

Connected Parliaments: An International Conversation on Public Engagement and Its Impact on Parliaments

Sarah Moulds

Senior Lecturer in Law, University of South Australia.

Abstract Parliamentary democracies face a daunting mix of challenges, including citizen distrust, disruption to traditional political and party processes and increasingly complex policy questions. In response, Parliaments have begun to experiment with new forms of community engagement. This paper presents some of the ideas for deeper public engagement discusses at the Australian and European hubs of an international conference on *Public Engagement and its Impact on Parliaments* led by the International Parliamentary Engagement Network and held on 26 March 2021.

INTRODUCTION

Around the world, parliamentary democracies are facing a daunting mix of challenges, including an implosion of trust among citizens in democratic institutions, disruption of traditional political processes and the need to respond to increasingly complex policy questions. As Flew argues, the rise of populism around the world points to ‘more general crisis of trust in social institutions and in the project of globalisation that has prevailed in Western liberal democracies’.³⁴ Despite great advances in communication technologies, the distance between elected representatives and the electorate seems

³⁴ Terry Flew, ‘Digital Communication, the Crisis of Trust, and the Post-Global’. *Communication Research and Practice* 5(1) 2019, pp. 4-22, DOI: 10.1080/22041451.2019.1561394. See also M. Goede, ‘The Future of Democracy: The End of Democracy as We Know It’. *Kybernetes* 48(10) 2019, pp. 2237-2265.

to be greater than ever before.³⁵ Party politics, as traditionally understood, also appears to be fragmenting as electorates across the world increasingly look to ‘outsiders’ or Independents as alternatives to organised political parties when casting their vote.³⁶

In response to these challenges, Parliaments have begun to experiment with new ways of engaging with the communities they represent, and new ways of obtaining expert advice on complex policy issues, with varied levels of success. In the Australian context, this has given rise to the use of techniques such as citizens juries, online questionnaires, social media and postal surveys to gauge the views of the community, and reliance upon expert advisors or committees to help inform policy or legislative agendas.³⁷ Each of these techniques gives rise to new opportunities, but also raises new questions. For example, what tools should the Parliament use to engage with the public? How should we identify the groups or ‘publics’ that need to be considered when developing new laws or scrutinising government action? Should parliamentarians be bound to vote in accordance with the views of the majority of their electorates? These questions are not easily resolved, but the answers can begin to emerge by sharing experiences and insights from parliamentarians, parliamentary staff, researchers and community leaders who are actively involved in engagement activities, and by identifying indicators of best practice when it comes to facilitating positive relationships between Parliaments and the publics they represent. Understanding what is meant by ‘public

³⁵ See, e.g., Luca Verzichelli ‘Back to a Responsible Responsiveness? The Crisis and Challenges Facing European Political Elites: The 2017 Peter Mair Lecture’. *Irish Political Studies* 35(1) 2020, pp. 1-17, DOI: 10.1080/07907184.2019.1677393

³⁶ See e.g. L Bardi, S Bartolini, and A Trechsel, ‘Responsive and responsible? The role of parties in twenty-first century politics’, (2014) 37(2) *West European Politics*, 235 at 244.

³⁷ See, e.g., Chris Reidy and Jenny Kent, *Systemic Impacts of Mini-publics*, Report prepared for the NewDemocracy Foundation. Sydney: University of Technology, 2019. Accessed at: <docs_researchpapers_2017_nDF_RP_20170613_SystemicImpactsOfMiniPublics.pdf>; D. Stockemer and B. Kchouk, ‘Inclusive Parliaments: A Trigger for Higher Electoral Integrity?’. *The Journal of Legislative Studies* 23(3) 2017, pp. 419–438; Torsten Geelan, Hernado González and Peter Walsh, *From Financial Crisis to Social Change Towards Alternative Horizons*. Cham: Springer International, 2018; Helen Marshall, Joanne Collins, Rebecca Tooher, Maree O’Keefe, Teresa Burgess, Rachel Skinner, Maureen Watson, Heather Ashmeade and Annette Braunack-Mayer ‘Eliciting Youth and Adult Recommendations through Citizens’ Juries to Improve School Based Adolescent Immunisation Programs’. *Vaccine* 32(21) 2014, pp 2434-2440; Nicole Moretto, Elizabeth Kendall, Jennifer Whitty,, Joshua Byrnes, Andrew P. Hills, Louisa Gordon, Erika Turkstra Paul Scuffham and Tracy Comans ‘Yes, The Government Should Tax Soft Drinks: Findings from a Citizens’ Jury in Australia’. *International Journal of Environmental Research and Public Health* 11 2014, pp. 2456-2471; doi:10.3390/ijerph110302456.

engagement’ is the first step to facilitating these national and international conversations.

WHAT IS PARLIAMENTARY PUBLIC ENGAGEMENT?

Leston-Bandeira has described the broad idea of public engagement as being about ‘empowering people in relation to their surroundings’.³⁸ This idea has origins in a range of disciplines.³⁹ When applied to public institutions such as Parliament, it takes on a particular complexion, encompassing activities whereby the public has a say on a law or a policy, or may even be co-producers of law with parliamentary representatives.⁴⁰ This suggests a strong relationship between parliamentary public engagement and the concept of ‘deliberative law-making’. The idea of ‘deliberative decision making’ requires that decision makers have access to accurate and relevant information, consider of a diversity of voices and different positions, reflect on the information received, and reach conclusions on the basis of evidence.⁴¹ When applied to law making, it requires lawmakers to go beyond the idea of ‘trading off’ values or interests of one group against another, and instead to engage in an active search for a common ground between different values or interests.⁴² This in turn sees decision-makers engaging in reflection and sometimes, changing their minds.⁴³ This concept of deliberation is evident in Leston-Bandeira’s description of the five elements of public

³⁸ Cristina Leston-Bandeira, ‘The Public Engagement Journey’ Blogpost, Centre for Democratic Engagement, University of Leeds, 25 May 2021. Accessed at: <https://cde.leeds.ac.uk/2021/03/24/the-public-engagement-journey/>. (accessed 22 April 2021).

³⁹ See, e.g., Ian Devonshire and Gareth Hathway, ‘Overcoming the Barriers to Greater Public Engagement’, *PLOS Biology*, 12(1) 2014, p. 1; Angharad Saunders and Kate Moles, ‘The Spatial Practice of Public Engagement: “Doing” Geography in the South Wales Valleys’, *Social and Cultural Geography* 14(1) 2013, pp. 23-40. DOI: 10.1080/14649365.2012.733407

⁴⁰ Cristina Leston-Bandeira, ‘The Public Engagement Journey’.

⁴¹ James Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation*. Oxford: Oxford University Press, 2009, p. 39.

⁴² Ron Levy and Grahame Orr, *The Law of Deliberative Democracy*. London: Routledge, 2016, pp. 76-80.

⁴³ Levy and Orr, *The Law of Deliberative Democracy*, pp. 80, 197. While Orr and Levy’s work focuses on what they call ‘second order’ issues in deliberative democracy, such as the role the judiciary and lawyers play in the design and operation of the electoral system, their analysis of how deliberative democratic values can improve the quality of public decision making holds lessons for the work of parliamentary committees (see pp. 197-200).

engagement with Parliament that she contends co-exist in a circular, interconnected relationship (see Figure 1).

Figure 1. The Public Engagement Journey⁴⁴



These five elements of the ‘engagement journey’ are useful to keep in mind when considering the many different practical forms parliamentary public engagement can take, including within Australian Parliaments.⁴⁵ For example, when thinking about public engagement with parliamentary *law-making* in Australian Parliaments, it can be focused on the more one-way information sharing elements (see Figure 2), or on the more inter-connected understanding and participation elements (see Figure 3).

Figures 2 and 3 provide examples of different forms of public engagement, each with their own specific impacts on the law-making process and each demanding different tools or techniques. Some of the impacts (for example, changing the content of the

⁴⁴ Cristina Leston-Bandeira, ‘The Public Engagement Journey’

⁴⁵ Organisation for Economic Co-operation and Development (OECD), *OECD Studies on Public Engagement*. Accessed at: <https://www-oecd-ilibrary-org.access.library.unisa.edu.au/governance/focus-on-citizens_9789264048874-en

law or increasing the diversity of participation in a public forum) may be easier to quantify than others (such as changing the culture within a government department). Some forms of public engagement (such as tracking the passage of a proposed law) may be easier to ‘digitalise’ than others (such as consulting on a complex policy).⁴⁶ These are some of the practical challenges associated with develop effective strategies or ‘toolkits’ for effective public engagement that have been explored recently in national and international discussions on the topic, including those led by the International Parliamentary Engagement Network (IPEN).

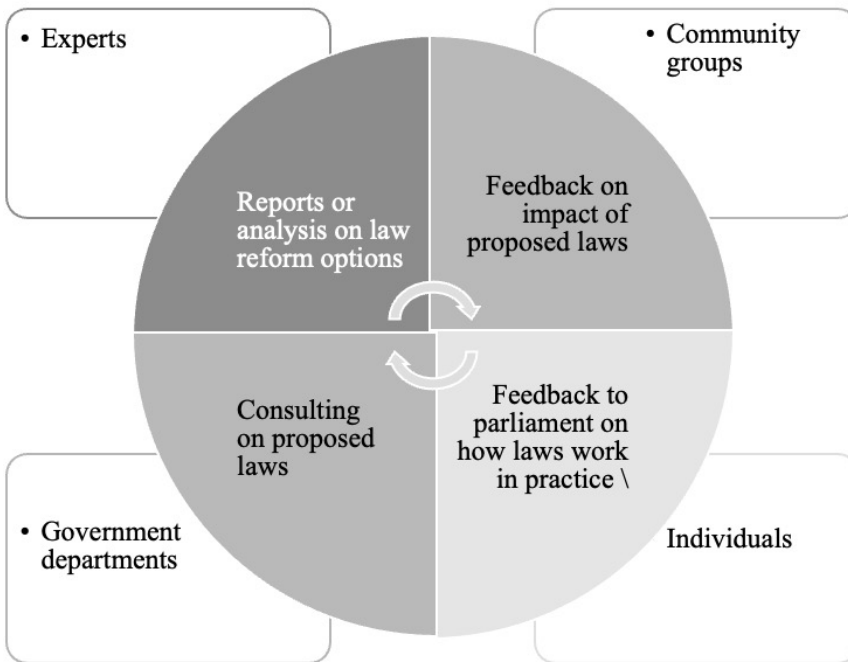
Figure 2. Public Engagement as One -Way Information Sharing⁴⁷



⁴⁶ Hyeon Su Seo and Tapio Raunio, ‘Reaching Out to the People? Assessing the Relationship between Parliament and Citizens in Finland’. *Journal of Legislative Studies* 23(4) 2017, pp. 614–634.

⁴⁷ OECD, *OECD Studies on Public Engagement*.

Figure 3. Public Engagement as a Deliberative Process⁴⁸



INTERNATIONAL PARLIAMENTARY ENGAGEMENT NETWORK

IPEN (International Parliament Engagement Network) was created in 2020 and designed to bring together academics, parliamentary officials and third sector representatives from all over the world, who work on public engagement and Parliament.⁴⁹ IPEN aims to share international best practice when it comes to Parliamentary public engagement and to facilitate an exchange of information between practitioners and academics to support the development of evidence-based enhancement of existing practices. On 26 March 2021, IPEN held an international

⁴⁸ Levy and Orr, *The Law of Deliberative Democracy*.

⁴⁹ For further details see < <https://cde.leeds.ac.uk/other-activity/international-parliament-engagement-network/> (accessed 21 April 2021. To become a member of IPEN, please contact ParliamentEngagementNetwork@leeds.ac.uk.

conferenced entitled *Public Engagement and its Impact on Parliaments*.⁵⁰ The Conference commenced with an 'Australian hub' which included input from experts around the region.

The Australian hub aimed to connect those working to improve the way Parliaments engage with the communities they represent and serve by providing:

- a forum to explore some of the 'big picture' questions and assumptions relating to parliamentary public engagement, including why engagement is important, who should be doing the engagement work, and who is the public or publics in Australia that should be engaged;
- an opportunity for practitioners, officials and parliamentary staff to share their experiences of parliamentary public engagement in Australia and to reflect on their experiences and areas in need of further improvement or exploration;
- an opportunity for students, researchers and academics to share current and emerging areas of research and to collaborate with practitioners, officials and parliamentary staff to identify future areas of research, evaluation and analysis; and
- a forum for Australian academics, practitioners, officials and parliamentary staff to interact directly with IPEN to share key lessons from the Australian experience and to benefit from the experiences and developments occurring in other jurisdictions.

In order to advance these objectives, the Australian hub program developed by two focus groups involving parliamentary staff and academics researching in this area and was designed to be dynamic and interactive, with opportunities for all participants to share their experiences and expertise.

⁵⁰ For further details see <<http://parliament-engagement.com/>>

OUTCOMES FROM THE AUSTRALIA-BASED CONVERSATION ON PARLIAMENTARY PUBLIC ENGAGEMENT

The hub began with an exploration of the ‘big picture’ topics, including the question of why public engagement is important to modern parliamentary democracies,⁵¹ who should be responsible for doing the engagement work,⁵² and how the needs of different ‘publics’ might be met.⁵³ The hub also explored the different commitments and responsibilities of parliamentary staff when it comes to engaging with the public, and the challenges and barriers they face when seeking to innovate in this area.⁵⁴ The Australian hub ended with discussions about ‘outside the box thinking’⁵⁵ to help engage those ‘publics’ previously underrepresented or ignored in public engagement strategies, such as young people⁵⁶ and First Nations people⁵⁷ in Australia. The common themes emerging from the Australian discussion can be summarised as follows:

1. Improving parliamentary public engagement is not an option but a necessity for modern democracies like Australia. Australian parliamentarians should make this a key priority, particularly when it comes to our young people, our First Nations people and other vulnerable groups.
2. Deliberative theories and ideas should not be misunderstood as ‘asking everyone all the time’ but rather ensuring *quality* encounters, *time* for meaningful dialogues and exchanges and *openness to changing positions*. This is a challenge for some highly politicised environments like Parliaments, but there are reasons for hope (eg

⁵¹ Discussion led by Professor Mark Evans, Democracy 2025 Project, with input from Professor John Dryek, Australian Research Council Laureate Fellow and Centenary Professor in the Centre for Deliberative Democracy and Global Governance, Institute for Governance and Policy Analysis, University of Canberra.

⁵² Discussion led by Joanne Fleer, Parliamentary Officer, House of Assembly, Parliament of South Australia, Dr Emma Banyer, Principal Research Officer, Australian Senate, and Andres Lomp, Community Engagement Manager, Parliament of Victoria.

⁵³ Discussion led by Joanne Professors Gabrielle Appleby and Megan Davis, UNSW and Professor Carolyn Hendriks, Crawford School of Public Policy, ANU.

⁵⁴ Contributions from Laura Sweeney, Assistant Director, Research, Australian Senate, Lauren Monaghan, Senior Council Officer, Digital Engagement, Parliament of New South Wales, Professor Chris Reidy, University of Technology Sydney, and Andres Lomp, Community Engagement Manager, Parliament of Victoria.

⁵⁵ Discussion led by Carolyn Hendriks, Crawford School of Public Policy, ANU.

⁵⁶ Discussion led by Renee Gould, Principal Research Officer, Parliament of Western Australia and Millennium Kids (Western Australia).

⁵⁷ Discussion led by Dr Dani Larkin, UNSW.

citizens assemblies, mini-publics, First Nations Voice to Parliament, the work of Millennium kids).⁵⁸

3. There is not one 'public' but many 'publics' and each public demands careful consideration when considering engagement strategies and methods. For example, First Nations peoples must have the opportunity not just to 'be heard' in *response* to parliamentary activity but to have an *active voice* in the way the Australian Parliament works, how it engages with First Nations peoples, and how it exercises legal and political sovereignty over First Nations peoples.⁵⁹
4. Evaluating engagement strategies and looking for impact beyond the immediate 'success' or 'failure' of a particular technique or inquiry is critical to ensuring we accurately capture the resources required to do things better in the future, and to make the case for more investment in the right engagement activities.⁶⁰
5. Within parliamentary committees there is often a sense of rigid constraints on processes and procedure (conventional ways to do things). Stepping outside these constraints can attract criticisms and concerns for parliamentary staff about impartiality and independence. However, there is a pressing need to move beyond conventional modes of engagement to reach the publics that have been ignored or excluded from these processes.⁶¹ Developing separate teams of experts and clear strategies and toolkits can support parliamentary staff to develop appropriate strategies in these areas.
6. 'Thinking outside the box' is part of the solution: Parliament should *go out to the people* instead of the people having to come into Parliament.⁶² Empowering different publics to initiate their own forms of engagement—to set the agenda,

⁵⁸ For example, the Australian hub included a presentation from Dr Nick Vlahos, University of Canberra on 'Deliberative democracy and citizen-led decision making in action: Andrew Leigh example'. See also Nick Vlahos 'Prioritizing Opportunities to Enhance Civic Engagement'. Medium, 2019.

⁵⁹ See further G. Appleby and E. Synot, 'A First Nations Voice: Institutionalising Political Listening'. *Federal Law Review* 48 2020, pp. 529-542, <http://dx.doi.org/10.1177/0067205X20955068>

⁶⁰ See further Sarah Moulds, 'From Disruption to Deliberation: Improving the Quality and Impact of Community Engagement with Parliamentary Law-making'. *Public Law Review* 31 2020, pp. 264-280.

⁶¹ See further Emma Banyer, 'The Franking Credits Controversy: House of Representatives Committees, Public Engagement and the Role of the Parliamentary Service'. *Australasian Parliamentary Review* 35(1) 2020 pp. 77-110.

⁶² See further Carolyn Hendriks, Ercan & Boswell (eds.), *Democratic Mending: Democratic Repair in Disconnected Times*. Oxford: Oxford University Press, 2020.

define the terms of reference, identify the key players—may also help to overcome existing barriers to effective and diverse public engagement.

OUTCOMES FROM THE INTERNATIONAL CONVERSATION ON PARLIAMENTARY PUBLIC ENGAGEMENT

The Australian ‘hub’ of the Workshop was followed by a Europe hub, introduced by Cristina Leston-Bandeira and Elise Uberoi (UK House of Commons), co-founders of IPEN. The European hub included sessions were designed to showcase different public engagement practices around the world,⁶³ and to share the key findings of a forthcoming Inter-Parliamentary Union (IPU) report on public engagement. The European hub also facilitated an interactive session to enable participants to contribute directly to the development of a practical ‘toolkit’ on parliamentary public engagement with a focus on identifying a shared understanding of what public engagement entails, what good public engagement looks like, and how it should be evaluated. The European hub was supported by live scribing from Laura Evans of Nifty Fox Creative, who produced visual summaries of each of the three sessions in the hub, culminating in a graphic international ‘Toolkit’ for Parliamentary Public Engagement, reproduced in Figure 4.

The final session of the Europe hub was a roundtable discussion about how Parliaments have been using mini-publics and deliberative decision-making, including the advantages and disadvantages of different models of using mini-publics.⁶⁴

The last stage of the IPEN’s *Public Engagement and its Impact on Parliaments* was hosted by practitioners and academics in Brazil, including Cristiane Brum Bernardes from the Brazilian Chamber of Deputies who chaired a session on the use of social media by parliamentarians to connect with their citizens. Subsequent sessions included a specific focus on particular social media tools including WhatsApp and how this has

⁶³ Discussion led by Aileen Walker, Global Partners and Governance, Conor Reale and Derek Dignam, Parliament of Ireland, and Kate Addo, Parliament of Ghana.

⁶⁴ Discussion led by Dr Stephen Elstub, University of Newcastle, Min Reauchamps, Catholic University of Louvaia, Zohreh Khoban, Uppsala University) and Claudia Chwalisz, Organisation for Economic Co-operation and Development.

been used by campaign groups to influence institutional digital platforms of engagement⁶⁵

It is hoped that this international conversation on the value, role and methods of parliamentary public engagement will continue to inform and inspire practitioners within Australia and support research collaborations across jurisdictions to improve the relationship between Parliaments and the publics they represent.

Figure 4. ‘Toolkit’ for Parliamentary Public Engagement

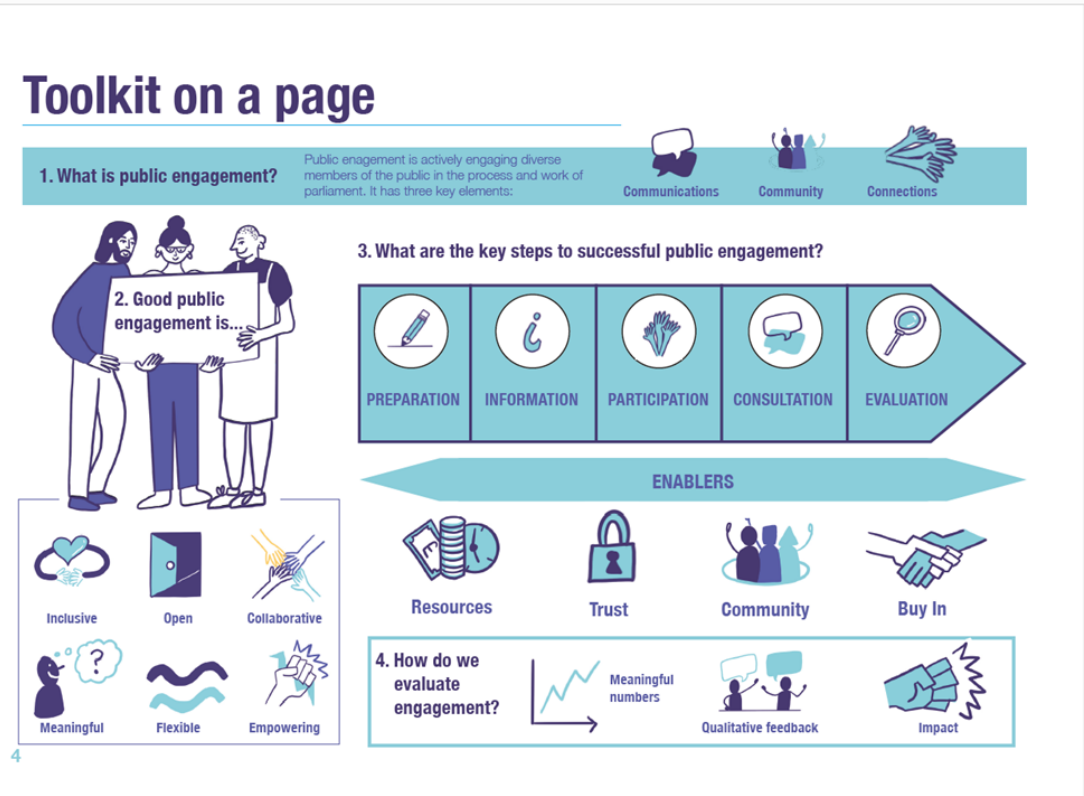


Image: Laura Evans, Nifty Fox Creative, April 2021

⁶⁵ Discussion led by Dr Isabele Mitozo, Federal University of Maranhão, and Viktor Chagas, Federal Fluminense University.