most consulted community members – so those individuals with the most projects happening around them simultaneously – would actually prefer more information and consultation about what is happening in their communities. And the majority say that they do want information and consultation, but they do not want ingenuine or disingenuous consultation. They do not want box-ticking processes that deliver little or no feedback, require them to interact repeatedly on similar issues with different people and are project-by-project focused. So yes, engagement should be articulated in compliance. It should definitely be there, and we should set at least a minimum threshold, and this includes through work like Victoria's gateway review processes. But our communities expect and do deserve more.

In closing, i2S runs Australia's largest longitudinal study of the community and social aspects of major project selection, planning and delivery. For almost eight years now our data shows that stakeholder and community pressure has been ranked by infrastructure sector professionals as among the top three most impactful factors for project delays and cancellations. So as Victoria continues to pursue its Big Build – and I really look forward to the Metro Tunnel opening because I live in Carlton – we need to think about how we better deal with consultation and to understand that community and stakeholder pressure is not only important so that we can deliver the social value through major investments but also, from a government investment perspective, it is vital to cost reduction and to avoiding costly delays and cancellations. Thank you.

The CHAIR: Thank you very much. Professor Hendriks, I might start with you. You mentioned that one of the things you do is essentially professional development or work with senior public servants. How would you

describe the capability of our public sector cohorts with an understanding about what best practice engagement and consultation looks like, and what strategies have you found help improve that?

Carolyn HENDRIKS: That is a good question. I guess, as you would appreciate, it depends on which level of government you are sitting at. I definitely think the capacities at local and state government level are higher than at the federal level. I think that just reflects the distance between the public servants and their relationship with the public. Having said that, I also think some of the more innovative or experimental forms of engagement, particularly more community-led consultation, tend to surface in local and state governments. I think the capacity is bigger there than in the federal level. I do think there is genuinely quite a cautious approach taken to the community, and I still think there is quite a lot of the sense that we need to control the community – we need to have this process so that it does not get out of hand.

The CHAIR: Just on that, what do you think the driver of that caution is?

Carolyn HENDRIKS: I think it is a lot of history of antagonism being created by poorly designed community consultation. Just picking up on a lot of the things that Sarah said, I think communities feel often overwhelmed – there is a cumulation effect. Also, I think there is a fatigue with the lack of listening. I think that people from the get-go are quite cynical about what governments are trying to do. When there is a genuine attempt by an innovative project or a new department to do something that is embedded in all the principles that we have looked at today, I do think that it is difficult for well-meaning public servants and their consultants to do their work, because the public has such a legacy that they are dealing with . So a bit of history, and I do think that it is also that people in your position, elected members, tend to have a lot more faith and connection to everyday people. Unfortunately, I think some of the most cynical, cautious and probably elite perspectives come from that middle- to senior-level bureaucrat, if I am honest.

The CHAIR: That is a very interesting observation. I reflected recently to a group of people I was doing some work with in a workshop that often when sitting around some of those big decision-making tables the elected representatives have got a better connection to the communities than many of the senior public servants. How do you think we improve that? How do you think we change that?

Carolyn HENDRIKS: I do know of champions within the public sector in Victoria and other jurisdictions that really have driven a culture of valuing participation. I think that is where it starts. It is very much like OH&S and inclusion ideals. I think this has to be really led from the top but also valued right down at the street level. I do think some of those frontline workers are now dealing with a lot of angst in the community and that distrust is the thing that they receive when they are trying to deliver services. I think it is both a work health and safety issue – so making sure our frontline workers are actually valued and safe in the work they do – and also that from all levels of the public sector there is a recognition that this is about delivering public value. If we do not have a relationship with the public that is constructive and values their knowledge and their input, then the service delivery and all the things that government is trying to do will be harder.

The CHAIR: All right. I am going to go to Ms Bath.

Melina BATH: Thank you to both of you. I am interested in non-disclosure agreements. I am trying to get my head around: do you have any analysis of the quantum of their use and the level? Where a Parliament inquiry is making recommendations to the Victorian state government, how widespread are they? Where do we see them most? You might need to take that on notice, Professor.

Sara BICE: That one we would have to take on notice. I am even struggling to think where we would find out centrally the extent to which different consultancies or projects are requiring those. There is, I suppose, a level of confidentiality as to whether NDAs are being used, which can make them difficult to –

Melina BATH: To ascertain.

Sara BICE: Exactly. We face similar challenges around impact assessments. Often in impact assessments there will be a claim made that the report is commercial in confidence, so communities may not be able to access the information in the way that would be most helpful. We can certainly take it on notice and we can have a think about it, but I am not immediately sure that it is something that we could discover.

Melina BATH: There is a shadow.

Sara BICE: I would say so. Carolyn, would that –

Carolyn HENDRIKS: The only thing I can think of is we have colleagues that are doing a lot of work on renewable energy in New South Wales. Rebecca Colvin is an associate professor here in our school. She may have insights, because she does a lot of grounded work and renewable energy work up in the Hunter, for example. I would say it would probably have to be through that in-depth groundwork, where people actually talk about their experiences, like they do in the submissions to this inquiry. It would probably have to be through that avenue that you would get a sense of it.

Melina BATH: That is fine. Thank you. It is a really important thing. I have got examples in my electorate of Eastern Victoria and one in Bass in Inverloch where there is coastal erosion, and they are having meetings with the consultants and with the department of environment et cetera. My feedback from the community groups that are on them is that it is very frustrating when you have somebody in WA drawing lines on a diagram about the place that you are standing in right now, making professional comments. They are feeling they cannot trust that person, because there is not a relationship established – they are too far away from the place in which the issue is being raised. There is time and all of those sorts of things. But how does that improve? How can you improve that, and how do you manage the costs versus the community outcome?

Carolyn HENDRIKS: I can say something and then I will hand over to Sara, because that was one of her big points. I do think there is a lot of best practice in Indigenous engagement that we can draw on for other areas of Australia, particularly around working with the existing community elders, you might call them, or in a community like yours I am sure there are organisations and even the local government itself that could provide a brokerage role and that could introduce external consultants into the community. I think it is about using the relational fabric that is there and building trust through those networks, because what happens often is you get, exactly as your community has described, these external consultants that come in and people are retelling their stories, so to speak. This has been an ongoing problem in Indigenous communities, so I think there has been quite a lot of work in that space in Indigenous engagement to try and get around this fly-in, fly-out and also disrespectful engagement. And I do not think it just applies to Indigenous communities; I think it is the local communities.

Melina BATH: This one was in relation to coastal erosion, but I take very much on point your example as well. Thank you.

The CHAIR: Thank you. I might go to Mr Ettershank, if you do not mind.

David ETTERSHANK: Thank you, Chair. Firstly, thank you. This has been an incredibly stimulating presentation and has really struck to a whole lot of the issues that I think many of us are wrestling with. In terms of trying to set a standard – because certainly I have been involved in a lot of different consultations and have certainly been pressured by government to sign NDAs, which I have refused to do; I think they are just abhorrent and totally antithetical to democratic consultation processes – a proposal was put up by one of the earlier presenters about having some sort of person or agency to oversee the quality of consultation that is being conducted by government or government agencies or consultants. What are your thoughts on that as a proposal, as a proposition? Is that actually a way to establish levels of standard?

Sara BICE: I will respond initially, and Carolyn will have some really good advice on this as well. I think on the one hand, immediately it seems like, yes, quality assurance is always something that can be very helpful, particularly if it vests within a trusted authority. But the flip side to that is that there will always then be public doubt as to the extent to which the government-based quality assurance is really acting in their favour. It goes to the root challenge of trust in government. That is really where I would encourage the Parliament to focus: how can we establish systems and processes which generate trust in government? The trust is the foundational key. So yes, you could put in oversight, but without public trust in that oversight you are probably only creating more onerous bureaucracy and potentially exacerbating the problem.

Carolyn HENDRIKS: Yes, I tend to agree with Sara. I think maybe 20 years ago it would have been a great solution, but I think we are operating in such a low-trust environment, and not just towards government but also towards civil society organisations. This low-trust environment makes it very hard to then ask people not just to participate, but to then get them to believe that you are listening. So I think a better way to go is through this building of relationships, because trust comes from that relational network. I think work with the people in the

communities, the public that you are trying to connect with trust, and go from out that way. The other idea is also within professions, so working with the standards of the people who are doing this kind of work, with the Engagement Institute and others who have members. Let them set the standards so there is a community of practice that evolves around this kind of work. It is a marketplace. I have written on this; you are basically buying and selling democratic goods, so there are problems with it. But in my opinion, in Australia the marketplace has been very ethical in its conduct and the consultants are doing good work, but they are often situated in complex projects where they are not able to realise their full consultation exercise and they are sort of shoehorned into a particular part of a project.

David ETTERSHANK: Thank you. Could I ask, Professor Bice, given your earlier comments: is there a role or can you see any situation where NDAs would be acceptable in government consultation?

Sara BICE: That is an incredibly challenging question. I think if we look at some of the more sensitive issues where we may have community consultation – for instance, today with the announcements around CCTV in childcare centres – perhaps. Again I would differentiate between an NDA, which I would see as the proponent or government imposing on the person being consulted, and a confidentiality agreement, where the individual being consulted might say that they would value the opportunity to speak on condition of confidentiality or anonymity. That is quite important in instances where we would have sensitive community consultations. But whether an NDA is the appropriate tool – I would strongly question that in most instances.

The CHAIR: All right. Thank you, Mr Ettershank. Ms Broad.

Gaelle BROAD: Thank you very much for your contribution to the inquiry. This is a little bit more specific, and you have not covered it, so I am just interested if you can make a comment. The Engage Victoria website is used a lot, and I guess there are concerns. I know we had a community group in Riddells Creek that had put in quite a number of submissions, but then the government came out and said there were 118 submissions, and then they went, 'Hang on, no, no, that's not right,' and then it was later revised and over a thousand extra submissions came to light. I asked for an independent review; the government did an internal review and said the system is working fine. The earlier witnesses mentioned Engage Victoria could be 'consult Victoria' because it may not be fulfilling that purpose. Have you looked at that at all in Victoria – how you think that could be improved at all? What are your thoughts?

Carolyn HENDRIKS: Sara, do you want to have a go at this? I mean, I have some thoughts just based on the criticisms, but do you want to have a go as a Victorian?

Sara BICE: As a Victorian – yes. I think most Victorians are aware of Engage Victoria as a platform. Generally what we see with digital consultation is this challenge between the promise of being able to reach more people and engage more voices and the reality that what then occurs mostly with these digital platforms is very superficial engagement. Particular people tend to be the regular users of these types of platforms, so you are not necessarily getting more voices. If you look at some of the submissions to this inquiry, there are also groups and individuals who have said, 'Where I live there's not always reliable digital access, and so even though this is meant to expand participation, I'm feeling excluded.'

Another component of this, apart from concerns about whether all of the submissions to the digital platform have been received – and I cannot speak to Engage Victoria particularly – is that these types of platforms lend themselves to this aggregate amalgamation of concerns, and that can actually wash out very critical issues. Key questions, critical questions, can become lost. Very specific points that need to be addressed can become lost because they might be singular amongst many. What these platforms tend to do is to consolidate and aggregate and then provide a kind of summary picture. So I would agree with our colleagues' earlier comments – I was not in the room – it is a form of consultation. I would not classify it as engagement per se. Carolyn?

Carolyn HENDRIKS: My understanding and knowledge of how it works is it really is a platform to then send people on, so it is more informing people about the opportunities for connecting and maybe consultation. But it only works if it is updated and if people can get access to it, and from the submissions that I have engaged with and read, I get the sense that that is quite patchy. Either the platform is not something that the community engages with or that they have difficulty accessing or there has been a history where it has not worked and so people no longer connect with it. There are lots of examples I am sure you have got from other speakers around other ways to do this. I know, for example, South Australia has a similar kind of platform,

which I think has been quite successful. So there are other jurisdictions in Australia that could provide a way forward there.

Gaelle BROAD: Another insight I am interested in your thoughts on is regional and rural versus metropolitan. Are there any challenges there in community engagement and consultation? Because I am in northern Victoria – it covers the top half of the state, a lot of those rural and regional areas and some regional cities like Bendigo. But it is challenging. I keep hearing from people feeling like it is just ticking a box with the consultation, and it is more like government is going ahead doing things and removing their ability to engage. I am interested in your thoughts about that. Also local councils – when I speak to them, if you have got any advice, because they seem to face a lot of challenges engaging with government. There are lots of decisions being made by the state and imposed on local councils, like the emergency services tax being introduced and collected by local councils, but they have got nowhere to move in being heard on that. But, yes, just your thoughts.

Sara BICE: Yes, this is a really important question. Our research into Australian communities' experiences does disaggregate metropolitan, regional and rural communities. One of the key things that research looked at was what the drivers are of project acceptance within local communities but also what the drivers are of resilience in those communities. One key distinction that we found between our metropolitan and outer communities is that in regional and rural communities a key driver for them is: 'How is this initiative or project going to directly benefit my community?' They are very, very concerned: 'How is this going to affect my local area? Will it change my quality of life? Will it change our community's identity?' And what we see with some of the opposition around renewable energy zones at the moment are concerns about: 'How is this going to change the identity, the look and feel of our community?' So that is a distinction between the metropolitan and regional and rural communities that is quite important.

The other question around local councils – we have two very good colleagues who are experts in local government authorities: Associate Professor Mark Chou, who is at the Australian National University in the Crawford School with us, and also Associate Professor Rachel Busbridge, who is here at the Australian Catholic University. They would be excellent to speak to in terms of local government engagement. One of the things that we are doing in the institute with local governments in Far North Queensland – so again, quite a remote area – is working with the state government through the Department of Transport and Main Roads to bring together a coalition of project proponents in the Burdekin area alongside the local government agencies. We are doing and have been doing cumulative impact assessment for that region, and with the government involved as a key player, the aim of that is to share that information then across all of the projects that are happening within those relevant LGAs. So it is not about one proponent holding the consultation information, it is about the government supporting a process which then creates contemporary data which can be shared by any and all proponents in a local area. It reduces consultation fatigue, it ensures that you have a broad understanding of a community and it empowers local government to have access to information that they might not otherwise be able to initiate or afford.

The CHAIR: All right. I might go to Dr Mansfield.

Sarah MANSFIELD: Thank you. I really appreciate all of the information you presented today. I guess one thing that I would be curious about, and you possibly touched on it in different ways, is that one perspective might be that if a government have been elected, they have a mandate to proceed with X, Y or Z. Perhaps the community that is being affected does not have significant electoral impacts for that government. From a government's perspective, what is the incentive to do better in terms of engagement if there are not those electoral incentives?

Carolyn HENDRIKS: I can come in here first, perhaps, Sara. I understand your question, and it is a good one, because I think sometimes the community wonders that as well: 'Why should I engage with this politician if I did not vote for them or this government?' I guess when it comes down to those place-based and even those service concerns that people have – or if it is infrastructure, the success of that project – those services are going to rely on the willingness and the legitimacy of people to hand over that legitimacy for that project. In China, for example, which you would think would not be a home of consultation, they do a lot of community consultation for these implementation issues alone. That is not to say that consultation should not be led by democratic ideas, but I think there are a lot of pure implementation and instrumental reasons for engaging the

public in order to get the best value out of the investment that you are making. Sara talked particularly about the private sector loss due to public outrage and antagonism, and I think it is even on that level.

Sarah MANSFIELD: Yes.

Sara BICE: And it is really tied up within a challenge. Our research demonstrates that approximately 74 per cent of members of the Australian public would agree or strongly agree that their opportunity for genuine consultation and engagement is reduced or even non-existent when a project or initiative is a political announceable. The feeling is that once it has become part of a campaign promise or a political agenda, there will not be genuine consultation. We have got about three-quarters of the Australian public having that feeling. There is also this question of how a government can act with mandates and at the same time build the trust necessary for genuine consultation.

Sarah MANSFIELD: I suppose you have asked that question, but I would be curious to know what the answer is to that, because so often we do see these big announcements, new infrastructure projects: 'We are going to be doing X, Y or Z.' We heard earlier from witnesses who said in an ideal world you would present a community with the problem you want to solve and let the community help to find the solution. The reality we are faced with is that we often have the solution or the announcement or the project already there. With that as a starting point, how can we work to rebuild that sense of trust or genuine participation and engagement with communities?

Sara BICE: I think Carolyn's point is very helpful to that, and that is thinking through how you can genuinely engage communities around the implementation process – that is critical. The other thing that our research demonstrates, which sometimes people find surprising, is that the vast majority of Australian community members we have surveyed say that they just want to know what the non-negotiables are. What is it that cannot be changed, that is not going to change, and can we then talk about the things that we could have some impact on. Often in project world there is a real reluctance to discuss non-negotiables; there is a concern that if we put these out there, people will become upset. But actually the public tell us that they just want to know what the playing field is and what they can move and not move. If they can start from that point, they feel more empowered, and I think you are more likely to get a better result.

Sarah MANSFIELD: Thank you.

The CHAIR: Thanks. We might go to Ms Lovell.

Wendy LOVELL: Thanks very much. I think your presentation has been absolutely amazing this morning. Professor Hendriks, as a former minister, I totally agree with you about the disconnect with the senior public bureaucracy and the people. When I first became the housing minister I said, 'I want to go and I want to visit every housing office and speak to the frontline workers. I want to go onto the estates and speak to the tenants.' I had the secretary and the directors go the full Sir Humphrey on me as to why I could not do that, but we eventually turned that around and did it. There have been a lot of questions already asked, so it is sort of getting towards the end now. But I just wonder if you can give us some examples of where you think best practice consultation is being done, whether that be internationally or locally, and also your view on where Victoria would rate, maybe from one to 10, on the way we do consultation currently.

Sara BICE: Yes. I am conscious of time. A quick example locally is in the Wimmera Southern Mallee region. The Energy Charter has been working with the local government, local proponents and local community members there to develop something called the regional collaboration framework, and that goes exactly to place-based approaches for renewable energy. That framework is now being developed to be rolled out nationally by the Energy Charter, and they are launching it on 28 August. So that would be worthwhile.

Wendy LOVELL: Who put that together?

Sara BICE: The Energy Charter. They are a coalition of mostly private sector renewable energy corporations who are working together to encourage best practice community consultation and engagement for their projects.

Wendy LOVELL: Thank you. And where do you think Victoria rates?

Sara BICE: I am not into ranking, Wendy. I think it is a really tough question, because when we talk about community consultation it is an incredibly broad field. So where do we rank? Globally, Australians generally have an excellent opportunity to participate and engage and we are a socially democratic society, and that is important. I do think we are looking for improvement here, and that is good.

Wendy LOVELL: Are there any international examples we should look at of how they conduct consultation that is different to ours?

Sara BICE: I am trying to think of similarly sized populations. Singapore has some really, really interesting ways of going about public planning, but again not quite the same kind of government that we have here. They do take, and can do as a small island country, a very place-based approach. What they do is work with local communities over a period of usually about three years to establish a broad strategic vision for what needs to occur in local areas. Once that vision is established, the government then has a mandate to roll it out.

Carolyn HENDRIKS: I will just come in here, because I do think Australia's geography is something we have not really touched on, and if we are drawing international examples, that is a really important thing to keep in mind. I tend to find Canadian examples are pretty useful, because they are also grappling with very diverse populations over large distances often, and that speaks to the rural–urban dimension. A couple of years ago I did a large project in the Goulburn–Murray. The thing that is so innovative, I think, that is coming out of that region is that the communities themselves are leading their own planning processes due to their own frustrations with being consulted on. I do think there are innovative approaches emerging, particularly in Victoria, but they are being driven by the community. Just before COVID your Parliament had a community inquiry on community responses to climate change, and many of you may remember the enormous examples that came out of that inquiry of just what communities are doing to lead problem-solving. I think more of that kind of consultation, with government coming in and facilitating and coming behind community-led responses, is really the direction we should be looking at.

I had a reflective conversation with the Victorian practitioner yesterday about where Victoria sits, and she was saying, 'I think Victoria is kind of the canary in the coalmine at the moment.' There are a lot of big infrastructure projects, it is feeling pressures and the public sector may be shrinking. There are a lot of issues, I think, that are in the Victorian government at the moment, and that may well be the way that some other jurisdictions are going to be going. I think there is an opportunity here for the Victorian government to really think about how we can continue doing best practice in this complex environment that we are governing in.

The CHAIR: All right. Mrs Tyrrell.

Rikkie-Lee TYRRELL: Thank you. Carolyn, in your opening statement – I hope I heard right, and I took this note down because you were saying a lot of very informative things – I think you mentioned that we need to improve on listening to and processing public input. Am I correct in saying that?

Carolyn HENDRIKS: Yes. This has come out of some research actually from Brexit in the UK, when they did a lot of consultation and they were overwhelmed with public input. They were so overwhelmed that they had no systems in place to process the public input. So it was not just that they were not consulting, it was that they were not prepared in terms of infrastructure and systems to be able to get the information, distil it, work through it and make sure that the public then could see on the public record that their input had been received and crystallised in some way. I am sure your Parliament is wrestling with this a lot, with lots of submissions that it receives. It is a big issue as we move into AI. There are opportunities for AI in this space, but there are also problems because the volumes of public input, particularly in more submission-based processes, are overwhelming. It is something that a lot of parliaments around the world, a lot of governments, are really trying to work with: how can we use information systems and AI in productive ways to help process public input?

Rikkie-Lee TYRRELL: Do you have anything to add to that, Sara?

Sara BICE: I will just go with what Carolyn says.

Rikkie-Lee TYRRELL: Okay, that is good. I think we may have touched on this a little bit with Dr Mansfield. Building relationships in low-trust environments: do you have any advice on how we could really dig into that a bit better? Because we are seeing, especially in regional Victoria, that there is a lot of trust lost in the government at the moment with these processes, so just trying to make it a little easier on everybody.

Carolyn HENDRIKS: I have been observing a community-led process in north-east Victoria for the last three years. What has been so interesting there is that there are place-based public servants. They might be working for what used to be RDV or the environment department, but they are of place – they are from that area in Victoria – and the people on those committees respect that. So I think it is about not just having place-based knowledge but place-based human beings in the room, because that enables people to see, 'Okay, they understand the pressures that our community's under, or the issues, or how we like to live'. There is a sort of immediate trust that is there. So I think it is about working with community-led approaches and bringing people from the community that people respect into the room from the go-get.

Sara BICE: Yes, I think that is absolutely critical. We are currently doing a project with Regional Development Australia in Moreton Bay and Sunshine Coast. They are adopting exactly this approach, using local people, local experts and a broad definition of who is an expert – sometimes an expert is someone who has just been in a community a very long time – and involving them in a scoping exercise to discuss opportunities for new industries in the area. But we could apply this to any type of government policy, initiative or major project. What is critical, and comes out of our research as well, is that there is a very early opportunity to work with communities and trusted relationships to determine what it is that they prioritise in terms of livability factors for their local area and what benefits they are most looking for. What our research demonstrates is that where a project, policy or initiative can be shown to have direct or indirect improvements to those things they care about most, not only does that likely improve the acceptance of the particular project, it also raises the levels of resilience within that community. So taking that time to really understand what they prioritise and value through local people and local activity is quite important.

The CHAIR: All right. We are out of time for this session, Ms Bice and Ms Hendriks. Thank you so much for your presentation today. It was really valuable. You will be provided with a copy of the transcript of the evidence today to review. With that, the committee will take a break for lunch.

Witnesses withdrew.

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.

All evidence is being recorded. You will be provided with a proof version of the transcript following the hearings. Transcripts will ultimately be made public and posted on the committee's website.

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.

WITNESS *(via videoconference)*

Dr Kendra Clegg, Chair, Wimmera Southern Mallee Regional Partnership.

The CHAIR: Welcome back to the Legislative Council Environment and Planning Committee's Inquiry into Community Consultation Practices. We are now joined by our witness from the Wimmera Southern Mallee Regional Partnership. Welcome.

All 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. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during the hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of the Parliament.

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

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

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

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

Melina BATH: Good afternoon. Melina Bath, Eastern Victoria Region.

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

Jacinta ERMACORA: Jacinta Ermacora, Member for Western Victoria Region. Hello.

Kendra CLEGG: Hello.

The CHAIR: For the record, if you could you just state your name and the organisation you are appearing on behalf of, please.

Kendra CLEGG: Kendra Clegg, Wimmera Southern Mallee Regional Partnership.

The CHAIR: Thanks very much, Kendra, for coming along today. A pretty straightforward structure to this: we will invite you to make an opening statement and then we will get into questions. Over to you.

Kendra CLEGG: Thank you. Thanks so much for this opportunity to provide input from the perspective of the Wimmera Southern Mallee Regional Partnership. As mentioned, my name is Kendra Clegg, and I am Chair of the partnership, which is a volunteer community role. Thanks also for enabling me to access this session online. I join you from the lands of the Wotjobaluk people in Murtoa, near Horsham.

Like the other regional partnerships throughout Victoria, we are deeply invested in shaping the future of this region, with a focus on six priority areas that have targeted focuses and measurements for outputs over the next 12 months. Through these priorities and the work we do, we are aware of how communication occurs and we are also conscious of the feedback through the various networks we receive on what is being asked of community at various levels. So when this opportunity came up to provide feedback or input on community consultation practices, we jumped at that opportunity to share our thoughts as a way to contribute and to reduce collective feelings of consultation fatigue – that is, through those seemingly repetitive or disconnected approaches and what we feel is a growing sentiment of disempowerment. Despite active engagement from our community's part, we feel that the community has continued to share that 'Things are done to us rather than led by us.' We feel that community consultation is increasingly seen as a step to compliance, rather than a genuine relationship being established to take us to a collective outcome.

Our communities are largely enthusiastic and active participants in consultations for all tiers of government and related services, and there is a real, genuine willingness to be engaged. The challenge is that sense of saturation of engagement and overengagement with a lack of follow-up or evidence of what the residents' time has

contributed to, or the consultation occurs through groups like ours, a regional partnership, which we do not really see as a form of community consultation because we are not a community information conduit.

The main concerns that the regional partnership brought to you about the community consultation processes were the multiple consultations with minimal feedback, which I have touched on; ensuring that when we have community consultation it is in context and it is relevant to the region or to the areas that we are focused on; and over-reliance on external consultants, which draws on that lack of local knowledge or limits that meaningful engagement, or lack of trust. We also have concerns about digital barriers, given that we have an above-average regional cohort of aged demographics, and also generic designs, which I touched on earlier, and that opt-in approach that community consultation often has, which disadvantages our under-represented voices in our community of the Wimmera Southern Mallee region. How am I going for time? Can I keep going?

The CHAIR: You keep going. Take as long as you need.

Kendra CLEGG: Great. The Wimmera Southern Mallee Regional Partnership believes that broad community consultation is achievable by being coordinated, respectful and empowering. We feel that there are opportunities through having place-based and inclusive design and having coordinated place-based approaches and mandated feedback loops as well as tracking outcomes that build that accountability through something like a simple dashboard that shows the progress on the consultation moving from consultation to action.

Just to bring that together, we feel that one of our strengths in the Wimmera Southern Mallee is our people. We are genuinely community-minded, and to that end there is a strong willingness and a high willingness to engage on all levels and in all avenues, but to support this continuation of community engagement, minimise that growing sense of fatigue and avoid what we feel is a growing disengagement, we are really keen to encourage that community consultation into the future is respectful, coordinated and responsive and it values a person's time, knowledge and the local and regional context.

The CHAIR: Thank you, Kendra. We really appreciate that statement. I will kick off the questioning. Earlier today we had evidence from academics and experts about what best practice looks like, what international standards should be, how we should do things, what the theory tells us and what the evidence tells us. One of the things that came up earlier today was that we should be moving more towards place-based approaches to consultation. I note that the first thing in your recommendations and your submission is for a regional consultation coordination model.

Kendra CLEGG: Yes.

The CHAIR: So you have a little bit got the theory meeting the practice head on. What would that look like in your mind? What problems that currently exist are you seeking to overcome, and what benefits do you think would arise from having such a regional coordination model for consultation practices?

Kendra CLEGG: My apologies, I missed that last sentence.

The CHAIR: What benefits do you think would come from having such a coordinated model?

Kendra CLEGG: I touched on the challenges in terms of the fly-in, fly-out model of external consultants. If you are one individual in a community, the stream of inputs that that individual receives, often on the same topic and diverse topics, is really challenging. As I said, the person wants to contribute, but you have only got so much time in a day. By being coordinated at a regional level, it ensures that the mechanism understands what channels are being inputted on each topic. If you want to explore how a community is going to respond to renewable energy or do consultation on the renewable energy – I am going to use the wrong word here – pathway, then it enables a channel to process that and understand all the different points of contact and then put out what is relevant and local to that context and to the community, and then it is able to provide feedback on how that consultation is occurring.

I think it also brings authority and credibility when you have a regional or a locally based coordination mechanism that understands its people and understands the demographics – when I say the people – and how to engage. It is no longer opt-in, and you can actually be quantitative in your approach – so you are representational – of how you are engaging with people. Therefore it is actually more true and realistic

feedback on what you are trying to seek through the consultation process. All communities also feel respected and heard in that model.

In terms of good practice, we do have examples of this, and over time in the Wimmera and Southern Mallee we have had good examples of this. One is things like government hubs or central hubs where information and coordination occurs.

The CHAIR: What would that look like if you are living in a local town and you want to know what was going on? How do you see that working at a practical level?

Kendra CLEGG: It would have a front end that is accessible by the public during office hours, and that person is able to be like a conduit or a connector to whatever the questions are. But that is the front end. Then the back end would be where the real work is done on coordinating what the messages are in community consultation and what is required.

I do want to just provide another quick example – sorry, I am jumping quickly.

The CHAIR: No, that is good.

Kendra CLEGG: We do have the independent body here, the Wimmera Southern Mallee Development association. We have also seen that time and time again this body has provided really good practice in engaging and leading community consultation. They are able to understand quickly. They back it up with tapping into Federation University for social research, as an example, to understand the issue, and then they get the collective community members or representatives together to determine: is this a suitable outcome? Then they are able to design a project that is actually relevant to the geographic area and the demographics of the area so therefore it has meaningful outcomes. So I feel that those independent bodies are actually an incredibly useful tool as well.

The CHAIR: We are hearing from Wimmera Southern Mallee Development next, so no doubt we will ask them. The other thing that we have heard a lot about is feedback loops. Again, you raised in your submission – and it has been raised by experts earlier – that people have got to understand why their consultation processes matter, why the engagement matters and what impact it has had. At a practical level, what do you see better feedback loops looking like? Where have you found deficiencies in the current practice?

Kendra CLEGG: Efficiencies?

The CHAIR: Deficiencies.

Kendra CLEGG: One that comes to mind from the regional partnership, as an example: we were invited to participate in the treaty – again, my language is not going to nail the names – and this was in about November last year. It was a really great opportunity to engage with the government on the future, and it was a call to arms to get community leaders to stand up and advocate for outcomes of the treaty. We all stood up and we all pledged, 'We're behind this and we want this to occur. We know that we can influence our communities.' All we asked were tailored communication products. The communications team were in this treaty consultation – I think it was called the regional treaty roadshow or something like that – now almost a year ago, and I publicly stood up and asked if we could have tailored messaging relevant to our area. We are very unique and we are very challenged – I am sure many areas are – but our challenges we can articulate, and if you work with us we can assist to support with the language so that it is tailored to our area. The communications team – I think it was Terry Garwood, said, 'Yes, we'll get in contact with you, and we'll send you the communication packages through the regional partnership.' To this day we have not received any communications, so it makes it really challenging, because we want to stand up and we want to lead and we want to support, but if we do not get the loop back we do not even know what channel to go down to follow up through. That is one – there are so many. But the other one, when we talk about, I guess, the heightened topic of the day for the Wimmera Southern Mallee, which is renewables, transmissions and mining, is the ability to track tangible outcomes. There has been a lot of input provided over the last few years, but there is no traction or feeling of what that means, so then people who were engaged become disengaged and people who felt that they were getting somewhere also become disengaged. Sorry if I went down a rabbit hole.

The CHAIR: No. That is excellent. Ms Bath, do you want to –

Melina BATH: Thank you. Thank you very much, Kendra. You mentioned in one of your comments that you are not a community consultation conduit. Can you expand on that?

Kendra CLEGG: The regional partnership is really about targeting economic opportunities for the future. We come together collectively to determine ways forward and how we can navigate economic development and opportunity. I am happy to be corrected, but we do not see our role as being the community communication conduit. So, having an increasing amount of government agencies or services come and want to present to the regional partnership about their programs and policies – the number of requests have been increasing over the past year or two – we have had to actually limit the amount of time that we can give to these services, because we want to discuss our future investment in our region, we want to move it forward, and these presentations actually take time to listen to and we do not feel contribute to the direction of our six priorities. Some of our members are voicing concern that these presentations on policies and programs are a way to tick a box that that is community consultation, because it stops with us. We actually do not go out into community. We do not have a media element to what we do. We do not go out into community and spruik policies and programs that were presented to us, if that makes sense. We are not an avenue to communicate to community.

Melina BATH: Thank you. In no way do I want to verbal you, but you have been talking about, for example, treaty and your understanding of treaty and the discussion. Where does the line when you are an advocacy group for economic pathways finish, and where does philosophy or a vision? How do you balance that for your community, noting that there will be a diversity of views in your community?

Kendra CLEGG: I really love that question. Thank you so much. Because right there is our challenge as a regional partnership. The demographics of our area have some of the lowest socio-economic indicators. It is the really harsh reality of what we deal with, and we want to move into the future and we want to be an economic powerhouse, but to do that we need to lift our bottom line. In ensuring that we move forward, we need to make sure our community – everyone – comes with us, and everyone is our Aboriginal and Torres Strait Islanders, our traditional owners that are here. We need to be partnered and connected with them. We have done huge work through the regional partnership on initiatives for the zero-to-five child program, the By Five program. These initiatives come out of the regional partnership, and I absolutely take on board that these are not about economic futures, but we see them as related. If we cannot support our children, if we cannot bring everyone along on the journey, we are actually not developing, we are actually not going forward, we are only supporting a few. We see the connection there, and one of our five priorities is the care economy, and that is really recognising the importance of delving into this space and making sure that we are targeting our children zero to five, our aged care and the workforce that supports them. I hope that answers that question.

Melina BATH: Thank you. That is fabulous. The Closing the Gap targets are really important. That is something that is part of that work is what you are saying?

Kendra CLEGG: Well, we see it as relevant, absolutely.

Melina BATH: Great. You mentioned bushfires, regional bushfires, in your submission and the impact of major bushfires. Can you explain from a community point of view how that can impact, and have you had any feedback from your community about whether they feel that from the impact of bushfires there is a good conduit for information to government, to emergency services or the like? What is your community saying about the bushfires? How do they feel? Are they being heard or are they not being heard? Just develop that.

Kendra CLEGG: Thank you for that question. I would love to comment, but due to a personal conflict of interest, I will not be able to be in a position to, but I would be happy to take it on notice and get feedback, but only to say that the regional partnership does not really focus on that space, but acknowledges that there is that compounding fatigue that comes out of community consultation in that space. But I would be happy to take that on notice.

Melina BATH: Thank you very much. In relation to renewable energy – certainly over in that patch – and I am sure other colleagues will touch on this as well because I have limited time left, I think you might have mentioned that this is being done to us rather than being done by us. That is what the community feel. Can you develop how that plays out in the likes of energy and transmission lines? How is that playing out in your community?

Kendra CLEGG: Yes, absolutely, and thank you for asking. Thank you for the question. I guess I can wrap it up really quickly by saying that this is arguable, because people will say that the transmission – in the Wimmera Southern Mallee, we find it very hard now within community to separate transmission lines, renewable energy and the mining. They have really come together from a community perspective very tightly. To wrap it up, yes, mining and renewables have been in the process for a long time, and we have seen some really good practice of community engagement through some of these projects. But in the last two years, it feels incredibly rapid from a community perspective, and then that sense of disempowerment has really escalated. I would say that has resulted in a response of anger and therefore caused a bit of an inability to hear anymore or consult anymore. If we are not on the same level, if we are not speaking the same language, then there is an inability to hear that now. So, yes, I would say that – I am not sure if I am hitting your question. Sorry, I go into my own head.

Melina BATH: Yes, you did. My time is up, but I think it is also about trust. People have lost trust in that process.

Kendra CLEGG: Yes, and I think that comes back to that loop of feedback. There has been lots of consultation. If I go to a very specific example – and I am not going to say the right title of the plan, I do apologise – we, being the regional partnership and local councils, have been providing input into the transmission renewable energy zone plan and the consultation process. We were really comfortable, as a broad sense, from the regional partnership councils, and I was getting feedback from many communities about the plan, the draft that was released I think in May 2025 – and I apologise about my inaccuracy of timelines if that is not true and correct. On Sunday we had an updated version that stated it was based on community consultation with a much broader renewable energy zone shaded out, and that has just had the most unimaginable negative impact or backlash from community who felt they – yes. So the trust is absolutely gone for those communities. From the Wimmera Southern Mallee Development Association and councils, I am not sure, but from the regional partnership perspective, we will continue to do our best to engage and continue to have the conversation. But it is really challenging when communities feel that things are being done to them and their voices are not being heard. Then the disengagement often becomes anger and counterproductive to our development as a community.

The CHAIR: Right. Ms Tyrrell.

Rikkie-Lee TYRRELL: Thank you, Chair. If we stick on the subject of feedback, you were saying how important that is. Can you break apart the different types of feedback that the community would like to see and how you expect them to be delivered to make sure that it is efficient and really makes that impact that we want?

Kendra CLEGG: Thank you for your question. I appreciate that we do not want to add burden to those who are trying to develop something that is to the benefit of the community, the aim of community consultation. We did unpack that as a regional partnership, what that would look like – we thought perhaps a feedback loop. So, one, acknowledgement that the feedback has been received and what will be done with it. And once that feedback has perhaps moved down the chain, that something has occurred. So how could we do that in an easy way? We thought perhaps a dashboard, where the public, if they are interested to pursue it – so it is not just another email in their inbox that they never see, but it is something that they are interested in – are the ones that log in to an online dashboard that will tell them where their feedback has got to or where the process has got to. Another one that we would say when it comes to things like renewable energy, as an example, is about starting to see the tangible output of what is occurring. So that consultation loop that feels like it is never-ending, where is an end product or something tangible that community can touch, feel and see?

Rikkie-Lee TYRRELL: That is good. Do you think that in certain different areas of the community we would need to adapt a different type of feedback system? Like, say, especially if there is a lack of internet access in certain areas, we would have to deliver it in a different way.

Kendra CLEGG: Yes, thank you for your question. That is really –

Rikkie-Lee TYRRELL: That is okay. I just want to make sure we get it right.

Kendra CLEGG: Yes. We do have the digital access challenges here, and it is not so much related to internet security. I think we are really good for those who are digitally able. We have got a higher-than-average regional age cohort from a regional perspective and I think it is about enabling access and touch for this cohort.

That is where I come back to that regional base, where if we had a place-based coordination space where people could come and have a conversation with a person, that person could perhaps show them on the digital dashboard where things are up to or actually have a conversation. It would be very meaningful. It would be really, really amazing.

Rikkie-Lee TYRRELL: It sounds very practical.

Kendra CLEGG: Yes. Thank you.

Rikkie-Lee TYRRELL: Thank you. Thank you, Chair.

The CHAIR: Thank you. Ms Ermacora.

Jacinta ERMACORA: Hi, Kendra. I am also online, from Warrnambool. I wish I had a beautiful picture behind me as well. Thanks for your contribution. It is really important to hear the voices from what I call outer-regional communities, which I always say are really different to the experiences of inner-regional communities. I just wonder whether there is this notion that some departmental teams visit inner regional, you know, and do a bit of consultation or even a bit of outreach from inner-regional cities like Bendigo, Ballarat, Geelong, for instance, and sort of tick the regional box. I wonder whether you feel that there is more to it than that that is not being recognised? Perhaps – is there another box?

Kendra CLEGG: Thank you for your question, and hopefully I answer this well. From a regional partnership's perspective, we do feel that Ballarat is considered regional and rural and that is the end of the story, whereas there is all the Wimmera Southern Mallee that comes thereafter. But from a regional partnership membership perspective, we have excellent engagement from the government representatives that are always in person at every meeting that we have and are always made available. The Wimmera Southern Mallee Regional Partnership secretariat is actually Regional Development Victoria, and they have these Horsham staff that just started about a year ago, our Horsham team, and they are phenomenal. They go all-out, and their connection and networks are amazing. I think that goes back to that place. To answer, yes, I think the Ballarat connection does work, but at the same time there is nothing that can go past what has been achieved by a place-based team, because they get to know the businesses, they get to know our different communities, the community leaders, the councillors, who are our representatives, and they are the ones who can get their voices out and influence.

Jacinta ERMACORA: Kendra, sorry to interrupt. Are you saying that where a department like Regional Development Victoria are actually located out in your community beyond Ballarat, that that model does work more effectively and that perhaps some other government departments do not do that as well?

Kendra CLEGG: Yes, absolutely, thank you. Yes, I absolutely would say from a regional partnership's perspective that we do see place-based offices as effective — for example, the Regional Development Victoria Horsham office. What we do not see as effective, if I can draw another example, is – I am going to get the department's name wrong – Resources Victoria. They have good engagement through the regional partnerships, and we have been crying out for more engagement in community, so they have responded to that by putting a staff member into Horsham – excellent. However, that staff member is not accessible to the public, because they are within a government facility that the public cannot walk into to ask questions when they are passing by Horsham. I think part of our fabric, and who we are as a culture, is really about that genuine human-to-human interaction. Nothing comes second to it for the Wimmera Southern Mallee, and I think people find trust really hard to build when they cannot see someone and feel how that person is reacting to their story or what they are saying.

Jacinta ERMACORA: Would you say, even as a potential recommendation for this inquiry, that communities beyond the inner regional communities ought to be structurally included in community consultation?

Kendra CLEGG: That would be an incredible outcome, if we could have place-based representation of the government that wants to engage in community consultation. That would be outstanding, yes.

Jacinta ERMACORA: Fantastic. I will leave it there, thanks, Chair. Thanks, Kendra.

The CHAIR: Thank you. Mrs Broad.

Gaelle BROAD: Thank you, Kendra. Gaelle here. I just wanted to ask you – you mentioned the By Five program. When we are talking about community consultation, I heard Jo Martin, the Executive Officer of By Five, speaking recently at the rural councils forum up at Yarrawonga. My understanding of that initiative is that it did take years to develop; it seemed to be something that had been developed locally back in 2016, and I think then the government announced in 2017 they would work towards something, and it took years of development. It got some funding in 2021 – I think it was $2.8 million from the Victorian government – but then in this year's budget it got cancelled, with no further funding. Can you just talk to that process, because that is an example of what looks like a long period of community consultation, but are you then consulted about no more funding? How does that work on the ground?

Kendra CLEGG: Thank you for your question, and the short answer is no. There was no consultation. We were all holding our breath for the May budget, and we were all, I would say, collectively as a broader community, heartbroken. As I said, when it comes to things like child care and supporting the outcomes of our children from birth through to five years, which are the fundamental ages to create change – and we all know this: our outcomes for our children are equal to that of the Northern Territory. We feel that as Victorians that is not really a standard we want to be part of, so we really want to uplift our children and the families and support networks that support this. The By Five program was the answer to that. It brought so much excellent collaboration from the health sector and education sector together to wrap around our children to bring them up. We have seen those results demonstrated and be effective within that really short timeframe, I believe, of 2016 until today. So when the budget came out with no outcome, we were quite heartbroken. It is really a credit to those that are involved in the By Five program. I am not; I am more on the recipient end with my children. But it is a credit to them. They went to every network possible and rattled every tree so they could continue a skeleton part of that program with the Royal Children's Hospital still engaging with our children today. They are incredible humans, and I think that is just a reflection of what the Wimmera Southern Mallee people are. They are people that truly believe in our communities and really want to see growth and progress.

Gaelle BROAD: I guess the early years is one of your priorities in your documentation. How do you feel that engagement – or where is the communication at now with the government about this particular program?

Kendra CLEGG: Thank you for your question. If I may delay that question for Wimmera Southern Mallee Development association, because they have taken on the program. The Regional Partnership was part of the beginnings of that process back in 2016. We have continued to advocate because we have seen how effective it is, but the Wimmera Southern Mallee Development association has taken it on as the umbrella to the By Five program.

Gaelle BROAD: Perfect. Thank you. I am just interested in your thoughts on the Engage Victoria website. I noticed your submission talks about digital barriers potentially, but have you got any feedback on what needs to improve or change in that? What are your thoughts?

Kendra CLEGG: We love the Engage Victoria platform, but it is interesting that it feels like a little bit of an opt in – no, it is an opt in: it does not feel like that. It is an opt in approach. So for those of us that are seeking opportunities to get our voices in and get heard to move forward, we are in there navigating these spaces. I think if it is to truly be an engage platform, it needs to be accessible, it needs to be known. I do not think there is familiarity with the platform. And then we talk about that digital connectivity that I spoke to earlier. We need other avenues and ways of building awareness that this opportunity is there.

Gaelle BROAD: And when you talk about the disengaged parts of your community, how do you recommend government engage with them?

Kendra CLEGG: If I talk about disengagement from two parts, one is those who are perhaps apathetic and not typically willing because life is busy and it is challenging to engage, to find the time. Having that place-based presence is a real way to find different mediums that are relevant to different cohorts to have the direct impact or communication and engage that way. The other is the disengagement that has come through over-consultation or the feeling that their voices are not heard, so they are providing the input and then not feeling heard. I think that is going to take time. Time and trust are the two elements that will be able to overcome that disengagement.

Gaelle BROAD: The renewables have been touched on already, but I guess I hear about footy clubs where there is such division people do not share the same change room. What impact is it having on the communities, and do you have any advice for how to move forward?

Kendra CLEGG: On a personal level it definitely impacts me in multiple ways through my children, through school council, through the town committee and many other ways. I definitely see it in the football club. I think through the Regional Partnership we have been advocating for this as well, for increased accessibility to people, to have conversations with people who have the knowledge. For people to be present, to build trust and relationships and rapport with communities, I think, is one of the main ways that we can do it. If there was any way to provide time as well for people to digest and come to terms with it, as well as the most important bit at this stage, which I think is having something tangible that we can touch, feel and see to demonstrate the why.

Gaelle BROAD: Thank you.

The CHAIR: Ms Lovell.

Wendy LOVELL: Thanks, Kendra. How are people appointed to the regional partnership? Is it just council representatives?

Kendra CLEGG: The regional partnership is promoted through newspapers. We tap people on shoulders. It is widely advertised every two years for roles in the regional partnership. We have community representatives like me, and there are five of us on the regional partnership that are volunteer roles. Then the really key elements are the CEOs of the five local government areas or the five councils. They are so engaged and always attend; they are incredible. And they lead – I mentioned there were six pillars. The five councillors lead five of those six pillars, of those priorities that we have, so they are really engaged and they are really driving forward. Then we have the Victorian government-relevant representatives for development as well.

Wendy LOVELL: Right. Thank you. I understand that your role is to sort of promote the priorities of the region to the government. But in your submission, you talk about how your area is experiencing significant change from agriculture to some more high-impact industries such as renewable energy and mining. I just wondered if your expertise is actually used in any way by the government before these types of projects are imposed on communities in your area?

Kendra CLEGG: Yes. Thank you for your question. Just to say, perhaps expertise might be a stretch because we are just community volunteers –

Wendy LOVELL: No, you are experts in your communities.

Kendra CLEGG: Thank you. The regional partnership's priority areas, one of our six priorities is on the clean energy economy, and that really taps into making sure we have got the right people at the table. We also utilise – I forgot to mention one of the regional partnership members is the Wimmera Southern Mallee Development association that we touched on earlier, and they have been going out and doing some fantastic consultation processes to make sure we have got the right government people at the table. This was even as late as yesterday. They have a renewable energy roundtable quarterly, and that brings all the different renewable projects together to talk about it and to talk about how we can move forward effectively from the local level, so trying to come up with local solutions to how we address these matters. I am not sure if that touches on engaging expertise effectively.

Wendy LOVELL: I am more interested in whether the government actually consults you, or whether it is only through your advocacy putting stuff forward to government.

Kendra CLEGG: Yes. Thank you. So yes, I should have been clearer. VicGrid is always coming to talk with us. Alistair Parker has been quite regularly to the regional partnership. He is very frank with us and always addresses our questions. Also, whenever we request representation there is a presence, so we get really good support and guidance when we request it. But it is the next step. It is how to get it out into community that we are looking for.

Wendy LOVELL: Right. What do you see happening locally on the ground in the way of consultation around these things? Obviously we have had significant numbers from your communities on the front steps of Parliament on a regular basis in recent times about different issues. Are you seeing there is good engagement locally? Obviously there is something wrong if people are here on the steps.

Kendra CLEGG: Yes. Thank you for your question and observation. That is definitely why we want to see an opportunity, I guess, to get more place-based and build that trust by having representatives here that are accessible in person to start to build those connections and have that communication with communities. There is so much opportunity to build on our communication with communities. There has definitely been a void if they cannot be there, and so by having a void there is opportunity for misinformation and there is opportunity for growing anger and resentment – as you said, that combination of issues. From us as community leaders, it is really hard to start to pull those apart because they have really come together as one big issue.

Wendy LOVELL: Okay. Thank you.

The CHAIR: Kendra, thanks so much for the evidence you have given today and for taking some time to engage with us on this really important topic. We really appreciate the thoughtful way you have contributed and the colour your background has brought to the proceedings of the Parliament today. You will be provided with a copy of the transcript to review shortly, and with that the community will take a short break.

Witness withdrew.

WITNESSES *(via videoconference)*

Lance Brooks, Managing Director, and

Adriana Pielak, Senior Engagement Facilitator, Brooks Community Engagement; and

Chris Sounness, Chief Executive Officer, Wimmera Southern Mallee Development

The CHAIR: Welcome back to the proceedings of the Legislative Council Environment and Planning Committee's Inquiry into Community Consultation Practices. Welcome to representatives from Brooks Community Engagement and Wimmera Southern Mallee Development.

I will just read out the opening statement. 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. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during the hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of the Parliament.

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

Welcome. If I can, for the public record, ask our witnesses to state their name and the organisation they are appearing on behalf of. I might start with you, Chris.

Chris SOUNNESS: Hi, I am Chris Sounness, I am CEO of Wimmera Southern Mallee Development. We are based in the Wimmera Southern Mallee region, and I am in Horsham at the moment.

The CHAIR: Wonderful. Lance?

Lance BROOKS: Lance Brooks, Brooks Community Engagement, largely based in New South Wales and regional-rural areas.

The CHAIR: Thanks. Adriana?

Adriana PIELAK: Hi, I am Adriana from Brooks Community Engagement.

The CHAIR: Thank you. The way we run these proceedings is pretty straightforward. We will throw to you guys to make a brief opening statement each and then go to questions. Who wants to start?

Lance BROOKS: We will go. Sorry, Chris.

The CHAIR: Perfect. Thanks, Lance.

Lance BROOKS: You only want about 5 minutes to start up, is that right?

The CHAIR: That is exactly right.

Lance BROOKS: Yes, okay. We are a community engagement consulting practice. I have been personally involved in the industry for about 25 years, have been on the IAP2 board, which you would be aware is obviously the best practice organisation within Australia and internationally as well. We have had a range of clients over that time – a lot of developers, local government, some PPPs – and I have worked in housing renewal. I think that is predominantly it in that area. We have not used Engage Victoria, but I think we have been picked to talk about a different market. I think that is a brief introduction. I can talk a little bit more about things if you want, but –

The CHAIR: We can get to it in questions if you prefer. That is probably easier.

Lance BROOKS: Yes, okay.

The CHAIR: No worries. Over to you, Chris.

Chris SOUNNESS: We work in the regional community at the moment, and we are very passionate about this. I have worked in rural and regional engagement in agriculture, extension research at the ag department, Birchip Cropping Group and now Wimmera Southern Mallee Development. I think what we have got at the moment is a problem where communities are not disengaged, they are overloaded. There are too many and the consultations are fragmented, all landing at once. The fatigue is systemic, not cultural. So what are the root causes? Governments are leading by silo, not by place. Communities live the cumulative impact of this, and the leadership issue seems to be all about controlling rather than trying to coordinate. What is happening and what does that mean on the ground? Landholders are hit with multiple reforms in the same fortnight. The volunteers, local leaders and community leaders who live in place are forced to try and translate complex processes, and when government and corporations see silence, they misread that as support rather than disengagement or overload, which means trust is broken.

What is the way forward? We need place-based coordination across agencies, we need to assess the cumulative consultation load before new processes, we need to frame each consultation in how it fits within the bigger picture of what is going on in this particular place, we need local intermediaries that are resourced to be those trusted interpreters and we need to ensure there are mandated feedback loops. Communities do not want fewer consultations; they want better ones. Governments must lead by place, not silos – and that is the big challenge at the moment, everything is by silos. I will just mention the Victorian transmission plan is a classic example of that which is occurring at the moment.

The CHAIR: All right. Thanks, Chris. We will go to questions, and each take it in turns. I might start with you, Chris, on this concept of the cumulative consultation load. Perhaps you could describe for us how that manifests for you and your community, what you see and what impact you think it has. Then, Lance, I might come to you on that same topic after we have heard from Chris, just to get your reflections as a practitioner on some of these issues. So, Chris, over to you to expand a bit more on the cumulative consultation load and what is causing it and what impact it has.

Chris SOUNNESS: What is causing it is, as I say, different government silos not understanding what the other silos are. I can talk about a real-life example: a Wimmera Southern Mallee Development former board member described to me one week she had in the middle of last year. On day one Resources Victoria reached out to her about the Victorian critical mineral sands wanting to talk to her about that as her region was going to be impacted. Day two, one of the wind companies she is negotiating with around a renewable energy project reached out and said, 'Oh, can you come and spend some time in the office with her?' Day three, VicGrid was doing a consultation in the region. Day four, one of the mining companies was looking to do some engagement with her. Then on the fifth day there was a follow-up call from Resources Victoria. This is while she is trying to run a $50 million-plus business, which is a typical farm in the region. As I say, she was a volunteer on the Wimmera Southern Mallee Development Board and I was trying to get the best out of her, and she was just saying, 'The government doesn't realise that we just can't keep on being consulted when it seems to be a tick-a-box exercise.' Closing the loop is the other part. The government is wanting to do the right thing, but doing it not to consult, but just to inform.

The CHAIR: Yes. Lance, I might ask you, as an expert practitioner with considerable experience, obviously the cumulative impact clearly is real for these communities. It is probably borne out of, at least on some level, the agencies knowing that they should be consulting and trying at some level to be doing the right thing. In your experience and with your expertise, how do you think that governments should try and manage this, and do you have any reflections on these sorts of issues that you might have encountered in your practice?

Lance BROOKS: Yes, okay. Adriana, feel free to jump in as well. I think Chris sort of said it.

I think the quality of engagement – so let us take tick boxing. I think if people are genuinely engaged and there is follow-up – because the follow-up is really important; quite often we just go in, we listen, we take something and we do not actually go back – that is probably one of the most respectful things. Everybody is busy. I think engaging people in their extra time is really difficult. But this whole concept of the tick boxing – it is about the quality of engagement, and I think that is where the best practice has to come in. My feeling is that it is actually a process of building a relationship. I think if you genuinely build a relationship, you can keep going back to

people, but if you do not build a genuine relationship – and you know, the IAP2 principles and the core values are all about making people feel that what they are doing is contributing to the benefit. Then you get buy-in.

The CHAIR: Chris, just on this point, one of the things that strikes me is that Lance is talking about people who are doing the consultation building a relationship. It seems the issue you are confronting is that you have got different people coming and knocking on the door at different times talking about different things. Would that be a fair assessment, Chris, of how you have experienced the range of consultative issues that you have had to deal with?

Chris SOUNNESS: Yes, and I think there are a couple of things, and we might be at a particular place in time, which may be the issue. At the moment western Victoria is at the centre of a transformation that it has probably never faced before and might never face again, where energy and mineral sands extraction are all looking to happen at the same time for a drive of federal and state policies. There are a lot of state and federal agencies trying to get things done quickly to enable policy to be rolled out, and then companies are obviously following in the wake where there is a policy lead of where to go. But in the end, they are dealing with either the small business community, who are trying to run their businesses, or volunteers. There are whole agencies who are keen to try and do the right thing – I am not saying they are going in trying to do the wrong thing; they are trying to do the right thing – without any actual understanding of what else is going on in the region or acknowledgement of anything else going on in the region. They just want to do their job. But if you actually talk to the community members, what is most important to them is: is their hospital still running; what are the services like there; what is the likelihood of there being enough childcare staff so they can take their kids to childcare; and what are the conditions of the roads? This is a universal thing across Australia. The departmental people, who are professional people and are paid, and the consultants, who are supported to do this work and are paid, are expecting volunteers to do the heavy lifting. Volunteers are not resourced to do so. It is almost asking the volunteers to – to use the harsh word – 'subsidise' state and federal government policy returns without any acknowledgement of the time and effort we are asking of these volunteers and small business people who are trying to get by, get their kids to school, run their lives and everything like that – because these professional people have jobs to do and want to say they have consulted.

The CHAIR: Thank you. Ms Bath.

Melina BATH: Thank you very much for attending this afternoon. When you are speaking, I am listening and thinking respect and trust is something that it feels like there is a deficit of in the regions in relation to engagement or ongoing engagement. One of our former speakers this morning from the Engagement Institute spoke about information and the amount of information. Is there too much information? Is the information not trusted, or is it measured out like Scrooge so that you are just getting enough to keep you there? Could you speak to when there is engagement with the government sector, how it is delivered, is it enough and is it trusted?

Lance BROOKS: Adriana, do you want to say something on that?

Adriana PIELAK: Yes. I would say to an extent it is not what is going out in terms of the information, it is how. I think there are issues with how information is being distributed most effectively, because communities are not a one-size-fits-all. There need to be different ways that you communicate with different communities, and that needs to be strategised very specifically. The way you would communicate with someone from a rural community may be completely different to someone from metro Sydney. I think those are some issues that need to be taken into consideration when engaging effectively with community, that it is not just what you are saying, it is how it is being said, who is saying it, and that is partly a reason as well why, as a consultancy, we tend to get hired or contracted by government agencies to do the community engagement, because it is coming from a middle body. We almost act as a mediator between the client and the community and, sort of what Chris was pertaining to as well with the silos, we end up being that one consistent person that is spoken to. That prevents a lot of community misinformation going out. We are the one point of contact. It also provides a buffer and a barrier for whoever our client is.

Melina BATH: Thank you. I really appreciate that. The other comments were about a single source of truth this morning but also misinformation and disinformation. As the facilitator, as the professional, from your aspect are you seeking more information sometimes than you are allowed to be given by government sources?

Do you feel that you have to distil it down? Are you still reaching back to government for more information that the community is asking for?

Lance BROOKS: Well, actually, it is a really good point. I think the initial part of the engagement is about getting out there with some basic facts. As a facilitator, as Adriana was saying, there is a difference – it is actually a really significant difference – between being a community engagement practitioner engaged as a sort of third party, as a consultant coming in, and being a community engagement practitioner employed by a company, a developer or the government. Because even though we are a client of and we are doing it, you actually have a different relationship. What we get an opportunity to do is build the relationship and then introduce more information in a subsequent meeting, so you build up to those really important meetings and you increase the amount of information. We do not need to be skilled. In fact we regularly say, because we are not part of that organisation, 'Look, okay. We hear this. We will gather more information.' We tell the basics and say, 'Okay, we're going to set up this meeting and these people will be here to do those specific things.' It also allows that first engagement to actually be a bit of fact finding. You get to feel the temperature of a community, you get to feel the big issues of a community, so then you can go back and brief our clients, whether they are the developer or the department or whoever is needing to speak, so they are not going into the field completely blind. It does really help. Then I know you are looking, it seems to be from the question there, at the resourcing of regions with consultants if there are consultants in those areas. We can certainly be a really blended opportunity to work with a government community engagement team. You bring some skills, you bring some expertise in a particular timeframe when you need it, and you do not need those resources all the time. I hope that sort of answers it in some respect.

Melina BATH: Thank you. Great feedback. Chris, in terms of your submission, a redesign of Engage Victoria platform – it is not working at the minute. It needs to be more trustworthy – do you want to elaborate on that? I hear this from Gippsland as well. I live in Gippsland, so we have similar but different issues. What do you say about the Engage Victoria platform?

Chris SOUNNESS: I know when I wrote the submission – I must admit I have just been on a couple of weeks and I have not looked at it this week. But every engagement opportunity looks exactly the same. One might be responding to an EES which has 10,000-plus pages of documentation, and the other one might be about a crossing in front of a school. They are all presented almost the same when you read them, and obviously they are for very different purposes, so there is no understanding of that. As I say, Engage Victoria has tried to be, I suppose, all things to all people, but by doing that actually people do not understand the differences, and unless you have an understanding of government processes and are into the reeds, you are not going to work your way through that.

One question you asked before was around misinformation and disinformation and trust. I think that is a really important question. I think Lance's answer was very good and enlightening. But I do think at some stage for a lot of people in rural and regional Australia, it is about trust and relationships. I work regularly with a range of consulting groups and individuals who come in, who do I think probably what is – I cannot say the same job as Lance because I am sure it will not be as good – a very similar job to Brooks consulting where you work with them. But they still generally need to get in through the front door to be able to do that introduction and that takes time and resources. I call it cat herding, and cat herding generally no-one wants to pay for, but it is quite an expensive exercise and you generally have to spend a fair bit of social capital because you are saying to someone, once again a volunteer or a small business person, 'We want you to give up some time so Lance can have an initial conversation with you so he can then frame the job right'. And no-one seems to want to pay for that, where someone has to give up – so you tend to guard your relationships fairly closely. I know when I was at Birchip Cropping Group, you worked out there were a lot of people there keen to burn your social capital, so you tend not to –

Then the misinformation-disinformation piece, that is rife in our region at the moment. Is that to do with the consultation piece? Not specifically, but it is making the consultation piece almost impossible to work. I have had a number of discussions with senior government and organisations where there is rife misinformation flowing from some submissions or documents, and their preferred response seems to be strategic silence, which is probably a way to handle en masse communication. But when you are basically dealing with groups that use Facebook and WhatsApp groups and everything like that, strategic silence is seen as you are not disagreeing with the misinformation, so it gives that misinformation credibility because there is no pushback against it. Once again, who is resourced to do that? It is a whack-a-mole job, I will admit. But at the moment it is running

rife because there is no-one there resourced to tackle it. Generally most of the departments are very thin on the ground in rural and regional Victoria, and it is organisations like ours and local governments that are asked to do the heavy lifting, and there is no-one there doing it.

The CHAIR: All right.

Melina BATH: Thank you very much.

The CHAIR: Ms Tyrrell, I might go to you.

Rikkie-Lee TYRRELL: Thank you, Chair. Staying on the topic of trust, I myself and a lot of my colleagues here have witnessed that we have got a lot of communities that do not have that trust initially, and these companies or bodies are still struggling to try to gain that trust and the more that they try, the harder it gets and the bigger the walls that these communities are putting up. Do you think there is a way that we could amend that in any possibility, or do you think that is a lost cause?

Lance BROOKS: I do not, and Adriana, we will comment on this together. Look, I do not think it is a lost cause, but I think, picking up here what Chris said before, you have to invest money in that social side of it. It does take time. There are three ways you get engaged as a community engagement consultant. You get one, I will just say, when the shit hits the fan – something has gone terribly wrong and all of a sudden, 'We need to try to fix that'. So that is one you get calls for. The second one, there is the statutory stuff like in New South Wales with the SSDs, and you just get contacted, 'We need to do this and that'.

The third one is you have companies that have the insight to invest because they take it as a risk control. There are companies that, when we do a strategic community advo, we do a risk register. It takes a long time; you have got to get out in the community to do that. So then we can be very strategic and specific. By doing that, firstly you understand and have met the community – there is nothing worse than turning up to a meeting and you really do not know everything. That one thing about knowing where you are going builds trust. It does not get you the whole way, but there are a whole series of strategic steps you need to do to be in a position that you can beat it. The other thing about starting early is the fact you actually get to feed the communication earlier. If we do not start really early with what is going to happen, you get there and we are launching the whole thing and you do not get a chance to have the right people you have built the rapport with to actually give them the truth. Part of that strategic plan is you have your communication strategy done before you even go to market. You understand what the hot issues are. You understand the channels of people you can talk to. You try to find a few advocates. There is a specific pattern to do a really, really good job, but it does require what Chris was saying: you need to invest in time, and it is often not seen as a priority area. You know, we have got so many examples. When you cut a short timeframe for community engagement, you are lessening the success of it or the effectiveness of it.

Chris SOUNNESS: Could I add to that. There are a couple of things. I think trust. We are in a low trust environment. I think that is one view that some of the government departments are probably struggling with, because often in the past, as I say, there was a high respect for government. There is always a bit of, I suppose, mocking, but in the end there was a fair bit of respect for government and its policies, but in the last three or four years that trust has eroded, so we are in a low trust environment for a whole range of reasons. When you are in a low trust environment, what has worked in the past will not necessarily work like in the before. In rural and regional Australia, I have sort of got a bit of a saying: it is as if we are in a movie franchise, and the movie franchise we are seeing is *The Fast and the Furious*, where consultants and governments come in fast and the community ends up furious. What we are trying to change is the movie franchise to *The Fast and the Fair*. We still want things to happen fast, and I think that actually one of the challenges with the consultation process is the timelines. But in the end we want a fairer outcome, because what has happened over the last 30 years is initiatives have been made. Corporates are coming in and saying, 'Well, these changes are going to be better for the community.' But the lived experience is the hospitals have lost staff, the banks have lost staff, the schools have got smaller and populations have declined. So there is a level of lived experience, which often is not the fault of the agency involved, but it is just the reality of living in an agricultural community. We have got to actually realise that.

The other piece with the consultation is: is it actually a consultation, or is it an information session? Because I think a lot of the time at the moment – because I think there is a wanting control of the message – it is actually

an information session. The community come along expecting a chance to shape and change the initiative, when the actual people presenting are saying, 'Oh, we're here to tell you. You get you what you get: don't get upset.' That is actually the message you are getting. Value is not wanted, except to tick the box to say, 'Here it is.' Then the other piece is actually the follow through. If you are going to do a consultation or an information session saying something is going to be delivered, has it been? Because I think that is why the trust is broken. Because people are saying, 'What's changed because of it?'

Adriana PIELAK: Can I just add on to what Chris was saying, if that is all right?

The CHAIR: Yes.

Adriana PIELAK: The one way to build trust with community, and I am not sure if anyone has seen the film *Erin Brockovich*, but you would understand that it takes a very long time. It takes a lot of face-to-face engagement as well. At Brooks, community engagement is not just sending out a survey. We doorknock and we are talking to people face to face, speaking to them. And from what Chris was saying, setting expectations from the get-go is really, really important. There are times when we have had projects where we have just had to go out and give community the information, and there has not been space for people to provide feedback. If that is the case, that needs to be settled first with the client to see where they are on that level, on that IAP2 spectrum of inform, consult, involve, and as well to even push clients to be able to say, 'Well, if we are doing this, there needs to be some wiggle room. What is that wiggle room? And let us be able to communicate those expectations to community.'

Again, it is not just a quick process. It needs to take time. The best ways to build trust with community is to have that face-to-face level of listening. We have found that in a lot of engagement now, particularly where engagement is mandated in New South Wales, it is webinars where people are behind a screen giving out information, and there might be a quick Q and A session at the end. That, I think, can be incredibly frustrating for a community in comparison to when you are going there face to face, you are speaking to people individually. You are then speaking to them in a group. You are taking in, and you are actually listening and getting things down and showcasing and highlighting what is to be expected. There is a great difference there, and you are then able to build that relationship and trust. It is not something that is just given.

The CHAIR: All right. Ms Ermacora.

Jacinta ERMACORA: Hi. Thank you very much. I am absolutely fascinated by the way you are articulating the issues here. They make sense to me – the whole notion of governments leading by silo and not place and the complexity of Engage Vic and then not enough place-based approaches. So I just wondered: is timeliness an issue too, coming in late?

Lance BROOKS: It is one of the biggest issues. I mean, in all that we have talked about to do good engagement, you need time. I just think in the way it is planned in big business and governments, the engagement is seen as something you do – like it is the last thing, and 'Oh, we're ready to go to market now.' If we embed engagement in the process early – I do not mean this in a bad way – it does not mean you have to do everything that comes out. But if we engage early, sometimes there are some priceless little things there that one, will save a lot of credibility later and, two, you can actually find a few wins. Sometimes we say look for the little wins. It just allows the whole process – it also builds into the team who are the project team delivering the project that it is an important part of the project. I mean, we all know there are literally billions of dollars of infrastructure held up in planning because it has gone out and it has just become too hot and it just gets shelved. But the whole process should start – to me, like the earlier you start, the better. In big business, what are some of the things that stop our projects? It is community. But do we do a proper community plan right up front? What we do in our strategy and community engagement plans is not actually an engagement plan of just delivering the meetings, it is a strategic plan to find out what all the issues are, to flag all the hotspots, to be able to brief our clients. And this is just part of best practice. This is just the way it should be done, if we have got time, Jacinta. So that is the big thing. Often it is left at the tail end. We are announcing everything, and then we find out some of the errors of the planning, and it is not respectful.

Jacinta ERMACORA: Yes. So I am wondering too, just listening to you, if the consultation is a requirement in the context of a market-based activity or a private sector activity, then there are a bunch of laws

that require certain matters to be taken into account in an assessment, which would, I imagine, sometimes render community consultation a little bit tokenistic.

Chris SOUNNESS: It has meant the word has lost its definition, that is the issue. I think that is what I was saying before. The consultation is not actually consultation. If it is just to inform people, it is just to inform people. Or even in the EES process, what is the role of public submissions into an EES? So it is being clear what is actually the point of what is occurring.

Jacinta ERMACORA: Yes, the parameters.

Chris SOUNNESS: As I say, 'consultation' is used as a word. The government say, 'We're consulting with the community,' but actually that is not the intent at all for that particular thing, and nor should it be. It is either to inform, or as Lance has been talking about, to build information so a better strategy or plan can be wheeled out to the community. They are all important things to do, so I am not saying one thing is more important than the other, but it is to be honest of what the purpose is and what resources there are. And in the end, just keep on showing up.

Jacinta ERMACORA: Does that mean that weak or tokenistic or late engagement sometimes leaves space for that misinformation that you were talking about and then as a result can allow that division to fester in a community?

Chris SOUNNESS: I do not think it is quite that simple, because – if we talk about western Victoria at the moment, transmission lines were announced, we have got renewable energy projects and we have got critical mineral sands. The reality was the transmission company, when they first did their engagement, did it very poorly. I actually do think they are doing a really good job now, and I will come back to that in a sec. But they dug themselves a hole to China and they are still only halfway out of it. But what I realised – the mineral sands companies had been doing a very good job in consultation and had not realised the world had changed around them, and now in our region I would say they are probably enemy number one. They have not been actually doing anything wrong; it was because they had not realised the world had changed and what had occurred, and nor had the government. The different parts of the government had not sort of been talking to one another. They each thought they were the only people trying to engage with the local residents. There are cumulative impacts being missed, because government parts are not talking with each other, and there are policy implications of what they are saying, of how it impacts on place.

Jacinta ERMACORA: Yes. Chair, I did hear the bell. I am sorry. Can I just round it up with one little closing question, Chair?

The CHAIR: Yes.

Jacinta ERMACORA: In terms of a recommendation for this inquiry, what would you say: place-based approaches should include all multiple silos, or place-based approaches should be used in regional communities? What would you recommend?

Chris SOUNNESS: As I say, I have a register. So at the least, anyone that is going out to a consultation will have an understanding of what other live consultations are being pitched. Is it reasonable to expect the same communities and local governments to keep on responding to this? A lot of it comes to local governments, who in western Victoria are some of the least viable local governments we have got in the state – and similarly in Gippsland. We just keep on putting pressure on them: 'Oh, can you respond to this and that?' and they are very detailed studies. It is basically, I think, unfair for rural ratepayers to have to subsidise government policy work. So there needs to be some sort of thought before a consultation goes out, to understand what else is being asked of those communities at the time.

Jacinta ERMACORA: So consultation should be coordinated centrally by place and resourced appropriately?

Chris SOUNNESS: Yes.

The CHAIR: All right. Thank you. Ms Broad.

Gaelle BROAD: Thank you very much for your contribution this afternoon. I am very interested in your insights, because I represent Northern Victoria. I am very aware of the transmission lines. I have heard people have been told that neighbours agree to the project, and then they find out that they are not agreeing, and that has led to mistrust; there are piles of paperwork which people are given very limited time to digest. Then when it comes to renewable energy projects, what I am hearing from people is they are quite difficult contracts to understand; there are caveats they have got to consider. There are insurance issues: how can they afford that? Neighbourhood agreements could change, because companies can also sell. The company that gets the permit may be different to the company that builds the project. There is the impact of batteries, the impact on water supply. What happens next? I remember talking to one farmer who was saying he had been approached by 13 different companies in a very short amount of time. Like you said earlier, Chris, you are trying to run a business, and then this is the reality of all the questions you are getting. When I talk to people in the Colbinabbin community, they have got a massive solar project there that has been given the green light. Local council does not agree. Local residents have been opposed to that. But the government has taken away the VCAT right of appeal. So there is a lot of frustration, I guess, that I am hearing out there in the community.

But what are your thoughts on that volume of information that comes at regional communities? What can be done better to provide that information? Because what I am hearing from locals is they have got to find it out themselves, or they have got to talk to someone in a different part of the state. 'What have you found out?' 'What have you found out?' You know, it is all word of mouth, whereas I think the government is rolling this out rapidly, but communities are just sort of left floundering. But I guess those are just my insights. I am interested to know what you think could be done better.

Chris SOUNNESS: I think you have given a fair summary of what it feels like for a lot of people in the region. A couple of years ago I took a group of regional leaders up to the Western Downs-Toowoomba region to reflect on how they went through the coal seam gas transition in the early 2000s. What inspired me was a paper called *Be Careful What You Wish For* by a researcher who looked at the first five years of coal seam gas, which went disastrously. Lock the Gate started and the communities were fighting with each other. It seems very similar to what is going on here. The insights I learned from that were when the companies started to trust one another and worked together with the communities, then good outcomes started happening and the government followed rather than led. When there is conflict like what was going on up there, and I am pretty sure like there is now, it is very hard for government to lead in that space. I would say that is reflected in what we see is going on. I do not think the government is doing a particularly good leadership role. What I think needs to happen is: how do we get the companies to trust one another so they understand there is a cumulative impact here? And if they start trusting one another, then the community can start trusting them. I do actually think that is the way you actually get through honest conversations that are open, talking about good, bad and indifferent, but set values and behaviours that people aspire to live by. I think that is something I really believe in. It is about a culture of how people treat each other. I have not met anyone from the companies, from government or from the community that wants the communities to be worse off. Everyone is actually trying to achieve the same thing; they are just talking past each other. So how we actually talk to each other is the hard part, and that is done by building trust and having open early conversations that are always ongoing, as Lance, I think, set the scene so well at the start.

Gaelle BROAD: Lance or Adriana, do you have anything to add to that?

Lance BROOKS: Adriana?

Adriana PIELAK: No, I am good, thank you.

Lance BROOKS: It is a difficult one. I think the place-based idea of being able to speak to that area is really important. Siloing is a problem across so many different sectors. It is a difficult one. I think that is where if we have that – as Chris was talking about – you know, whether it is a database or a listing where we could see what is going on where, particularly from the government's point of view, it would be really, really helpful not crossing over. But, you know, it is difficult.

Gaelle BROAD: Now, I did want to ask Chris. I guess your insights to establish a regional minimum consultation standard. Can you expand on that?

Chris SOUNNESS: I think I probably did. It is having the aspiration of what is expected, what sorts of values and behaviours. All the way through I have been saying: what is the purpose of the consultation? Why is the information being gathered? Is it to write a better policy? Is it to actually do something for the community et cetera? So be clear on what the purpose is, because often it does not seem to be clear why you are going to consultation except, 'Oh, we feel we have to do it to tick the boxes, so we consult with the community before we make the step', when they are actually not really wanting the community to consult. They just want to tell them, 'We're building a level crossing out the front of the hospital.' Just tell them. Say that is what we are doing, rather than consult with the community, because it is not a consultation at all.

Gaelle BROAD: I know my time has run out. I did want to ask you about the By Five program, how your consultations are going with that.

Chris SOUNNESS: We are really trying hard to get further support. As I say, the evidence came out a couple of weeks ago about how, I suppose, one region in Victoria has turned around their zero- to five-year outcomes, which was a win for Southern Mallee. The work that Jo and her team have been doing for Wimmera Southern Mallee Development, now the funding has been lost, we have vowed to keep that program going for the next 12 months off our own bat, so hopefully Jo can find some support to keep going. Because if we get the zero- to five-year-olds right – there was a report that came out just last week that shows if we get the zero- to five-year outcomes right, it sets the scene for the whole region and for the whole state, and we just cannot afford to have people born in a postcode left behind. Postcode lotto is not fair.

The CHAIR: All right. Thank you. Dr Mansfield.

Sarah MANSFIELD: Thank you. It is great to hear that. I am a big fan of the By Five program and it is great to hear that it has still got some life in it. Earlier you said that there are some examples of particularly – I am in Western Victoria – where some engagement has improved, where it started out badly but has really improved. Can you elaborate on that, and what are the features of that that make it so much better than what it was before?

Chris SOUNNESS: I think it is the skills of the people doing it, the honesty and the realisation and acknowledgement that things were not done right beforehand, and there was a changeover of people. As I say, I was at the community reference group for the TCV meeting on Tuesday. All those meetings are tough, but the thing that really changed was when the leadership team of TCV made it clear to the farmers who are really opposing the project, 'Just because you're involved in this conversation does not mean you're in any way or shape endorsing this project. What we want to do is risk management for you. So you're free to oppose as much as you want, but we need your views, in case it goes ahead, to make sure of the project.' So that was one thing.

Then on Tuesday night one of the lead staff people at the meeting said she was leaving to join another organisation, and the farmer, one of the lead protagonists, who is generally quite aggrieved most of the time during the meetings, went, 'Can you please make sure you commit to coming to the next three or four meetings.' I can tell you now: she won't ever get a better compliment in her life. And the reason she got that compliment is she has been showing up at each meeting. She has always been honest in her responses. When she has the information, she says so. When she does not, she says she does not know and gets back to him at the next meeting. That showing up, fronting up, being honest is what everyone wants. It is being treated respectfully and not blustered and spun to. I think earlier on some of the people thought, 'Oh yes, we can spin people to death, and they'll be fine,' but it is not going to work. You have just got to be honest in what you know you know and what you don't know, you don't know, but I will find out an answer next time.

Sarah MANSFIELD: Yes. That resonates with some of the things we heard earlier today about also being honest about what decision the community is actually being given the opportunity to have input into. So if there is a decision that has already been made, coming out and just saying you are doing consultation but they are not genuinely being given a choice about whether it goes ahead or not is quite misleading and it breeds mistrust.

Chris SOUNNESS: Yes.

Lance BROOKS: That is one of the basics about actually setting what the engagement is going to be. I should not even use the word 'consultation' because, as Adriana said earlier, the engagement quite often is information, but that information is going to hurt some people. We are working on a project that is about

widening of the highway, and there are some people who are really – you know, their lives are going to be changed. But somebody has to go and stand in front of them, tell them, talk them through the process and walk them through the process and be there through the difficult times. Now, also, sometimes people are just looking for that respect, but somebody has to do it. That is what good engagement is.

I think some of the best engagement jobs we have done are when we have gone and been with people who have been really stressed. They have heard rumours. They have heard things are going to happen. But what is actually happening? How long is it going to take, how is it going to impact me and when is it going to be finished? Those things are really, really important. It has come up a number of times. We should not call it community consultation: it is community engagement. I mean, that is why the IAP2 changed from 'public participation' – that is what IAP2 is – to Engagement Institute, because it is about engaging, on what level we engage and how honestly we engage, and then we are not doing the spinning. An advantage for us as a consulting firm is we actually sit down and say – we actually have to sometimes really work out with the clients, what are you going to do here? How far are you going to go? Well, let us be honest, then.

But the most important thing in community engagement, I think, in reducing a lot of the tension, a lot of that anxiety and a lot of that misinformation that gets out there is when people get angry. The best way for people – and I do not mean this as about controlling people. The best way for people not getting cut-out is somebody sitting in front of them and saying, 'Look, this is going to happen. This is when it is going to happen.'

Chris SOUNNESS: Truth.

Lance BROOKS: We go out there and get a lot of the hits because that is what our job is – to be there, and then we bring the client in, and then to give more information we keep building the layers of information.

Adriana PIELAK: I will also just add, coming from what Lance was saying and talking as a young consultant in the community engagement sector, we cop a lot of hits, as Lance was saying. I think that can be really difficult for consultants in general, not just for young people. And dealing with that conflict is really, really hard. So thinking about consultants and as a recommendation, having some more training for consultants in dealing with people and conflict and mental health I think is really, really important, because people tend to shy away from it. That is why consultants will ignore an email or not look at it or not want to go to those community meetings because they do not want to have to deal with that conflict. They do not want to be yelled at, they do not want to take any more hits. That is, I think, another issue for consultants going into the field – is people are going to be angry and upset and dealing with that and being able to manage those situations and learn how to do those effectively is really important.

Chris SOUNNESS: You raised a great point there, Adriana. I would just like to mention – and this is a role for all leaders at all levels – the language we use when we are dealing with a group of stakeholders we might agree with who are absolutely angry. Inflaming that anger has consequences; it normalises violence. As I say, I have been in meetings where people have started talking about guns and I have raised that discussion point, saying that is going to mean we are not going to get listened to, because there are going to be times when someone who is facing mental challenges will feel authorised to act in a violent manner. We have all, I think, as leaders work out how we temper down this. When people are upset, how do we make sure we de-escalate rather than escalate? I think at the moment in Western Victoria that is not necessarily being thought through by a number of senior leaders in our society who are sort of amplifying the anger rather than lowering the temperature.

The CHAIR: Thank you. I might go to Ms Lovell.

Wendy LOVELL: Thank you very much. Wendy Lovell. I am a Member for Northern Victoria, so a regional Member. I want to thank you very much for your submission because you not only clearly articulate the problems but you actually provide some solutions in that submission. I am really interested in 10.1, where you talk about better practice and starting before decisions are made, so starting consultation before decisions are made and engaging people rather than after the options are finalised. Just given what we have been talking about – how people do not trust government – how do you propose that we could go to a model where you could start the discussion on something that may not be popular before the decisions are actually made?

Chris SOUNNESS: I was just rereading it there. I think the most important thing is owning it. The hardest part of making unpopular decisions is at times I do not think people want to own the unpopularity, because, I

will be honest, if your job is to be popular, to make sure you get the job in three or four years time, it is very hard to make statements that are going to decrease your popularity. As I say, that is the challenge of political leadership at local government, state government and federal government. It is how we work through leading people so that they realise this is actually a great decision, which is something that takes time and effort and building trust, as I think Adriana and Lance have talked about it. It takes time. Yes, it is standing up, articulating clearly why it is being done and owning it.

Wendy LOVELL: Okay. We had a guy this morning who said that, you know, you do not have a discussion with people about: do you want this? You tell them they are getting this and then ask them how they want it. It just seemed a little bit inconsistent with what he was saying about having consultation before a decision is made to impose something on the community, and you have sort of kind of just reiterated that now, where you are saying, 'Well, we want consultation before the decision is made, but you have to own the decision and say, "This is going to happen" for consultation to take place.' So how do we actually balance those two things?

Chris SOUNNESS: Lance?

Melina BATH: A hospital handpass.

Lance BROOKS: How do you balance the two things? We talked a little bit before about the information, but that is what I was saying about the timeframes. If we built into everything we were doing an early engagement, it allows you to float the concept early, before you are saying it is definite. I do not mean to be misleading, but if we have got a piece of infrastructure, or we have got a piece of something that is coming in, if we do it early, rather than say, 'Next month we're starting this,' or we are getting this in, I believe the respect starts early. It allows more flexibility, allows you to learn more about the environment. You learn about the communication, what is the most effective way to communicate in that community. It allows you to talk to local leaders and stakeholders. All that allows for good engagement. To me, well, what we believe in, is when we are trying to pitch to our clients, the benefits of that are, one, you are probably going to be on top of the messaging. Right? You will have pre-prepared all your Q and As, you will have pre-prepared your press releases, all those sorts of things that you can get out very quickly. You can inform the more sensible. You will have worked out who the most impacted people are. We do a matrix on most impacted and things like that. So you know that is the area where more intensity is going to come out of, then you see where the public benefit is of what you are bringing in. That all only can come with plenty of time, so the timing from our respect is the earlier the better. It prepares the ground, and from a risk point of view it improves. It also takes the stress off the team working on the project. It is really stressful when you are pushed – 'Oh, we've got to do this.' Like, to the project team, 'We've got to do the engagement now. We're going there.' It just sort of rushes and compresses the whole process and takes away the respect and the trust, I reckon.

Wendy LOVELL: Thank you.

Chris SOUNNESS: One comment – Jo Martin. I was talking to Jo. I was doing this presentation from the By Five team. She said, 'One comment you should make' – and I think is – 'generally community members have expertise in place; they do not have technical expertise.' And often in the consultations when the people come out there, they are asking the communities to comment on technical documents and provide technical input. But the skill the community people generally bring is they have expertise in place about how things can work, so that is what needs to be talked about. If you want to use community consultation for getting their expertise, understand what their expertise is and ask them to comment on that.

Wendy LOVELL: Thanks.

The CHAIR: Okay. Rikkie-Lee.

Rikkie-Lee TYRRELL: I just had one final question. Earlier on today when we were talking about this, the first board of ladies we had actually said, 'In community consultation, to work with the community, your government body or the project will go to the community' – this is how they should do it, actually – 'or they should go to the community and say, "Right, this is what we want to do. Now work with us to make it more palatable to fit into the community."' Chris, are you actually seeing this happening in your communities, or is this a big step that is being missed? Because I have not heard from, say, our advocacy groups that are fighting these projects. They have not once mentioned that this has happened for them.

Chris SOUNNESS: I am thinking particularly on the childcare and the education spaces at the moment, where, yes, I think there are opportunities. If there was a 'This is what we want to do' – if you talk to the community about that, the community generally understand how services could be done differently, but that means different government agencies would have to talk to each other and discuss things, and they are not designed to do that. I get that. That is the way the Westminster system is set up. But in the end, when we are dealing in communities where the infrastructure resources are generally thin and we are dealing with thin markets, there are ways of doing things in place that do not require more money but just require different ways of going about it. That is where you can use place-based expertise, but that is not happening because generally the government departments are trying to solve their own problem rather than actually the community's problem.

Rikkie-Lee TYRRELL: Thank you.

The CHAIR: We are at the end of our session for today. Chris, Lance, Adriana, thank you so much for the evidence you have provided to us. We really appreciate your expertise, and we will provide a copy of the transcript for you to review. That brings today's session to a close. Thanks, everybody.

Committee adjourned.