



**Te Kawa Mataaho**  
Public Service Commission

# Long-Term Insights Briefing

Public Workshop Notes

April 2022

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## Background

On 10 March 2022, Te Kawa Mataaho Public Service Commission held two public workshops online – one from 11.30am–1pm and one from 5.30–7pm. The sessions were intended to gather insights from the public that would then feed into the development of the draft Long-term Insights Briefing. This engagement is additional to the two statutory periods of public consultation required as part of the Long-term Insights Briefing Process. The workshops asked a two-part question: What could public participation in government look like in the future (in terms of an ideal state) and what are the barriers and enablers for getting there?

Te Kawa Mataaho is extremely grateful to the workshop participants who gave up their time to contribute to the workshops. A range of perspectives were represented, and valuable discussions sparked between participants. The notes below are as close as possible to the comments made by participants in the workshops. They have been organised under thematic headings and edited as lightly as possible for concision and clarity.

# Workshop 1: What could public participation in government look like in the future?

## Inclusiveness and accessibility

### *'Accessible, transparent, responsive'*

- Inclusiveness is absolutely vital, as is ensuring that inclusiveness work doesn't get side-tracked into online participation. Online channels can be valuable, but putting participation under the banner of e-government or digital government and has held back all-of-government application and impacts inclusiveness for people without the technology or the resources to pay for an internet connection.
- The message for engagement might adapt depending on the circumstances and the type of policy work or service design that's being done, but the starting point should always be we need to be as inclusive as possible. If we're going to make it more limited, we've got to be very clear about how and why we're justifying any limitations to that participation.
- Sign language has been one of the official languages of New Zealand since 2006. Time and focus are needed to promote that and make changes to reflect it. We're very lucky in this country that we have that recognition and give national regard to English, Māori and sign language, making it accessible for deaf people.
- There's also Māori sign language, which reflects the culture and language of te ao Māori. Accessibility specifically for deaf Māori and giving them the chance to grow their language as part of the deaf community are some communication goals for the future.
- We could welcome other languages as well – Spanish, French, sign language – other countries have their own languages.
- One of the enablers for inclusiveness of the deaf community is to have interpreters – a lot of deaf people miss out on information for meetings

because there's no interpreter, which means there's no communication. It's very hard to sit there and not know what's happening. Although sometimes interpreters need two weeks' notice for booking, which doesn't always work if there are emergency meetings.

- Sometimes having other organisations like NGOs working with the deaf community can ensure that processes are more accessible in terms of communication – opening up that pathway.
- Sometimes hearing people might not know how to communicate so it's us as a community getting out there and teaching them.

## Māori perspectives

### *'Being very clear of how and when Māori input is included, and exploring what a tikanga approach to that would look like.'*

- Thinking about the extent to which government involves Māori in helping to decide what the big questions for the future are that we are going to be looking at – where are we going to focus our effort?
- It's a challenge especially for engaging with Māori that the resourcing of that engagement or participation is currently given very modest consideration. If we are wanting to have a society for the future that looks at the treaty partnership component of participation in government, then looking at the extent to which some of those resourcing issues are dealt with through the work you're doing would be one of the areas that I would like to see some thinking on.
- It would be good to get some work around where those Māori perspectives are that could help to provide a fuller picture of some of the things we're looking for.

## Consistency across government

*‘It’s good to hear talk about all-of-government standards, particularly in terms of the IAP2 spectrum and moving up that’*

- Without all-of-government standards in New Zealand, we’ve seen wildly diverging practices, many of which have far too short a response period for consultations.
- The ideal would be being given time to give input... so often consultation feels rushed and like a tick box; i.e. late in the piece and the decision has already been made.
- The hands-off approach of letting agencies do their own thing for the last 40 years has meant that you need to have the top down and the bottom up. Many officials know the value of public engagement and participation, but if they’re not empowered from the top down as well, it’s too easy for agencies to say, ‘well we don’t have the budget for that, it’s too much work.’

## Learning from international experience

*‘We can use the playbook of other countries’*

- We can use the playbook of other countries that have progressed well economically and socially like Singapore and Ireland and places that are similar size to us. We can get an idea of their progress from start point to end point of a participation journey in order to measure how well we’re doing.
- At the Rio Earth Summit in 1992 about how to tackle climate change and biodiversity loss, various countries signed up to declaration. Principle 10 of that declaration says that governments recognise that they can’t tackle all the issues around the environment and climate change on their own – they will need the active participation of civil society and the private sector to tackle issues of this scale. But we can’t expect those parts of society to be able to play their part unless they have

rights to information, safeguards for their ability to participate in decision-making and access to justice (on environmental issues). The Aarhus Convention developed by the UN after the summit protects those foundations of participation. Although the whole of the EU as well as eastern European and Asian countries have signed up, there’s still a misconception that it’s only for Europe.

- There’s an idea that New Zealand’s next Open Government Action Plan should include an evaluation of the benefits and implications of New Zealand also acceding to this UN convention. It would be a fantastic way for government to put a floor under people’s ability to participate. See item 3 here: <https://proactivelyopen.org/2020/03/16/ideas-for-nz-ogp-nap4/>

## Links to Open Government Partnership

*‘Empowered, deliberative, openness (to new ideas and admitting mistakes)’*

- Colleagues in the Commission have been working on New Zealand’s membership of the OGP, which is predicated on public participation in co-designing an action plan of commitments that government and civil society will implement to improve openness and thereby lift policy quality and service design.
- We’re at the stage of starting to bring together 1300 ideas gathered at workshops around the country into suggestions for commitments for the OGP. Although New Zealand sees itself as an advanced democracy with a very sophisticated and mature public service, in many areas its practices around public participation are deeply under-nourished and under-developed. Commitments through the OGP action plan can look at the LTIB and how we can get on with operationalising this to lay foundations on which government can build in future. For example, we’ve talked about building on the work that the Policy Project at DPMC has done in terms of public engagement – it published advice over a year ago which also talked about moving up the IAP2 spectrum, but we haven’t seen any lever used to ensure that government agencies have to adhere to those principles.

## Institutional solution

*'We run the risk of the knowledge about how to do this being too fragmented'*

- We risk having short-term memory problems here. New Zealand used to have a fantastic institution for deliberative public participation called the Bioethics Council. It did exploratory deliberative conversations with the public around the country, not just about operational policy options, but exploring New Zealanders' values on emerging public policy issues (e.g. xenotransplantation using organs from other animals in human surgery, GMOs, pre-birth testing, etc.).
- Without a centre of expertise for deliberative methods in government, we run the risk of the knowledge about how to do this being too fragmented. We need to have a functional executive unit responsible for training this up. That's not to say I would go as far as what Jennifer Lees-Marshment said in her book *Ministry of Public Input: Integrating Citizen Views into Political Leadership* but I do think that we could have something like the Information Authority that was set up when the Official Information Act was first passed, to help train officials and determine where information could be made available proactively.

## Measuring success

*'I would see my insights and suggestions put into action'*

- The measures of success for what public participation in government could look like in the future themselves have to be co-created with the public. The government can walk away and say 'well we thought that was successful, we got what we wanted out of it,' but if the public don't get what they want out of it then we come out with what's loosely described as consultation fatigue, or you come out with an unwillingness to participate in future.
- There's a lot to be learned from experts doing participatory development in developing countries around the world, if you're serious about the power transfer that's involved as you move up the IAP2 spectrum.
- This links to the work that MSD is doing on social cohesion and which after the last few weeks outside the front of parliament we can see is going to be a key issue going forward
- Active citizenship and fostering a culture of open government, those principles in the act are critical for securing public trust in government – not just in terms of satisfaction with service transactions but in terms of trusting government normatively to do the right thing.
- In relation to the Public Service Act section 12 duty on CEs to 'foster a culture of open government', what are the indicators are to assess how well they are doing? Assessments of performance could seek input from the public and civil society organisations – particularly those involved in any participation activities the CE cites as evidence.

## Clarity of purpose

### *‘Singing from the same song sheet’*

- I hope in the future, that government and other organisations are able to better build relationships and that we are on the same page in our way of thinking, aiming for the same goal and working together, maybe by bringing together representatives from organisations as one to communicate and make decisions about working together. Otherwise, if we have these various groups set up and they have their own agenda, then there may be that disconnection and that disjointed mahi going on.
- Especially if you’re talking about measures or success – what are the goals that would be best for the public? Building relationships to ensure that their voices are heard and respected. Working together and building trust is a big thing – beliefs and values... We don’t know what it will look like now, but we can maybe envision and create what it will look like through steps. If we started today then you could have a vision, a plan, with goals and a framework. You could review it after maybe 5 years to see how it’s going; does it need changes or improvements?
- Sometimes we have good thinkers, but the outcome is very poor because of inadequate communications. Top-down approaches sometimes don’t filter down to the lower levels very clearly and if people don’t understand, they go and do their own thing. It’s important that information about policies, operationalisation, how that translates to outcomes (i.e. why certain things are done) is clearly and concisely communicated right from the top to the bottom, so that everyone is on the same playbook and the same team.

## Feedback loops

### *‘Room for improvement’*

- We should have feedback loops so that we don’t have to wait to the end of the policy to make amendments – it will give opportunities to adjust and move forward when the policies hit the ground and where there’s feedback from hitting problems
- For this work to model good practice the submissions that you’ve already received and the survey responses and the notes of the interviews with experts would all be published. In Britain in the 90s and early 2000s, there were already all-of-government standards for public consultation. For example, when government published a white paper, there was a minimum 12-week consultation period, because they recognised that civil society needed time not just to read the proposals and produce a response, but for those organisations to go through their own democratic decision-making processes for signoff.
- Much shorter feedback loops would help the public understand that there are iterative stages to policy development, and they can be involved more than once. It’s also far more empowering when there’s a recognition that government doesn’t have all the answers. Officials need to be willing to engage in the spirit that they want the public to approach them – that means a willingness to be open about where there may have been errors or shortcomings. If we don’t see that, while the public might not say it to officials directly, the subtext is ‘you’re not being open with us so why should we trust you.’

# Workshop 1: What are the barriers and enablers for us getting there?

## Framing

*‘Too often... government officials start with just a blank sheet of paper’*

- Framing of a discussion and a participation opportunity is absolutely critical – if people feel like too many things have been predetermined as outside the scope of the discussion, it’s not going to get off to the best start, but equally if you just turn up with a blank piece of paper and say okay let’s talk about welfare reform, then you may get some good suggestions but you’re unlikely to have a very productive engagement.
- Too often when they start a consultation, government officials start with just a blank sheet of paper – they’re not willing to frame an issue up from the perspective of ‘this seems to be the problem, how might we overcome it’, or ‘these are opportunities – what do you think, have we framed this the right way?’

## Resourcing and capability

*‘Nobody wants to foot the bill’*

- There needs to be serious investment in training and the skills needed for facilitation and framing. That’s the skillset that needs to be developed so that we can talk about a system issue but also talk about what are the things along the way that will get us there.
- Ensuring that interpreters are provided is a must. A lot of government agencies don’t know about bringing interpreters on board and then there’s a debate about who pays it. Nobody wants to foot that bill, but then how do we make that information accessible for deaf people? The agency and the managers need to understand and work together to figure out who’s responsible for paying. There is also already funding out there, so we need to educate people about using free services like the Relay Service

- Some staff in government are aware of sign language and deaf culture and some are not, and some are improving, which is great. Sometimes it might be a first for people to work with or meet deaf people – maybe you can have signs to inform staff about how to work and communicate with deaf people. Having that information accessible shows inclusiveness and professionalism for the deaf community and for all communities – for the public.
- Resourcing civil society is critical, because unlike larger countries, we don’t have the level of philanthropic funding that might otherwise resource this.

## Who is participating?

*‘Government policy belongs to all of us’*

- Under the Treaty, the Crown has a very clear obligation to Māori, both as citizens and as tangata whenua. When this is encapsulated in legislation, we see special provisions for how government should engage with tangata whenua and iwi with their work, in the scope of that particular law. There’s a risk there that people who don’t understand the complexities of the Māori Crown relationship through the treaty see that as privileging one part of the community’s voice over others, purely because there’s no reflective duties in that kind of legislation when it comes to enabling participation from people who are not tangata whenua. Even though that’s not what’s happening – those duties are paying attention to and respecting the obligation of partnership under the Treaty – it is a reason why all-of-government standards are so critical.



- The other thing we've seen is government agencies running public participations with a predetermined set of stakeholders, rather than with the public as a whole. A good example is our official information legislation – everybody is a stakeholder in the OIA because its first purpose is about public participation in the making and administration of laws and policies. It's a fundamental right that we have as New Zealanders.
- If the Government says, 'we're not going to ask the public, we're going to talk to a selected group of stakeholders,' there's a risk that government talks to stakeholders it wants to hear answers from, not from people who may have completely different perspectives on the issue. So that's a barrier – because government policy belongs to all of us.

## Holistic view

*'We need to look at the whole system, start to end'*

- One of the biggest barriers I find is when we come up with new policies or procedures, we start by tinkering with existing policies to incorporate the new policies. This sometimes has a negative impact on outcomes, the reason being when we have new policies or new procedures, we need to look at the whole system rather than doing one part and leaving the other parts as is, which is sometimes contradictory, sometimes makes duplications and sometimes makes gaps. When we make changes, we need to look at the whole system, start to end, to see how it's going to work and to adjust so that barriers are overcome and new opportunities are created – so we can achieve the intended outcomes to benefit both the developer of the policy and the recipient of the service.
- It also helps to make sure people understand why certain things are being done and how it could be articulated – that's one of the things I have experienced again and again in my work

## Consultation fatigue

*'The information needs to be well-organised for participation'*

- One of the key barriers is just the sheer volume of stuff that's coming out from government agencies – we've mentioned it briefly around that consultation fatigue. Is there a way for us to chunk some of that down so that you're not putting out the masses of volume that I see. Put some serious thought into identifying some of those key issues and having more of that system discussion, because at the moment you just cannot even hope to engage across New Zealand with the volume of material that's going out there.

## Participation not just at the start of a process

*'Participation... in terms of challenging an action that's taken place or a decision that's been taken'*

- It means that there would be some basic standards that people could expect departments and local authorities to live up to when they're consulting on proposals. Importantly, it also enables people to call out failures to do this and to try and remove barriers to those abilities to participate and get justice.
- It's important for the LTIB to zoom out and take quite a holistic picture of this, which is that it's not just frontloading the participation, although that is good in terms of de-risking policy development when government is trying to look at something that is quite radical and will need radical solutions in the next decades. But if we're enabling participation in a democracy, it's also about the evaluation end and in bringing challenges to decisions that have already been made.

- For example, in the UK one of the ways civil society groups have to challenge government decisions that relate to the environment is by bringing a judicial review. New Zealand's parliamentary and court system is very similar to the UK in this regard – if the government takes a decision that others don't like they have to seek a judicial review.
- A couple of years ago an NGO from the Coromandel brought a judicial review of the government's decision around a permit for a goldmining company to dump mine tailings. The NGO lost the review and effectively had to shut up shop and go out of business because it was saddled with the Crown's legal costs.
- In the UK, NGOs argued that the threat of having to pay the government's costs in the case of losing a judicial review meant they would not bring challenges even when they thought there was merit in doing so. Because that was the state's preferred mechanism for challenging decisions, their access to justice under the Aarhus Convention [see 'learning from international experience' above] was being circumscribed, so they brought a complaint to the UN's compliance secretariat. After an investigation, the UK government capped the costs that an NGO would have to pay at 1000 pounds. UK civil society groups now have a far greater ability for to participate in environmental decision-making because that chilling factor has been mitigated.
- Funding issues clearly affect challenges to decisions made, as we can see from Wellington Airport bringing a judicial review of 'Let's Get Wellington Moving' decision to install a pedestrian crossing on Cobham Drive. Funding enables power retention or power transfers.

# Workshop 2: What could public participation in government look like in the future?

## Visions for the future

### *'Aroha ki te tangata – love for the people' (Te Rūnanga o Ngāi Tahu)*

- New Zealand sees itself as a Pacific country. Pacific ways of knowing and being would flow from how the public sector acts, does and is.
- People's voices are meaningfully acted on, leading to trust and confidence in our democracy
- Institutions are seen as an extension of our whānau rather than as institutions. Activation of cultural leadership is enabled.
- If the government can show it's a good listener and acknowledge that mana and wellbeing can come from the conversations.
- The question is what kind of participation; what are people bringing to the table and in what forum? 'Participation empowers the crowd but it's only deliberation (high quality discussion amongst that group) that will make the crowd wise' – make sure you're bringing to the surface everything that people have to offer.
- I'd like to see a future where everyone is doing okay and no one is disenfranchised by the systems that we put in place, so we don't end up with disgruntled people showing up at parliament lawns for a couple of weeks because their lives have been upended. (Obviously there's a very strong rationale behind the mandate, but that's just one recent example).
- Any sort of greater participation or deliberation in New Zealand will have to be compliant with te Tiriti and should actively seek to be so, not just because it has to be. That's really complex for things like a citizens' assembly that operate on a 'one person, one vote' basis, which is inevitably just going to leave Māori in the minority, which could have problematic implications.

- Weighting of how much evidence is collected through writing vs in person, hui and fono and an accountability mechanism for certain population groups.
- Youth development and cultural development models alongside the IAP2 as part of a matrix of engagement. Acknowledgement of people and a people focus rather than a process focus, and a trauma-informed focus.

## Possibility of a negative future

### *'We've been shocked to find that we can't always assume civility will be present'*

- Rightwards progress across that taxonomy (the IAP2 spectrum) and a move towards empowering represents an ideal vision that requires a certain amount of civility in discourse. However, in the last two weeks or month, we've been shocked to find that we can't always assume civility will be present. We hope that the future will be positive, but there are other scenarios where the impact of social media and public participation being seized by a minority produce more of a dystopian future. Internationally, in some countries, that results in a reaction off to the left of that taxonomy that looks more like 'tell and control.' We have to be ready for the possibility of a dystopian scenario so that the Public Service Commission and other government departments can respond appropriately and hopefully achieve the desired vision.
- We're starting to talk about a strategic approach to achieving that objective or vision, testing assumptions and various scenarios so that we have a response to other possibilities. The function of futures thinking is to see what might happen and what might happen may surprise us enormously – we need to be ready no matter what future arrives.

## Deliberative and participatory democracy

*‘...a great antidote to the sort of social media-exacerbated poison that goes on in the public space...’*

- Amongst any group of people, if there's a problem, each of us will probably have part of the solution but not all of it and those parts of the solution will never be joined up unless we have the chance to discuss the issue in real depth with each other, in a forum that's well moderated and in which we're encouraged to listen to each other, reflect, attend to perspectives that might not otherwise be heard, and shift our own position in light of better evidence and more compelling narratives.
- It's that deliberative quality of people's participation that's essential and can't be lost sight of. That's what makes citizen assemblies attractive, but also participatory budgeting, citizen's juries, online consensus processes, etc.
- In the 80s, there was a lot of hot air and shouting around the issues of genetic modification and GMOs (rather similar to what's been going on recently in relation to vaccine mandates). An organisation invited a number of the people who had been arguing to attend a joint meeting, at which they all suddenly discovered that they could perfectly well talk in a civilised manner together and that they had a great deal more common ground than they would've thought from the amount they were shouting at each other. This kind of deliberative assembly chosen by lot to be representative of the public at large is a great antidote to the sort of social media-exacerbated poison that goes on in the public space, especially online. You really need to offer something completely different, where people can sit down with each other and receive information and hear the arguments for opposing views and so on. When people do that, they suddenly discover that their deadly enemies are not so horrible after all.
- Picking up on the point about possible dystopian futures, needing to be aware that things could turn quite bad, and things go in spirals and feed off each other – one of the attractions of participatory and deliberative systems is that they don't assume that

everything's going to go well and in fact they can be a guard against things going badly. They are themselves the change we want to see in the world, because if you can get people into those forums where they're engaged in the decisions that affect them, there's some reasonably good evidence that it increases trust in the system, as you'd expect – people see the system working, they feel part of it, they feel more in control.

- A mini public recruited basically by lot, intended to be representative of the public at large in a democratic rather than political sense – people can say these few dozen or a hundred people look like the rest of us.
- A mini public like a jury service with rolling rotation of people means that you don't get stuck with the same sets of decision makers or people who become experts in these things, because you do still need that diversity of input and diversity of lived experience in these conversations.
- Deliberative democracy and participatory democracy are slow forms. They take more time and they therefore cost more money. But if the outcome is advice on policy which gives a truer representative of what the public at large would think, then it's very well worthwhile the time and the public investment in these kinds of processes.
- One of the attractive things about something like participatory budgeting, where in some cities you have thousands or tens of thousands of people engaged, is that to some extent you can get quantity and quality, if you run it well. That's an advantage it has over the citizen assembly model for instance, which is explicitly just 100 or 150 people.
- I for one would be quite happy to delegate to a bunch of fellow citizens, whether it included me or not, to look in detail at the important issues.
- For me one of the great weaknesses of current approaches to public participation in government (which tend to be pretty limited anyway) is that they're very individualistic. Not only is a government consultation very limited in the sense of what difference does the classic consultation process make, but you're being asked to sit at home and give your own individual views that you may not have ever tested against the evidence or against the views of people who totally disagree

with you – it's totally different to actually be in the room with other people and be forced to listen to views that you might otherwise never engage with, and shift in response.

- There's a perception that mini publics can be captured by the loudest or most confident sounding voice and steered away from dispassionate consideration of the possible actions being put to them, but experiments have shown that with effective design and conduct of mini publics so that participants' opinions are gathered in a confidential manner, the standard objections to the process can almost all be rendered void.
- The use of various forms of deliberative mini-public to determine what the public thinks when it has time and space could become familiar tools to help decision makers do the right thing with tricky issues and complicated trade-offs.

## Contingent approach to public participation

*'...participation is going to be highly variable'*

- One of the things people should expect is that participation is going to be highly variable, and deliberation is only appropriate to use when there are serious issues that affect us all – where there are difficult questions and trade-offs, and where the public needs to be behind the thing from the word go, rather than being presented with the evidence, or a 90% complete policy and then asked for their thoughts after the event.
- It's the difference between saying the way we want to go before we start and saying 'oh well are you prepared to put up with this' or 'do you have any sort of tweaks' after the decisions are already made.
- The balance between representative and more participatory democracy is a complex one and I think everyone around the world is grappling with that. But in Chile you've got a bunch of ordinary citizens being tasked with writing their country a new constitution, so there's definitely no obstacle in terms of the scale of what deliberative democracy and participatory democracy can be asked to take on.

- We probably will get to the point of having a rubric for what's in and what's out – and it's probably stuff that's more business-as-usual, or time sensitive, or has national security implications that you do through classic representative democracy. But the more set piece or more contested it is, the more that conventional politics seems unable to find a way through a particular thicket of problems, probably the stronger the impetus for using more participatory mechanisms.

## Cases to look into

*'I really encourage people to tap into that learning by doing that's happening even as we speak'*

- Pacific Youth Leadership and Transformation (PYLAT) trust – iSpeak model, started in 2012 to help get Pacific youth voices for the constitution conversation. The form is two speakers/conflicting views, discussion or debate taking place in less than 20 minutes, then discussion groups for another 20 minutes, then the Trust writes that up as they've heard it. If it's to a minister, they try and work with the office to have people's contribution acknowledged in writing. Sessions happen every two months and the topics are chosen by the young people based on what's most relevant or interesting at the time. The model relies on relationships built up in the Christchurch region by the founders, based in different youth and community organisations and through email networks, schools, etc. The other crucial element is the cultural integrity of the space, with kai, karakia, youth development games and practice, and whanaungatanga.
- Pacific Youth Parliament
- There is a group trying to get a Wellington citizens assembly on climate going (Te Reo o Ngā Tangata – the people speak) and they're working really closely with Ngāti Toa on how we might do this sort of citizen's assembly type work in a way that's authentic to Aotearoa New Zealand and that works with tikanga.

# Workshop 2: What are the barriers and enablers for us getting there?

## Communication

*‘People don’t always understand the jargon that we’re so used to hearing round the office everyday’*

- Why do people need to be participating in what government’s doing? The thing that I come up against is a disinterest, mostly born out of the fact that people don’t always know what government does or how it affects them, or why they should be interested in it.
- There’s probably a bigger piece here about how government relates to people and what messaging we put out there about the relevance of having your voices heard.
- You almost need to translate, to speak in a different language to other people because everyone’s got their own lived experiences and different relationship with government systems, or they don’t have relationships with government systems because they’ve been able to get by without bumping up against various systems and structures that we impose on the general public
- Our current methods of soliciting input from the public at large into policy are highly biased in favour of the people producing the policy, whether it’s local government or central government. The citizen is faced with a glossy document several tens of pages long setting out the policy and is then given, on their own, four to six weeks to make a comment on this complicated document.
- The majority of the public are simply not going to engage with that kind of process because a) they don’t have time, and b) they don’t feel they have the expertise. So, all the submissions are going to be made by people with serious money in the game or sometimes NGOs when they have a chance to talk about it, but it’s not going to be inclusive of the public at large.
- Parliament model of summarising bills and simplifying submissions is positive.
- The Plain Language Bill may help.

## Local vs central

*‘Everyone’s an expert in their own lives’*

- New Zealand’s very central government is a barrier to participation. If there was more localisation, there would be more participation. For a start, local entities have to be resourced properly. It’s well known that local councils, for example, have a very restricted funding base. Most of the tax goes centrally and is redistributed according to political priorities.
- There are some things that should probably be centralised, and we need to resolve and debate openly which are best centralised and which are best devolved.
- I hear quite often these days that government is too centralised, and we do need to shift some more decision making to local councils. The point about them not being resourced is a good one, although there’s a bit of a question mark around how that would work given that local elections actually have lower turnout than general elections. The participation level there is pretty poor – so how could we get that ramped up to get better engagement at that level?
- Aim to get away from bureaucracies and bureaucrats being seen in pejorative terms. The phrase faceless bureaucrats is used, often because the bureaucrat and the bureaucracy is very centralised. The more we can decentralise and have local decision-making for local issues and the people who are facilitating that decision-making are not faceless because they’re seen in the neighbourhood, I think we’ll build more trust and more connection.
- E.g. In a conversation about the three waters reform in a small town, one of the people saw it entirely in terms of his grandchildren not being able to swim in the local rivers the way he was able to as a child. His support for it was very personal, even though the decision-making felt distant to him.

- It speaks to the point that people need to feel a personal connection to an issue to get engaged. There can be a big distance that people feel between themselves and the sort of abstract idea of government that isn't obvious to those who work in it or are around it day-to-day.
- Things like participatory budgeting are very local, getting local communities engaged in directly advocating what their councils spend. Basically, your local council is saying look we've got \$100,000 or \$500,000 or whatever to spend in your area or areas, how would you allocate it? That's a great form of participation, because everyone's an expert in their own lives. People can bring their own expertise to it and it can feel quite tangible. This matters because people should have a say in the decisions that affect them. If you can show that link – this is something that will affect you, your input will be meaningful – then you've got a better chance of people feeling more enthusiastic about engaging.
- New Zealand's dependent territory Tokelau, and the Cook Islands and Niue, which are in constitutional Free Association within the wider Realm of New Zealand don't have adequate pathways for participation in decisions made in New Zealand that affect them. There is also a gap on what the Treaty of Friendship between New Zealand and Samoa means for policy engagement. Another example is in the 2021 Dawn Raids apology Her Royal Highness Princess of Tonga spoke about the deep and complicated relationships New Zealand has with the Pacific, particularly in the context of immigration practices. This is related to issues around New Zealand's identity and the impact that has on engagement practices, which also affect Pacific people living in New Zealand.

## Institutional solution

*'There needs to be perceived separation... otherwise it won't be trusted'*

- Aotearoa New Zealand doesn't have independent organisations such as the New Democracy Foundation, the Sortition Foundation, Involve and so on, capable of recruiting and running representative deliberative mini publics. There's an opportunity for entrepreneurial government to

invest in the establishment of such capabilities by facilitating training. These processes have to be run independently of the sponsoring organisation, otherwise they're seen as liable to be over-influenced by the sponsoring organisation.

- There's a need for some kind of independent entity – whether a standing body or one that's assembled case-by-case – that stands aside from government and represents citizens.
- We have had those sort of bodies in the past. They've tended to be sort of expert focused and they haven't lasted, but in terms of an enabler, we could look at having some sort of standing independent body that could look after process and generate futures options.
- Jennifer Lees-Marshment had the idea of a Ministry of Public Input, but the classic problem is that if you carve something off, then everyone else thinks 'well we don't have to do that.' I would tend to prefer these sorts of things being taken on board and becoming part of business-as-usual for all government departments and having that expertise in house, because it's fundamentally about changing the way you do things.
- I do think it's interesting that if it's siloed off, it becomes someone else's responsibility – experience with other things that get parked in the 'oh that's this ministry's job to do that thing,' is quite problematic.
- To correct a mis-impression – these processes are initiated by a minister who wants the answer to a particular bunch of questions, but they are recruited and run outside the ministry by independent third parties who have expertise in facilitating and running civic lotteries. This is not a suggestion that any of the government departments acquire these skills in house, because that is then seen by the public as a control mechanism.
- The participants in the Auckland University Complex Conversations project with water care said one of the reasons they accepted the invitation to take part was that the university was involved in running it, not Water Care. There needs to be perceived separation between the sponsoring organisation, the ministry or the minister with the question, and the way in which the assembly is recruited and run, otherwise it won't be trusted.

## Cost, resourcing and valuing contributions

*‘...this is the cost of arriving at the right policy, supported by the public’*

- Capacity in the public sector is an important point – in sessions with individual ministries people said ‘look, we love the idea of these different sorts of processes you’re talking about, but we just wouldn’t know how to run them.’ That’s significant and it’s true at the local council level as well.
- We’ve talked about resourcing from the government point of view in terms of paying people’s salaries to have these conversations and (pre-COVID) paying for the roadshow that goes along with it. But quite often, especially with Treaty partners, there’s a question about resourcing other people to come to the table for these conversations with us. From a Te Tiriti perspective, but from a broader public view as well – if you don’t have a vested interest in something then why are you going to get up to speed on complex policy issues if you just don’t have the time?
- Resourcing people to participate is an important point and something you see a lot in the dialogue around citizen assemblies and mini publics. Often people are paid for their time to take part and that’s a relatively straightforward fix. The wider question about civil society and how people are empowered to participate generally in all sorts of forms is much harder to answer but it is crucial, because otherwise you just get very biased participation.
- Quite often the people who engage with government systems are people with reasons to be interested from a business perspective or a community perspective, but then you get a lot of ‘haves’ – people with the time and resources to come to the table. We don’t often get to hear from the ‘have nots’ in that scenario. When we do hear from people who are more disenfranchised it’s because they’re rubbing up against government systems out of necessity, which brings quite a power imbalance into it.

- We don’t know how to communicate valuing people’s efforts and contribution. Systems don’t recognise how difficult it is to get these young people to participate.
- There’s a barrier in the belief that deliberative assemblies slow down the policy process and are too expensive. They certainly slow it down and they certainly are relatively expensive, but if this is the cost of arriving at the right policy, supported by the public, then the time and cost would seem to me to be entirely justified.
- It’s just not possible for individual members of the public to spend too much time unless they are recruited individually; individual invitations to participate in things are hugely more successful at recruiting people than impersonal invitations on a government website.

## Internal government barriers

*‘It’s not that citizens are incompetent, it’s that institutions aren’t enabling’ (James Fishkin of the Stanford Deliberative Democracy Group)*

- There’s a bit of a question around where public servants might see obstacles, because from the outside I always wonder whether government guidelines about public engagement are important norm setters that we ought to be focusing on trying to change, or are they’re more or less irrelevant and if agency X wanted to do something really participatory it would just do it anyway regardless of what the centralised guidelines say.
- A key enabler is to have space created either by legislative framework or ministerial will.
- Legislative requirements are really useful – e.g. LTIB requirement to go out for consultation twice, CEs have to look at the submissions both times to make their decisions – there’s lots of really strong language in those clauses that puts in a level of accountability that’s really useful to ring-fence those resources to get this work done.



- There's a barrier in the perception by decision makers, both elected and in the public service, that citizens at large are incompetent. To quote James Fishkin in his latest book: 'In my experience, it's not that citizens are incompetent, it's that institutions aren't enabling.'
- To some degree (based on hearsay) there is a fundamental objection on the part of some politicians and some public servants to the idea of ceding power to the public outside of elections.
- These two submissions to the Standing Orders Committee Review touch on the balance between representation and participation:
  - *'Sharing our voices in all worlds' Session Summary Report* [https://www.parliament.nz/resource/en-NZ/52SCSO\\_EVI\\_91119\\_SO195/a599678f115b7aa19315bf6437522d4428f0696f](https://www.parliament.nz/resource/en-NZ/52SCSO_EVI_91119_SO195/a599678f115b7aa19315bf6437522d4428f0696f)
  - *How should Parliament represent the public?* [https://www.parliament.nz/resource/en-NZ/52SCSO\\_EVI\\_91119](https://www.parliament.nz/resource/en-NZ/52SCSO_EVI_91119)

## Tension between representative democracy and participatory democracy

### *'MPs are not entirely representative'*

- Isn't 'delegating to a group of fellow citizens the role of considering complex issues and letting them come to decisions' a description of Parliament?
- The difference between what is supposed to be deliberated in Parliament, or perhaps in select committees, and what can be deliberated in a mini public is that the mini public is not hampered by politics. The mini public is a one-off that isn't worried about what the voters are going to say about it. They're unaffected by how near the next election is in their thinking and deliberation in the public interest. They aren't elected and fair enough that some people say that's a major problem, but they are nevertheless, or can be under the right circumstances, representative of what the public thinks about things when they're given a chance to think.
- If Parliament operated under very theoretical conditions, then it might approach that sort of quality, fulfilling that function. But in reality we know that it doesn't – partisan point scoring and other things get in the way. Also MPs are not entirely representative either – the professional/managerial class is dominant in Parliament, so I think that's a serious draw back.