UTS UNIVERSITY OF TECHNOLOGY SYDNEY

Institutionalising democratic innovations through the *Victorian Local Government Act 2020*: Exposition, analysis, and implications

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Certificate of original authorship

I, Emanuela Savini, declare that this thesis is submitted in fulfilment of the requirements for the award of Doctor of Philosophy, in the Institute for Public Policy and Governance at the University of Technology Sydney.

This thesis is wholly my own work unless otherwise referenced or acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

This document has not been submitted for qualifications at any other academic institution.

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I would like to respectfully acknowledge the traditional Aboriginal owners of the lands throughout Victoria where this research was undertaken. I believe any discussion regarding democracy and representation in Australia needs to begin with reflecting on the fact that it occurs on lands where sovereignty was never ceded. I acknowledge the rights of all First Nations people to self-determination and pay my respects to Elders past and present.

As a migrant from a working-class background, and the only person in my family to have gone to university, I feel incredibly privileged to have undertaken this research. Certainly, the stars aligned when the Victorian State Government decided to legislate deliberative engagement practices just as I was contemplating pursuing a PhD, but even with such a tempting case study, I am mindful that it was the proverbial 'village' that supported me and made this research possible.

I am, of course, indebted to my principal supervisor, Adjunct Associate Professor Bligh Grant, who has guided me through this 'journey' over the past years. You have championed me at every stage and your insightful supervision has been both remarkable and deeply valued.

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Preface

You get some interesting looks when you tell people your PhD is in political science, or in my case, I often simply said 'democracy'. In my experience, the look of bewilderment, and sometimes pity, became familiar. I was often met with responses like: “aren't there 'real' issues you should focus on?”; “there is no point, politicians don’t care”; or the one that I found most deflating, “I have no interest in politics because it has no relevance to my life”.

Even though policy informs practically every facet of our lives, many prefer to ignore this. How do we shift the mindsets of 'ordinary people’, so they gain interest and a sense of empowerment in government decision-making? How do we build the social movements required to address the most pressing issues of our time? When I am not in the 'study cave', these questions are what I spend my time focusing on. Most of my work life involves advocating for self-determination and building community-led action. The projects and programs I run are designed so that communities can create change on their own terms and exert influence on decisions that impact their lives. To my core, I believe in democratic innovations. I consider myself a champion. Therefore, when I found out that the Victorian State Government was planning to mandate 'deliberative engagement practices', I was thrilled.

I am also however an inherently pragmatic person. I can't separate aspirations from application; I need to work out the steps, and yes, I love a Gantt chart. Added to this, as someone who worked in government for nearly a decade, I know that policies can appear one way in theory and quite different in practice. This case study therefore emerged through alignment between the ideals of community empowerment that I strive for in my work and my innate tendency to look at the 'nuts and bolts' of how those ideals might be realised.

This thesis was my attempt to understand what 'doing things differently' in a way that builds civic participation might actually involve. And it is perhaps because my aspirations for change are so great that what I found fell short. However, please don't read this thesis as a critique; I am profoundly proud that the state I live in passed this legislation and initiated this reform. Likewise, I am incredibly inspired by the many local government people that I encountered who were determined to create space for community voice. The legislation might not have met the ideals it aspired to. Still, if recent history is anything to go by, we know that the effort must go on in the hope that we build more and more momentum with each attempt… maybe one day we might just renew people’s faith in democracy, and when future PhD students say they are researching democracy ‘ordinary people’ will respond “that's awesome!”.

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Abstract

Democratic innovations have burgeoned over the past few decades as a corrective to a perceived ‘democratic deficit’. Its proponents argue for greater public participation, implying that ‘ordinary’ citizens, unhindered by bias or political agendas, are more likely to make recommendations for the public good. More recently, there has also been increasing emphasis on institutionalising these practices through legal and regulatory frameworks, thereby embedding greater citizen participation in formal decision-making structures.

Whilst the literature regarding democratic innovations is extensive, empirical analysis of the implications of these practices on government organisations is less abundant. There is limited research regarding how these practices are integrated within the existing institutional norms of government organisations. This research contends that a more complete understanding of the institutional constraints policy actors navigate when operationalising democratic innovations is needed. This understanding may provide insight into why, despite the proliferation of these practices, there is little evidence that they have achieved the long-term impact or democratic renewal they espouse.

Focusing on the *Victorian Local Government Act 2020*, which mandated ‘deliberative engagement practices’, this research applied an institutionalist lens and utilised public value theory to analyse the competing dynamics public managers needed to consider when implementing democratic innovations. Through a mixed methods approach, including interviews, observation, document analysis and surveys, the research was designed to better understand how democratic innovations were interpreted, applied, and how authorising environments and operational capacities influenced their realisation.

The research found that, in the absence of an agreed set of principles or standards, the institutionalisation of democratic innovations was reliant on each organisation’s own imperatives and understandings. Moreover, the emerging practices were shaped by both organisational drivers and dominant discourses,

making them susceptible to co-option. The research also determined that the interpretation of the practices was further complicated because much of what is described about democratic innovations is premised on normative ideals and hegemonic discourses about their outcomes.

This research demonstrates that further attention needs to be given to the existing systems, cultures, and norms within which democratic innovations are enacted and embedded. It contributes to the empirical literature by explaining how deliberative engagement practices were interpreted and applied. Given that institutionalising democratic innovations is becoming more prevalent, the findings also provide legislators with a better understanding of the context within which these mandates are enacted and potential constraints to their aspirations for democratic reform.

Chapter 1: Embedding democratic innovations in government institutions

1.1 Introduction

Often heralded as a corrective to what are regarded as the limitations of elected representation, democratic innovations have burgeoned over the past few decades. Scholars and proponents alike have framed these practices as a compelling counterbalance to claims of a 'democratic deficit' (Norris, 2011), premised on the often-reported declining trust in government and the perceived capacity, or propensity, of elected representatives to genuinely champion their constituents and the public good (see Dovi, 2016; Mansbridge, 2003; Fishkin, 2011). Democratic innovations are championed as a way to broaden political dialogue and legitimise policy decisions, expanding the locus of deliberation from a select and often homogeneous group of elected representatives to broader inclusion of the citizenry (see Gutmann & Thompson, 2009). Proponents advance that through this active participation of 'ordinary people', not beholden to any vested interests or hidden agendas, the common good can ensue, and democratic innovations may even 'save democracy' (Stoker & Evans, 2022).

Within this, there are various ontological bases for the materiality of democratic innovations, including *normative* – that is, citizens have the right to be involved in decisions that affect their lives, which in some cases is demanded by a newly assertive democratic culture (Stoker & Evans, 2022; Beauvais & Baechtiger, 2016); *epistemic* – that broader descriptive representation results in accessing more diverse expertise and nuanced understandings of policy issues that will contribute to making better decisions (Habermas, 1990; Pateman, 1970; Fishkin, 2011; Young, 2002); and *pragmatic* – that involving citizens better informs elected representatives of decisions and policies that will be supported

and accepted by their constituents (Nabatchi, 2010). These cogent arguments have led to what has been described as a ‘deliberative wave’ (OECD, 2020), with governments increasingly applying democratic innovations that putatively devolve power and encourage public participation to tackle complex policy problems through processes such as citizen’s assemblies, mini-publics, and participatory budgeting.

However, whilst the enthusiasm for democratic innovations has been expansive, for the most part, these innovations have not been integrated into the overall system of representative government or democratic institutions, nor have they become part of the ‘regular political cycle in the life of a community’ (Pateman, 2012, p. 10). In fact, most democratic innovations have been discrete initiatives delivered in response to a policy issue rather than embedded in the practices of government decision-making in an ongoing manner. Furthermore, various studies have found that the consequentiality of democratic innovations is relatively limited (Ryan, 2013; Font et al., 2018), even to the point of rendering them trivial (Fung, 2015, p. 521). They have, by and large, not created the substantive long-term democratic change they espouse (Goodin & Dryzek, 2006; Johnson, 2015; Spada & Ryan, 2017).

Perhaps to address this, more recently, there has been an emphasis on the institutionalisation of the practices through legal and regulatory frameworks, thereby embedding greater citizen participation in the formal structures of decision-making (see, for example, Smith, 2009; Bussu et al., 2022; OECD, 2020). However, even in contexts where democratic innovations have been legislated, there has been what Lowndes (2005) described as an ‘institutional stickiness’ (p. 296), where the practices of government agencies were effectively no different despite legislation for more public participation. There is still a risk that, even if legislated, democratic innovations become intermittent sites for greater public participation and government organisations quickly revert to ‘business as usual’ once completed. In this case, it could be argued that they are doing little to shift the ‘crisis of legitimacy’ that representative democratic structures have experienced and the premise from which democratic innovations emerged. It is reasonable to suggest that, if democratic innovations

are to live up to their democratic ideals and advance a more citizen-centred approach to policymaking, consideration needs to be given to what exactly is underpinning this ‘institutional stickiness’.

One of the key assertions of this thesis is that any examination of the institutionalisation of democratic innovations needs to consider the context within which they are realised; therefore, a better understanding of their relationship with representative systems of government is crucial. The thesis proposes an approach that focuses on the institutional conditions that support democratic innovations beyond discrete and isolated initiatives; in particular, the organisational capacities and authorising environments that influence and constrain the practices. Here, a substantial gap in knowledge around how democratic innovations are embedded and institutionalised in government decision-making presents itself. Smith (2009) suggests this gap stems from an over-reliance on the normative ideals of democratic innovations and their utilitarian claims, leading to a failure to systematically engage in the ‘messy’ and detailed task of institutional design. Warren (2017, p. 39) goes further to suggest that empirical research and a rapidly growing number of practical experiments around democratic innovations are also too preoccupied with different models and their relative merits or limitations.

In addition to Smith’s (2009) and Warren’s (2017) suggestions, consideration should be given to how the perceived dichotomy between democratic innovations and elected representation may have informed the integration of both. Although theorists of democratic innovations vary in terms of how critical they are of existing representative institutions, when considered in the light of the epistemic and pragmatic impetuses described earlier, democratic innovations can be conceived of as *strengthening* the legitimacy of representative institutions by producing more informed and reasoned solutions to policy issues (Fung, 2015; Thompson, 2019). In this way, democratic innovations are not an alternative to representative democracy, but rather an expansion of it (Chambers, 2003). Within this context, even if those commissioning the practices are favourably disposed to democratic innovations and convinced of their potential benefits, the undertaking must still be

reconciled with existing processes and institutional structures of decision-making. As such, further consideration needs to be given to the implications for government institutions and how they evolve and adapt to operate under the changed expectations of democratic innovations (see Fung & Wright, 2001; Smith, 2009; Hartz-Karp & Briand, 2009a; Aulich, 2009).

Further to the need for greater examination of the interconnectedness of democratic innovations with systems of government, it seems that much of the scholarship has neglected the importance of public administration in the institutionalisation of the practices. Some scholars have recognised public administration as having a fundamental role in determining the extent of democratic innovations (Nabatchi, 2010), particularly because they control the way these practices are integrated into policymaking processes and, therefore, their potential impact (Jantti et al., 2023; Blijleven et al., 2019; Eckerd & Heidelberg, 2020). However, even where scholars recognise the importance of the broader governance ecology, further elaboration is often lacking. Instead, this aspect is subsumed by assumptions that public managers will diligently and capably support democratic innovations once their benefits are better understood and mandated by the authorising environment.

These under-examined areas of scholarship have meant that, despite the prolific amount of research about the normative ideals of democratic innovations, the conditions for their institutionalisation remain elusive. As governments continue to set intentions through policy positions and legislative reforms, such as the case study under analysis for this thesis, this research argues that examining how those intentions translate to embedded practice in government organisations is critical. Inherent in this, how policy actors interpret democratic innovations is tantamount to whether the practices prevail over the myriad spoken and unspoken incentives or disincentives that influence policy actors' decisions and courses of action. This thesis contributes to scholarship by analysing democratic innovations from this distinctive standpoint. The thesis posits that a more nuanced understanding of what might underpin the hitherto 'institutional stickiness' may support democratic innovations to achieve their normative ideals, and therefore, better inform future reforms of this nature.

1.2 Research approach

The research focuses on the *Victorian Local Government Act 2020* as a case study and explores how local governments in Victoria adapted to the new legislative requirements that mandated 'deliberative engagement practices'. The context of the actual legislation, its development and authorising environment are explained later in this chapter, while this section outlines how the research was conducted.

As noted in the previous section, the research is premised on the contention that, to fully understand how democratic innovations are realised, a more in-depth exploration of how they are embedded in the systems of public administration is required. To achieve this, the research applies public value theory, and in particular, the public value strategic triangle (and the three points – value, authorising environment, and operational capacity), to create a more layered understanding of the dynamic interplay between various incentives and constraints placed on policy actors. As explained in detail in Chapter 3, the public value strategic triangle is also useful as a heuristic device and a way of conceptualising and organising the research approach. In line with the public value strategic triangle the research poses the following research questions:

- How are deliberative engagement practices understood and interpreted by local government organisations?
- How does the authorising environment influence the design and implementation of deliberative engagement practices, including their perceived legitimacy?
- How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented?

The first question explores how the deliberative engagement requirements of the legislation are interpreted and understood by local government organisations, analysing the dominant discourses and practices that emerge from sense-making processes. The second question interrogates how the authorising environment responds to the legislation by examining how it confers

legitimacy on the deliberative engagement practices, particularly how the authorising environment perceives the representative claims of the deliberative cohorts. Finally, the third question brings attention back to the organisational context and analyses how existing systems, cultures, and norms influence how deliberative engagement practices are embedded within local government systems and, ultimately, how this affects their institutionalisation.
As can be seen by the questions, rather than pose one overarching question, in line with public value theory the research explores three distinct, yet interconnected, lines of inquiry around public value, authorising environment and operational capacity. Furthermore, instead of looking at the deliberative engagement practices themselves and the constituent parts that render them deliberative or not, or arguing the benefits of one process over another, the research focuses specifically on how the practices are operationalised.

In addition to public value theory as a frame of reference, the research also applies an institutionalist lens and therefore recognises that there are inherent incentives and deterrents within any organisational structure and that these can either support or prevent policy actors from taking certain courses of action. An institutionalist lens means that the research pays particular attention to the constraints and conditions that influence and shape the decisions of policy actors, therefore, acts as a useful reference point to better analyse how public managers engage with, interpret, and then implement deliberative engagement practices.

By approaching the research through an institutionalist lens, the research seeks to explore the nuance of situated meaning, stemming from an understanding that this meaning is highly contextualised, and the agency of policy actors is influenced not only by formal written rules and conventions but also the tacit and unspoken drivers of ‘the way we do things here’. As such, this lends itself to an interpretivist research approach. The research does not attempt to identify phenomena that might be replicated or objectively true in all cases but instead sees the benefit of exploring the plurality of experiences and sense-making to gain a more complete understanding of the incentives and drivers for institutional change.

Regarding research design, the *Victorian Local Government Act 2020* can arguably be considered a historically distinctive event, therefore falling into the category of a 'remarkable circumstance' that Yin (2009) suggests makes for more compelling and better case studies. Further to this, the case study method is germane because of its ability to investigate a contemporary phenomenon in depth and within its real-world context (Yin, 2012), and, therefore, to draw out a broader understanding of how deliberative engagement practices are interpreted and applied across Victoria, in different councils, and with varying degrees of capacity and resolve. While the research specifically examines how the mandated requirements of 'deliberative engagement practices' are applied for the development of a council's key strategic planning document, the council plan, it also utilises several embedded units of analysis to ensure there are multiple sources of evidence, more plurality of viewpoints, and increased opportunities for extensive analysis (Yin, 2012; Creswell, 2016). This involves a mixed methods research approach and, therefore, both qualitative and quantitative data, which includes interviews, observation, documents, artefacts, and sector-wide surveys. The combination of approaches means that the research is able to draw data at a micro level of individual councils' experiences through qualitative instruments such as interviews, and then broaden out to the more macro scale of quantitative methods such as surveys to position findings within the broader Victorian local government sector context. Finally, the data analysis ensures the integration of both qualitative and quantitative data, continually adapting and responding to circumstances as they emerge and testing findings against multiple sources of evidence and interpretation before arriving at conclusions.

Whilst the thesis is situated firmly in the organisational context and focused on public administration, which it argues is critical for understanding how democratic innovations are institutionalised, this is not to say that there were not a variety of other foci that could have been pursued. The *Victorian Local Government Act 2020* provided a breadth of what would have been worthwhile avenues for empirical research. For example, how organisations engaged a select group to 'represent' their fellow community members and how these groups were juxtaposed with elected representatives would have been valuable

for a better understanding of the constructs of representative claims within democratic innovations. The research acknowledges that any frame of reference can be considered in terms of not only what it sheds light on but also where it remains silent: ‘a way of seeing is also a way of not seeing and a focus upon object A involves a neglect of object B’ (Merton, 1940, p. 562). Accepting this, a focus on the institutional conditions and constraints is prioritised because it was considered integral to the impact of deliberative engagement practices and realising their normative claims.

1.3 The *Victorian Local Government Act 2020*: a case study for the institutionalisation of democratic innovations

As noted in the previous section, the case study for this research is the *Victorian Local Government Act 2020,* which states that:

> Council must adopt and maintain a community engagement policy which must; give effect to the community engagement principles; and be capable of being applied in relation to any of the Council's strategic planning or policy development and include *deliberative engagement practices* which must be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan. (s.55(2)(g) - emphasis added)

This section provides an overview of the context for the legislative reform, including the broader authorising environment and an account of how the legislation was established.

1.3.1 The Victorian local government context and authorising environment

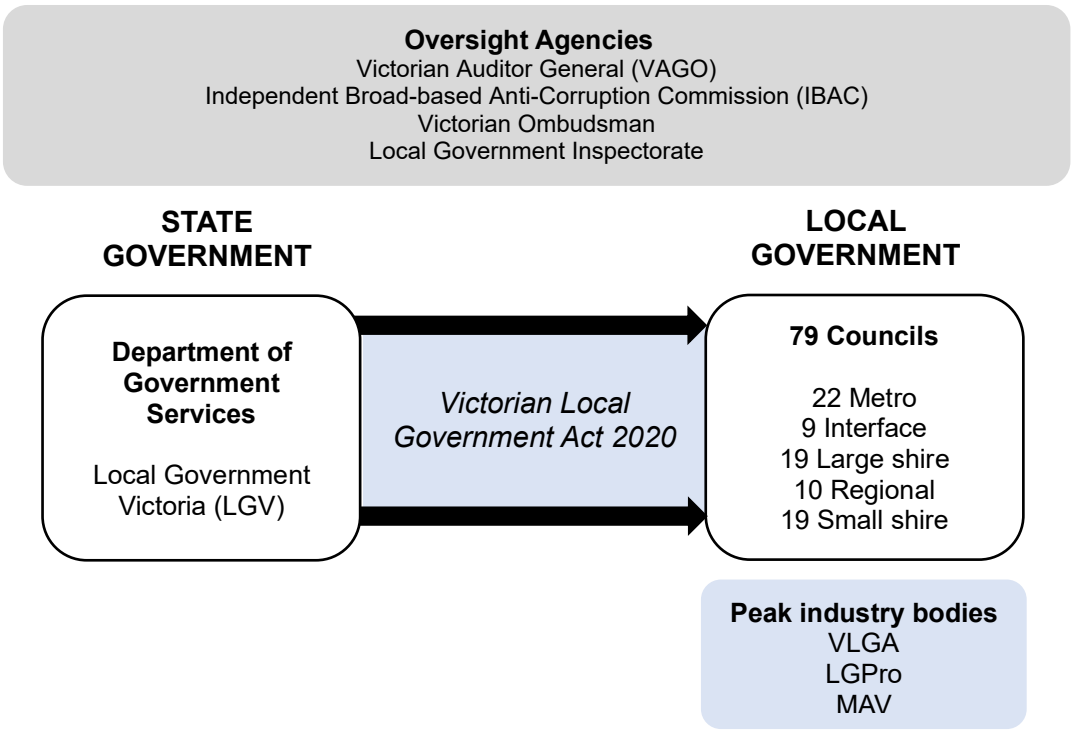
In Victoria, local government is made up of 79 councils comprising 22 metropolitan, 9 interface, 19 large shire, 10 regional, and 19 small shire councils (VAGO, n.d.). Broadly, established urban areas fall into the category of metropolitan councils, whilst interface councils are the outer urban suburbs that are experiencing significant growth, and rural areas are governed by shire councils.

As with other Australian jurisdictions, local government is established by an Act

of the state's parliament; in this case, the *Victorian Local Government Act 2020.* This is the principal legislation that governs councils; it outlines the purposes and functions of local government as well as provides the legal framework for establishing and administering the responsibilities for local government.

These councils operate under numerous layers of oversight, including council-initiatives processes as well as external agencies (MAV, 2020). Figure 1.1 illustrates the authorising environment for local government in Victoria, including some of the key stakeholders, particularly those relevant to this study.

Figure 1.1 Victorian local government authorising environment



Source: Author's own

State government bodies:

Local Government Victoria provides advice and support to councils and the Minister for Local Government. This entity is responsible for 'overseeing legislation and working with councils to support responsive and accountable local government services' (LGV, n.d.). This organisation was the key conduit for distributing information and engaging with the sector around the legislative changes.

Department of Government Services is currently responsible for the local government portfolio and, therefore, managing Local Government Victoria. However, this department was called the Department of Environment, Land, Water and Planning (DELWP) when the *Victorian Local Government Act 2020* was developed.[1]

Victorian Auditor-General is responsible for 'conducting audits to ensure that public sector entities are transparent and accountable to the Victorian Parliament and the community' (VAGO, n.d.). It has conducted various audits on the participation practices of both local and state government in Victoria. In 2015, VAGO published *Public Participation in Government Decision-making: Better Practice Guide* and then in 2017, it released its *Public Participation and Community Engagement: Local Government Sector Report*.

These three organisations are most relevant to the thesis; however, it is important to note that the Victorian local government authorising environment also includes the Independent Broad-based Anti-corruption Commission (IBAC), Local Government Inspectorate, and Victorian Ombudsman. These organisations can investigate the conduct of councils, councillors, and council staff. In the most serious circumstances, the State Government has the power to dismiss an elected council and appoint administrators to act in the equivalent role of councillors (MAV, 2020).

Peak industry bodies

Whilst not necessarily 'authorising' bodies, the three peak industry bodies for local government in Victoria also played a significant role during the development of the Act, as well as in the initial stages of its implementation. These bodies include:

Municipal Association of Victoria (MAV) 'is a membership association and the legislated peak body for local government in Victoria' (MAV, n.d.). It offers business services to council members, including governance and legislative

[1] Some relevant documents regarding the legislation were also published when the local government portfolio was in the Department of Jobs, Skills, Industry and Regions (DJSIR).

advice, insurance, and procurement services.

LGPro is a member association for people working in local government in Victoria. It provides ‘leadership, professional development, advocacy, and representation in the pursuit of excellence’ (LGPro, n.d.).

Victorian Local Government Association (VLGA) is an independent governance organisation supporting councils and councillors. It provides opportunities for councillor networking and actively engages with ‘key policymakers and broader stakeholders to inform, influence and lead the conversations that determine the priorities for the local government sector in Victoria and support good governance at the local level’ (VLGA, n.d.).

It could be said that each of the organisations in this section played an instrumental role in driving the narratives during the development of the *Victorian Local Government Act 2020* and, therefore, formed an important part of the context for this case study.

1.3.2 Review and development of a new Local Government Act

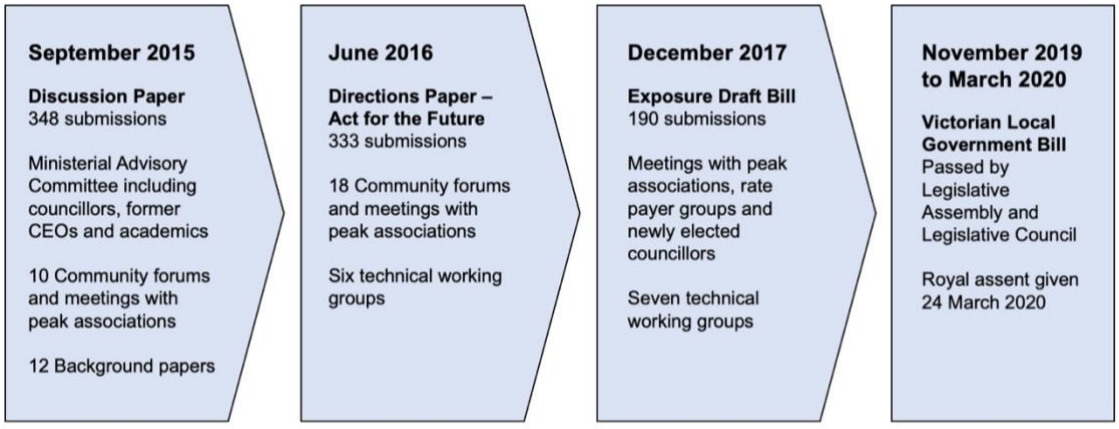
The Victorian government launched its review of the *Local Government Act 1989* in September 2015, describing it as ‘the first comprehensive review of local government in a quarter of a century’ (DELWP, 2015, p. 6). This review was generally welcomed and considered imperative given that, since 1989, there had been over 90 amending acts resulting in hundreds of additions that meant the Act had grown from what was originally a 136-page document to one of over 450 pages (Blacher, 2015, p. 2).

The subsequent development of the *Victorian Local Government Act 2020* extended over a 5-year period and was described as ‘one of the most exhaustive engagement processes of any piece of legislation in government’ (Jennings, 2019). Indeed, *prima facie* five years to conduct a reform process may appear inordinate; however, as Savini and Grant (2020) point out, this is not unusual in Australia. Savini and Grant (2020) provide examples of several

reform efforts across Australia that were protracted, highlighting that due to the nature of local government reform being intrinsically concerned with political reorganisation, for the most part, it is highly vexatious and, as such, usually subject to processes of 'appreciative inquiry' rather than reform (p. 517).

Figure 1.2 (below) demonstrates the major milestones and consultations that informed this extensive process. As can be seen in Figure 1.2, the review commenced with a 'Discussion Paper' (2015); an advisory committee made up of councillors, former CEOs, and academics; various community forums; and the publication of 12 Background Papers (see DELWP, 2016, 'Appendix 6 Commissioned research of the Discussion Paper'). Over the next 5-year period, consultation for the review was marked by the publication of two further key documents aligned to the next consultation stages: a 'Directions Paper' (2016) and an 'Exposure Draft Bill' (2018). Collectively, the three documents that were published during the review received 871 submissions from the local government sector, community organisations, and community members. These have been examined in detail by Savini and Grant (2020) and are further explored in Chapter 5. Alongside these documents, several technical working groups were established (see DELWP, 2016, 'Appendix 4 Technical Working Group Members of the Discussion Paper'), as well as continued engagement via community forums and meetings with peak associations.

Figure 1.2 Development of *Victorian Local Government Act 2020*: Milestones



Source: Adapted from Savini & Grant (2020)

This considerable review process eventuated in the *Victorian Local Government Act 2020*, which received Royal Assent on 24 March 2020. The resultant Act is multi-faceted and includes several reforms to local government practices, including several new policy requirements. Amongst these, one of the legislators' core claims was that it would 'put community at the centre of council decision-making' (Jennings, 2019). This involved a range of new and extensive community engagement principles and, particularly for this thesis, mandating that all Victorian local governments undertake 'deliberative engagement practices' when developing their major strategic planning documents.

As will be expanded in Chapter 5, the mandated 'deliberative engagement practices' presented a significant departure from the more moderate expectations around community engagement that had preceded them. Furthermore, while involving citizens in policymaking was arguably common practice for local governments in Victoria, democratic innovations were less widespread when the reforms of the *Victorian Local Government Act 2020* were introduced.

This study focuses on how this legislative reform translated into practice, as all 79 councils across Victoria revised their community engagement processes and implemented 'deliberative engagement practices' for the first time. It posits that, whilst the State Government's policy intentions were clear, ultimately, how the legislation is interpreted and operationalised by policy actors is fundamental to the realisation of those intentions. As a case study, by examining such an ambitious and extensive state-wide initiative, the thesis contends that it is a unique empirical context for studying the institutionalisation of democratic innovations.

1.4 Outline of the thesis

This chapter introduces the thesis topic, outlining that while democratic innovations have increasingly been applied to address the perceived limitations of elected representation, for the most part, little is known about how they are integrated into existing systems and institutionalised. The key assertion of the

thesis, that a more expansive understanding of how this integration occurs and the role of public administration would be worthwhile, is introduced. This chapter also provides a brief account of the research approach and how it is positioned within the *Victorian Local Government Act 2020* case study. Finally, the chapter describes the context in which the study was undertaken with an overview of the Victorian local government authorising environment, how the legislation was developed, and a brief explanation that the reforms were a significant departure from previous expectations regarding public participation in council decision-making.

Chapter 2 places the thesis within the context of a significant body of existing literature regarding democratic innovations. It highlights that, despite scholars acknowledging that democratic innovations cannot be separated from systems of elected representation, the extant literature has limited empirical exploration of how they are embedded into those systems and hypothesises that this is required if the practices are to fulfil their promise of democratic renewal. In particular, the chapter draws attention to the role of public administration, which, it argues, has consequential influence over how the practices are operationalised. The chapter examines how several scholars and proponents have conceptualised the effective institutionalisation of democratic innovations to draw out what they reveal about the role of public administration. It then provides some examples of how democratic innovations have been institutionalised around the world. These examples indicate some institutional constraints; however, they also demonstrate that relatively little is known about how democratic innovations interact with the authorising environments and operational capacities of government bodies. Finally, the chapter draws attention to the fact that, despite their relatively muted outcomes around 'democratic renewal', democratic innovations have nonetheless proliferated, and the conceptual and normative understandings associated with them have prevailed to create a variety of ongoing commitments to its institutionalisation, such as the *Victorian Local Government Act 202*0. Chapter 2, therefore, underscores this study's contention: without a greater understanding of the institutional constraints policy actors must manage, integrating deliberative engagement practices into decision-making processes can be compromised by

‘institutional stickiness’.

Having established the need for a more comprehensive understanding of the institutional constraints that policy actors operate within, Chapter 3 introduces the two key theoretical lenses applied to the research. It begins by explaining how an institutionalist lens provides a useful vantage point for interrogating tensions and addressing the gaps in existing knowledge. In addition, it explains how the research has applied public value theory (in particular, the public value strategic triangle) as a way of conceptualising and organising the dynamic interplay of incentives and constraints on policy actors. How institutionalist and public value theories relate to the study of democratic innovations and the existing scholarship is outlined, and how these two theoretical approaches differ in ontological frames of reference is explored. The chapter then presents an analytical framework that guided the initial stages of the research. Therefore, the chapter describes the theoretical underpinnings that were applied in the research design and argues how they provide a more layered understanding of the interconnections and variety of determinants that influenced the realisation of deliberative engagement practices in Victoria.

Chapter 4 sets out the research design, connecting the theoretical underpinnings with the research methodology and its interpretivist ontological and epistemological foundations. The chapter sets out the research questions and then explains why the case study method was chosen and, in particular, why the *Victorian Local Government Act 2020* presented a compelling site for analysis. The chapter establishes the precise unit of analysis and, therefore, the scope of focus for the case study, before describing the embedded units of analysis, which include in-depth engagement with three councils coupled with broader sector data such as interviews with consultants and sector-wide surveys. The mixed methods research approach is then outlined; the chapter explains the qualitative and quantitative data collection instruments along with the rationales for including them in the research design. This is followed by an account of the data analysis and how the research integrated the multiple data sources to establish findings. Overall, the chapter demonstrates how the research approach continually adapted and responded to circumstances as

they emerged in a manner that ensured the findings were consistently interrogated against multiple sources of evidence and interpretation.

Chapter 5 outlines key changes in community engagement requirements that were part of the *Victorian Local Government Act 2020* and how they were a significant departure from the requirements of the preceding Act. It establishes a context for this reform, including the events and actors that are likely to have influenced the Victorian State Government and some of the dominant narratives that accompanied the legislation. Following this, it examines how local governments perceived the proposed mandating of 'deliberative engagement practices' through the submissions they made to the State Government during consultation. These indicate widespread scepticism around the suitability of the practices and the capabilities of councils to effectively implement the new requirements. The chapter, therefore, provides an initial account of the Victorian local government sector's response to deliberative engagement practices and its preparedness to adopt the practices, and identifies some of the perceived constraints and concerns that would have informed how the practices were implemented.

Chapter 6 considers the 'principles-based' nature of the legislation and examines the implications of not providing a definition for 'deliberative engagement practices' in the Act. It analyses the resultant sense-making that occurred in the initial stages of the Act's implementation, and then, through the prism of Lowndes and Roberts' (2013) *rules*, *practices* and *narratives*, the chapter considers how councils defined and then applied deliberative engagement practices. It considers the dominant narratives that may have influenced the way the practices were understood and ultimately formalised by councils in their community engagement policies. The chapter highlights how some of the rules and practices that emerged in Victoria were inherently contradictory to the commonly recognised epistemic and normative principles of democratic innovations, and then indicates how this disjuncture may have occurred.

Chapter 7 considers the authorising environment by examining in detail how

decision-makers conferred legitimacy on deliberative engagement practices. The chapter begins with an exploration of the different approaches that were taken for engaging elected representatives (councillors) in the design and implementation of their deliberative engagement practices. It draws attention to how this engagement influenced the perceived legitimacy of the deliberative process and the deliberative cohort. The chapter then takes a broader view of the authorising environment and positions the deliberative process within the civic context and overall public participation 'system', examining the interconnections between what could be considered the 'deliberative' and 'non-deliberative' aspects of participation. It discusses how the legitimacy of deliberative engagement processes and their representative claims were juxtaposed to existing systems and norms of public participation, with the later prevailing.

Chapter 8 focuses on the operational capacity of the local government sector and how this impacted the design and delivery of deliberative engagement practices. It provides an overview of the complex environment in which the legislative requirements were realised and considers the challenges presented to council staff. In addition, it identifies how these constraints may have influenced the emergent practices and explores the frames of reference council staff utilised to establish what they believed were acceptable standards of practice. The chapter also considers the two 'dispositions' that seemed most prevalent in council staff. It analyses how they approached the task of operationalising deliberative engagement practices and the types of organisational cultures and leadership that enabled those approaches. The chapter then reflects on capacity building and hypothesises whether improved capabilities and resources might see expanded deliberative engagement practices in the future.

Drawing on the individual findings from each of the empirical chapters and contemporaneously, each research question, Chapter 9 demonstrates how the study built on existing knowledge and expanded understandings of how democratic innovations are institutionalised. It begins with a synopsis of the findings as they relate to the research questions and argues that they created a

fuller description of the constraints and conditions that public managers navigated when operationalising deliberative engagement practices in Victoria. Four key considerations are identified and examined in the context of relevant scholarship, explaining how the study aligns with and augments some of the empirical research in this field. The chapter then reflects on the theoretical frameworks utilised in the thesis, establishing how both public value theory and institutionalism provided useful prisms through which to examine the data.

To conclude, Chapter 10 examines the contributions of the findings, particularly in relation to the institutionalisation of democratic innovations. It identifies some of the research limitations before proposing the research contribution and suggestions for further research.

Chapter 2: Theoretical constructs and empirical understandings of institutionalising democratic innovations

2.1 Introduction

This chapter situates the thesis within the significant body of existing literature regarding democratic innovations and draws the parameters of the study around the institutionalisation of the practices. It highlights the inherent connection of democratic innovations to systems of elected representation and provides an account of how the extant literature has explored their institutionalisation from this paradigmatic lens. The chapter then examines how several scholars and proponents have conceptualised the effective institutionalisation of democratic innovations to draw out current understandings regarding the role of public administration. The chapter provides some examples of how democratic innovations have been institutionalised around the world and considers what these examples might reveal about the organisational constraints that impact actualisation. The chapter then specifically positions the research within the context of local government and provides a brief account of how the practices have evolved in Australia. Finally, the chapter draws attention to how democratic innovations have continued to proliferate and how the normative understandings of their outcomes have created a growing interest in institutionalisation through reforms such as the *Victorian Local Government Act 202*0.

The chapter articulates how the research both responds to and builds on extant literature. It establishes how, through the unique case study of the Victorian reforms, it seeks to make a valuable contribution to this field of study.

2.2 The ‘Deliberative Wave’

In 2020, the OECD published a report titled *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave.* This report asserted that a ‘deliberative wave’ had been building over the past few decades and that public authorities were increasingly employing these practices to address complex policy issues (OECD, 2020). In fact, there had been many proponents of these practices, stemming from a broad cohort of political actors, including civil servants, elected representatives, leaders of social movements, and for-profit service providers. Alongside the expansion in the *practice* of deliberative democracy, which is highlighted in the OECD’s report, the field has also experienced prolific theoretical contributions in political science scholarship. Indeed, there had been extensive scholarship since the 1960s and 1970s (Arnstein, 1969; Pateman, 1970), and almost 20 years before the OECD report, Chambers (2003) observed that the number of scholars focused on deliberative democracy was ‘enormous’ (p. 307). Elstub (2010) has suggested that the theory of deliberative democracy is so auspicious that it dominates theoretical discussions (p. 291), and for their part, Dryzek (2010) noted that deliberative democracy had been so ascendant that it was ‘hard to keep track of the developments’ (p. v). Only a few years before the OECD report, Warren (2017) also asserted that deliberative democratic theory was arguably one of the most productive research paradigms within democratic theory. Finally, Mutz (2008) made the valid observation: ‘It is difficult to exaggerate the enthusiasm for deliberation, the amount of time and money invested in it is staggering relative to virtually any other current social science theory’ (p. 535).

Within this landscape of deliberative zeal, any study of deliberative engagement finds itself not only in a ‘deliberative wave’, but in what can sometimes feel like a tsunami of literature. Even with the qualification of an empirical lens, the breadth of studies is so widespread that any survey cannot claim to be exhaustive; it must inevitably choose its focus and draw some distinctions. As such, the following chapter is not a comprehensive analysis of the literature, instead, it sets the scene for the research and critically positions it within scholarship regarding the institutionalisation of democratic innovations.

2.2.1 The genesis of democratic innovations

Whilst the study of democratic innovations is extensive, there seems to be relative consistency around their genesis. Most interpretations stem from the perceived limitations of existing forms of democracy and elected representation. Proponents have argued that democracy is 'in crisis' (see Norris, 2011) and that there is growing political alienation as trust in democratic institutions declines. This is often premised on a suspicion of elected representatives and their capacity, or propensity, to genuinely represent their constituents (see Dovi, 2016; Mansbridge, 2003; Fishkin, 2011; Meadowcroft, 2001). In addition, the mechanisms for holding elected representatives to account through universal suffrage are considered too blunt and insufficient to effectively understand citizens' aspirations (Fung, 2003). To address this 'democratic deficit' (Norris, 2011), advocates of democratic innovations posit that an increased citizen voice is a necessary counterweight to the failures of representative democracy. There are various ontological bases within this premise, namely:

- *normative* – that citizens have the right to be involved in decisions that affect their lives and that this right is increasingly demanded by a newly assertive democratic culture (Stoker & Evans, 2022)
- *epistemic* – by involving citizens who have broader descriptive representation, deliberations benefit from diverse expertise and more nuanced understandings of policy issues, which in turn contributes to making better policy decisions (Habermas, 1990; Fishkin, 2011; Pateman, 1970; Young, 2002)
- *pragmatic* – engaging with citizens develops greater trust and better informs elected representatives of decisions and policies that will be supported or accepted by their constituents (Nabatchi, 2010). This includes the strategic value of generating support for policy positions, particularly more contentious issues or mitigating dissent (Bherer et al., 2016).

These principles underpin much of the practice around democratic innovations and often dominate narratives surrounding their adoption. Certainly, they resonated with Victorian legislators who repeatedly referenced the epistemic and pragmatic benefits when introducing 'deliberative engagement practices' to

local government strategic planning.

2.2.2 Four generations or ‘turns’ of scholarship

Alongside various hypotheses regarding the potential contribution of democratic innovations, many scholars have theorised their proper principles and ideals. Within this, deliberative democratic theory has now reached what is considered its fourth generation of scholarship (Elstab et al., 2016), or alternatively, its fourth ‘turn’ (Dryzek, 2012). A brief examination of the central premise for each of these provides salient insight into the objectives and limitations of theory as it has evolved and as each generation, or turn, iteratively attempts to address the perceived limitations of the last.

Elstub (2015) provides a thorough examination of the four generations. To summarise, the first generation (Habermas, 1996; Dryzek, 1990) debated the normative justifications of deliberative democracy and focused on the necessary components of ideal deliberation. However, some scholars argued that this emphasis did not account for the sheer complexity of contemporary society, asserting that the practical application of those ideals en masse was unrealistic (Elstub, 2010; Elstub et al., 2016). Based on this perceived limitation, the second generation explored how the inherent pluralities of contemporary society might be accommodated practically in deliberative forums (Bohman, 2012; Young, 2002). However, this body of scholarship was later criticised for refraining from engaging with the specifics of institutional design and the more empirical analysis of deliberative practices (Elstub et al., 2016). This paved the way for a third generation to emerge, which sought to establish the nature of deliberative fora and their ideal approximations in practice (Elstub, 2010). This generation paid greater attention to feasibility, namely the design of deliberative spaces such as citizens’ juries or participatory budgeting processes, undertaking empirical analysis of deliberative processes to determine the required parameters for institutional design. However, investigations tended to look at micro or discrete instances of deliberative engagement, and one of the perceived limitations of this third generation was that it failed to look at the macro or broader system in which the practices were realised (Mansbridge et

al., 2012). Finally, the fourth generation advanced a ‘systems approach’ that conceived of deliberation beyond isolated deliberative practices and examined not only the relationship between specific deliberative sites but also ‘the relationship between deliberative and non-deliberative practices in the political system as a whole and over time’ (Thompson, 2008, p. 500). This generation had a more expansive view of what constitutes a ‘deliberative’ forum and has also attracted some criticism, namely, that it risks stretching deliberative democracy to the ‘point of vacuity’ (Neblo, 2005).

Rather than generations, some scholars such as Dryzek (2012) use the terminology of ‘turns’. Dryzek (2012) explains that this body of literature begins with the *institutional turn* which focused on the ‘shape taken by particular forums’ (p. 6) and emphasised the micro-scale outcomes of discrete forums such as mini-publics rather than how they interacted with the macro-scale political systems. This approach was criticised for losing sight of the larger ambitions of deliberative democracy (Chambers, 2003), and the *systemic turn* emerged to bring a more comprehensive lens and consider the whole system any deliberative forum interacted with. This was followed by a *practical turn* where the emphasis was on strengthening deliberative democracy in the ‘real world of politics’. Finally, the *empirical turn* is where ‘deliberative democratic theory starts to inspire systematic empirical work to test or refine its claims’ (Dryzek, 2012, p. 8).

Regardless of whether they are referred to as generations or turns, these brief accounts indicate that each conceptualisation emerged in response to what were considered the shortcomings of the last. In this sense, scholarship has been iterative. However, it would be erroneous to consider these generations or turns in a continuous sense; that is, that all contemporary scholars now belong to the fourth generation and focus on a systems or empirical approach. Instead, these categorisations distinguish the manifold foci and the evolution of concepts. Some scholars, such as Dryzek and Mansbridge, have been part of more than one generation or turn, and contemporary scholars continue to focus on what are considered the domains of previous generations.

An outline of these was provided as context to the ever-evolving nature of scholarship around democratic innovations. As noted earlier, the magnitude of research is extensive, and as shown in this section, it is also dynamic.

2.3 Establishing the research parameters: institutionalising democratic innovations

2.3.1 Parameters for what are considered ‘democratic innovations’

To explore the institutionalisation of democratic innovations, and related to the previous point about the considerable amount of literature to draw from, it is essential to establish some parameters around what type of initiatives are considered ‘democratic innovations’ for this study. Here, there is no easy solution or definition to draw from. As noted in the previous section, there are substantive and ongoing theoretical debates within the field (see Curato et al., 2017). Prominent scholars have conceded that there has never been a unified theory (Elstub et al., 2016; Smith, 2009; Mansbridge et al., 2012), and Ryan (2019) suggests that much of the debate comes down to ‘conceptual haggling about what democratic innovations are’ (p. 568).

This discordance can be detected in how democratic innovations are labelled or described in the literature. Some scholars focus principally on deliberative democracy (Dryzek, 2002; Parkinson & Mansbridge, 2012; Chambers, 2003); others lean towards overarching concepts such as democratic innovations (Smith, 2009; Elstub & Escobar, 2019) or public participation (Fung, 2015). Sometimes deliberative democracy is understood as fundamentally distinct from participatory democracy (Pateman, 2012; Young, 2002), but participatory processes such as participatory budgeting are also commonly included in literature on democratic innovations (Ganuza & Baiocchi, 2019), indicating some scholars see them as connected. Furthermore, there are various distinct models of democratic innovation that fall under the banner. Some literature focuses on these distinct models, such as mini-publics (Curato et al., 2021), while at other times, the literature encourages not looking at models at all and instead consider ‘democratic functions’ (Warren, 2017).

From an empirical or practice-based account of the literature, the complexity around setting conceptual parameters remains. A cursory review of Participedia (n.d. – a crowd-sourcing platform for 'participatory democratic innovations') reveals that how contributors distinguish their processes as 'deliberative' or 'participatory' is relatively unpredictable, depending perhaps on the commissioning body and what their preferred rhetorical framing is at that time. Conversely, organisations such as the OCED, which reviewed almost 300 deliberative processes in its report (OECD, 2020), offer a decidedly prescriptive approach. To be included in its analysis, the OECD established three core defining features that it argued were of key importance: *deliberation*, which involves, amongst other things, weighing carefully different opinions and information from a diversity of perspectives; *representativeness*, through random sampling; and *impact*, meaning decision-makers agree to respond to and act on recommendations (OCED, 2020, p. 13, emphasis original). While this level of differentiation may be conducive for the OCED, which tends to favour comparative analysis in order to establish standardisation or 'best practice', this level of prescription in terms of the literature considered for this thesis would have been overly limiting.

Given that this thesis focuses on legislation that mandates 'deliberative engagement', it could be argued that the literature should have been restricted to this categorisation. However, even here, there are various understandings of what 'counts as deliberative' (Elstub et al., 2016, p. 141). The fourth generation of deliberative democracy scholarship, which, as explained earlier, takes a systems approach, further complicates this type of qualification as it takes a 'more ecumenical view of what constitutes "deliberation"' (Elstub et al., 2016, p. 245) and therefore a substantially broad interpretation of deliberative forums. Therefore, any research parameters that were qualified by the use of 'deliberative engagement practices' may have overlooked useful and relevant data that was categorised as 'participatory' or 'public participation'.

Row and Frewer (2005) suggested that the very existence of a variety of mechanisms for public participation implies uncertainty as to how involvement should *best* be enacted; they argue that if it was a simple, bounded, and well-

understood process, then one particular mechanism might suffice to enable it to be effectively achieved (p. 252). From this viewpoint, the complexity and variety of conceptualisations become an inherent aspect of the scholarship; however, it does render the potential scope of any study of democratic innovations, even with some qualifications, quite expansive. Without a holistic sense of the field, what is discerned as pertinent to the study of deliberative engagement practices becomes a minefield. There can be equivocation around a particular study's relevance to the research focus, and any attempted circumscription of 'relevant' literature is likely to exclude important work.

Accepting the inherent dilemma of categorisation and the inconsistent use of terminology in the literature, to avoid confusion, the empirical chapters of the thesis have used 'deliberative engagement practices' when referring to the specific actions of local government organisations in Victoria – in line with the terminology used in the legislation – and democratic innovations when referring to the broader institutionalisation of such practices. This is even though the term 'democratic innovations' could, of itself, be considered flawed. For example, Smith (2019) stresses that, as a concept, democracy is more far-reaching than deliberative or participatory spaces. However, it was selected because democratic innovations best encapsulated the focus of the research. As noted previously, the introduction of 'deliberative engagement practices' through the *Victorian Local Government Act 2020* was an attempt to augment the public's role in local government decision-making; in doing so, it aligns with Elstub and Escobar's (2019) definition of democratic innovations as 'processes or institutions that are new to a policy issue, policy role or level of governance, and developed to reimagine and deepen the role of citizens in governance processes by increasing opportunities for participation, deliberation and influence' (p. 11). Of particular importance in this definition is the concept of *reimagining* the role of citizens, Newton (2012) makes that argument that democratic innovations have at their core the intention to 'change the structures or processes of democratic decision-making in order to improve them' (p. 4), this underscores that the practices are intended as more than 'minor modifications' but instead a qualitative break with the status quo.

2.3.2 What is meant by the 'institutionalisation' of the practices?

At first, what is meant by the 'institutionalisation' of democratic innovations may seem evident; however, a literature search found that, much like the idiomatic dilemmas set out in the previous section, the terms 'institution' and 'institutionalisation' are also used in a variety of ways in democratic innovations scholarship. Many scholars conceive of the 'institution' as the deliberative or participatory forum rather than the sponsoring entity that is responsible for the design and development of that forum. As such, when scholars discuss 'institutional design', they are often referring to the democratic innovation itself. An example is Smith's (2009) book *Democratic innovations: Designing institutions for citizen participation*. Although it could be inadvertently assumed that the work examines how to embed citizen participation more thoroughly in decision-making, Smith uses the term to imply 'designing *forums* for citizen participation'. At the same time, there are equally as many references to the 'institutionalisation' of democratic innovations in academic and grey literature. In these instances, scholars are referring to how democratic innovations are 'coupled' with centres of power and other parts of the democratic system (Smith, 2019, p. 577), and these predominantly focus on how these fora have a more central role in the decision-making process (Macq & Jacquet, 2023). This inconsistency in the application of the terms meant that care had to be taken when deciding which literature to draw from and its relevance to this thesis.

Following the OECD's (2020) definition of 'institutionalising deliberation', this research considers 'institutionalisation' as a condition where democratic innovations are incorporated 'into the rules of public decision-making structures and governance arrangements in a way that is legally constituted so as to establish a basic legal or regulatory framework to ensure continuity regardless of political change' (p. 122). This acknowledges that 'institutionalisation' shifts attention from ad hoc initiatives that are not intended as a means of changing established decision-making processes to practices that embed citizen participation within the structures of government and render them 'an integral part of the democratic architecture' (OECD, 2021, p. 5).

2.4 Democratic innovations within the context of extant representative systems

One of the key assertions of this thesis is that any examination of the institutionalisation of democratic innovations needs to consider the context within which they are realised, and therefore, a better understanding of their relationship with representative systems of government is crucial.

As noted earlier, democratic innovations were conceived as mechanisms to counterbalance the perceived deficiencies of elected representation and, therefore, their premise could be understood as intrinsically or conceptually in conflict with representative systems of government. However, whilst some advocates are arguably antagonistic towards elected representation (Van Reybrouck, 2013; Henning, 2017), most theorists concede that democratic innovations cannot be separated from these systems. Much of the academic literature underscores that the outcomes of democratic innovations are largely determined by their political context, particularly the propensity of political actors to share decision-making (Johnson, 2011; Caluwaerts & Reuchamps, 2016; Cornwall, 2004; Parkinson, 2012; Goodin & Dryzek, 2006).

Democratic innovations are, therefore, not necessarily a distinct form of representation; they are a complement rather than substitute for traditional representative democracy and interact in complex ways (Bua, 2019). Wampler (2012a) describes this as a symbiotic relationship with representative institutions to which the practices are 'grafted on' (p. 669). As such, although various schemata offer distinctions between different 'categories' of democracy – for example Haus and Sweeting's (2006) four mechanisms for decision-making (user, participatory, network, and representative democracy) – they need not be conceptualised as mutually exclusive. These typologies are useful in elucidating how decisions are legitimised, along with their relative merits or deficiencies, but they are identifiable in the literature as both competing and *cooperating* elements of democratic practices (Christensen & Grant, 2016, p. 463, emphasis added).

Furthermore, while the normative aspirations of ‘democratic renewal’ might have been the impetus for some scholars, particularly those pertaining to the second generation of scholars (Elstub, 2010), much of the practical application of democratic innovations has been founded on the more functionalist rationales of the epistemic and pragmatic benefits outlined earlier (Bherer et al., 2016). As such, rather than as an alternative to representative democracy, democratic innovations could be considered an expansion of representative democracy (Chambers, 2003). For example, Beauvais and Warren (2019) maintain that deliberative mini-publics were never intended to solve the issue of democratic deficits and that they should be thought of as ways to ‘supplement existing electoral and representative’ systems (p. 901). Arguably, when considered in the light of both epistemic and pragmatic impetus, democratic innovations are essentially premised on *strengthening* the legitimacy of representative institutions by enhancing their ability to produce more informed and reasoned solutions to policy issues (Fung, 2015; Thompson, 2019).

This symbiotic relationship with existing systems of government is an essential context when considering the institutionalisation of democratic innovations. Even if we assume that the commissioning bodies are favourably disposed to democratic innovations and are committed to their outcomes, the undertaking must still be reconciled with entrenched processes of decision-making. In this sense, scholars have conceded that most democratic innovations are not well integrated into formal governance or decision-making processes in ways that effect meaningful change (Smith, 2019; Setälä, 2017). Some have suggested that it is the ‘most important problem these forums face’ because they remain isolated, irregular events (Bandiera & Ferraro, 2017, p. 647) that are employed opportunistically (Fung, 2015). This thesis argues that if the institutionalisation of the practices is an opportunity to move beyond ad hoc ‘deliberative moments’, then greater attention needs to be given to how they are integrated into these decision-making processes.

To this point, academic literature that explicitly examines the relationship between existing representative systems of government and democratic innovations is needed. Some scholars suggest that these crucial

interconnections have not been sufficiently studied (Bandeira & Ferraro, 2017; Setälä, 2017). This may be because to date much of the research focus has been on finding exemplary cases or searching out examples that embody their normative ideals (Smith, 2019, p. 572). By analysing the implementation of the *Victorian Local Government Act 2020* and how democratic innovations are interpreted and implemented by a broad spectrum of local government organisations, this thesis endeavours to contribute to filling this research gap. It is an opportunity to bring a deeper understanding and some clarity to how democratic innovations interact with the 'regular' functions of government and systems of public administration.

2.5 Public managers and the institutionalisation of democratic innovations

In addition to examining the interconnectedness of democratic innovations with representative systems of government, the role of public administration in the institutionalisation of the practices also warrants further attention. While the extent to which different designs or models realise democratic goods is well subscribed in the literature, there has been less emphasis on how they are integrated into public management processes or how institutional constraints influence the practices that emerge. Cooper and Smith (2012) noted that, while the literature on the potential contribution of democratic innovations continued to expand, less was known about the 'intentions, commitments and perspectives of those who organise' these processes (p. 2). This omission is also recognised by public administration scholars who indicate that 'the issues of democracy and participation are under-studied by administrative theorists despite these issues being at the heart of the public nature of public administration' (Kurkela et al., 2023).

While the scholarship may have been modest, public administrators have nevertheless been recognised as having a fundamental role in determining the outcomes of democratic innovations. At a webinar discussing citizens' assemblies, Professor Jane Suiter, who is a long-time scholar and a proponent of deliberative democracy, highlighted that barriers to institutionalising processes are the 'ongoing reluctance within the machinery of government

where policy makers are used to having control, an inertia and a wedding to the status quo' (2021). Suiter's reflections are echoed in a recent article that examined embedding practices in local government in Finland, where scholars underscored how public participation can be in conflict with established government practices and thus embedding these processes can be complicated because they 'cannot be just "added into" existing structures' (Jantti et al., 2023, p. 1533). This is noted by other scholars who have focused specifically on public servants, drawing attention to the fact that their role has changed from being traditionally viewed as administrators guided by 'technical expertise, rationalism, formal rules and procedures' to being increasingly expected to engage and empower active citizens (Blijleven et al., 2019, p. 209). Given that public administrators largely determine the extent of participation, shape the way participation takes place, and decide whether it is valuable to their work (Eckerd & Heidelberg, 2020, p. 133), it is reasonable to suggest that scholarship from this standpoint could provide salient insights for the institutionalisation of democratic innovations. However, studies rarely consider democratic innovations from this position.

Nabatchi (2010), one of the few scholars who explore democratic innovations through the lens of public administration, asserts that scholars need to give critical and sustained attention to the role of public administration in a democracy. They propose a research agenda that contemplates questions such as 'What are the obstacles to greater use of deliberative processes? How do (or might) deliberative processes affect the discretion, power, and control of administrators and other public decision makers?' (p. 392). However, Nabatchi argues that it is the 'moral imperative of public servants to support greater public participation' and then focuses their attention on detailing what is required of public servants to fulfil this imperative. Nabatchi's underlying assumption is that public servants would be mobilised by this 'moral' compulsion. Not only does this assumption infer public servants are operating from similar value frameworks to proponents of deliberative practices, but it also does not address the 'inertia and wedding to the status quo' flagged by Suiter (2021).

Australian scholars Hartz-Karp and Briand (2009b) also consider the influence

of public administration in *Institutionalising Deliberative Democracy: Theoretical and Practical Challenges*. In their analysis, they describe how, despite successes over a four-year period with deliberative democratic practices in the planning and infrastructure portfolio in Western Australia, once the minister who championed the work left, the agency reverted to its substantive 'business-as-usual' community engagement practices. They explain that this retreat was in part because the government department responsible had never felt comfortable with the practices that had been 'foisted upon them'; beset by staff shortages and inadequate time and money, they reverted to more traditional community engagement (Hartz-Karp & Briand, 2009a, p. 128). Whilst the authors recognise this tension with public managers, later in the article, when discussing how institutionalisation requires commitment from all stakeholders, they only specifically refer to ways to better engage with elected representatives; they are silent on the matter of public administration.

A critical analysis of these few scholarly contributions suggests that, whilst there is sometimes an indication that scholars recognise the importance of the broader governance ecology, further elaboration does not seem to occur. Instead, this aspect is subsumed by assumptions that public managers will diligently and capably support democratic innovations once their benefits are better understood and mandated by the authorising environment – that the benefits of institutionalising democratic innovations will prevail despite them presenting 'certain costs, difficulties, and limitations' (Hartz-Karp & Briand, 2009a). This thesis problematises these assumptions, and as such, provides a perspective that is less explored in extant frames of reference.

2.6 Existing theoretical constructs for institutionalising democratic innovations

As noted earlier, in democratic innovations scholarship the term 'institution' is used predominantly to describe the deliberative *forum* or *practices*, not the organisational *structures* that enact them. As such, analysis of theoretical constructs related to the 'institutionalisation' of democratic innovations is not straightforward. For example, in their seminal book *Deepening democracy: innovations in empowered participatory governance*, Fung and Wright (2001)

contend that scholarship needed to detail and evaluate the *institutional designs* which advanced values of deliberation and citizen empowerment. Similarly, Smith (2009) laments a continued failure to systematically engage in the 'messy' and detailed task of *institutional design* (p. 12). However, these scholars are not necessarily referring to the structures of decision-making, but rather, the practices themselves. As such, an examination of how scholars conceptualise the effective institutionalisation of democratic innovations (from the standpoint of this thesis) needed to be cautious to not conflate the two distinct frames of reference. Taking this complication into account, the following sections consider insights around institutionalising democratic innovations that can be drawn from the existing theoretical and empirical literature.

2.6.1 Institutionalisation through establishing constituent conditions

As noted earlier, a large portion of the literature on democratic innovations is focused on identifying the constituent conditions for their effective realisation. Within this literature, there are some indirect accounts of how the practices interact with decision-making structures that are examined in this section through the work of three eminent scholars in the field.

In *Survey Article: Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences,* Fung (2003) outlines the key design choices that policy actors implementing mini-publics need to consider. These include consideration of questions such as: what should the mini-public do?; how should individuals come to participate in a mini public?; and, what issue will participants consider? Of the eight design choices Fung proposes, only one implicitly refers to the governance system through asking: how will results of the mini-public influence public decisions? In a later work, Fung proposes a 'democracy cube' (2006) with three dimensions for the design of 'participatory democratic institutions', which they argue affect how different democratic principles are realised. These include participant selection, communication and decision, authority, and power. Again, the consequential impact of the democratic innovation is acknowledged as being linked to 'authority' however further insight is absent. In both works, Fung draws our attention to contingent

features for *designing* a democratic innovation, but only broadly references the context within which these features exist.

In *Democratic innovations: Designing institutions for citizen participation*, Smith (2009) analyses several democratic innovations to understand the relationship between institutional design and the realisation of six 'democratic goods': inclusiveness, popular control, considered judgement, transparency, efficiency, and transferability. In the description of 'efficiency' Smith acknowledges that democratic innovations place demands on citizens and public authorities, and these must be considered. They provide the example of Porto Alegre, where public authorities had to be willing to undertake 'significant bureaucratic restructuring' and ensure commensurate investment to effectively embed participatory budgeting. Whilst recognising that the level of 'acceptable burden' on institutions is likely to be highly contextual, Smith argues that this is informed by comparing the required investment with the 'perceived costs and benefits of *not* embedding participation within the decision-making process' (p. 26, emphasis original). Smith also later suggests that these high costs are 'typically viewed as worth paying given the unattractive alternative' (p.181). Smith, therefore, seems to infer that the normative value of these practices will be compelling enough to counterbalance their 'burden'.

For their part, Dryzek (2009) offers a 'deliberative capacity building' framework that describes the extent to which a political system possesses the requisite structures to host deliberation. Whilst at first glance this framing seems consistent with the aims of this research, deeper analysis of the three characteristics Dryzek proposes - authentic, inclusive, and consequential – reveal that, like Fung (2003, 2005), their focus is on deliberative practices and how they are designed. While these are critical, they nevertheless do not speak to the democratic architecture that underpins the proposed functions.

As seen from this section, whilst scholars may differ in the conditions they propose as essential for the institutionalisation of democratic innovations, they consistently look towards how procedural aspects and forums are designed. This is perhaps what Pateman (2012) was alluding to when they stated, 'the

primary interest of advocates lies in the process of deliberation inside deliberative forums, they are not usually concerned with the structural features' (p. 10). When scholars do acknowledge structural features, they do not appear to go further in exploring the dynamic between the deliberative space, elected representatives, and public administration. For example, although Smith (2019) recognises the resource impost, they anticipate that the perceived benefits of democratic innovations will be sufficient to justify and motivate faithful implementation by the policy actors responsible. Policy actors tasked with operationalising democratic innovations are therefore broadly perceived as sufficiently dedicated and capable of enumerating the practices once they appreciate the public good that derives from them.

2.6.2 Institutionalisation through a systems approach

As noted earlier in this chapter, the fourth generation of deliberative democracy theorists looked beyond isolated 'deliberative desiderata' (Goodin, 2005) to examine the relationship between deliberative and non-deliberative practices in the political system. They take what is referred to as a 'systems approach', which conceptualises deliberation as a 'communicative activity that occurs in multiple, diverse yet partly overlapping spaces, and emphasises the need for interconnection between these spaces' (Elstub et al., 2016, p. 139). As such, scholars in this generation are perhaps more epistemologically suited to accounting for the limitations identified in the previous section. In fact, Dean (2023) suggests that deliberative systems theory recognises the importance of public administration and attempts to incorporate it within its 'orbit'. This section provides an overview of some of the most prominent scholars to examine this apparent congeniality.

In the seminal work, *A systemic approach to deliberative democracy*, Mansbridge et al. (2012) state that most democracies are complex entities in which a wide variety of institutions, associations and sites of contestation accomplish political work (p. 2). They argue that a deliberative system approach allows for the appreciation of each of these entities and the 'division of labour' amongst them. Therefore, they propose that studies should go beyond

examining individual institutions and instead explore their interdependence and interaction in the system as a whole. Mansbridge et al. directly identify public administrators several times in examples and in their arguments. They list them as one of the institutions in the system; they list them when noting that ‘each set of players has its own agendas and points of view’ (p. 6); and again, when discussing the ‘map of nodes in deliberative systems’ (p. 10). They also reference administrators when discussing pathologies that threaten deliberative systems, stating that the system ‘suffers when citizens, legislators, and administrators are so divided, they will not listen to positions other than those emanating from their side’ (p. 24). Mansbridge et al. argue that ‘looking only at a part of the system can cause one to miss significant phenomena that affect deliberation’ (p. 8), and, therefore, there is some alignment with the premise of this thesis. However, their key focus is advancing a deliberative systems theoretical approach; therefore, whilst they recognise administrators as part of the system, they do not offer any additional insights into these specific policy actors.

Dean (2023) concedes that democratic theory has tended to have a blind spot for public administration, conceiving of it as a neutral process of implementation and that few scholars have concertedly explored this in deliberative systems approaches. Like Mansbridge et al. (2012), Dean (2023) recognises that public administration should be considered a specific system component with its own legitimacy functions and relationships (p. 6). However, Dean expands on this by also pointing out that public administration is founded on claims to technocratic competence and the separation of policy functions from the influence of political pressure, proposing that these standards of effectiveness and efficiency may be in tension with those of democratic innovations (p. 10). Finally, Dean also highlights that public administrators are not directly accountable to the public like elected representatives, creating distinct differences in how these policy actors understand and generate legitimacy for their actions. Dean clearly identifies the incentive structures and how they may impact the operationalisation of democratic innovations, thus providing salient points that this thesis explores further by examining how the inherent tensions Dean identifies are reconciled by the policy actors functionally implementing the

practices.

As seen from this section, whilst a systems approach is more cognisant of the instrumental role that public administrators play in a deliberative system, its impetus is to focus on the interplay between different components of the system. Scholars identify some of the tensions but do not necessarily explore how they manifest in democratic innovations and their practices, as this thesis proposes.

2.6.3 Institutionalisation through a practice-based lens

Alongside a substantial amount of academic analysis, there are some sector-led proponents that have contributed to discussion regarding the institutionalisation democratic innovations. The two primary advocates are the OECD and the newDemocracy Foundation, with some more recent contributions from People Powered.

The OECD's contribution is perhaps most salient for this thesis because it has examined institutionalisation in two publications. Beginning with its *Catching the Deliberative Wave* report, the OECD (2020) suggests two key aspects are required to sustain institutional change for democratic innovations: legal and cultural. As such, according to the OECD, in addition to being incorporated into the formal rules of decision-making structures and governance arrangements, the practices necessitate organisational cultural change. The OCED describes how elected representatives and civil servants tend to see decision-making as their role and how they are usually sceptical about the competency of ordinary people to address complex problems. To address this and create cultural change, the OECD suggests increasing opportunities for these policy actors to witness deliberative processes and consequently they begin to see the potential benefits. Aligned with this, they also advocate for dissemination events, specific training, and career or salary incentives. Whilst recognising the need for cultural change is notable, it is also important to consider that this proposed 'solution' relies heavily on normative assumptions about the outcomes of deliberative processes, as well as the utilitarian value these policy actors would place in

pursuing their institutionalisation.

Providing more nuanced insight is the subsequent Policy Paper entitled *Eight ways to institutionalise deliberative democracy* (OECD, 2021). The OECD outlines various models that could be used to integrate deliberative processes in the democratic decision-making architecture. These include:

- combining a permanent citizens' assembly with one-off citizens' panels
- connecting deliberation to parliamentary committees
- combining deliberative and direct democracy
- standing citizens' advisory panels
- sequenced deliberative processes throughout the policy cycle
- requiring public deliberation before certain types of public decisions
- giving people the right to demand a deliberative process
- embedding deliberative processes in local strategic planning.

(OECD, 2021, p. 11).

For each model, examples and considerations for their application were provided. While most considerations highlighted the 'significant efforts' required to align the practices to the institutional and social context, there was conspicuously little offered beyond this recognition. One exception was the Toronto Planning Review Panel case study where the OECD proposed 'having sustained leadership within the convening public organisation is imperative' (p. 24). Through the case study, the OECD explains that deliberative processes must generate buy-in at the senior leadership level and align with the organisation's strategic decision-making. Otherwise, they are susceptible to the impact of changes in project managers (p. 25). Later in the report, under the section '*What to consider and whom to involve when planning for implementation*', the value of providing support and capacity building to public servants is reiterated, along with a recommendation that public authorities should establish an office permanently in charge of deliberative processes that is 'funded by the public authority, but at arm's length to stay unbiased and trustworthy' (p. 32). Interestingly, the case study for this thesis research, the *Victorian Local Government Act 2020*, is also included in this publication as an

example of ‘embedding representative deliberative processes in local strategic planning’. Under considerations for the *Victorian Local Government Act 2020*, the OECD is relatively optimistic, highlighting that this legislation contributes to changing the culture of both councillors and public managers so they see the ‘public as a resource rather a risk’, guiding municipalities ‘on a path of continuous learning and continuous improvement which will build deliberative infrastructure over time’ (p. 30).

Perhaps given the pragmatic nature of their premise, both OECD publications more thoroughly unpack some of the constraints and motivations of public administration actors, providing an account of how these would need to be addressed for the institutionalisation of democratic innovations. As such, they provide useful springboards for the focus on this thesis.

Moving on to the newDemocracy Foundation, this prominent advocate of deliberative democracy has also made some, albeit more modest, contributions to the topic of institutionalising practices. It was commissioned by the United Nations Democracy Fund to create a handbook titled *Enabling National Initiatives to Take Democracy beyond Elections* (2018a), which is described as a ‘how-to’ guide for designing and operating more substantive and considered ways to make trusted democratic decisions (p. 11). In the section titled ‘For Department Heads’, there is information about how the processes need reasonable amounts of time and investment; however, readers are asked to consider the ‘massive return on investment’. The handbook goes on to list ‘increased trust between elected officials and community; greater shared understanding of challenges and opportunities; and, new, highly informed and considered ideas for implementation that are well supported by the broader community’ (p. 69), as the proposed benefits department heads can expect as a return on this investment. As such, much like the scholars referred to earlier, the newDemocracy Foundation also seems to consider the potential benefits of democratic innovations compelling enough to counterbalance their organisational impost.

A scan of the newDemocracy Foundation website also reveals extensive research regarding the rationales and applications of deliberative democracy, however their Research and Development notes tend not to explore the role of public administration. One interesting report that did emerge was on the learnings from the implementation of the *Victorian Local Government Act 2020* that newDemocracy Foundation was commissioned to write by New Zealand's Department of Internal Affairs. This commission was part of New Zealand's review of its local government legislation, which considered mandating deliberative engagement requirements similar to Victoria. The report provides some relevant insights for this thesis, it states: 'it is one thing to insist on *deliberative engagement*, it is quite another to expect that local and state governments are equipped to handle its implementation' (p. 3, emphasis original). The note identifies some of the key issues for implementation, including the absence of examples of deliberative designs or practical support for implementing this relatively unknown process. Therefore, it acknowledges that the local government sector's preparedness for the application of the practices was lacking. It also identifies 'staff turnover' as an issue with regard to building organisational capacity, suggesting that for this to be mitigated, communities of practice that share knowledge need to be established.

Although it has produced significantly less research than the OECD and the newDemocracy Foundation, the work of People Powered is worth noting. It conducted an analysis of 11 countries that had legislated participatory budgeting and found that the degree of implementation varied between some laws not being implemented at all, others implemented in a piecemeal fashion, and others that waxed and waned according to the political will of local regulators (People Powered, 2021, p. 5). This research demonstrates that even when legislated, the practices are not necessarily embedded effectively into decision-making processes. To address this, the report recommends that government reformers build a coalition of support for the practices, design them in a context-specific manner, delineate clear specifications for the design and implementation, and offer incentives that are supported with adequate funding rather than rely on mandates (p. 7).

Whilst it could be said that the sector-led literature examined in this section has greater emphasis on the practical application of democratic innovations and is therefore conceivably more attuned to the role of public administration, particularly the OECD, this section demonstrates that significant gaps remain in understanding. A more complete examination of how democratic innovations are embedded in the practices of public administrators and some interrogation of whether agreements around the 'return on investment' are resonant with these policy actors would be worthwhile.

2.7 Examples of the institutionalisation of democratic innovations

To situate the study in some of the empirical literature, the following section explores examples and case studies relevant to the institutionalisation of democratic innovations. The examples included are ones where practices had been incorporated into the formal rules of government decision-making and where scholarship considered the role of public administrators. While the number of studies that provided relevant information was relatively limited, they nonetheless offered salient insights for this study.

2.7.1 Local government legislation in the United Kingdom

The United Kingdom has what could be considered a long-running history of embedding public participation through legislation, spanning back to what is referred to as New Labour's 'democratic renewal' agenda which commenced over 20 years ago. Through legislation such as the *Local Government Act 2000*, new institutional arrangements were developed which, amongst other things, required local authorities to consult with and involve the public in decision-making on an ongoing basis (Lowndes & Wilson, 2001).

In contrast to the other aspects of the democratic renewal agenda, the government did not pursue a prescriptive approach in the case of public participation, allowing local authorities to decide which methods were most appropriate to their specific circumstances (Lowndes & Wilson, 2001). In their analysis, Lowndes and Wilson (2001) found that the institutional design choices

made by local authorities were crucial in determining whether groups of citizens were able to gain access to decision-making, whether decision-makers had a capacity to respond, and whether certain groups were privileged over others regarding the influence they exerted (p. 641). This meant that local authorities had significant discretion, to which Lowndes and Wilson warned there was a danger that 'new participatory institutions may be effectively hijacked by those involved in the management of local services' (p. 637). Lowndes and Wilson propose that there needs to be greater emphasis on the social capital value and benefits that could be derived from public participation and incentives for local authorities to pursue these practices.

This analysis of the same legislation was also supported by other scholars who suggested that 'in the absence of a clear articulation of democratic priorities and values' practices emerged that, instead of shifting deeply embedded institutional norms, have instead been adapted to reinforce institutional priorities and values (Pratchett, 2004, p. 372).

Also in the United Kingdom, the *Community Empowerment [Scotland] Act 2015* is an interesting example of government legislating public participation under the banner of pursuing democratic renewal. The overall purpose of the Act was to strengthen communities' voices in decisions about public services and increase community ownership or control of land and buildings (What Works Scotland, 2019). Since its inception, the Act is reported to have resulted in at least 300 participatory budgeting processes (Bynner et al., 2023) and has been described as a 'unique site for the study of participatory systems and the political and administrative cultures that enable or hinder their development' (Escobar, 2022a).

In an analysis of the Act's outcomes, What Works Scotland (2019) highlights that some of the key challenges faced regarding its implementation were that participatory processes required long term resource commitment, ongoing learning, and adaptation, and 'sometimes institutional reform'. In a section discussing implications for 'policy and practice', the report suggests investing in capacity and skills and stresses the importance of 'fostering a participative

culture in public authorities'. The report states that commitment and buy-in is particularly required at a strategic, political, and senior management level, and that administrative reforms such as procurement practices or staff recognition and promotion criteria may support this change. Another What Works Scotland report primarily focused on practices in West Dunbartonshire also found that 'while resources, methods, planning mechanisms and communications may be important, values and attitudes were regarded as by far the most significant driver or barrier to change' (Bynner, 2015, p. 26). This position is reiterated in research conducted eight years later, which identifies culture change as important for improving public participation because it 'was regarded as very much an add-on and seen as just another demand' (Bynner et al., 2023, p. 10).

Reflecting on the *Community Empowerment Act 2015,* researchers found that although it had increased the impetus to engage citizens on one hand, on the other, longstanding civic, political, bureaucratic, and professional cultures had also inhibited the extent to which this engagement was meaningful and had impact. They suggest that 'there is a tentative balance to maintain between the old governance practices, formats and formalities and the new interactive communication patterns and thinking that official facilitators seek to engender' (Bynner et al., 2023, p. 15).

2.7.2 Local government legislation in Italy

The examples from the United Kingdom suggest that capacity building, clear guidelines and organisational cultural change are needed for the institutionalisation of democratic innovations. Regarding this, the Tuscany Regional Participation Policy (Law 69/07 and later Law 46/2013) is an interesting case to consider as it actively addresses two of these limitations by providing both clear guidelines and financial support to local governments undertaking these practices.

Like most of the examples this section explores, Law 69/07 was established to 'renew democracy and its institutions by integrating them with practices, processes and tools of participatory democracy' (Participedia, n.d.). However,

unlike the examples examined so far, Law 69/07 was formulated through a participatory process that sat alongside the formal procedures typically applied to develop regional legislation. During its development, the legislation was informed by a large number of local authorities, professionals, members of grassroots groups, associations, and interest groups, as well as academics and ordinary citizens across Tuscany who contributed to defining the goals, contents, and features of the law. Therefore, from its inception, its proponents endeavoured to translate the normative principles of deliberative theory into institutional practice (Lewanski, 2013), creating a sense of ownership and shared understandings for the practices that would emerge.

Rather than mandating participatory processes, Law 69/07 encouraged voluntary cooperation and sought to build capacity for deliberative practices through the provision of financial incentives and methodological support to local administrators. This was administered through an authority that was created through bipartisan decision-making support and was allocated an annual budget of €1 million. The authority was tasked with ensuring the integrity of deliberative processes by providing financial assistance and impartial guidance, along with a regional database of case studies, information, and training (Lewanski, 2013).

Through the authority, 113 deliberative processes were funded over five years. However, despite having mobilised many policy actors during its formulation, Law 69/07 attracted public criticism regarding how processes were supported and selected by the ‘monocratic’ authority (Ravazzi, 2017). Later, a second iteration of the law (46/2013) was accompanied by more prescriptive guidelines that provided clear parameters for deliberative processes that would be financially supported. These included a pre-commitment by the promoting institution to take the outputs of the process into serious consideration, careful attention to the provision of information, maximal inclusiveness in the selection of participants, equal expression of all viewpoints, and the use of specific tools and professional skills for the management of the processes (Ravazzi, 2017, p. 87). This, however, also attracted some criticism from public participation professionals who felt that imposing specific designs not only required a great deal of resources but also tended to make the practice of public participation

more rigid (Bherer et al., 2016).

The barriers and failings noted by researchers with regard to the legislation in the United Kingdom were mostly addressed in the Tuscan case. There was a collective understanding of the practices that were being advanced by the law, buttressed with financial support for those organisations that pursued deliberative processes. However, researchers still found limitations in the law's implementation. Ravazzi (2017) reports that most experts and civil society leaders were concerned that a bureaucratisation of deliberative practices would lead to their co-option and 'regimented civic engagement', and for their part, public administrators were 'worried about the possibility of perverse effects on local policy-making', such as the increased workloads and lengthier policymaking processes (p. 90). As such, the integrity and legitimacy of the practices were still questioned, as was the more pragmatic aspect of having sufficient organisational resources.

2.7.3 Local government legislation in Finland

In Finland, local councils are responsible for enabling citizen participation and have played an active role in promoting citizen participation over the last two decades with the introduction of the *Local Government Act* (410/2015) and the *Land Use and Building Act* (132/1999). These both mandate citizen participation; as a result, Finnish local governments have introduced a range of mechanisms to systemise public participation.

Taking a rare public administration lens to the practices, Kurkela et al. (2023) sought the key organisational elements that enable citizen participation and focused their research on local government organisations. They examined the City of Helsinki, which had applied its practices in a particularly extensive, ambitious, and well-resourced manner. In this city, each division has its own participation plan, and its program is regularly monitored and reported. In addition, the principles of participation have been integrated into the administrative rules of the city at the strategic level and thus guide the actions of the entire organisation.

Kurkela et al. (2023) found that there are a variety of organisational structural issues that are important to consider which enhance public participation and that these practices require changes to institutional culture and attitudes. To reinforce organisational culture, they identify the management of citizen participation as a key issue, stating that a systems approach with strong support from management is needed. They determined that administrative rules and principles steer how participation is organised, and that, whilst the legislation mandated practices and provided some guidance, further structure is needed at an organisational level. They propose that more enabling organisational structures require rules and delegated authority so that responsibility and leadership for participation is across the whole organisation and not reliant on a handful of champions.

2.7.4 Participatory Budgeting in Brazil

Participatory budgeting emerged in Brazil and, without ever being enshrined in legislation, nonetheless became an entrenched mechanism for involving the public in government decision-making, creating an institutional blueprint around the world (Montambeault, 2019; Wampler, 2012b; Ganuza & Baiocchi, 2012; Christensen & Grant, 2016).

Whilst much has been written about participatory budgeting, there is relatively little literature that focuses on the role of public administrators. However, one study was particularly relevant to this thesis as it applied a similar theoretical lens, as such the work of Montambeault (2019) has been included.

Taking an institutionalist approach to their research, Montambeault (2019) found that, while seemingly stable, participatory budgeting processes had, in fact, adapted over time as a direct result of the choices and influence of public administrators. Montambeault determined that, while public administrators did not directly challenge the existence of participatory budgeting processes, they markedly changed the practices by redefining and adapting the methodology and scope of each participatory budgeting cycle according to their own priorities, interests, and agenda (p. 34). This transformation has been

substantiated by other scholars who noted that Porto Alegre's participatory budgeting regime has been 'stifled overtime by the council's technocrats' (Bua & Bussu, 2021, p. 721).

2.7.5 From latent accounts to a concerted focus

Collectively, the examples in this section demonstrate how public administrators have consequential influence over how democratic innovations are interpreted and applied, and, therefore, how they are institutionalised. Whilst the examples are not extensive, they illustrate that assumptions that public managers will earnestly implement democratic innovations once mandated are problematic. These studies give confidence that this thesis's focus is germane.

It is also interesting to note much of the literature cited in this section relayed latent accounts of public administration, scholars were mostly concerned with other topics entirely, however, the two that have a concerted focus on public administration (Bynner et al., 2023; Kurkela et al., 2023) were published in the last year. It is therefore possible that this thesis belongs to a nascent and emerging area of study within the field.

2.8 The tension between emancipatory potential and utilitarian constraints

The examples in the previous section indicate how the emancipatory potential that drives much of the scholarship and advocacy for democratic innovations can be compromised during implementation. This, in part, has been noted by some scholars who found that 'in practice, and despite a plethora of rhetoric, participation has continued to be a chimera, consigned at best to the periphery of public service production' (Osborne & Strokosch, 2022, p. 182).

Escobar (2022b) suggests that this is because the field of democratic innovations is at a stage where its strong roots in normative theory is encountering the brute forces of reality and discovering its own bounded rationality spaces; they describe it as being stuck 'between radical aspirations and pragmatic challenges'.

However, others argue that it is a product of the disjuncture between theory and empirical research (Thompson, 2008; Mutz, 2008). Thompson (2008) states that the objection prompted by empirical studies – that deliberative theory is not realistic – misses the point because theory is not supposed to accept as a given the political reality; it is meant to challenge it. That is, it is intended to be critical, not acquiescent. Thompson suggests that an approach for empirical research is to continue trying to discover the conditions needed and to what extent unfavourable conditions could be changed (p. 500). This is similar to Kadlec and Freedman (2020), who argue that the field can only progress through actively engaging in dynamic relationship between theoretical speculation and practical consideration (p. 3). It could be argued that this approach underpins much of the empirical research on democratic innovations. However, as the literature in this chapter demonstrates, much of the focus to date has been on the requisite conditions and the design spaces of democratic innovations, not the architects of those spaces. In the context of this research, by analysing how legislative reform that aims to improve democracy is operationalised, a better understanding of how institutional conditions constrain or enable the emancipatory outcomes so often touted for democratic innovations will be gained.

Furthermore, this study aligns with Felicietti's (2021) position that greater attention is needed regarding the pragmatic dimension informing policy actors' choices. It seeks to uncover what might be contributing to the 'institutional stickiness' that Lowndes (2005, p. 296) describes, whereby the practices of government have mostly continued unchanged despite decades of reforms that attempt to shift the citizen–government relationship.

2.9 Democratic innovations in a local government context

As a final aspect of the literature review, it is important to acknowledge that the research is situated in an Australian local government context. Without going into detail about local government and its functions, this section outlines how democracy is viewed vis-à-vis local government and then specifically how democratic innovations have so far been received within the Australian local

government context.

2.9.1 Local government as the coalface of democratic innovations

Whilst democratic innovations have occurred across all levels of government, they have been particularly applied at a local government level. For example, over half of the 282 cases that the OECD (2020) considered in its analysis of deliberative processes were based on a local government level (p. 70). Alongside this, enhanced public participation has been decidedly acute in reform agendas at a local government level (LeSage & Garcea, 2005; Cooper & Smith, 2012) to such an extent that it can confidently be posited that involving citizens in policymaking is generally considered common practice for local governments, and much more so than for other levels of government (Michels, 2012; Bua & Escobar, 2018).

Generally, the tendency for practices to be situated at a local government level has been coupled with the common perception that, because of its proximity to 'the people', local government is the level of government most suited to greater public participation (Bherer, 2010; Copus, 2003; Wampler, 2012a; Pratchett, 2004; Lowndes et al., 2006). However, in addition to the premise that local government is the natural domain for public participation, there is an assumption that it has greater emancipatory potential, that it is the level of government where citizens are more likely to become educated about democracy and exert greater political influence (Lepine & Sullivan, 2010). This argument has its roots in 19th century political thought (mainly that of John Stuart Mill) and maintains that local institutions of democracy are the most accessible locations for political skills to be acquired and practised and, in so doing, local government is an instrument of social inclusion (cited in Pratchett 2004, p. 360). In addition, it is argued that, by providing opportunities for participation, local government can influence not only people's competence, but also their appetite for civic participation (Lowndes & Wilson, 2001). As such, participation becomes not an end in itself, but rather, local democracy fosters democratic citizenship (Pratchett, 2004). Interestingly, it has also been suggested that calls for public participation at the local government level could

be considered a way of mediating and organising preferences *away* from the site of political decision-making (Grant & Drew 2017, p. 257 emphasis original).

Irrespective of its propositional framing, local government is clearly considered a testing ground for enhancing democratic capabilities, and more broadly, democratic innovations. Yet despite this, research specifically focusing on a local government context has been mostly neglected (Kurkela et al., 2023). Furthermore, despite fundamental reform and increased expectations for public participation at a local government level, there is limited empirical research to guide local government organisations and improve their capacity to implement change.

2.9.2 Democratic innovations in an Australian local government context

Almost 50 years ago, Robbins stated, 'if there is a desire to foster a "democratic culture" in Australia, one of the most promising areas in which to experiment would be that of local government' (1978, cited in McDonnell 2021 p. 215). However, Aulich (2009) explains that, historically, citizen involvement in Australian local government has fallen largely within the confines of 'indirect participation', where government has simply offered a degree of access to those participants who choose to be involved (p. 46). More recently however, there has been an increase the scale and scope of community engagement practices (for a detailed analysis of theory and practice in the Australian local government context, see Grant & Drew, 2017).

This increased interest may be aligned to the reported decline in citizens' trust in Australian democracy and the apparent appetite for reforms that enhance public participation (Stoker et al., 2018). Democratic innovations have also seemingly gained interest in local government in Australia. For instance, a survey of 175 councils across four Australian jurisdictions found that one-third of councils intended to use participatory budgeting, deliberative group methods, and co-design in the future (Christensen & McQuestin, 2019). The same survey also found that, of the different community engagement methods councils deliver, deliberative methods were the only ones that council staff expected to

do more of in the future compared to reducing the number of traditional methods (p. 463). It could be argued that this is aspirational, and it is questionable whether this level of practice will be actualised; regardless, there is a clear sense of expectation to work in this manner.

Whilst the concept of democratic innovations seems to have taken root at a local government level in Australia, Aulich (2009) is one of few scholars who considers the capacity of local government to promote this agenda. Aulich flags concerns about local government's capacity to apply participatory governance arrangements, particularly in a regional and rural local government context, arguing that they are poorly placed to assume the type of leadership required to advance the practices (p. 56). Aulich also highlights that, while many local governments have facilitated higher levels of consultation, the practices have not yet been accepted as a fundamental right of communities or assumed a formal place in governance.

Much like the study of democratic innovations in a local government context more broadly, whilst clearly in the ambit of reform agendas, there is insufficient empirical research to determine how the practices are embedded in the existing governance systems of Australian local governments.

2.10 *Catching up* to the deliberative wave

Despite scholars having recognised that the pragmatic implementation of democratic innovations is unlikely to meet their normative ideals, the enthusiasm and uptake of these practices has, thus far, not slowed. Democratic innovations have benefited from continued advocacy from various organisations (DemocracyNext, newDemocracy), and public participation remains a focal point for action in public service reform (What Works Scotland, 2019). In fact, the topic of this study, the *Victorian Local Government Act 2020*, is an example of how the promise of deliberative engagement is persuasive. A further example is in New Zealand which has shown interest in the Victorian reforms and is considering similar changes to its local government legislation (Department of Internal Affairs New Zealand, 2022, p.10).

Mutz (2008, p. 536) cautions that once a phenomenon acquires momentum like the deliberative democracy movement has, it seldom slows down for the purposes of advancing scientific understanding. As the literature discussed in this chapter shows, Mutz (2008) correctly finds that democratic innovations are implemented with little questioning of their value because advocates genuinely believe that democratic renewal is an intrinsic outcome of the practice. This study argues that it is necessary to interrogate the conditions within which democratic innovations occur more thoroughly, or at least acknowledge a more resistant reality. To this point, whilst the OECD (2020) report was framed as 'catching the deliberative wave', it is perhaps more appropriate to consider the need to catch *up to* the deliberative wave.

The *Victorian Local Government Act 2020* presented an opportune case study to meet this purpose and contribute to the research gaps identified throughout this chapter. With all 79 councils across the state developing a range of 'deliberative engagement practices' for the same strategic documents at the same time, it was a unique opportunity to examine the inevitable range of perspectives, interpretations, and approaches, whilst also determining the more dominant paradigms. Furthermore, whilst most case studies on deliberative engagement practices have needed the endorsement of their authorising environment to proceed, in the context of this legislation, the practices were met with a wide spectrum of positions – some supportive, some indifferent, and others expressly combative. This provided a more expansive view of how the practices were understood and operationalised, and therefore, a more comprehensive knowledge about how they might be institutionalised.

2.11 Conclusion

This chapter established that research on democratic innovations is both extensive and ever-evolving. Within this expansive body of literature, the chapter situated this study around the institutionalisation of democratic innovations. The chapter outlined how, while democratic innovations may have been conceived as a counterbalance to the perceived deficits of representative systems, they nonetheless have a symbiotic relationship with those systems,

and this is relatively underexamined in academic literature. To further qualify the research gap, the chapter highlighted that, whilst scholars acknowledge the instrumental role public managers play in the realisation of democratic innovations, further elaboration is required.

Having established the research focus on public administration, the chapter examined some key theoretical contributions on the institutionalisation of democratic innovations through this lens. It found that while scholars differed in their understanding of the enabling conditions for institutionalisation, they consistently looked towards procedural aspects, or constituent parts, rather than how democratic innovations are integrated into the overall system that operationalises them. The chapter also considered some of the contributions made by sector-led proponents of institutionalising democratic innovations. Although limited, consistent references to the relevance of organisational cultures, the resource impost of democratic innovations, and a need for capacity building in the public sector were found. However, having recognised some of the barriers, proponents tend to envisage that the normative value derived from democratic innovations will be compelling enough to counterbalance their 'burden'.

To situate the study in some of the empirical literature, the chapter explored examples of how democratic innovations have been implemented in the United Kingdom, Italy, Finland, and Brazil. Collectively, these examples indicate that the emancipatory potential that drives much of the scholarship and advocacy for democratic innovations can be compromised by the utilitarian constraints of their implementation. The chapter briefly pointed to the local government context of the research, highlighting the common perception that local government is the natural domain for public participation, and provided a short account of how public participation has evolved in Australian local government.

Finally, the chapter explained how the *Victorian Local Government Act 2020* presented a unique opportunity to examine some of the research gaps identified in the literature. Through an investigation of how deliberative engagement practices are interpreted and implemented by local government in Victoria, the

thesis contributes to the literature and furthers the extant knowledge on the institutionalisation of democratic innovations.

Chapter 3: Democratic innovations through the lens of institutionalism and public value

3.1 Introduction

The previous chapter established the need for a more comprehensive understanding of how the structures of public administration impact the way democratic innovations are realised. In response to this need, this chapter proposes that both institutionalism and public value theory provide a constructive lens for investigating this research focus.

The chapter begins with providing an outline of institutionalist theory, explaining why this theoretical construct was selected and how it relates to the study of democratic innovations. It then moves to public value theory and elucidates why it was considered a useful heuristic for studying the role of public administration in the institutionalisation of democratic innovations. After introducing the two theoretical approaches, the chapter discusses how they differ in ontological frames of reference and how these differences may at first appear incongruous. However, the chapter explains how they were used distinctly in the research approach (which is outlined in the next chapter) and how applying these two theoretical approaches collectively uncovers new understandings for the institutionalisation of democratic innovations. The chapter concludes with a description of the analytical framework that was developed for this research and guided the initial stages of data collection.

3.2 An institutionalist lens

Institutions have been referred to as ‘phenomena that produce stable, valued and recurring patterns of behaviour’ (Huntington, 1968 cited in Lowndes & Roberts, 2013, p. 3), or the ‘regulative, normative and cultural-cognitive elements that together with associated activities and resources, provide stability

and meaning' (Scott, 2014, p. 56). As an extension of this, it is important to note that, through the lens of institutionalist theory, 'institutions' are not organisations, they are the rules and conventions that provide stability and allow political organisations to function.

The study of institutionalism was initially concentrated on the importance of rules and structures in defining public sector organisations; however, it later evolved into 'new institutionalism', which expanded its focus from formal rules and structures to the ways in which individuals both affect and are affected by institutional settings (Bevir, 2008, p. 111). Whilst there are different schools of thought within 'new institutionalism', each stemming from a different ontological position (e.g. rational choice and sociological – for a full account, see Lowndes & Roberts, 2013), at their core, each sub-field invariably explores the nature of institutions, how institutions influence behaviour, and how institutions change.

> Old and new approaches [of institutionalism] have much in common: both approaches are concerned with the way in which particular organisational forms become 'legitimated', inscribed with cultural value over and above an instrumental concern with efficiency or even material outcomes (Lowndes & Roberts, 2013, p. 23).

An institutionalist approach argues that the agency of policy actors (including elected representatives and public managers) is shaped by the intrinsic constraints or incentives of their institutions, thereby rendering 'certain courses of action more or less possible and more or less attractive' (Ostrom, 2019, p. 38). Furthermore, Lowndes and Roberts (2013) suggest that patterns of behaviour are mediated through three key 'modes of constraint':

- *rules* – the formal mechanisms that tell actors what behaviours are officially required, permitted, or prohibited within a particular setting
- *practices* – signal to actors the conduct that is approved or disapproved of in a particular setting; they are adopted via observation and copying, sanctioned through displays of disapprobation or social isolation
- *narratives* – provide actors with persuasive accounts or shared understandings of why particular behaviours should characterise a particular setting; they are expressed through both spoken and written

word and enacted through explanation and persuasion.
(Lowndes et al., 2006; Blanco et al., 2022)

Table 3.1 (below) explains how each of these modes of constraint are not isolated, they interact so that each informs the other. For example, although it stands to reason that practices emerge based on rules, this is not always the case; practices can sometimes be informed by narratives that have been created to justify them, which themselves may or may not have been validated by formal rules. It is the interplay of the three, and consideration of how they influence each other that can broaden understanding of the dominant paradigms in the institution being studied.

Table 3.1 Modes of institutional constraint: key characteristics and interconnections

	Rules	Practices	Narratives
Key characteristic	Formally constructed and recorded	Demonstrated through conduct	Expressed through the spoken word
Enacted by actors through	Writing and formal interpretation such as policies	Consistent rehearsal of 'the ways in which we do things here'	Linking together ideas into explanation and persuasion
Interconnection between modes	Narratives are used to justify the existence of rules; rules can formalise well established practices.	Practices form the basis of narratives; rules may specify the practices through which actors must enact the rules.	Narratives inform which rules are formalised, but they can also emerge to justify practices.

Source: Adapted from Lowndes and Roberts (2013, p. 52) Modes of institutional constraint: key characteristics

In addition to the interconnectedness explained above, institutionalism recognises that practices can be a result of 'formal' or 'informal' rules. Formal rules are usually written processes that clearly specify what actions are permitted (such as legislation, regulation, terms of reference, budget, or reporting systems). Instead, 'informal' rules, or what Ostrom (2011) refers to as 'rules-in-use', are usually unwritten and, in many ways, intuitive (such as beliefs,

norms, and values). Each have either explicit or implicit influence over practices by forming narratives around 'the way we do things around here' (Lowndes & Roberts, 2013), and each provides insight into how policy actors process information and select appropriate courses of action (Ostrom, 1986).

Finally, institutionalism recognises that the paradigms that emerge to explain and justify practices also create path dependency; this is where constraints that have shaped policy actors' decisions and actions can create conditions that are perpetuated continually over time and are only punctuated occasionally with episodes of change (Montambeault, 2019).

3.2.1 Institutionalism and democratic innovations

There are a small number of latent accounts of institutionalism in democratic innovations scholarship. For example, Hendricks and Lees-Marshment (2019) examined the motivations of political actors, and Blijleven et al. (2019) considered how democratic innovations were adapted by public servants to suit organisational needs. However, scholars in the field of democratic innovations do not usually consider institutionalist theory from the frame of reference described in the previous section. To illustrate, in *Democratic innovations; Designing institutions for citizen participation*, Smith (2009) recognises that fiscal and bureaucratic investment in democratic innovations depend on the 'structure of incentives that each innovation embodies' (p. 180). However, as noted in Chapter 2, Smith also suggests that the level of 'acceptable burden' on institutions is informed by comparing the required investment with the 'perceived costs and benefits of *not* embedding participation within the decision-making process' (p. 26, emphasis original). Smith therefore recognises that institutional constraints and incentives matter, however, hypothesises that the potential value generated by democratic innovations will sufficiently incentivise policy actors to pursue them as a viable course of action. As also established in Chapter 2, this is a common assumption made by scholars in the field (Nabatchi, 2010; Hartz-Karp & Briand, 2009a). Challenging this assumption, an institutionalist perspective suggests actors use criteria of similarity and congruence rather than likelihood and potential value. As such, when

determining courses of action, institutionalism predicts that policy actors will apply ‘the logic of appropriateness’ and proceed according to the extant practices of the collective, based on mutual and often tacit understandings of what is true, reasonable, natural, right, and good (Olsen & March, 2004, p. 4). Whilst some scholars of democratic innovations have intimated the relevance of an institutionalist lens, few have applied it in this manner. Nevertheless, some recent studies specifically apply institutionalism. For example, Montambeault (2019) uses an institutionalist lens for examining participatory budgeting in Brazil, and Blanco et al. (2022) directly apply rules, practices, and narratives when examining participatory governance.

3.2.2 How institutionalism is applied in this case study

If institutionalism is a lens through which to examine how ‘governments work’, arguably, democratic innovations tend to focus on how ‘governments should work’. By using institutionalism as a lens through which to study the operationalisation of deliberative engagement practices, the research agrees with Shapiro (2003), who asserts ‘speculation about what ought to be is likely to be more useful when informed by relevant knowledge of what is feasible’ (p. 2). Therefore, it is expected that this particular ontological position will provide insight into the constructs and motivations that guide or constrain the agency of local government actors as they engage in the task of interpreting and implementing the new legislative requirements.

Using institutionalism, the research explores questions such as: What are the dominant practices that are not actually written down? Are there gaps between the formal rules and the way things ‘really work’? Are there frequently rehearsed ‘stories’ that explain why people act one way rather than another? How do actors circumvent or seek to adapt rules and practices? (Lowndes & Roberts, 2013, p. 10). An institutional focus can therefore be beneficial in understanding how councils interpret, shape, and implement the new legislation and, fundamentally, the extent to which the aspirations of the legislation and a new relationship between local governments and their communities might be possible (Barnes et al., 2007).

Institutionalism also brings attention to the inherent system rather than isolated instances of deliberative engagement practices. Moving away from methodologies that examine different types of democratic innovations and their relative successes, the institutionalist approach advanced in this research refers to permanent structures of government and the organisational conditions that initiatives are developed within and shaped by. Furthermore, because an institutionalist lens recognises the proclivity for institutions to 'stick' and create predicable and repeated courses of action, it is possible that its application will uncover aspects that are contributing to the 'institutional stickiness' described in Chapter 2.

Connected to this, institutionalist theory suggests that path dependency is only disrupted by 'episodes of change, which generally occur at "critical junctures", during moments of history when actors face choices that may alter the institutional path' (Montambeault, 2019, p. 32). The *Victorian Local Government Act 2020* can be seen as one such 'critical juncture', as an exogenous force that is premised on an intention to alter established public participation norms. Therefore, the research offers an opportunity to study how path dependencies might be altered by reform efforts, and, specifically with the institutionalisation of democratic innovations, to not only understand but also identify what is required to address the aforementioned 'institutional stickiness'.

Expanding on the modes of constraint described in the earlier section, Table 3.2 (below) explains how the concepts of rules, practices, and narratives have been applied to this research's specific case study. It demonstrates how an institutionalist approach brings attention to the interconnectedness of different modes of constraint and how they manifest through diverse actions or artefacts produced by state and local governments in Victoria.

Table 3.2 Modes of institutional constraint as applied to the *Victorian Local Government Act 2020* case study

	Key characteristic	How this mode of constraint was identified in the *Victorian Local Government Act 2020* case study
Rules	Formally constructed and recorded	- Definition of 'deliberative engagement practices' in the Act. - Definition of 'deliberative engagement practices' in councils' community engagement policy.
Practices	Demonstrated through conduct	How deliberative engagement practices were designed and implemented including: - level of influence. - recruitment of community members. - measures taken to strengthen legitimacy. - involvement of councillors.
Narratives	Expressed through the spoken word	- Narratives from the legislator explaining aspirations for mandating deliberative engagement practices. - Narratives from local government actors justifying how practices were implemented.

Source: Author's own

3.3 Public value theory as a useful heuristic for democratic innovations

Along with institutionalism, the research has applied public value theory (in particular, the public value strategic triangle that is explained later) as a way of conceptualising and organising the dynamic interplay of incentives and constraints on policy actors.

Public value theory was first posited in a substantive form in 1995 by Professor Mark Moore during their time teaching the executive program at the Harvard John F. Kennedy School of Government. The theory centres on the strategic role public sector managers play in ensuring their organisations produce 'public value' from the assets entrusted to them.

Moore's initial aim was to 'build a conceptual framework for public sector managers to help them make sense of the strategic challenges and complex

choices they faced' (Bennington & Moore, 2010, p. 1). Whilst it is not within the scope of this research to provide a full exposition, it is important to note that over its 30-year history, the concept of public value has been stretched far beyond Moore's initial aspirations, variously interpreted, and subject to some criticism (for an overview, see O'Flynn, 2021). Acknowledging that the interpretation of public value theory can be expansive, the following sections consider how it is conceptually aligned to the study of democratic innovations. In addition, before going on to explain how public value theory was applied for this study, the subsequent sections recognise its potential limitations, including how it theoretically relates to institutionalism.

3.3.1 Public value and addressing the 'democratic deficit'

Public value theory was considered useful for this research for several reasons. As noted in Chapter 2, much of the theory that has underpinned democratic innovations is informed by a perceived 'democratic deficit' and the premise that, rather than elected representatives, a group of 'ordinary' citizens is more likely to make policy recommendations that consider the common good. In a similar vein, public value theory argues that the 'public' is the proper arbiter of what is collectively valued, and therefore, how governments should invest public goods (Horner et al., 2006; Moore, 2013).

Notwithstanding that Moore loosely defines the 'public' as something that is collectively defined through democratic processes (in Quick & Bryson, 2016), and therefore arguably could include elected representatives, public value theory considers the simple aggregation of individual interests as a blunt mechanism for signalling complex preferences across a broad range of policy issues (Kelly et al., 2002; Stoker, 2006). In doing so, public value theory acknowledges the plurality of the public and its preferences; it calls for governance arrangements that allow for different voices to be expressed and considered (Horner & Hutton, 2011) and gives centrality to 'the public' when considering how competing values and interests are expressed and debated (Benington & Moore, 2010).

Furthermore, scholars of public value theory recognise that how the 'public sphere' is constructed, and therefore, whose voices participate in any policy debate, is integral to understanding the plurality of values and identities represented at any one time and place (Benington, 2009; Horner et al., 2006). Public value scholars apply the theory as a heuristic device to stimulate debate between competing interests and perspectives (Benington, 2009; Benington & Hartley, 2019), much like scholars of democratic innovations who have also consistently grappled with notions of representation and how spaces are created for the equal participation of pluralistic and competing opinions (Phillips, 1994; Dovi, 2016; James, 2008; Karpowitz & Raphael, 2016).

Public value has been described by some scholars as 'redressing the democratic deficit between public services and citizens' (Horner & Hutton, 2011, p. 113), and as outlined in this section, the premises of democratic innovations and public value align significantly. However, this connection between the theories has only been explored by a handful of scholars (Benington, 2009; Horner & Hutton, 2011; Thompson & Riedy, 2014), including by Moore in collaboration with Fung, who is one of the leading proponents of deliberative democratic theory (Moore & Fung, 2012).

3.3.2 The public manager centred lens and democratic innovations

Whilst the previous section demonstrates how public value theory aligns strongly with the premise of democratic innovations, it is not without its limitations in the context of this research. Primarily, it is acknowledged that public value theory centres the role of public managers in mediating the aspirations of the public with the organisational need for efficiencies when developing services and policies (Grant & Fisher, 2011). It relies on public managers to balance their 'professional judgement with citizen demand' (Horner et al. 2006, p. 7). This could be interpreted as conflictual with the ideals of democratic innovations that instead centre the deliberations of 'the public'. Whilst recognising this disjuncture, it is equally important to acknowledge that democratic innovations are unequivocally tied to the public managers who are tasked with operationalising them. Crucially, public managers also 'control the

extent of participation' (Osborne & Strokosch, 2022, p. 188). This is especially the case for this research, which is based on reforms that squarely placed the responsibility for 'deliberative engagement practices' on councils to interpret, define, and deliver. As noted in Chapter 2, this materiality has mostly been absent from the study of democratic innovations.

3.4 Institutionalism and public value combined

While institutionalism and public value theory provide a useful lens to examine this case study, a straightforward connection between the theoretical underpinnings of the two is not implied. There are some key ontological differences that should be acknowledged. First, public value theory places the public manager at the forefront and positions them as an active agent in shaping the functions of government and their political environments (O'Flynn, 2021). With its 'public manager-centric' approach, public value theory inherently implies the role and agency of policy actors is paramount. In contrast, institutionalism focuses on collective agency and factors influencing the system as a whole, asserting that the agency of policy actors is heavily constrained. Moore (1995) asserts that public value theory does not 'explain the behaviour of organisations or why managers behave the way they do because it details what managers *should* think and do' (p. 2, emphasis original) – it is a normative theory of managerial behaviour. As such, while public value theory interprets the role of the public manager as active (some argue it is too active, Rhodes & Wanna, 2007), institutionalist theory interprets it as relatively passive (some argue it is too passive, Battilana et al., 2009). Acknowledging this theoretical paradox, the research assumed no specific leaning for either frame of reference, and, in fact, saw them as equally important, interweaving both the influence of individual agency and organisational constraints into the analysis.

Further to the above distinction, how transformation or change is conceptualised in the two theoretical approaches must also be considered. As noted earlier, an institutionalist approach is interested in patterns of behaviour and modes of constraint that affirm stability (Lowndes & Roberts, 2013). Conversely, public value theory is premised on the ability of public managers to

assess and leverage opportunities to generate 'value'; which Moore (1995) believes is an important route to institutional reform. Rather than 'subject to' the status quo, public value theory is intentionally transforming it, thus conceptually in tension with what is generally considered an institutionalist perspective. However, Lowndes and Roberts (2013) acknowledge that institutions 'empower as well as constrain' (p. 77). Likewise, DiMaggio (1988) proposes the concept of 'institutional entrepreneurs', suggesting that path dependency need not always be ascendent and policy actors could demonstrate embedded agency. In terms of this research case study, much like the earlier point, the analysis approached both conceptual leanings as worthwhile. As the research is based on a reform agenda that was explicitly designed to create transformation, both perspectives were seen as useful for understanding the dynamics and complexities that would ensue in the implementation of the *Victorian Local Government Act 2020*.

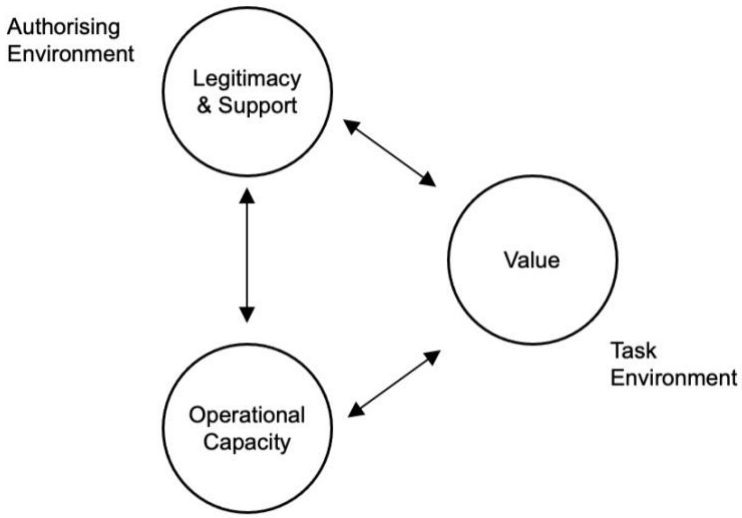
3.5 An analytical framework based on the public value strategic triangle

Having established the theoretical lens for the research, this section introduces the analytical framework that was developed to guide its first stages, beginning with its use of the public value strategic triangle.

The public value strategic triangle recognises the dynamic environment within which government organisations operate (Figure 3.1). It proposes that 'public value' is achieved when public managers integrate: an understanding of what would be valued and effective (value[2]), an awareness of whether it will be politically supported (legitimacy and support, or often referred to as the authorising environment) along with whether it is administratively and operationally feasible (operational capacity).

[2] The distinction between 'public value' and the 'value' point of the strategic triangle should be clarified. While 'value' is considered one important point of the strategic triangle (along with the two other points 'legitimacy and support' and 'operational capacity'), 'public value' is what is achieved when all three strategic triangle points are aligned.

Figure 3.1 Public value strategic triangle



Source: O'Flynn (2021)

While each of the three triangle points are considered strategically important for creating public value, they are understood as interconnected. Therefore, failure in one will undermine the creation of public value overall (O'Flynn, 2021). As such, the work of public managers is to constantly consider and fashion workable trade-offs amongst these strategic triangle points (Alford & O'Flynn, 2009, p. 173).

Aligning the research with the public value strategic triangle was considered conceptually useful because it recognised that designing and integrating 'deliberative engagement practices' in Victorian local governments would be influenced by several variables, including the authorising environment and operational capacity of each council. The strategic triangle ensured these factors, and their interconnections, were examined, and that concepts could be organised with a high degree of explanatory power.

Pragmatically, the themes of the public value strategic triangle also served as a means of creating some clear thematic parameters around initial data collection. As noted in Chapter 2, the breadth of scholarship around democratic innovations is substantial. Within this, there is a challenge for any empirical inquiry to understand which specific variables are worth investigating. The

public value strategic triangle was applied as a methodological tool to guide and structure inquiry and an analytical framework was built around its three triangle points.

Before presenting the analytical framework, it is important to recognise that a significant body of literature applies the public value strategic triangle as a tool to measure the 'public value' created by government organisations (for an overview, see Faulkner & Kaufman, 2018). In the context of this research, the public value strategic triangle was not a means for measuring or evaluating democratic innovations. Instead, its application belongs to another body of contemporary public management thought that applies public value theory as a heuristic device (Hartley et al., 2017). In a sense, this approach casts back to how Moore originally conceived public value theory as a useful 'tool to understand the competing challenges public managers faced' (Bennington & Moore, 2010, p. 1).

3.6 Analytical themes for deliberative engagement

This section provides an outline of the analytical framework and its sub-themes, beginning with a brief overview of how the framework was developed and then how it was applied, followed by clarification around its iterative premise.

3.6.1 Developing an analytical framework

As noted previously, the strategic triangle points were utilised as the basis for an analytical framework that was developed and guided the initial stages of the data collection and analysis. The typical application of the public value strategic triangle focuses attention on the three points of the triangle, and their degree of alignment, but does not usually postulate any particular set of sub-themes within those points; however, the analytical framework designed for this research did.

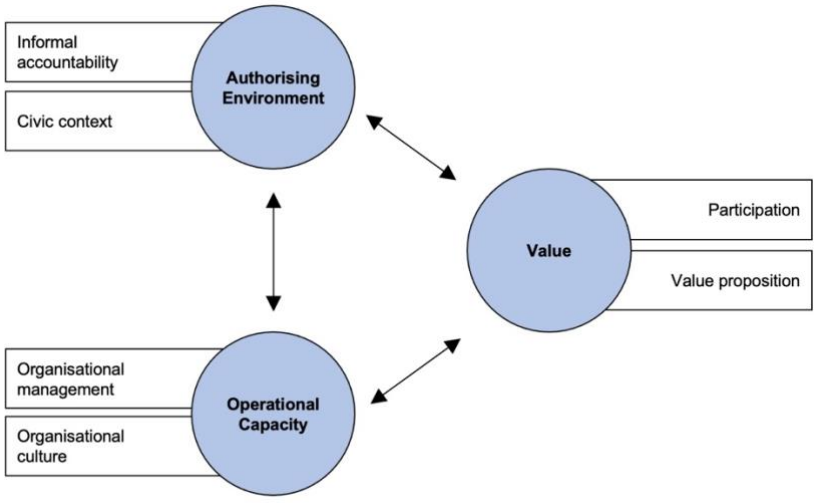
These sub-themes were identified following an extensive literature review and served as a way of mapping what is already known about democratic innovations in the context of the three public value strategic triangle points. That

is, the literature review was conducted seeking to understand: What is known about how authorising environments engage with democratic innovations? What is known about the operational capacity required to implement democratic innovations? The literature review included examination of existing national and international research on democratic innovations, including deliberative and participatory democracy theory, community engagement practice, and civic participation initiatives. Where possible, the literature review focused on research conducted in a local government context. Particular attention was given to public administration and the involvement of elected representatives rather than the democratic innovations themselves. Through this process, the concepts that emerged were organised schematically around the public value strategic triangle points, and within each of those, sub- themes were identified. These are outlined in more detail in the following section.

3.6.2 Analytical framework themes

The following section briefly describes the range of sub-themes that emerged when considering the existing literature and how the themes related to the points of the public value strategic triangle.

Figure 3.2 Analytical framework themes and sub-themes



Source: Author's own

Table 3.3 provides a synopsis of the sub-themes and literature which informed the analytical framework. These are subsequently outlined in more detail.

Table 3.3 Analytical Framework: sub-themes, descriptions and application

	Sub-theme	Description	Selected References	Application
Value	Participation	Voices that make up the public sphere at any given time.	Benington (2009) Mansbridge (2003) Young (2002) Fishkin (2011) Caluwaerts & Reuchamps (2016) Bohman (2012)	Consideration given to how decisions are made around which members of the public participate in processes.
	Value proposition	Clear articulation of outcomes sought and benefits of the process.	Johnson (2006) Cornwell (2004) Parkinson and Mansbridge (2012) Goodin & Dryzek (2006)	Consideration given to establishing a clear 'value proposition' that mobilises authorising environment.
Authorising Environment	Informal accountability	Sense of ownership from elected representatives.	Hendricks (2016) Bherer et al. (2016) Fung (2006) Baiocchi et al. (2011) Warren (2017)	Sense of accountability for honouring the outcomes of the process.
	Civic context	Context within which democratic innovations occur including influence of civil society actors.	Smith (2009) Budge (2000) Nabatchi (2012) Fagotto & Fung (2009)	Consideration of the broader civic context and key actors with political agency.
Operational Capacity	Organisational management	The resources, competencies and structures that are allocated to the initiative.	Hartz-Karp & Briand (2009) Baiocchi et al. (2011) Hendricks & Carson (2008)	Consideration of the preparedness of the organisation to undertake the task.
	Organisational culture	The intrinsic motivations of those tasked with designing and delivering initiatives.	Lowndes & Sullivan (2004) Pratchett (2004) Lowndes (2005) Fung (2015)	Consideration of the institutional norms and agency of those tasked with implementation.

Source: Author's own

Value

In the context of the strategic triangle, 'value' describes the process of understanding what the public values, and, as a result, what the government should invest public goods and resources towards achieving.

Participation: who participates and notions of representation

Implicit the concept of public value is the notion that there is a public (a collective consisting of individual citizens) that can be a reliable arbiter of public value and can articulate the value it wants to see created. However, the public is not a pre-existing or static entity; it is a social construct (Barnes et al., 2007) designed and judged based on whether it is sufficiently representative to legitimise decisions (Bohman, 2012). Moore (2019) refers to this dilemma as an 'enduring paradox' and asks, 'how could a "public" that consists of individuals with many different ideas about how the society in which they live should be organised for the common good, possibly speak articulately and coherently about the particular conditions that they as a "public" value?' (p. 360)

This paradox can also be found in democratic innovations literature. Various scholars have grappled with the complexity of creating deliberative spaces that enable the equal participation of pluralistic and competing opinions (Phillips, 1994; Mansbridge, 2003; Dovi, 2016; Fishkin, 2011; James, 2008; Karpowitz & Raphael, 2016). Given that 'meaningful participation in collective decision-making by anything more than a tiny minority is inconceivable in contemporary nation-states' (Dryzek, 2012, p. 24), who is represented and how much influence they have (legitimate or otherwise) are central, abiding concerns in the quality and legitimacy of public participation processes (Quick & Bryson, 2016). Furthermore, Fung (2015) cautions that cohorts can be manipulated to favour the groups, or views, that organisers consider most pertinent; and therefore, who participates is of critical importance to the outcomes of democratic innovations.

The 'value' proposition

Equally important as who participates, is that the process itself is legitimised by the authorising environment, and to achieve this, there must be an agreed 'value proposition'. This may seem self-evident; however, within the context of democratic innovations, how the 'value proposition' is understood by different policy actors is not always apparent or clearly articulated. To clarify, there are various conceptions of the benefits of democratic innovations. Some engage with it for its normative value of improving democracy, some see the epistemic

value of collecting information that will lead to better quality decisions, and others see strategic value in sharing risk or mitigating dissent (Bherer et al., 2016).

Depending on how it is perceived, the 'value proposition' of any democratic innovation can have an instrumental effect on how it is designed and the adoption of its outcomes. This is relevant both to the authorising environment, wherein the instrumental benefits it provides are fundamental to any success (Johnson, 2006; Caluwaerts & Reuchamps, 2016; Cornwall, 2004; Parkinson & Mansbridge, 2012; Goodin & Dryzek, 2006), as well as the operating environment, where decisions around resource allocation and the operationalisation of the practices are dependent in large part on how incentivised public servants are to consult, adapt, and create processes for them to occur (Fung, 2015; OECD, 2020)

Authorising environment

The authorising environment refers to the mechanism whereby proposals are tested and modified against the stances of elected politicians and those who influence them (Alford & O'Flynn, 2011, p. 177). In the context of this research, the authorising environment was focused on how political actors (including elected representatives and civic sector actors) engaged with and influenced deliberative practices.

Informal accountability

Described as a sense of 'informal accountability' (Hendricks, 2016), studies indicate that when elected representatives have a sense of ownership towards a democratic innovation, they also feel a sense of responsibility for its outcomes. Fung (2006) suggests this is public participation 'at its best', operating in synergy with representation.

To achieve this informal accountability, democratic innovations can be designed with a set of formal interactions between citizens and elected representatives embedded within them; for example, at the beginning of a process elected representatives make a commitment to how they will integrate citizens' recommendations in their decision-making (Hendricks, 2016). Integral to this,

and related to what was pointed out in the value proposition section, ‘elected representatives need to translate their commitment to participatory democracy into a source of political capital rather than a drain on it’ (Fung, 2015, p. 520).

Informal accountability can also sometimes arise from more general civic expectations surrounding an initiative. For example, despite no actual law for institutionalised participatory budgeting, city councillors in Porto Alegre felt significant pressure to approve the outcomes of these processes because of the legitimacy that flowed from direct citizen participation (Gastil & Levine, 2005). In these cases, where the informal accountability is derived from the broader public sphere, whilst elected representatives typically retain the power to veto recommendations, the perceived democratic legitimacy of the deliberative process means that it exceeds its formal decision-making status (Smith, 2009).

Civic context

Aligned to Smith’s ‘democratic good’ of *transparency* (2009), the extent to which broader civic society actors are aware of and engage with democratic innovations is also pertinent. Various studies have found that the civic context can play an influential role in how democratic innovations are framed by the commissioning organisation; for example, as a way to respond to public pressure (Hendricks, 2013), or as a means to justify potentially contentious decisions (Ercan et al., 2017; Johnson, 2011).

Civil society actors can also have either an enabling or counterproductive effect on the outcomes of democratic innovations (Fagotto & Fung, 2009). By their nature, civic society organisations and actors carry out the role of being representatives and intermediaries between government and the cohorts they advocate for (Budge, 2000). These actors usually have very explicit and fixed positions on issues; they are also usually focused on particular causes rather than broader public interest (Nabatchi, 2012). Furthermore, they have often spent considerable time and effort in building political agency that they are unlikely to give up easily. Therefore, the way democratic innovations engage with these civic society actors has importance as they may otherwise use their political capital to disrupt the process.

Operational capacity

Operational capacity describes whether an initiative is operationally and administratively feasible (Alford & O'Flynn, 2009). This not only encapsulates formal aspects such as how an organisation is resourced, structured, and governed but also more tactic aspects such as organisational cultures.

Organisational management

Research involving community engagement practitioners found that the most common difficulties they encountered were a lack of resources and poor planning (Christensen & McQuestin, 2019). However, it is well recognised that democratic innovations tend to be resource intensive and take considerable time (Smith, 2009; Hartz-Karp & Briand, 2009b). Therefore, democratic innovations can be compromised by restricted funding, limited timelines, and inefficient structures.

In addition to the resource constraints, democratic innovations also require a set of competencies that are perceived to be specialised by consultants. This perception is supported by what has been referred to as the 'marketisation of deliberative democracy' (Hendricks & Carson, 2008) where a 'deliberative industry' has primarily been spearheaded by consultants (Christensen & Grant, 2020). This may present issues for the institutionalisation of democratic innovation given that some of its main proponents and 'experts' have commercialised the practice and therefore have significant motivation to ensure these competencies remain separate from governments' internal capabilities.

Organisational cultures

Building operational capacity for democratic innovations requires not only the requisite resources and competencies, but also recognition that operational resistance can create significant obstacles (Fung, 2015; OECD, 2020). As noted in Chapter 2, scholars have found that 'in the absence of a clear articulation of democratic priorities and values', practices have emerged which, rather than shifting deeply embedded institutional norms, have adapted to reinforce institutional priorities and values (Pratchett, 2004, p. 372). Lowndes (2005) describes this as 'institutional stickiness' where, despite legislation, government

guidance, and the widespread adoption of model constitutions by government, the rules-in-use (as opposed to the rules-in-form) do not seem different to those that went before (p. 296).

Fung (2015) describes the need for organisational champions who are adaptive, have enough political savvy to identify and organise allies, and the perseverance to see the enterprise through (p. 520). This is no small feat for those tasked with designing and delivering democratic innovations, particularly given community engagement practitioners can often rank low in organisational hierarchies and therefore have limited formal power to compel others (McKinlay et al., 2011). Their ability to enact organisational culture change therefore relies strongly on how they can influence across the organisational hierarchy.

3.6.3 How the sub-themes of the analytical framework were applied

Whilst the analytical framework described above was useful for orientating data collection to existing scholarship, it is acknowledged that it may appear as if the framework made implicit empirical predictions. As explained later in Chapter 4, the sub-themes from the framework were not applied as a predictive tool or with the expectation that they would be utilised for testing propositions (Hartley et al., 2017). Instead, they were *orienting concepts* that served to guide data collection and analysis (Layder, 2013, p. 7). The analytical framework was not developed as a means for making a claim that any or all the sub-themes are instrumental to democratic innovations. Likewise, the sub-themes were not intended to be definitive or exhaustive.

The framework was purely an initial map to guide data collection, and it was assumed that as the research progressed and data was collected and analysed, aspects that were understood to be influential would shift and evolve. This occurred and is outlined in Chapters 4 and 9. As such, the analytical framework presented is best viewed as a starting point to guide this research. It is a mechanism through which various democratic innovations can be investigated and a springboard for analysis.

3.7 Conclusion

This chapter outlined why institutionalism and public value theory were selected for the research approach. It articulated how these theories relate to the study of democratic innovations and hypothesised how they may offer new ways of understanding the institutionalisation of the practices. The chapter explored some of the existing scholarship that applies these theoretical lenses and notes that there has been limited investigation through these conceptual frames of reference. The chapter also recognised the ways in which institutionalism and public value theory differ in terms of ontological leanings, especially how they perceive public managers' sense of agency and how the two theoretical approaches understand change. How these differing standpoints were reconciled in the context of this research was explained, noting that both were seen as instrumental for better understanding the legislative reforms. Finally, the chapter introduced the analytical framework that was developed to guide the initial stages of the research and gave an account its sub-themes.

Chapter 4: Research design

4.1 Introduction

Building on the previous chapter, which outlined the theoretical underpinnings of the research, this chapter explains the relationship between this theoretical foundation and the research design. This chapter also provides further explanation of the case study approach, including the reasons why the *Victorian Local Government Act 2020* was identified as a compelling opportunity for this investigation.

The chapter begins with the research questions and explains that an interpretivist lens was selected for the research methodology. It examines briefly how this interpretivist lens relates to other studies of democratic innovations, before explaining how the research is empirically based, focusing on the practice. The researchers' own 'positionality' within the research is elaborated, including mechanisms that were applied to reduce potential bias. The chapter then details the research site and rationale for applying a case study research method. This includes a description of the embedded units of analysis and how they were determined. The research design, which incorporates a mixed methods approach, is then outlined. Aligned to the mixed methods approach, the qualitative and quantitative data collection instruments are explained with a brief account of why each instrument was selected and any purposive sampling that occurred. The final section describes the data analysis approach, explains how data from the mixed methods approach was integrated, and how the findings were organised and structured.

4.2 Research methodology

4.2.1 Research questions and aims

The research was premised on the contention that, to fully understand how democratic innovations are embedded in governance structures, a more in-depth exploration through an institutionalist lens is worthwhile. Furthermore, a

schematic based on the public value strategic triangle supports the research to examine how value, operational capacity and the authorising environment influence the way practices are interpreted and applied. As such, rather than one overarching research question, the research used three distinct yet interconnected lines of inquiry aligned with the public value strategic triangle points:

- How are deliberative engagement practices understood and interpreted by local government organisations? (Value)
- How does the authorising environment influence the design and implementation of deliberative engagement practices, including their perceived legitimacy? (Authorising environment)
- How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented? (Operational capacity)

In the context of increased calls for the institutionalisation of the practices, the research's aim was to provide a broader appreciation of the constructs that influence and affect how democratic innovations are operationalised. With a more complete picture of the nature of the practice, including the organisational adaptations and shifts that are made when implementing democratic innovations, it was anticipated that the research would contribute to a greater understanding of how to meet the ideals of democratic renewal and citizen-informed practice. In addition, given the research is framed around the reforms in the *Victorian Local Government Act 2020*, it was also an opportunity to examine how legislative reform that endeavours to expand public participation in government decision-making is interpreted and brought into effect.

4.2.2 Interpretivism: a focus on situated meaning and context

An interpretivist research approach was considered appropriate for this research because it aligns significantly to the study's theoretical application of an institutionalist lens (as outlined in Chapter 3).

Interpretivism is known to be useful for in-depth, close-up, context-specific

studies that illuminate a phenomenon or experience (Hendricks et al., 2013, p. 6). It does not subscribe to the notion that it is possible to identify the 'way things are' in context-free generalisations (Guba & Lincoln, 1994), but rather, that policy actors make sense of, or interpret, actions through the meanings they bring to their work (Bevir, 2011). Much like institutionalism, interpretivism guides researchers to focus on the contexts that actively construct agency and inform the way policy actors interact, take action, and make decisions (Schwartz-Shea & Yanow, 2012). This was seen as important for this study, which focused on how institutional constructs influenced the way public managers made sense of, interpreted, and put into practice 'deliberative engagement'. Furthermore, an interpretivist approach meant that the study was orientated towards uncovering how 'webs of meaning' were created and sustained. This was seen as integral to better understanding not only the processes for operationalising democratic innovations but also, ultimately, how they are institutionalised in traditional systems of governance.

Aligned to the contextual nature of an interpretivist approach, it was not within the research's ambit to identify phenomena that would be replicated and objectively true as might occur through a positivist approach. This study was not seeking to determine causality and the methodological approach did not assume that a single conclusion or explanation would unequivocally be established (Miles & Huberman, 1984). Rather, the research was conducted with a premise that, by focusing on the plurality of situated meanings and experiences, a more complete understanding of the incentives and drivers for institutional change would be uncovered.

Furthermore, while the research is predominantly situated in examining the *practice*s of local government organisations, it also considered the dominant *narratives* during their realisation. Although Flyvbjerg's (2006) assertion that 'we should look at what people actually do, rather than what they say they do' (p. 245) is reasonable; in the context of this research, this approach could have oversimplified understanding and interpretation. With both an interpretivist and institutionalist lens, the research recognised that the actions of public mangers were, in fact, extraordinarily layered manifestations of power, authority,

negotiation, and social constructs (Forester, 2003). The array of formal and informal incentives or modes of constraint that informed actions were considered, and as such, ‘what people said they did’ and ‘what they actually did’ were equally important. Moreover, particular attention was given to instances of incongruity because how actions were rationalised was also deemed informative.

4.2.3 Interpretivism and democratic innovations

Within the research field of democratic innovations, the subject of pertinent methodological approaches and their relative benefits or limitations has been discussed extensively (for examples, see Ercan et al., 2022, Ryan, 2019, Talpin, 2019, Ercan et al., 2017; Spada & Ryan, 2017; Hendricks, 2007). However, it has been proposed that interpretive research approaches have constantly been central to the study of democratic innovations (for an overview, see Hendricks et al., 2013), and that interpretivism is especially suited to this field because it is sensitive to the contextual and contingent nature of deliberative processes (Ercan et al., 2017, p. 200).

However, empirical studies of democratic innovations have also shown positivist tendencies by ‘searching out examples that embody their normative ideals’ (Smith, 2019, p. 573). Unlike this usual methodological approach, this research did not seek to identify or describe exemplary practice and did not aim to discover how local government in Victoria ‘should’ implement deliberative engagement. Therefore, although the temptation to run through a checklist of seemingly objective criteria and assess how deliberative engagement practices were delivered in Victoria was sometimes hard to resist, the focus remained on exploring the reasons *why* policy actors were making certain choices, and *why* some patterns of action were perceived as more appropriate than others, irrespective of how those choices aligned to the normative ideals of democratic innovations. In this sense, this research responded to what Ercan et al. (2022) suggest is a key methodological question for the field: how to bridge normative theory and ‘what ought to be’ with empirical understandings of ‘what is actually happening’.

4.3 Researcher as practitioner

Before proceeding to describe the research design, it is important to acknowledge my 'researcher as practitioner' positionality in this study.[3] Positionality is an individual's world view, the position they adopt about a research task and its social and political context. It informs ontological and epistemological assumptions as well as assumptions about human nature and agency (Holmes, 2020).

As someone who worked in local government for close to a decade and was a consultant in the public policy and participatory governance space at the time the research was being conducted, my own interpretation of the research cannot conceivably be separated in an independent or objective manner (Schwartz-Shea & Yanow, 2012; Creswell, 2016). There is a clear conceptual leaning for my focus on the practice and my own personal interest in participatory governance; in fact, it was a driver for this research orientation. My experience has also intuitively informed the centrality I have given to operationalisation and practice for understanding how democratic innovations are designed and developed in a local government sector context.

From an epistemological position, my experience as a practitioner provided valuable knowledge and foundations for minimising the distance between the researcher and the subject being researched (Flyvbjerg, 2006; Creswell, 2016). It gave me access that might otherwise have been difficult to obtain and facilitated building trust with research participants. However, this was not without some 'murkiness' and occasional tension between being both an 'insider' and an 'outsider' (Yanow, 2000; Escobar, 2014). While I have a 'lived familiarity' and *a priori* knowledge of the context of the study (Holmes, 2020), it is not completely accurate to describe my positionality as an 'insider', because I have never delivered a deliberative engagement process, nor do I have any experience working on similar projects. At times, research participants assumed I had this knowledge which needed to be clarified. Conversely, it is equally not

[3] While a third-person voice has been used throughout the thesis, it felt disingenuous to use it for this section and the first person was used instead.

entirely true that I am an ‘outsider’ because I do have a nuanced understanding of the organisational cultures, language, and systems research participants were operating within. As such, it is more precise to say I straddled both the ‘insider’ and ‘outsider’ positions (Holmes, 2020).

It is recognised that this ‘positionality’ influenced my interactions with the research participants and access to research sites, and therefore, the data generated (Schwartz-Shea & Yanow, 2009). This ‘positionality’ means that the research could not be considered ‘value-free’ (Holmes, 2020); however, the research design was consistently mindful of my own biases and attempts to mitigate these were approached in several ways.

To begin, the research was not designed to seek out empirical proof that validated my experience. The methodology did not approach the research questions with preconceived notions of what needed to be uncovered; rather, it sought to better understand the constructs that practitioners operate within. In addition, although my experience and perspectives may have shaped how I interpreted some data, the broad spectrum of data collection instruments, as well as the plurality of viewpoints that were sought, acted to moderate this potential bias. Finally, the data analysis, which is explained in more detail later in this chapter, also adopted strategies to minimise partialities.

4.4 Research Case Study

Chapter 1 introduced the research site of the *Victorian Local Government Act 2020* and provided some of its key contextual details for this study. This section provides an outline of the case study method applied for the research, why it was selected, and the embedded units of analysis included in the study.

4.4.1 Single case study method

A case study is an empirical method that investigates a contemporary phenomenon in depth and within its real-world context (Yin, 2012). Aligned with the research questions and aim of this study, this method is recognised for its ability to draw out in-depth understanding of how democratic innovations are

designed and implemented (Elstub & Pomatto, 2022). Moreover, a case study approach can also capture subtle and detailed information about a particular policy objective and the circumstances of its implementation (Fischer, 2003). Finally, given its ambitious intention to 'improve democracy' (as described in Chapter 1), the *Victorian Local Government Act 2020* was arguably a historically distinctive event, falling into the category of a 'remarkable circumstance', which Yin (2009) suggests makes for more compelling and better case studies.

Broadly, the unit of analysis is the *Victorian Local Government Act 2020*; however, to further define the boundaries of the case study (Yin, 2014) the research specifically examined how the mandated requirements of 'deliberative engagement practices' were applied to the development of council plans. While the legislation mandated deliberative engagement requirements for four strategic planning instruments (the council plan, community vision, financial plan and asset plan), the research focused on the council plan for a variety of reasons, both pragmatic and strategic. Pragmatically, the council plan, which needed to incorporate a community vision, was legislatively required by October 2021 and was therefore within the data collection period (the financial and asset plans were not required until 2022). Strategically, the council plan could be described as the foremost strategic planning document for councils; it details councils' strategic priorities and resource commitments over the subsequent four-year period and is used to determine councils' most significant decision-making. Comparatively, for many councils the community vision is quite literally a vision statement and, as such, highly abstract and aspirational.

In addition to its focus on the council plan, the research was restricted to the functions of local government organisations; it did not collect data or consider the perspectives of civic sector actors and the broader 'public' who were involved in the deliberative engagement practices. It could be argued that this is a limitation of the research; however, as Wright (2011) notes, each researcher must make strategic decisions about where to position themselves within the field, knowing that this chosen site opens a window onto certain phenomena and not others. A different window might have, for example, looked at the experiences of community members and how they perceived the deliberative

engagement practices. Positioning the research looking ‘inwards’, toward the organisation, does not imply that the important role civic sector actors have in the broader ecology of drivers and barriers to democratic innovations is not recognised. Rather, it accepts that certain boundaries needed to be set for the scope of the research.

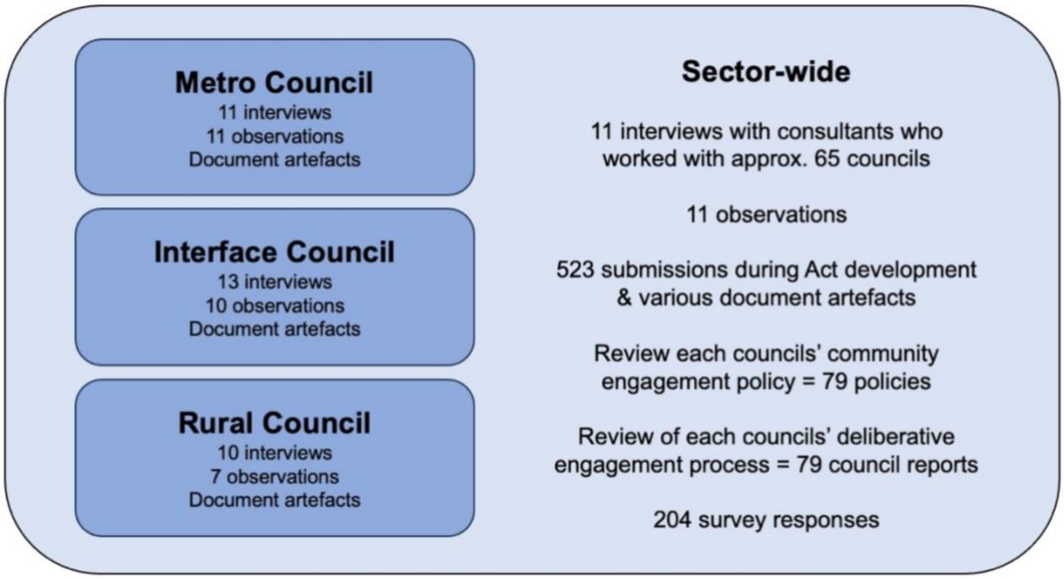
Finally, it is acknowledged that basing the research on one single piece of legislative reform could attract criticism around its relevance or representativeness. The ‘problem of the small *n*’ (Crasnow, 2012) is a common criticism of the case study approach because it involves looking at a small number of cases in detail and therefore, generalisations can be questioned as overly inductive (Flyvbjerg, 2006; Crasnow, 2011). However, Yin (2014) provides several examples of how findings from single case studies have nevertheless been generalised to a broad variety of other situations and are ‘eminently justifiable’ (p. 43). In addition, Feagin et al. (1991) have argued that a case study of a single phenomenon allows the researcher to examine social action in its most complete form and better grasp the total complex world of the action as it unfolds. Specifically for the context of this research, Yin (2009) suggests that a single case study can be particularly useful if it covers some distinctive event, condition, or remarkable circumstance; the *Victorian Local Government Act 2020* can be considered one such event as it was not only the first major reform to Victorian local government legislation in 30 years but it also significantly shifted expectations around community engagement (this will be examined more in Chapter 5).

4.4.2 Embedded units of analysis

Having established the merits of a single case study method, it is nonetheless acknowledged that good case studies benefit from having multiple sources of evidence (Yin, 2012; Creswell, 2016). Therefore, the case study had a variety of embedded units of analysis. The concept of an embedded unit of analysis applies when data for a case study comes from more than a single ‘layer’; the main unit of analysis is the single entity covering the single case (in this case the legislation), and the embedded units are more numerous and produce

different layers of data (Yin, 2009). These embedded units (or what Yin (2009) refers to as subunits) add more complexity and increase opportunities for extensive analysis. Figure 4.1 illustrates the embedded units of analysis for this study.

Figure 4.1 Embedded units of analysis within the research case study



Source: Author's own

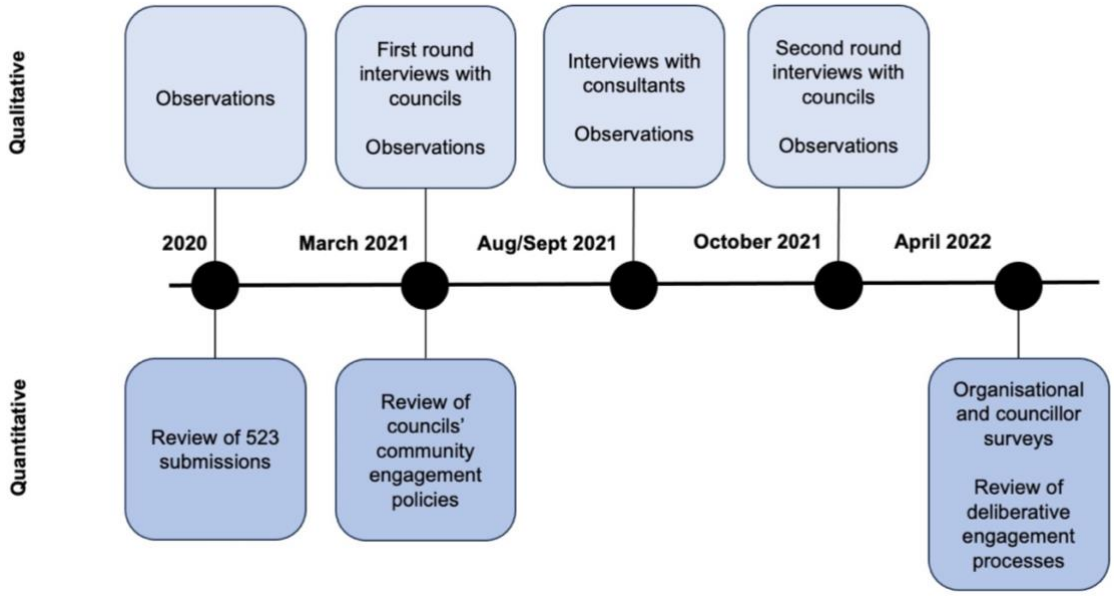
As Figure 4.1 demonstrates, there were varied layers and data sources as units of analysis, including closer engagement with three councils alongside a variety of sector-wide data sources. These allowed for both breadth and in-depth understanding of how deliberative engagement practices were interpreted, designed, and implemented by the Victorian local government sector. As such, collectively, the data from the embedded units of analysis built a richer, more comprehensive view across a broad scope of diverse perspectives, operating contexts, and authorising environments. Greater detail regarding each of these embedded units of analysis and the rationales for selecting them is provided later in this chapter in the data collection section.

4.5 Mixed methods research approach

The research design applied a mixed methods approach, which Tashakkori & Teddlie (2008) define as research where the investigator collects and analyses

data, integrates the findings, and draws inferences using both qualitative and quantitative approaches (p. 286); they stress that the key concept in this definition is *integration*.

Figure 4.2 Outline of data collection process



Source: Author's own

As illustrated in Figure 4.2, data collection included both qualitative and quantitative data collection instruments. This research broadly followed what Creswell (2016) describes as an 'exploratory' approach where qualitative data collection, such as interviews, informed the subsequent quantitative instruments, such as the surveys. However, as shown in Figure 4.2, both qualitative and qualitative approaches were used throughout the data collection and analysis.

This approach was considered useful because one strand was able to expand and explain understandings obtained from the other, and collectively, the qualitative and quantitative data provided a more complete understanding than the strands would have separately (Creswell & Plano Clark, 2017; Tashakkori & Teddlie, 2008). Specifically, starting with qualitative data allowed the research to gain an in-depth understanding of the context and experiences of policy actors before it moved to the quantitative instrument of surveys to refine insights. The

combination of qualitative and quantitative instruments also meant that the research could draw data at both a micro level of individual councils' experiences through qualitative instruments such as interviews, and then move to the more macro scale of quantitative methods such as surveys to position findings within the broader Victorian local government sector context. This was valuable for gleaning whether there were common and shared experiences across the sector. As such, the mixed methods approach provided multiple entry points for making sense of the data and potential interpretations of the phenomena being studied.

Within the context of democratic innovations scholarship, Escobar and Thompson (2019) state that mixed methods approaches are well suited to democratic innovations because analysis needs both 'patterns and depth, statistics and narratives'. Escobar (2022a) adds that deliberative democracy requires methodological approaches that can grapple with complexity and that mixed methods is particularly well suited to this.

Although considered effective, the mixed methods approach also had drawbacks. This type of approach is generally considered more resource intensive and integrating findings during analysis can be challenging (Escobar & Thompson, 2019). Scholars also caution that mixed methods outcomes are not always predictable and early decisions about the design may have to be changed once the data are generated and the unanticipated consequences of combining methods become apparent (Escobar & Thompson 2019, p. 506). These complications were experienced during this research project and an adaptive approach was required. At times, further data needed to be collected that had not been planned in the early stages; or conversely, in the later stages of analysis, some of the data collected lost relevance. This is discussed in detail in the following sections, but overall, it meant that design choices needed to be adjusted and data collection become more resource intensive than anticipated. However, the benefits of a mixed methods approach for this particular research project are believed to outweigh these challenges.

4.6 Data Collection

As illustrated in Figures 4.1 and 4.2, data collection included a combination of different instruments in a multi-layer or multi-pronged approach. This section outlines each of these instruments and details how the research approach required a level of flexibility and responsiveness. It describes some of the practical limitations of the research and how the approach responded to emerging findings as is considered characteristic of interpretivist research (Yanow, 2000; Hendriks, 2007; Schwartz-Shea & Yanow, 2012).

4.6.1 Data collection at select councils

As depicted in Figure 4.1, three Victorian councils agreed to be part of the research as ‘cases’ or embedded units of analysis. While much of the research focused on all 79 Victorian councils, these three specific councils provided an opportunity for more sustained and long-term engagement. Over what was almost a two-year period, the research followed these councils as they made sense of the legislation, then designed and implemented their approaches, and finally reflected on the outcomes. This meant that rapport was created between the researcher and councils, which allowed for more candid conversations during interviews and a deeper contextual understanding during observations or when analysing documents and artefacts.

Council Recruitment and Selection

Recruitment of the councils involved as embedded units of analysis spanned 6 months and consisted of several different strategies. A proposal document was distributed to targeted councils, connections were sought through networks, and the research was presented at various forums including the Victorian Local Government Association’s meeting on 31 July 2020 and an International Association of Public Participation seminar on deliberative engagement on 27 August 2020.

To build trust and buy-in from participating councils, this recruitment stage required a degree of persistence and interpersonal skills. Confirming three councils was a particularly challenging experience compounded by the fact that

invitations to participate in the research were being made at the same time Victoria was experiencing varying degrees of lockdowns. Councils were simultaneously familiarising themselves with the new requirements of *Victorian Local Government Act 2020* and coordinating their local pandemic responses. Therefore, it was a complex time for local government staff who were understandably cautious of engaging with the research due to the potential demands it would create.

It became apparent during this time that council staff can also act as gatekeepers between 'the organisation' and external actors, including councillors themselves. Related to what Escobar (2014) described as 'front of house' and 'back of house' aspects to engagement practice, it required a certain degree of relationship-building before being allowed 'back of house' during the design and implementation of the deliberative engagement practices. When reflecting on the councils that declined to participate, as Hendricks (2007) suggests, it was useful to bring these rejections into the analysis by asking: What might this unwillingness signify? The example of one council is particularly interesting in this regard. At this council, after meeting on several occasions over a four-month period and providing various documents explaining the research, ultimately the executive declined to participate. The rationale provided was that the executive group was 'too risk-averse to have an external person involved'. This was despite participation in the research being anonymous and potentially indicates that councils nonetheless inferred a sense of exposure if their implementation was considered poor.

Twelve councils were individually approached before confirming the participation of the final three councils. The twelve councils approached were targeted because they appeared particularly interested in deliberative engagement practices at sector-wide events. The final cohort was the result of finding a balance between what was feasible whilst still providing a broad enough sample of councils for analysis. Issues of access described in the paragraph above meant that the purposive sampling was mainly focused on recruiting a range of councils; broadly speaking, metropolitan, interface, and rural councils (the council categories are described as metropolitan, interface,

and small shire respectively by the Victorian Auditor-General's Office).[4] It was particularly important to ensure there was a rural council involved as the vast contextual differences of smaller rural councils compared to their metropolitan counterparts was often noted at industry forums. As an example, Merri-bek City Council has a population of 171,00 and 11 councillors, compared to the Shire of West Wimmera with a population of just under 4,000 and 5 councillors.

The nature of this recruitment process might be seen as a limitation as there is potential for bias in the final sample selected, especially in the context of only engaging with three of 79 Victorian councils in a substantive way. This was difficult to avoid as the research design was aimed at generating 'thick descriptions' and a nuanced understanding of the factors which influenced decisions or courses of action. This focus lent itself to engaging with some councils in a more rigorous manner as embedded units of analysis. Had the research design discarded this approach and instead engaged with a variety of council staff from various organisations, the issue of access might have been avoided and more council staff may have been willing to participate. However, this would have meant that the depth of data collection that comes from following councils closely would have been lost, and consequently, a different set of limitations would have been brought to the research.

Furthermore, although there was some degree of purposeful selection in terms of their classification, the three councils were not intended to be representative of the sector; rather, they were selected for their illustrative potential. In addition, the councils were not selected with a view of being exemplary of deliberative engagement practice in the Victorian local government sector. As Luffiner (2007) suggests, this interpretative approach can mitigate concerns regarding selection bias because the intention is not to make generalisations but instead gain deeper insights. Connected to the mixed methods approach, the data collected at these councils were considered exploratory and functioned as a means for mapping out themes that could subsequently be examined through the data collected in the broader sector.

[4] The Victorian Auditor General classifies the 79 Victorian Local Government Associations into 22 metropolitan, 9 interface, 19 large shire, 10 regional, and 19 small shire councils (VAGO, n.d.).

To this purpose, the final three councils were considered suitable because this number ensured some diversity. In addition to their different classifications, the councils had significantly different organisational structures (ranging from over 1,000 employees to 200), leadership approaches, councillor cohorts (ranging from cohorts that were made up of longstanding councillors to those that had a predominantly newly elected group), and authorising environments (ranging from highly active civic sector actors to relatively limited civic sector expectations). One council had recently undertaken a reasonable amount of capacity building regarding deliberative engagement practices whilst others relied heavily on external consultants. In addition, the three councils had quite different approaches and investment in their deliberative engagement practices.

Finally, it should be acknowledged that the councils that agreed to participate in the research perceived the research as an opportunity to build their capacity for deliberative engagement practices and this may have created a self-selection bias. Along with the earlier explanation around an interpretative research approach, the broad range of sector-based data collection instruments (described later in this chapter) would have alleviated this potential bias to a significant degree. Given the incentive for the councils was to improve their practices, as a sign of reciprocity, councils were supported with information about deliberative engagement. However, mindful of not wanting to advocate or guide councils in a certain direction, making recommendations was avoided. Instead, information was provided that drew from existing literature about the topic; for example, a summary of the reasons practitioners gave for remunerating participants in citizens' panels was developed. In addition, almost a year after the final interviews, brief reports were provided to each of the councils which included tailored considerations for their future deliberative engagement projects.

Ethics considerations

The de-identification of all councils and participants was critical to gaining access to the councils as participation created a level of 'exposure' to internal deliberations and processes. Particularly in the context of this research, there was a degree of trepidation in councils based on uncertainties around the new

legislative requirements and many applying deliberative engagement practices for the first time. The anonymity created a space where participants could respond more frankly to the questions and share greater detail about the organisational constraints they were grappling with.

In terms of the de-identification process, the decision to disaggregate all participants from their respective councils was made during the analysis process. Originally, the intention was to group interviewees according to the councils they belong to in the research findings (e.g., CEO Council 1, Officer Council 1). This meant that interview participants could have easily identified which council they belonged to, and therefore how everyone else in their organisation responded to questions (e.g., a CEO reading the findings would easily deduct how their staff or their mayor felt about the process and vice versa). However, as the research progressed and some conversations became more candid, it became apparent that further anonymity would be required to mitigate risk of exposure. As such, each interviewee was given a pseudonym from a different Italian city and non-binary pronouns were used. Even though disaggregating participants from their councils meant that some analysis could not be included, it was important to strengthen participants' confidentiality and this was prioritised.

Council data collection instruments

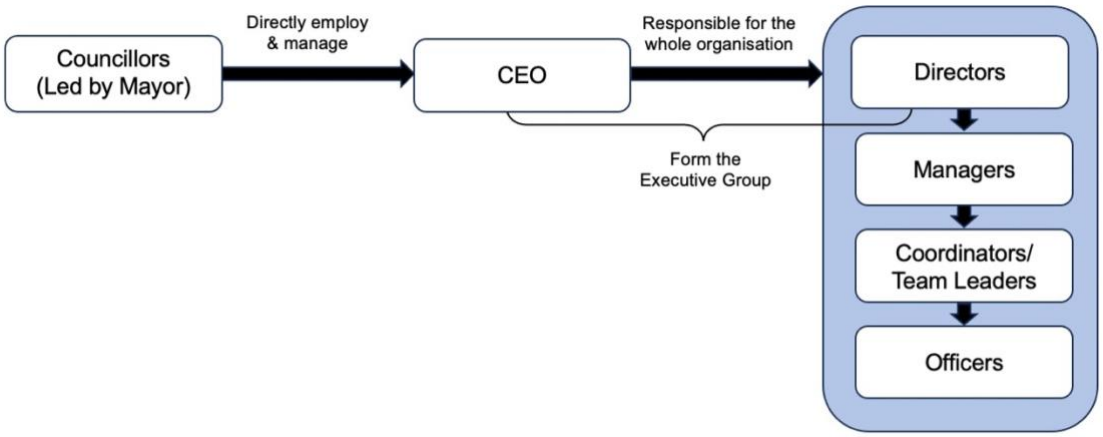
Data collection for each of the councils included a range of common interpretive methods: interviews, observation, and document analysis (Yanow, 2000). Before explaining each of these, it should be noted that access to each of these instruments relied heavily on what the councils were willing to share (Griggs & Howarth, 2011). As such, although access was granted to what was arguably a significant range of 'practice', there were certainly instances where access was denied. As described later, to mitigate this, the broader sector embedded units of analysis, such as consultant interviews and surveys, were considered essential.

<u>Interviews</u>

Semi-structured in-depth interviews were conducted twice with most

interviewees; once while each of the councils were at the design stage of their deliberative engagement practices, and then again following the implementation of their deliberative engagement process. This pre and post interviewing technique was used to gain a more complete understanding of how councils first perceived and made sense of the practices, and then to explore how they responded to emerging needs and adapted their processes during implementation. Interviews were conducted with people from across each council's organisational hierarchy; including CEOs, directors, managers, council staff, and councillors (see Figure 4.3 for an indicative outline of a Victorian local government organisational hierarchy).

Figure 4.3: Typical organisational hierarchy in Victorian local government



Source: Author's own

Although there are some differences in titles used by Victorian councils (e.g., not all use the title of director for members of their executive), the titles outlined in Figure 4.3 are those most predominantly used and were therefore the categories applied to the interview and survey data.

Interviewees were selected using a purposive sampling approach and restricted to people who were directly responsible for the development of the council plan, and consequently, directly involved in their council's deliberative engagement practices. This ensured data collection remained firmly focused on decision-making around the interpretation, design, and implementation of deliberative engagement practices. Other stakeholders who were not involved in decision-

making about the deliberative engagement practices were considered out of scope. For example, community members are not privy to the ‘backstage’ aspect of the engagement activities and would not have been able to provide data that meaningfully addressed the research questions. Similarly, council staff not directly involved in the design and delivery of the deliberative engagement practices would not have had insight into what influenced certain decisions or engagement approaches. Therefore, those who were interviewed were best placed to provide relevant and a sufficiently deep understanding of the phenomena being studied. Moreover, given the significant differences in the day-to-day work of interviewees at each of the hierarchical levels, the sample of interviewees from across the organisational hierarchy ensured there was functional differentiation in their perspectives. In accordance with these hierarchical distinctions, interview questions were broadly consistent but tailored to three categories: mayors, members of the executive, and organisational staff (interview questions can be found in Appendix 2).

The themes covered in the interviews were consistent with those identified in the analytical framework and broadly based on the three points of the public value strategic triangle. Interviewees were asked about their responses to the legislative requirements to understand where they might see the value of such processes; they were asked about how the authorising environment had participated in the design and implementation of the practices, and whether there had been any sticking points; and they were asked about the operational capacities they thought were needed to implement the practices, including the use of consultants. Whilst basing interview questions on the analytical framework might appear deductive in nature, it is important to reiterate that they served to guide data collection and analysis, not to determine or preconceive it. The framework assisted by ensuring interview questions were more selective and focused on topics that the existing literature suggested were pertinent, but there was no canvassing of those themes during the interviews. If a particular theme did not seem resonant, the conversation moved on to the next question.

In total, 35 interviews were conducted across the three councils with 19 different participants (not all interviewees who participated in the first round of interviews

were available for the second round of interviews). Interviews were conducted mostly during lockdowns, therefore via Zoom. The interviews were one hour long and semi-structured, which ensured the same topics were explored in each interview but also allowed for flexibility and the opportunity to probe important or unexpected information more meaningfully. Each interview began with some context setting. The researcher described their experience working in local government and what their motivations and aspirations for the research were. By beginning the interviews in this more personalised manner, the interviewer and interviewee were able to build rapport and potentially reach deeper discussion. This also created some collegiality when interviewing council staff. For example, interviewees made comments such as ‘you would know’ or ‘you know how it is’ numerous times. While care had to be taken not to layer the researchers’ own positionality to the interviews (as explored earlier), this process supported the purpose of the interviews, which was to elicit an in-depth understanding of how interviewees had responded to the legislative requirements and their experiences related to the implementation of deliberative engagement practices.

Observations

Engagement with the three councils also included observation of meetings and presentations related to the design and implementation of their deliberative engagement practices. In all, there were 28 observations across the three councils which included meetings with consultants, internal planning meetings, workshops with councillors, and council meetings. These observations spanned from the early stages when councils were designing their deliberative engagement practices to the late stages once they had finalised their implementation. The observations were based principally on relevance and whether access was granted, although many observations were publicly accessible events.

Given the sensitivity discussed previously, observations were not audio recorded. Instead, descriptive and reflective field notes were taken, focusing primarily on how the deliberative engagement requirements were framed by council staff and councillors and how certain types of information or discussion

might have informed certain courses of action.

Observations were considered a useful adjunct to the interviews for a variety of reasons. Firstly, observation provided insight into institutional dynamics that would not have been evident in interviews or through written documents alone (Creswell, 2016). During the observations, it was possible to see how different policy actors were able to shape agendas, or how they tried to shape agendas with narratives that appealed to 'people's senses of "can" and "can't", others' senses of what is and is not possible' (Forester, 2003, p. 47). Research participants were not necessarily conscious of these dynamics and how they influenced decision-making or their practice, so it is unlikely that this important information would have been uncovered through interviews.

Observation also meant that there was greater immersion in the activities of the council staff and a deeper understanding of what they were experiencing. Ostrom (2019) suggests that 'obtaining information about rules-in-use requires spending time at a site and learning how to ask non-threatening context-specific questions about rule configurations' (p. 53). By developing a more 'meaningful, coherent picture of the social group and setting' (McNabb, 2015, p. 267), more probing questions could be asked during both stages of the interviews because there was a stronger insight into the discourses and dynamics that interviewees were experiencing.

Although this approach draws from ethnographic methods, it is not completely ethnographic as the researcher did not aim to become an 'insider'. Ethnography entails immersing oneself in new social worlds to produce written accounts and descriptions that bring versions of these worlds to others (Emerson et al., 2001). In this case, the aim was not to bring versions of the deliberative engagement 'worlds to others'; rather, it was to use observation for the instrumental benefits outlined above.

Taken alone, the reliability of data generated through observation is clearly highly dependent on the researcher's own frame of reference. As a researcher–practitioner, there would have been a significant limitation to the research

findings if these had been given too much weight. To address this limitation, the observation was treated as one component of a broader research design that allowed for the testing of assumptions and further deductive processes with other instruments such as interviews and artefacts.

Artefacts and documents

Finally, a range of artefacts was collected from each council before, during, and after fieldwork. In the initial stages, whilst liaising with each of the councils around participating in the research (and therefore all 12 councils), artefacts such as council policies, strategies, council meeting minutes, and social media posts were considered. The intention of this activity was to become familiar with each council and gain a broader understanding of their authorising environments and operating contexts. Once each of the three councils confirmed their participation in the research, the types of documents collected were refined. They consisted of reports, project planning documents, and minutes of meetings related to the deliberative engagement practices. However, these were not extensive as they were dependent on what was shared.

Certainly, this component of the data collection was limited as councils provided access to only a handful of internal documents; most documents or artefacts were those that were public. Nevertheless, this component acted as a useful complement to the wider data collection strategies and provided an additional mechanism for understanding and making sense of how deliberative engagement practices were interpreted and decisions were made. As Coffey (2014) suggests, documents are authored to distribute and exchange information with their intended audiences; however, this should not be understood as an impartial process. Through documents the research was able to better appreciate how deliberative engagement practices were framed and what discourses were used to guide the intended audiences to certain conclusions. As such, documents also revealed how legitimacy was conferred on the proposed courses of action and how the authorising environment or operational capacity impacted those decisions.

4.6.2 Broader sector data collection

In addition to the three councils, embedded units of analysis also included data collected from the broader sector such as interviews with consultants, observations, documents, and surveys.

This was considered valuable because it meant that the research was continually situated in the context of the broader legislative reform. Discourse and initiatives of other sector actors, including the Victorian State Government as the legislator, were of relevance because they had an instrumental effect on how councils responded to the new legislation. In addition, situating the councils within the broader sector context meant that there was a more complete picture of the way deliberative engagement practices were applied across all 79 councils. This meant that the research could more accurately distinguish if what was occurring in the three councils was consistent, or particularly distinctive, from the rest of the sector.

Sector-based artefacts and documents

For the same reasons outlined earlier, a series of artefacts and documents were collected as data. These included:

- 562 submissions that were made to the Local Government Review process over the three-year period
- each of 79 Victorian councils' community engagement policies
- a database of each of the 79 Victorian councils' deliberative engagement processes as outlined in either their council plan or relevant council reports
- selected guides or relevant data from sector actors such as VLGA, MosaicLab, and Local Government Victoria.

Each of these data provided valuable insights into the types of rules, practices, and narratives that were most prominent. For example, as Chapter 5 examines, the submissions to the Local Government Review process created a useful foundational understanding of how the legislative changes were received by the sector and various other stakeholders.

In contrast to issues of access with the three councils that participated as embedded units of analysis, these sector-wide documents and artefacts were appealing because they were readily available and numerous enough to undertake some statistical analysis. However, it is recognised that they are not always accurate and may be biased (Yin, 2014). Therefore, these artefacts and documents were used alongside evidence from other sources, not to make inferences alone (Yin, 2014).

Given there was a great deal of information produced by Local Government Victoria (LGV, n.d.) and other organisations in relation to the implementation of the Local Government Act, the scope for these documents and artefacts was limited to only those that specifically referenced deliberative engagement. This included not only where deliberative engagement was discussed directly but also where it was indirectly referred to, such as in relation to the community engagement policy or integrated strategic planning (which focuses on how the council plan is developed). Initially, the scope of topics examined were informed broadly by the research questions (e.g., how is engagement with the authorising environment framed?). However, as the research evolved, the task became more refined as the active concerns, concepts, and understandings of council staff and councillors became more apparent. For example, discussions with council staff and consultants lead to the research examining more closely whether each Victorian council conducted a public exhibition process for their council plan.

Interviews

Most Victorian councils engaged a consultant to support the implementation of deliberative engagement processes. In some instances, these consultants worked with councils in the design of their deliberative engagement practices but, for the most part, a consultant's key role was to facilitate workshops that were considered 'deliberative'. Initially, interviews with consultants had not been planned as part of the broader sector data collection; however, as the research unfolded, the extent of consultants' insights around how the practices were being adapted became more noticeable. As such, an additional ethics approval was submitted, and interviews were then conducted with 11 deliberative

engagement consultants.

The consultants interviewed were identified through discussions with councils and through networks. Of these consultants, some had worked with over 10 councils on their processes, while others had worked with only a handful; however, the majority had worked with more than one council. They had collectively worked with approximately 65 of the 79 Victorian councils, which was perhaps to be expected given the apparent scarcity of consultants experienced in deliberative methods in Victoria (newDemocracy Foundation, 2022). For the 14 remaining councils, it is not clear from publicly available artefacts whether they engaged a consultant or not.

Despite having required additional resources, this aspect of the data collection was beneficial as consultants provided a more nuanced and thorough account of barriers and opportunities experienced by the sector. For example, none of the three councils involved in the study had elected representatives who were actively obstructive to deliberative engagement practices. However, the consultants interviewed had worked with a variety of authorising environments, some especially enabling and others that publicly spoke out against the practices. Including consultants' experiences therefore enhanced the research by providing valuable insight into the broader trends and discourses surrounding the practice and how different organisational contexts and authorising environments responded to the legislative requirements.

Sector-wide surveys

The final stage of data collection included two surveys: one organisational survey for local government staff and a separate survey for councillors. Both surveys were emailed via a database that had been purposefully created for this research. The organisational survey was sent to 446 people and targeted CEOs, directors responsible for the community engagement portfolio, corporate planners (who are usually responsible for developing the council plan), and community engagement officers in each Victorian council. The councillor survey was sent to all 623 Victorian councillors. For both surveys, participants were emailed and invited to participate with a survey link. In addition, these surveys

were promoted via LinkedIn, local government associations, and through networks. The surveys received 203 responses: 102 for the organisational survey collected and 101 for the councillor survey.

The survey questions were structured as a means of sense-checking and further explore some of the themes that were emerging from the interviews and observations. Both surveys asked the same questions; however, the organisational survey had one extra question regarding organisational capacity building. Most of the questions were closed-ended and multiple-choice because this was perceived as less onerous for respondents. Questions covered topics such as how respondents formed their understanding of deliberative engagement practices; what they believed were the benefits of the practices; to what degree councillors were involved in their council's practices; how much influence the deliberative engagement process had on decision-making; and the reasons for these decisions. The last question in each survey was open-ended: '*Is there anything you would like to add about building capacity for deliberative engagement practices in local government?*' This generated 72 responses: 34 from organisational respondents and 38 from councillors. The survey questions can be found in Appendix 4.

Through the survey, the resonance and relevance of themes identified in the initial stages of analysis could be further explored. This was an opportunity to situate emerging findings from the three councils within the broader sector context and, through this aggregation, generate a greater understanding of how frequently certain perspectives or approaches occurred in the sector (Yin & Heald, 1975). It also allowed for a more nuanced understanding of how deliberative engagement practices were applied, identifying both qualifications and contradictions with interview findings (which are examined in the empirical chapters of this thesis).

In addition, because of their anonymity, the surveys provided an opportunity to express potentially counter-normative positions and therefore, to generate more unreserved responses around the legislative requirements. As noted earlier when describing how councils were recruited, there was a degree of sensitivity

around the research and council staff may have inferred potential exposure from participation. It is not unreasonable to assume that, even where councils had agreed to participate, interviewees may not have been entirely comfortable sharing their concerns or frustrations. A survey approach allowed for anonymous, not just de-identified, participation. This ‘unobtrusive’ method of data collection was also more likely to solicit responses that admitted to ‘socially undesirable behaviour’ (Webb et al.,1966, p. 3). In the context of this research, ‘socially undesirable behaviour’ could have been procedural limitations or failures that council staff were aware of but were reluctant to admit to during an interview or an observation. In addition, given the normative ideals of democratic innovations, council staff and councillors may have been reserved in their judgement of deliberative engagement practices in public but more comfortable expressing aversion or repudiation via a survey.

In the context of potential bias that could have occurred as a result of the researcher-practitioner positionality, the unobtrusive nature of collecting data via survey meant that there was an absence of elicitation (Webb et al., 1966) and bias that might have unintentionally been layered onto analysis would have been mitigated (Ryan, 2019).

Finally, there was also some strategic benefit in including sector-wide surveys as an embedded unit of analysis. Given the sector had expressed general reticence towards deliberative engagement practices while the legislation was being developed (Savini & Grant, 2020), there was value in capturing a snapshot of the sector’s perceptions as it was implementing them for the first time and at this historical juncture. In this manner, the surveys also become a resource for potential further comparative analysis in longitudinal studies.

4.7 Data Analysis

The following section outlines the data analysis process; it begins with an explanation of how the analytical framework based on the public value strategic triangle was applied during analysis, followed by how the analysis integrated a mixed methods research approach.

4.7.1 Structuring analysis around the public value strategic triangle

As noted previously, the analytical framework was used as a means for *orienting concepts* (Layder, 2013) during the initial stages of data collection. Whilst the framework sub-themes described in Chapter 3 were useful when structuring interview questions and provided sound parameters for the early lines of inquiry, once the data analysis began, the sub-themes became too granular. Mindful of 'the paradox of theory which, at the same time it tells us where to look, it can keep us from seeing' (Vaughan, 1992, p.195), an over-reliance on the analytical framework sub-themes risked resulting in a myopic understanding of the data. In addition, emphasis on the framework themes could have produced a tendency toward, or the perception of, confirmation bias that would have had epistemological implications, particularly given the researcher-practitioner positionality. In response to these emerging tensions, the more detailed sub-themes of the framework were discarded; instead, analysis applied the broader concepts of the public value strategic triangle (i.e., value, authorising environment and operational capacity).

Using Dedoose software for coding, the data from interviews (both council and consultants) was matched with the strategic triangle categories of 'value', 'authorising environment', and 'operational capacity'. The intention was to create hierarchical arrays (Yin, 2014), beginning with the most abstract at the higher level, for example 'authorising environment', to subsequently explore the themes that sat underneath.

This proved to be less linear than originally anticipated. As the coding continued, there were several emerging themes that did not fit neatly into one of the three strategic triangle categories. The interconnected nature of the strategic triangle elements, which is recognised by scholars such as Alford and O'Flynn (2009), became increasingly complicated to manage. Mindful of not forcing data into conceptual categories that were inappropriate (Layder, 2013), whilst at the same time recognising the need to create some order to the research findings, a structure was mapped out. Table 4.1 (below) provides an

outline of the analysis themes that were allocated to each of the strategic triangle points that, in turn, corresponded with each of the empirical chapters and research questions.

Table 4.1 Alignment of research questions, public value strategic triangle and empirical findings.

Chapter Six Revitalising democracy – praxis ambiguity and the search for public value	**Chapter Seven** Building legitimacy for deliberative engagement with authorising environments	**Chapter Eight** The impact of individual agency and organisational cultures on operational capacity for change
Research Question: How are deliberative engagement practices understood and interpreted by local government organisations? (Value)	Research Question: How does the authorising environment influence the design and implementation of deliberative engagement practice, including its perceived legitimacy? (Authorising environment)	Research Question: How do organisational cultures and constraints inform how deliberative engagement is designed and implemented? (Operational capacity)
Assumptions around value proposition and effect of principles-based legislation. Sense-making and sources of knowledge that were referenced. How deliberative engagement practices were defined. How the value of deliberative engagement practices was perceived.	Councillor involvement in deliberative engagement practices and the connection with perceived legitimacy. Executive control over councillor access to information and deliberative engagement process. Perceived legitimacy of the representative claim of the deliberative cohort. Perceived legitimacy of deliberative engagement practices in relation to existing practices of public participation.	Operational context deliberative engagement practices were being implemented within and its potential impact. Dispositions of individual actors and how they were reinforced or limited by organisational cultures. Capacity building for deliberative engagement – issues and needs.

The allocations presented in Table 4.1 were decided based on where the themes seemed most aligned; however, it is acknowledged that other ways to categorise the themes could have been applied (e.g., executive control over access to information and the deliberative engagement process could have

equally been allocated to operational capacity instead of authorising environment). However, in terms of the actual data analysis, had the themes been categorised to a different strategic triangle point it is highly unlikely that the analysis would have arrived at different conclusions. As such, Table 4.1 should be read simply as a way of grouping data segments for analysis and structuring the findings.

4.7.2 Mixed methods data analysis

Broadly, it could be said that thematic analysis was utilised for the qualitative data whilst a descriptive statistical approach was applied for the quantitative data. For interviews, the process included coding data at the most abstract level according to the themes of the public value strategic triangle and then subsequently exploring what emerged from these. Instead, for the analysis of data such as documents, a descriptive approach was often taken where the data was summarised into indicators that were easy to understand and compare (Tashakkori & Teddlie, 2008). For example, when analysing how ‘deliberative engagement practices’ were defined in each council’s community engagement policy, the indicators of ‘deliberation’, ‘influence’, and ‘representation’ were used to identify and compare which aspects were more dominant in how the practices were interpreted. In addition, for the survey data, the approach was mostly statistical and involved looking for the responses that were selected more frequently. Where useful, some cross-referencing of responses was conducted to gain a more nuanced understanding of respondents’ perspectives.

In terms of procedure, the analysis began with the interviews and then integrated the other data sources. As such, based on the coding according to the public value strategic triangle, the data analysis began with looking for repetition in council interviews. Following this, the consultant interviews were examined to see if they provided further insights or alternative perspectives. Once there was a consistent theme emerging, analysis moved to interrogating survey data, observation notes, and documents to again identify either correlating or disconfirming evidence. Although to a lesser degree, analysis of

survey responses sometimes also prompted revisiting interview data to decipher whether there was a more nuanced perspective than what the survey data was suggesting. Overall, each strand of data informed the other during the analysis and a process of testing for plausibility and robustness or potential alternative perspectives or interpretations was applied throughout. This aligns with what Yin (2014) refers to as a process of internal validity, where pattern matching, explanation building, and rival explanations are derived from multiple sources of evidence in the case study and inferences are made from this process.

As seen in the empirical chapters, the mixed methods approach drew from multiple sources of evidence and orientated the research in a way that invited 'multiple ways of seeing, multiple ways of making sense of the data and multiple standpoints on what is important and to be valued' (Greene, 2007, cited in Creswell, 2016, p. 20). This mixed methods analysis approach also ensured that that the findings from both the qualitative and quantitative data collection were kept in conversation with each other and that one was not privileged over the other (Escobar & Thompson, 2019).

In addition to the mixed methods data sources, the themes emerging from analysis were also considered against the findings from other scholars to see where there were similarities or divergence. This process of 'recursivity' (Mansbridge, 2022) meant that analysis was 'moving back and forth' between the empirical analysis of the case study and what has already been examined in this highly subscribed field of research. At times, the research aligned relatively consistently with existing literature and even helped draw out a deeper understanding of the data (e.g., Lowndes and Roberts' (2013) work on path dependency was particularly relevant in Chapter 8). This process was not necessarily to verify existing theory and was not applied in this manner; instead, it was an additional way of exploring the research findings through situating them in the existing literature.

Once themes became clearer and more established, some 'member checking' (Fischer, 2003) occurred where initial analysis was presented back to research

participants or the sector more broadly to see if it ‘rang true’. In a formal sense, this happened through reports that were written and presented to councils and consultants that provided synopses of topics explored in their interviews. The ‘member checking’ also occurred informally at observations or debriefs in casual conversations or through phone conversations with research participants. These informal discussions were often more open and provided an opportunity to probe assumptions and clarify understandings.

Regarding the member checking process, as part of the ethics approval, each interviewee was sent a copy of their interview transcript and asked to provide permission for highlighted quotes to be used in the research findings. This proved to be a lengthy process and meant that there was little flexibility around which quotes could be used in the thesis. It also presented some challenges as some interviewees were concerned about potential backlash despite their anonymity. This resulted in some ‘qualified’ approvals and one participant declining to provide consent for any of their interview quotes. Despite these complications, the process proved to be a useful sense-checking exercise with some interviewees making amendments to their transcripts and a number responding that they valued looking back at their thoughts on the deliberative engagement processes.

Mindful of the researcher-practitioner positionality, the analysis was continually aware of potential unconscious biases. This cognisance meant that there was a reflective process during sense-making and deep consideration of how personal preconceptions might have affected the data analysis. As described earlier, the analysis included constant comparisons as well as searching for silences in the data (Schwartz-Shea, 2012). Another strategy was to provide as many direct quotes that supported findings as possible in the empirical chapters. This process was undoubtedly supported by the quantity of data collected for this research project, which was significant, and provided an opportunity to draw on multiple sources.

The quantity of data collected did, however, present some challenges, particularly when trying to draw out what was material or not. At times, personal

reluctance to accept that some of the data was not leading to meaningful analysis stalled progress. For example, the organisational survey asked what types of skills and capabilities respondents thought were needed to deliver deliberative engagement. When it came to exploring the findings, beyond a descriptive list of skills, there was no significant reason to incorporate this data in the findings. Wanting to 'honour' all the data that had been collected, as well as what might be described as a personal pragmatic orientation, sometimes meant that arriving at what were the more consequential findings was slowed down.

On a final note, while it was initially expected that there would be a greater need for a comparative analysis of councils based on whether they were metropolitan, interface, or rural, it became apparent that this line of enquiry was redundant. Whilst there were important differences between the councils that participated in the research, these were not tied to their classification. This was especially evident in the survey responses where there was little or no distinction between metropolitan and rural respondents.

This section provided an overall description of the data analysis. It outlined the strategies that were used to enhance the rigour of the findings and the adaptations that needed to be made as the analysis progressed. Perhaps not surprisingly, the analysis was characteristic of interpretivist research approaches, which are necessarily responsive to initial findings, limitations of the data, and ethical issues (Hendricks, 2007; Schwartz-Shea & Yanow, 2012).

4.8 Conclusion

This chapter outlined how this thesis intends to provide a more nuanced understanding of the institutionalisation of democratic innovations by examining the constructs that influence and affect how they are operationalised. It explained the aims of the research and how they informed the research design, which is framed around the 'deliberative engagement practices' mandated in the *Victorian Local Government Act 2020*. After explaining how an interpretivist approach was chosen because of its ability to illuminate phenomena in a

context-specific manner, the chapter provided an explanation of why the case study method was chosen, and in particular, why the *Victorian Local Government Act 2020* presented a compelling site for analysis. The chapter established the precise unit of analysis, and therefore, the scope of focus for the case study, before providing a description of the embedded units of analysis that were selected to generate multiple data sources and evidence. The mixed methods research approach was then presented, along with how the research intended to integrate findings using both qualitative and quantitative approaches. Following this, a thorough account of the data collection instruments was described. Collectively, these instruments meant that there were multi-layered sources of data to draw from for analysis. The chapter then proceeded to outline how the data analysis was undertaken, providing details of the mixed methods analysis approach. This included a reflection on the unexpected issues that arose during analysis and how they were addressed. Overall, the chapter demonstrates how the research approach continually adapted and responded to circumstances as they emerged in a manner that ensured the findings were consistently interrogated against multiple sources of evidence and interpretation.

Chapter 5: Putting the community at the heart of decision-making and the *Victorian Local Government Act 2020*

5.1 Introduction

Before examining how deliberative engagement practices were interpreted and operationalised by the Victorian local government sector, it is useful to consider how the reforms of the *Victorian Local Government Act 2020* posed a significant shift in community engagement practices for councils. As noted in Chapter 1 (Figure 1.2), the new Act was developed over a five-year period that was marked with several consultation initiatives that engaged both the local government sector and broader community. This chapter analyses how the proposed legislation for deliberative engagement practices was received during the consultation stages and provides insight into the extant attitudes and preparedness of the sector to engage with practices that had been, to that point, relatively discrete. As such, the chapter provides some preliminary context for the rules, narratives, and perceived constraints that informed the deliberative engagement practices that emerged.

Expanding on the details of the *Victorian Local Government Act 2020* provided in Chapter 1, this chapter begins by outlining the key changes to community engagement requirements that the legislation proposed. It compares the requirements of the preceding Act with the new legislation and illustrates how the formal rules around engagement practices shifted significantly. The chapter then provides an account of how the Victorian State Government framed the legislative changes, including its expressed intention to 'improve democracy'. These narratives reveal some of the key assumptions the State Government made around mandating deliberative engagement practices. The chapter then hypothesises what might have prompted these assumptions, including the

events and actors that are likely to have influenced the State Government's direction. Following this, the chapter examines how the local government sector responded to the proposed deliberative engagement practices through the submissions made during consultation stages for the legislation. It analyses the themes that emerged from these submissions and identifies some of the key concerns expressed by Victorian local government organisations. This chapter, therefore, sets the scene for analysis of how the legislative requirements were interpreted and implemented, which are examined in the thesis' subsequent empirical chapters.[5]

5.2 Developing a new Act for local government in Victoria

5.2.1 The shift in requirements around community engagement

As noted previously, the *Victorian Local Government Act 2020* presented a major shift in expectations around how Victorian local governments consulted and engaged their constituents in long term strategic planning.

The left column in Table 5.1 (below) demonstrates that the preceding Act, the *Victorian Local Government Act 1989,* had relatively limited requirements for community engagement. The only prescriptive requirement was Section 223, which required councils to ensure community members had an opportunity to make submissions regarding the proposed council plan and budget – often referred to as the 'public exhibition' process. Although it could be argued that *Local Government (Best Value Principles) 1999*, which stated each council must 'develop a program of regular consultation with its community in relation to the services it provides' (s.208B(e)), strengthened the expectations slightly, community engagement remained implied rather than explicit and the Act provided little guidance as to how consultation might be conducted. This was particularly the case when compared with counterpart legislation in NSW, Western Australia, and to a lesser extent, South Australia and Tasmania (for an account, see Christensen, 2018; Grant & Drew, 2017).

[5] Parts of the data and analysis included in this chapter were published in Savini, E., & Grant, B. (2020). Legislating deliberative engagement: Is local government in Victoria willing and able? *Australian Journal of Public Administration*, *79*(4), 514-530.

Table 5.1 Key changes to the Victorian Local Government Act

1989 Local Government Act	2020 Local Government Act
208B(e) a Council must develop a program of regular consultation with its community in relation to the services it provides.	55 Community engagement policy Council must adopt and maintain a community engagement policy which must; give effect to the community engagement principles; and be capable of being applied in relation to any of the Council's strategic planning or policy development and include deliberative engagement practices which must be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan.
223 Right to make a submission Council must publish a public notice specifying details of its indented Plan or actions, allowing not less than 28 days for public submissions on the matter (either in person or by proxy). The Act says Council must consider all the submissions made and notify each person who made a submission of the decision and reasons for that decision.	56 The community engagement principles Participants in community engagement must have access to objective, relevant and timely information to inform their participation; they must be representative of the persons and groups affected by the matter; they are entitled to support to enable meaningful and informed engagement; and are informed of the ways in which the community engagement process will influence Council decision making.
125 (3) A person has a right to make a submission under section 223 on the proposed Council Plan.	Part 4: Division 1 Strategic Planning Council must develop and adopt: 88 Community Vision; 90 Council Plan; 91 Financial Plan; 92 Asset Plan; that are 'developed with its municipal community in accordance with its deliberative engagement practices'

Source: Adapted from Savini and Grant (2020): *Victorian Local Government Act 1989* and *Victorian Local Government Act 2020.*

Conversely, the *Victorian Local Government Act 2020* extended the community engagement requirements significantly. It not only provided more definitive community engagement principles but also specified that councils need to adopt 'deliberative engagement practices' for all major strategic planning, including for the development of the community vision, council plan, financial plan, and asset plan.[6]

[6] Each Victorian council is required to prepare and adopt several strategic planning documents in the year following a general election. The community vision (10-year plan) and council plan (4-year plan) are key aspects of this strategic planning as they must include the strategic objectives of the council and strategies for achieving those objectives over the 10- or 4-year period (for more information, see LGV, 2020c).

As noted in Chapter 1, although Australian local governments had experienced some incremental reforms towards more participatory practices, up until this point government reforms that systematically institutionalised democratic innovations or modernised the government–citizen relationship to this degree had not been seen. With this as a frame of reference, the *Victorian Local Government Act 2020* can be considered a departure from more moderate expectations around community engagement and an attempt to institutionalise democratic innovations.

5.2.2 Legislative reform to 'improve democracy'

The stated aim of the *Victorian Local Government Act 2020* was to 'improve local government *democracy*, accountability, and service delivery for all Victorians' (LGV, n.d., emphasis added). The Act was repeatedly described as having at its core the aim of ensuring all Victorians have the opportunity to inform municipal priorities (see examples DELWP, 2021a and DELWP, 2021b), and its implicit agenda for democratic renewal can be deduced from the early stages of the Act's development with statements such as: 'As the level of government closest to the people, councils have both the opportunity and arguably the responsibility to enable participatory democracy' (DELWP, 2016, p. 60). More recently, the Victorian State Government has conveyed similar positions, stating 'deliberative engagement practices are designed to protect the democracy of local government practices and decision making while ensuring the community's voice and priorities match that of the council' (LGV, 2022, p. 8).

The State Government's stated intention can therefore be understood as an attempt to augment, or modernise, representative democratic practices in local government with deliberative engagement practices. Considered through the lens of in-built problem representations, or what Bacchi (1999) refers to as 'the shape of the problem' (p. 66), these narratives also indicate what the State Government perceived as the policy issue. Evidently, Victorian local governments were not sufficiently involving their constituents in decision-making. As such, these narratives reveal a set of assumptions that the State Government made around institutionalising deliberative engagement practices,

namely, that they would enhance councils' strategic planning processes through greater public participation. Perhaps not surprisingly, these assumptions are aligned with the normative premises espoused by advocates of democratic innovations, and the ascension of these ideas discussed in Chapter 2.

5.3 Community engagement practices in Victoria before the legislative reform

To fully understand the reform environment, and what is likely to have underpinned the State Government's assumptions, it is useful to briefly consider some of the circumstances and actors that were prevalent at the time the State Government was drafting the new legislation.

5.3.1 Consistently low satisfaction with community engagement

In a media release on 16 November 2016 titled 'Council Plan Changes Puts Residents First', the then Local Government Minister, Natalie Hutchins, announced that the first major decision of the Local Government Act reform would be that councils were required to develop four-year plans with their communities and 'give residents more say in their council's priorities, services and budgets' (Minister for Local Government, 2016). The media release noted that current requirements for consultation were limited, and that 'the need for local communities to have a stronger say in guiding council directions was a major theme during consultation on the new Local Government Act'.

This theme was also noted in the *Review of the Local Government Act 1989 Discussion Paper* (DELWP, 2015) which states 'an issue often raised in correspondence to the Minister is frustration about levels of consultation and engagement with communities by councils about key decisions' (p. 15). The Discussion Paper questioned whether 'the Act currently contains strong enough provisions about community consultation ... and if alternative approaches to improving engagement and feedback should be mandated in legislation' (p. 52).

This framing aligns with results from the annual Local Government Community Satisfaction Survey, which had continually recorded low scores around

satisfaction with good governance and political participation. For instance, the indicator ‘making decisions in the interest of the community’ has consistently been one of the weakest areas of council performance since it was first measured in 2014 (DELWP, 2019). At the Directions Paper (2016) stage, the community satisfaction survey results were mentioned in direct relation to deliberative engagement, arguing that ‘councils which had adopted deliberative engagement processes had, in several instances, shown better scores for community satisfaction surveys’ (DELWP, 2016, p. 28).

In addition, the Victorian Auditor General’s Office (VAGO) is likely to have influenced the State Government’s perceptions around community engagement practices. In 2015, at the same time the discussion paper for the new Local Government Act was being drafted, VAGO published the *Public Participation in Government Decision-making: Better Practice Guide*, in which the Auditor-General, John Doyle, stated:

> *… publishing this guide is the first step in what I intend to be an iterative approach to highlighting better practice public participation in government decision-making. I expect that a number of my performance audits over coming years will include a focus on whether agencies are efficiently and effectively engaging the public to inform government decision-making and implementation* (VAGO, 2015, p. Foreword).

Then in 2017, when the Local Government Bill was being drafted, VAGO released its *Public Participation and Community Engagement: Local Government Sector Report*. In this audit of Victorian local government community engagement practices, VAGO suggested a need for engagement-focused regulation and that policy structures could help to embed best practice engagement. In addition, the report stated that the Victorian State Government needed to do more to support councils to address the relatively low levels of satisfaction that communities express about their public participation – that it could ‘do more to identify specific weaknesses in public participation and promote better practice across councils’ (VAGO, 2017, p. viii).

Combined, these narratives signal an authorising environment that had identified critical deficiencies in community engagement practices of Victorian local governments and, importantly, was aimed squarely at improving practices through regulation and state-led measures.

5.3.2 Deliberative engagement shows promising results

In stark contrast to the poor community engagement results of the Community Satisfaction Survey and VAGO's findings, and only months before the publication of the *Review of the Local Government Act 1989 Discussion Paper*, the Victorian metropolitan council of City of Melbourne won both the International Association for Public Participation (IAP2) Australasian and International Organisation of the Year. As a speaker at the *Future of Local Government Summit* in May 2015, one of the elected representatives from City of Melbourne, Cr Stephen Mayne (2015), noted that its participatory budget project, the Melbourne People's Panel, had been 'instrumental' in winning those awards. The project had been applauded for its outcomes, including that panel members expressed 'increased levels of trust and confidence in the council and a higher general satisfaction with the outlook for the city' (Reece, 2015, p. 196). Whilst any inference is speculative, it is plausible that this community engagement success story would have appealed to state government legislators. Indeed, the Melbourne People's Panel was included as a case study in the *Review of the Local Government Act 1989 Discussion Paper*. Although deliberative engagement was not explicitly referenced, the paper suggested: 'there may be potential to formalise in the Act the involvement of citizens' bodies like the City of Melbourne in the framing of certain major policy decisions of council' (DELWP, 2015, p. 53).

In addition to the high-profile case study of the Melbourne People's Panel, two of the peak sector organisations for local government in Victoria (the Municipal Association Victoria (MAV) and Victorian Local Government Association (VLGA)) had also promoted and advocated for deliberative engagement practices. At MAV's *Future of Local Government Summit* in 2015, almost every key speaker presented findings from deliberative engagement projects. The

VLGA also advocated for these types of practices in its submission to the Discussion Paper, stating:

> *the Act should provide the ability for local government to establish not only committees but Local Government Boards, Citizens Panels and like forums, enhancing participatory democracy by allowing for processes which give local community members an avenue for actively expressing their views and helping shape policies and final outcomes* (VLGA, 2015, p. 11).

As these last two sections have shown, a combination of circumstances created an environment where local government was seen to be underperforming in community engagement practices, and simultaneously, deliberative engagement practices were positioned to meet those perceived deficiencies. It was therefore perhaps predictable that when developing the new Victorian Local Government Act, the State Government leaned into the promise of deliberative engagement practices and included them throughout draft documents.

5.3.3 The compelling case of democratic innovations

As noted earlier, the legislation also reveals how the State Government understood the 'shape of the problem' (Bacchi, 1999, p. 66). As Sullivan (2009) argues, participatory governance policies 'are themselves subversive acts, designed with the express purpose of unsettling the established relationships of politicians, the public and professionals in the pursuit of new ones' (p. 65). With its focus on mandating deliberative engagement practices, the Victorian State Government arguably favoured one type of 'subversive' act and formalised practices that increased input legitimacy over output. Input legitimacy is focused on access to the decision-making process; it views public participation as a way to improve policymaking. Conversely, output legitimacy considers the act of policymaking as problem solving in the interest of the general public; therefore, it favours the expertise of policy actors and subject matter experts (Abels, 2007; Caluwaerts & Reuchamps, 2016). The *Victorian Local Government Act 2020* only considers input orientated legitimacy and therefore, the legislator has

anticipated that if councils broaden public access to policymaking processes, they will achieve the desired results. Furthermore, by prescribing *deliberative* engagement practices in particular, the Victorian State Government has, in a sense, indicated a bias towards 'deliberative' approaches rather than the broader descriptor of 'participatory' practices.

Given the largely undisputed acceptance that democratic innovations strengthen government decision-making (Spada & Ryan, 2017), and the extensive body of empirical literature exploring initiatives that have ostensibly addressed a perceived 'democracy deficit', it is conceivable that the Victorian State Government found the promise of democratic innovations compelling. Furthermore, it is feasible that it assumed that the ideals of strengthening democracy were an intrinsic outcome of mandating 'deliberative engagement practices'.

5.4 Submissions to the Local Government Act Review (2015–2017): an 'antipathetic' reception?

As outlined in Figure 1.2, the Victorian State Government produced three key documents when developing the *Victorian Local Government Act 2020*: these were the *Review of the Local Government Act 1989 Discussion Paper* (2015), *Act for the future – Directions for a new Local Government Act* (2016), and *Local Government Bill Exposure Draft* (2018). To understand how the sector responded to the proposed deliberative engagement requirements, a review of the 562 publicly available submissions made throughout these three stages of engagement was undertaken. Although the submissions covered several issues that aligned with 'renewing democracy' (e.g., electoral processes and the responsibilities of elected representatives), analysis focused only on references to 'deliberative', 'participatory', or 'community' engagement.

As Table 5.2 (below) demonstrates, deliberative, participatory, and community engagement were prominent themes at all three consultation stages, with over a third of submissions consistently commenting on these practices. The Directions Paper received the highest number of submissions that referred to either deliberative or community engagement (*n* = 132; 71%); however, this is

likely to be because there were a series of questions directly related to deliberative engagement practices.

Table 5.2 Submissions that noted deliberative, participatory or community engagement

	Discussion Paper 203 accessible submissions	**Directions Paper** 186 accessible submissions	**Exposure Draft** 190 accessible submissions
Councils	31	69	47
Sector organisations	3	3	3
Councillors	3	9	1
Individuals	33	24	7
Community organisations	11	19	12
Private	4	8	3
Total	85	132	73
% of total submissions	42%	71%	38%

Source: Adapted from Savini and Grant (2020)

The submissions provided an extensive account of how the local government sector perceived deliberative engagement practices and some of their key concerns regarding implementation. These are considered in the following sections.

5.4.1 Local government sector responses to proposed changes

Submissions that were considered 'local government sector' included councils, sector organisations (such as VLGA, LGPro, and MAV), and councillors.

At the Discussion Paper stage, responses from the local government sector referring to deliberative or community engagement were relatively limited. The responses mostly fell into two categories: those that noted that community engagement should not be prescriptive (*n* = 22; 59%); and a few that noted that, as elected representatives, councillors are already accountable to their

communities (*n* = 8; 21%).

Subsequently, at the Directions Paper stage, there was a significant increase in submissions that commented on the deliberative engagement requirements, with 96% of the councils providing their thoughts. Of those, themes included: that deliberative engagement should not be prescriptive (*n* = 50; 72%); a need for clarification around what was meant by 'deliberative' (*n* = 34; 49%); that elected representatives or councillors are already sufficiently accountable to their communities (*n* = 25; 36%); and concerns regarding the resources required for deliberative engagement practices (*n* =23; 33%).

Finally, at the Exposure Draft stage, some of the concerns expressed in the Directions Paper seem to have been tempered, with nearly a third (*n* =16; 31%) supporting the broader community engagement principles. However, a significant proportion reiterated the need for further clarification around the proposed deliberative engagement practices (*n* = 20; 39%), and likewise, many expressed concern regarding the requisite resources and limited timeframes for the proposed changes (*n* = 19; 37%).

Analysis of the submissions indicates that the local government sector's response to introducing deliberative engagement practices can be broadly characterised as antipathetic. Although supportive of community engagement, many councils argued that how strategic plans are developed, and the degree of community engagement conducted, should not be prescribed in legislation (this was most evident at the Directions Paper stage, where it was noted by 72% of council submissions). In addition, the main contentions of councils were that the deliberative engagement requirements presented an unnecessary resource impost and that, by their account, councils were already sufficiently involving their communities in decision-making. These contentions speak to the reform context and the preparedness of councils to adopt deliberative engagement practices, which is considered in more detail in the next section.

5.5 Key concerns regarding proposed deliberative engagement practices

5.5.1 Uncertainty regarding the need to mandate deliberative engagement

Uncertainty regarding what constituted 'deliberative engagement practices' and whether it was necessary to mandate the practice was highlighted by several local government and industry organisations in submissions during the consultation stages. For example, in their response to the Directions Paper, the International Association for Public Participation (IAP2)[7] Australasia flagged that the term 'deliberative' was not well understood by many in state and local government (IAP2, 2016). Likewise, in their submission to the Directions Paper, one of the peak membership associations in Victoria, Local Government Professionals (LGPro), not only expressed concern around the specification of 'deliberative' engagement as a requirement of the Act but also queried whether 'the quality of engagement would be enhanced by the Act being so prescriptive in this regard' (LGPro, 2016).

In their submissions, many councils argued that they were already sufficiently delivering on community engagement practices, and most highlighted that, rather than prescribe one method of engagement practice, each individual council should tailor community engagement processes according to their unique communities and contexts. For instance, in its submission to the Directions Paper, Greater Bendigo City Council (2016) stated: 'The methodology [for community engagement] should be determined by the council in accordance with local expectation and accountability, not prescribed in regulation.' Similarly, Central Goldfields Shire (2016) asserted: 'Council supports optimum community engagement and believes that council is best placed to determine how such engagement takes place, rather that it be prescribed.' For its part, Hindmarsh Shire (2016) stated: 'Deliberative practices need to be appropriate and fit-for-purpose for the community they are applied to. One size does not fit all.'

[7] IAP2 is an international member association that seeks to promote and improve the practice of public participation or community and stakeholder engagement. It describes itself as 'a peak body for engagement' practice (https://www.iap2.org.au).

Some submissions indicated that councillors should have the ultimate say on the types of engagement practices their constituents preferred. In their submission, the MAV (2016) argued that, as the elected representatives, councillors 'should engage with the community through a variety of mechanisms to assist them to inform themselves and to perform their role' – otherwise stated, councillors are accountable to their constituents and, therefore, should determine for themselves the mechanisms that will better inform their decision-making.

The trepidation shown by the sector in the submissions indicates that, overall, councils did not recognise the benefits of mandating deliberative engagement practices. Instead, there was a pronounced diffidence in the legitimacy of the State Government's claim that they would produce stronger community engagement outcomes.

5.5.2 Capacity of local government sector

Another of the main concerns raised by the local government sector was that councils did not have the resources to properly implement deliberative engagement practices. For instance, in their submission to the Discussion Paper, MAV stressed that they did not support mandating specific additional platforms or processes for community engagement in the absence of understanding the efficacy, costs, and capacity of councils to resource them (MAV, 2016). LGPro made a similar statement and IAP2 flagged that it is 'highly possible that many Victorian councils do not have the resources to undertake a quality deliberative process' (IAP2, 2016).

The Melbourne City Council initiative that was proposed as a case study example in the Discussion Paper and then implied as an aspirational 'standard' in the Directions Paper was challenged by several submissions that noted that the resourcing available for a capital city council is far greater than their suburban and rural counterparts. In fact, the issue of resourcing was particularly highlighted by rural councils. The VLGA commented that 'the resource constraints faced by rural shire councils in particular must be considered

leading up to and during the implementation of the Bill' (VLGA, 2019).

In addition to the resource limitations, councils emphasised the inadequate capabilities of local government employees to competently deliver deliberative engagement. There was a dominant perception that deliberative engagement practices required specific skill sets, and that these were beyond the more generalist community engagement skills of council staff. Furthermore, some submissions called attention to the problematic nature of legislating practices which constrained councils to engage external consultants. City of Port Phillip flagged that there were only a restricted number of 'deliberative engagement experts' and that the proposed legislation would mean 79 councils across Victoria would be seeking the 'same deliberative engagement expertise over the same period of time during the development of the council plan' and, therefore, access to such expertise would be challenging (City of Port Phillip, 2017).

These concerns regarding operational capacity, coupled with the general level of ambivalence that was shown towards legislating deliberative engagement, demonstrate that the local government sector saw limited value in applying the practices. The consequence of this, and how these concerns manifested in the implementation of deliberative engagement practices, is explored in detail in the subsequent empirical chapters.

5.6 Conclusion

This chapter examined the development of the *Victorian Local Government Act 2020.* It outlined the key changes to community engagement requirements and considered how the local government sector responded to the proposed mandating of deliberative engagement practices. It positioned the research within its authorising environment by providing insights into some of the State Government's dominant narratives regarding the reform and the circumstances that may have informed these. It also highlighted that the State Government's expressed intention of 'improving democracy' through deliberative engagement practices was consistent with the presumptive, and often touted, normative and epistemic benefits of institutionalising democratic innovations. These

assumptions were contrasted with what can be characterised as a relatively antipathetic response from the local government sector around the legislative reform, where there was significant scepticism about the suitability and capabilities of councils to effectively implement the new requirements. The chapter provides an initial account of how deliberative engagement practices were interpreted by councils. It indicates the sector's preparedness to implement the practices and also identifies some of the perceived constraints and concerns that are more fully explored in the subsequent empirical chapters of this thesis.

Chapter 6: Revitalising democracy – praxis ambiguity and the search for public value

"Though I feel we think we did it, I am not sure we did."
Organisational survey response

6.1 Introduction

It could be said that the 'public value' derived from deliberative engagement practices was hypothesised by the Victorian State Government who expressed that the reforms were designed to 'improve democracy' by putting 'the community at the heart of council decision-making' (Minister for Local Government, 2016). In this sense, the legislation implicitly answered the public value strategic triangle question: 'will it create public value?' However, local government organisations were responsible for the design and implementation of the deliberative engagement practices, and therefore, were in control of whether indeed the practices met those ideals. As such, the realisation of this assumed 'public value' was largely dependent on the councils tasked with making sense of and operationalising the new legislation.

Aligned to the 'value' point of the public value strategic triangle, this chapter explores the first research question: *How is deliberative engagement practice understood and interpreted by local government organisations*? It aims to provide insight into how the normative, epistemic, and pragmatic 'value' of democratic innovations was actualised through an examination of how these practices were conceptualised and applied – in this case, by considering how deliberative engagement practices were interpreted, constituted by, and then integrated into the strategic planning processes of local government in Victoria.

Taking an institutionalist approach, this chapter considers how deliberative engagement was defined in community engagement policies, and therefore, the formal *rules* that were established, before exploring the subsequent *practices* and *narratives* that emerged during implementation. The analysis draws from

the mixed methods data collection and includes thematic analysis of interviews with council staff, councillors, and deliberative engagement consultants; statistical analysis of survey data; and analysis of all 79 councils' community engagement policies. To contextualise the findings within the local government sector, data is also derived from a select number of artefacts and observations at webinars that were held in the early stages of the Act's implementation. Collectively, this data presents a holistic rendering of the norms and incentives that are likely to have shaped or constrained councils' approaches to their legislative obligations.

The chapter begins with examining the 'principles-based' nature of the legislation and how this was received by an already ambivalent local government sector. With this legislative context in mind, the chapter then examines the sense-making processes that occurred around deliberative engagement practices, analysing the manifold data sources that were accessed by different policy actors. Following this, an account of how deliberative engagement practices were defined by councils in their community engagement policies provides insight into how the practices were interpreted by the sector and the conditions councils were prepared to formalise as *rules*. The chapter then moves to the implementation stage of deliberative engagement, exploring the *practices* that emerged and the dominant *narratives* that accompanied them. Reflecting on how the ensuing practices demonstrated a propensity for co-option, and therefore an undermining of the 'value' they created, the chapter theorises about what might have contributed to the dominance of existing norms and operational imperatives. The chapter concludes by considering the significance of conceptual framing around 'public value'. It proposes that analysis from the perspective of perceived 'public value propositions' can provide greater insight into the motivations and constraints that inform how deliberative engagement practices were operationalised.

6.2 When principles-based legislation meets deliberative ambivalence

This section focuses on the *Victorian Local Government Act 2020* and examines some of the underlying assumptions the State Government made by employing

a principles-based approach. It establishes that moving to a principles-based paradigm constituted a distinct shift for the local government sector, which was, until this point, accustomed to more prescriptive legislation. Noting some pervading circumspection around the legislation within the local government sector, this section provides an important contextual setting for the analysis that follows later in the chapter.

6.2.1 Introducing principles-based legislation

The *Victorian Local Government Act 2020* states:

> *a council's community engagement policy must include deliberative engagement practices which must be capable of being applied to the development of the Community Vision, Council Plan, Financial Plan and Asset Plan* (s.55(2)(g)).

It defines 'deliberative engagement practices' as:

> *the deliberative engagement practices included in a community engagement policy* (Local Government Act 2020, Part 1 – Preliminary).

As such, whilst deliberative engagement practices and the documents they need to be applied to are explicitly dictated, and arguably tautological, the Act does not give a description of what they might involve. Instead, it transfers responsibility to councils, leaving councils to decipher and decide how deliberative engagement is defined in their community engagement policy.

Perhaps unsurprisingly, when the Act was first endorsed, the subject of defining 'deliberative engagement practices' presented itself frequently at webinars and information sessions. The State Government was pressed repeatedly through several channels for a more precise definition and guidance around what was expected (e.g., see LGV webinars and co-design documents 2020a, 2020b, 2020c and 2020d, and Engage Victoria, 2020). In response, state government officials consistently argued that as a 'principles-based' act, the onus was on each council to interpret how they implemented deliberative engagement practices themselves (Engage Victoria, 2020, see also IAP2, 2020, and VLGA,

2020). Official statements on the Local Government Victoria (LGV) website at the time included: ‘the Act does not prescribe what deliberative engagement practices are; however, a broad interpretation should be taken’, maintaining that councils should ‘develop a policy that will suit their council’s and community’s needs, which can be different from one council to another’. This reticence to delineate what was and was not considered ‘deliberative engagement practices’ was perhaps most clearly articulated at a webinar titled ‘Demystifying Deliberative Engagement’, when a senior state government official stated:

> *I would absolutely hesitate to define deliberative in the context of the Local Government Act because whilst the Act mandates deliberative engagement for four key council documents, if we were to define it, there would be implications around how that definition would sit with a principles-based approach, and ensuring each council is able to set their own destiny through the community engagement policy in a way that meets the needs of their community and the resource-base that they have available. So, if we put in place a standard it would be easy for some but hard for others and it wouldn’t necessarily respond to the community* (IAP2, 2020).

As can be seen by statements such as this, a principles-based approach was advanced to ensure councils could adapt the practices according to their own organisational circumstances and constraints.

However, an important qualification to highlight is that, by its definition, principles-based legislation relies on the assertion of principles that ‘articulate the outcomes to be achieved by the regulated entities’ (Australian Law Reform Commission, 2010). As such, an appreciation for not just the *principles* but also the intended *outcomes* of the legislation become the nexus for action; it is with this understanding that organisations determine the most appropriate methods for producing the expected results. This interpretation could also be seen in the way Local Government Victoria (LGV) described the characteristics of principles-based legislation, which it said included:

- a set of overarching principles, drafted at a high level and developed with stakeholder input;

- increased responsibility on entities and management to implement the principles;
- *promotion of industry best practice* through thought and innovation rather than prescriptive rules.

(LGV, 2020a, emphasis added)

These characteristics indicate that the State Government expected councils would implement deliberative engagement practices in line with certain broad canons. It assumed that the *principles* and intended *outcomes* were commonly understood, going as far as to anticipate that the latitude of principles-based legislation would also lead to 'industry best practice' (as seen in the reference above). However, as the findings of this chapter later demonstrate, the State Government was operating with a set of assumptions and value propositions that were not necessarily apparent or shared by the Victorian local government sector, as also seen at the development stages of the legislation outlined in Chapter 5.

6.2.2 Tension between 'principles-based' legislation and compliance-driven cultures

Some consideration must be given to the preparedness of the local government sector to transition from a traditionally compliance-based legislative environment to the relative autonomy of a principles-based approach.

Almost every interview conducted, including with consultants who had collectively worked with over 65 councils, expressed some trepidation around the legislative expectations. When asked '*What were your initial thoughts when you found out about the legislative changes around community engagement, and in particular the deliberative engagement requirements*?', interviewees typically stated they had 'mixed feelings'. On the one hand, many said they supported the changes around deliberative engagement and that they were pleased councils could define it for themselves, but on the other hand, they expressed apprehension about their capacity to satisfactorily implement the practices, leading to what some described as 'stress'. A handful of interviewees directly linked their concerns with issues of compliance:

> *And because it's legislative, people have this really strong notion of having to be compliant, like local government is an extremely compliant kind of beast. And the natural tendency is that we have to have the regulations, we have to be compliant, we have to do what it says.* (Executive Perugia Interview 1)

However, the most prominent themes were the sector's limited knowledge of deliberative engagement practices and the perceived lack of resources to deliver the processes effectively:

> *The difficulty that we had this time around is no one had an understanding of what deliberative engagement meant.* (Coordinator Verona Interview 1)

> *I understand the intention of the Act, and I think it's really good to have it principles-based. I think that's really awesome, and I love the idea of having community closer, a little bit flatter structure … But it's going to take a lot more resources, a lot more work to get projects over the line.* (Coordinator Matera Interview 1)

> *And then a real lack of understanding about what does this mean for the authorising environments, and what we have to do as a council. So, there was a degree of panic and pushback, you know, and fear.* (Consultant 10)

> *Some people were concerned that they may not be equipped to do it well. And that it could be embarrassing if they don't do it well.* (Consultant 3)

These comments indicate that, despite the legislation not specifying any criterion for deliberative engagement practices, councils presumed there were established qualifiers around their expected form and scope. In juxtaposition with the earlier cited statement from a state government official, councils were not necessarily interpreting principles-based legislation as an opportunity to '*set their own destiny through the community engagement policy in a way that meets the needs of their community and the resource-base that they have available*' (IAP2, 2020). In the first instances, instead of perceiving the absence of a definition or guidelines as licence to adapt processes to their own contexts,

and therefore conceivably a variety of place-based responses to the requirements, councils sought a level of certainty:

> *I love the idealism behind a principles-based approach. But in reality, like everyone had a slightly different interpretation. And I think it really caused a lot of stress.* (Consultant 7)

> [Describing the concerns of their client] *How do we functionally implemented it into our council, and how do we meet the obligations under the Act sufficiently – when there is no definition, we don't know if we're hitting the mark or not.* (Consultant 1)

This partiality towards greater clarity and direction was also evidenced at webinars and through consultation platforms such as EngageVic where the State Government was asked repeatedly how they intended to assess whether councils' deliberative engagement processes adequately met the legislative requirements. Officials reassured the sector that the State Government had no intention of regulating deliberative processes, and when asked about potential audits stated:

> *[Local Government Victoria] are unable to provide guidance on what criteria an auditor or other enquirer might use in assessing whether engagement practices are deliberative. Councils should evaluate their engagement practices against their community engagement policy which should outline what the council considers deliberative engagement is and the circumstances where deliberative engagement will be used, including for those elements required under the Act.* (EngageVic, n.d.)

The State Government's reticence with regard to outlining definitive benchmarks for deliberative engagement practices was not received as an invitation to innovate but rather as creating ambiguity, as seen in comments such as:

> *[State Government is] constantly introducing reforms but they're not telling you how they are to be interpreted and applied. You spend the next few years sort of tripping over yourself by trial and error, and then maybe the government will produce practice notes or ministerial directions or provide*

the clarity. So, I suppose I had a bit of that baggage in my head initially, when I heard about deliberative engagement, thinking, okay, they'll introduce them, then two years later, we'll get some direction as to what they want, and what their expectations are, which might still happen. (Executive Genoa Interview 1)

These responses suggest that, irrespective of the State Government's narrative around principles-based legislation, the sector instinctually anticipated and sought out an articulation of explicit standards of practice. Efforts to determine what would be considered permissible or acceptable by the State Government pervaded how councils engaged with the process of interpreting the legislation, indicating many councils' sense of autonomy was not sufficiently developed to engage effectively with the level of flexibility principles-based legislation enables.

Whilst there had been a longstanding call from the sector for more autonomy, and consequently, general support for principles-based legislation (noted in DELWP, 2015 and DELWP, 2016), a dichotomy had arguably been created between the open-ended nature of a principles-based Act and the equally potent exigency of adequately meeting legislative requirements in a sector which, up until that point, had been compliance driven. This tension is a critical frame of reference for understanding the sense-making processes that followed and the strategies policy actors applied to determine appropriate courses of action for their council.

6.2.3 Doubt around the intention and suitability of the legislation

In addition to the paradigm shift and tensions a principles-based Act presented, it is important to acknowledge the local government sector's pervading scepticism of the legislation's intent and suitability. While decidedly more subdued than when the legislation was being developed (as examined in Chapter 5), the data reveals that councils continued to question whether mandating deliberative engagement practices was necessary:

So, I mean, my initial impressions were fine, if you want to legislate it,

that's okay. But we're pretty good at this stuff in local government anyway. (CEO Bologna Interview 1)

My initial thoughts were, what do they actually mean? … My second thought was, this is going to be a pain in the neck and my third thought was, is it really going to benefit the quality of our strategic work? (CEO Padua Interview 1)

At times, this doubt was expressed as disputing the intentions of State Government:

[Some councils] almost took it personally that the Act was a criticism of the way they've been doing things. And they felt like they do things quite well and adequately, that they felt that this was unnecessary. (Consultant 3)

It is rhetoric only. If State Government really thought this worked, they would use it themselves. The subtext is local government is somehow too stupid to know its community. (Councillor survey response)

However, most commentary was directed at the perceived incompatibility between deliberative engagement practices and the strategic documents they needed to be applied to. Common understanding of deliberative engagement practices was associated with processes where an issue is scrutinised, and options are carefully deliberated upon before arriving at a collective decision. Conversely, council plans or community visions tend to be broader in nature; they typically accommodate several priorities and strategic directions.[8] The argument made by several interviewees was that *council plans* and *community visions* do not intrinsically have a dilemma or problem that needs to be resolved through the weighing of policy options. Council plans and community visions were therefore seen as documents that did not substantiate a need for deliberation:

Deliberative methods of community engagement [are] best used when a problem is specific (e.g., build a hospital at site A or site B). Why does the

[8] For example, Merri-bek City Council's (2021) council plan has 96 'Strategies, Major Initiatives and Priorities', and Hume City Council's (2021) council plan has 50 'Major Strategies and Actions'.

> *act mandate deliberative engagement for broad based community consultation such as for the community vision where specific issues are not known.* (Comment posted on EngageVic platform, 2020)

> *I was supportive of the push for councils to be doing more in that space, but I was a little unclear as to how certain strategic documents were selected for requiring deliberative engagement. … if you're just asking [community] to be involved in the big picture development of these strategic plans, as opposed to getting them to actually deliberate and debate over, you know, problem B or problem C.* (Coordinator Sassari Interview 1)

> *And so, understanding what deliberative entailed, understanding that it had been applied to a very different context than was the norm for deliberative engagement, and going, how on earth do we make this possible with such a broad scope, not a kind of narrow dilemma, or wicked problem, but quite broad scope?* (Manager Rimini Interview 1)

This limitation was also noted by a consultant who questioned whether the scope of the documents impacted the quality of deliberative outcomes:

> *I question the deliberateness of something so expansive … I couldn't see how they could possibly be deliberative because of the limited number of sessions, and limited time, and vastness of the scope.* (Consultant 6)

Only one person interviewed suggested that *because* the scope for priorities is so wide-ranging in documents such as the council plan, that deliberative engagement practices could be effective in narrowing down priorities:

> *[Responses in consultations] are always really aspirational, and they'll say, yeah, we want to see these, or we want to see that. But we rarely asked them, or we wouldn't have asked them, so how are we going to fund that?* (Manager Ragusa Interview 1)

However, this was not a perception shared by their colleagues, who were, much like the rest of the interviewees, grappling with how deliberative engagement

practices would generate valuable input into council's strategic planning.

These reservations regarding the necessity and suitability of deliberative engagement practices indicate that the possible outcomes, or potential value, of the practices was not entirely appreciated by those who needed to implement them. They highlight a persistent ambivalence of the sector, which would have influenced how deliberative engagement practices were applied.

This point is revisited later in the chapter, but this section has provided a critical context and pivotal point of departure before examining how councils made sense of and operationalised the mandated deliberative engagement requirements. It has shown that assumptions around the local government sector's preparedness to adopt deliberative engagement practices within a principles-based legislative environment were problematic, and that the sector may not have been as receptive to the new requirements as the Victorian State Government seemingly predicted.

6.3 Making sense of deliberative engagement practices

Having established the key complexities of the legislative environment, analysis now turns to the sense-making activity that occurred following the Act's Royal Assent in March 2020. Taken from organisational theory, sense-making is a term to explain 'the process of deciding how an organisation will proceed following some kind of disruption'; it is described as a 'springboard for action' where 'meanings materialize that inform and constrain action' (Weick et al., 2005, p. 409). As part of the sense-making processes, this section examines the sources of information councils accessed when determining how they would define and apply deliberative engagement practices. It offers valuable insights into how councils determined expertise and, consequently, the courses of action they believed were at their disposal.

6.3.1 A profusion of sense-making activity

In the months that followed the *Victorian Local Government Act 2020*'s Royal Assent, a plethora of webinars, blogs and workshops on the topic of

‘deliberative engagement’ emerged. Sector actors such as IAP2 Australasia and all three local government associations in Victoria (VLGA, MAV, and LGPro) organised a variety of professional development activities on the topic, most of which were free to access. During this time, the Victorian State Government was also active through its branch Local Government Victoria (LGV), which delivered a series of initiatives described as a ‘sector-led approach of co-design and consultation’. This included *EngageVic* (an engagement and consultation website), several working groups, and a series of sessions titled *LGV Connects*.

The survey data indicates that respondents accessed several of these sense-making activities. When asked ‘What did you do to find out about what deliberative engagement is, and to understand what it might involve for your Council?’, respondents in the organisational survey stated that they had accessed an average of 4.2 information sources out of the seven possible options. When looking across the different levels of the organisation (for a typical organisational hierarchy, see Figure 4.3), it seems that the officer-level respondents reported the most activity, averaging 4.8 sources, followed by members of the executive, who said they accessed an average of 4.4 sources. Councillors reported accessing considerably less, with an average of 2.4 sources from the same seven options. These figures demonstrate that people working for local government were accessing a range of information at their disposal, whilst councillors reported being far less active in this regard. Whilst it is not possible to determine why councillors were less prone to seek out information themselves, there is a reasonable assumption that it is because most have full-time or part-time employment outside of their elected representative role, and therefore limited time to dedicate to these types of activities. On the other hand, the level of organisational responses to accessing information was significant and could be linked to the apprehension expressed in interviews and noted earlier in this chapter. The sector’s desire for more clarity around expected outcomes and a greater sense of assurance that they would satisfactorily meet the requirements of the legislation is likely to have underpinned this high level of participation in sense-making activities.

6.3.2 Sources of information accessed by local government

Aside from the degree of sense-making activity that seems to have occurred, the specific sources of information that councillors and organisational respondents reported accessing also showed cogent distinctions.

Table 6.1 Sense-making activities

Survey question: What did you do to find out about what 'deliberative engagement' is, and to understand what it might involve for your council? Choose all that apply:

	Member of Executive	Manager	Coordinator/ Team Leader	Officer	Organisation Average %	Councillors %
Participated in meetings where staff or consultants gave presentations	57	52	53	59	55	74
Attended LGV webinars	76	62	37	59	55	18
Attended industry webinars	67	57	50	68	59	18
Talked about it with my networks	52	71	61	64	62	28
Looked at what other local government orgs were doing	81	67	74	86	76	33
Read about it online or in publications	57	52	63	82	64	29
Talked to people who had experience	52	38	53	59	51	34

As outlined in Table 6.1, councillors overwhelmingly responded that to discover what deliberative engagement involved, they '*participated in meetings where council staff or consultants gave presentations*' (74%). Their second most common response, that they '*talked about it with people who had experience with deliberative engagement*', was significantly lower at 34%. At the other end, the lowest response, with only 18%, was that councillors attended webinars presented by either Local Government Victoria or industry associations. This is

of particular note because the Local Government Victoria webinars were specifically targeted at councillors, and it was suggested in interviews that information from these sources would have been especially worthwhile:

> *[deliberative engagement] feels like letting go of your power a little bit. It's really hard for an officer to introduce that concept to a councillor. Whereas it's different if it's like a Local Government Victoria or a Municipal Association of Victoria, someone with that kind of influence, offering it up.* (Consultant 8)

Considered with the earlier observation that councillors had limited engagement with sense-making activities, it is clear that rather than seeking out their own understandings and forming their own conclusions, councillors predominantly relied on the information they accessed through their organisations. How councillors understood deliberative engagement practices was, therefore, likely to be framed, and potentially circumscribed, by what their organisations decided to convey. This undoubtably has implications for how the authorising environment perceived the practices, which is explored later in this chapter as well as in Chapter 7.

Comparatively, in the organisational survey, a different trend emerges regarding sense-making. In organisational responses, participating in meetings where they were provided information was amongst the lowest responses, indicating that council staff were more active in their approach to sense-making. For these respondents, the most frequent choices were '*looked at what other local government organisations were doing or other case study examples*' (76%), followed by '*read about it online or in publications*' (64%), and then '*talked about it with my networks*' (62%). From these responses, it seems that organisational actors tended to preference information that derived from local government networks and could be benchmarked against similar contexts. This preference can be found in interviews with comments such as:

> *[Community Engagement Person] has undertaken quite a bit of research, benchmarking with other councils as well as understanding from a Local Government Victoria perspective around what best practice is and what we should be achieving.* (Executive Perugia Interview 1)

> *And so, for me, that was really reaching out to colleagues at other councils, because I don't have the people with expertise in my own organisation.* (Officer Spoleto Interview 1)

> *We've obviously been to a number of the Local Government Victoria webinars, but to be honest, I'll ring up another council and say, 'What are you doing?' and I might think 'that's a good idea, maybe I can bring that small element into mine', so there is a lot of cross design work within the councils* (CEO Tivoli Interview 1).

Organisational actors placed value on the expertise and standards established within the sector, with some even assuming that this would lead to best practice. This bias could be interpreted as a direct contradiction to the previously cited concerns that the sector did not have the requisite expertise and knowledge to implement deliberative engagement practices. What emerged, therefore, was a situation where, whilst arguing that the sector did not have sufficient competencies to undertake the practices, organisational actors simultaneously looked to each other for signposts for action. This paradox did not seem evident to any of the people interviewed, and although it could have been perceived as a collective endeavour and learning from each other, some questioning of the soundness of the information they were sharing and giving credence to is needed.

6.3.3 How deliberative engagement 'experts' participated in sense-making

As shown in Table 6.1, sense-making activities that involved '*people who were experienced with deliberative engagement practices*' were reported as the least accessed source of information for organisational respondents. This was surprising given a common argument was that the sector lacked the expertise to apply deliberative engagement practices appropriately. It stands to reason that policy actors would primarily approach those with experience in this space; however, this was not necessarily the case.

Whilst a rationale for this more cursory engagement with experienced actors cannot be given, there the data contains several statements that may be relevant. There was some indication that professional development activities provided by consultants, even if most were free of cost, were treated with some caution. Whilst these consultants could arguably have been seen as the 'experts' in deliberative engagement practices, as commercial providers of deliberative engagement processes, the possible biased nature of their guidance around the legislative requirements was flagged:

> *A clear career path, professional development and certifiable training not run by consultants with a vested interest in charging out their ongoing services would be beneficial.* (Organisational survey response)

> *I think you've got a consultancy providing advice on a legislative document, they're filling a gap, which probably should have been filled by the legislation.* (Consultant 7)

Returning to the high incidence of organisational responses that stated they had '*read about deliberative engagement practices online or in publications*' (64%). The survey did not ask respondents to specify which publications they had read, so the nature of these written resources cannot be verified. Speculatively, this response could be connected to a handbook that MosaicLab (one of the leading commercial providers of deliberative engagement consultancy in Victoria) published titled *A Short Guide to Deliberative Engagement for Victorian Councils.* The handbook was promoted by Local Government Victoria through its website EngageVic and was noted in one interview as having been useful for sense-making:

> *Like guidelines or handbooks that were developed for the local government sector in particular … this is all new to everybody, this is kind of roughly what the process looks like. It didn't necessarily set a direction for councils to move into … but they were definitely very helpful for documenting the principles that you should aim to.* (Officer Brescia Interview 1)

In addition to MosaicLab's publication, respondents may be referring to a series of posts and blogs on the International Association of Public Participation Australasia (IAP2A) website and other industry service providers, but these were not mentioned in any of the data collected. More broadly, neither the work of the OECD nor the newDemocracy Foundation, which had resources published around the same time as these sense-making activities were occurring, were mentioned. Furthermore, aside from one interviewee noting they had read some of James Fishkin's work, no academic resource was referenced by council staff or councillors.

What emerges from this analysis is that 'experts' played a restricted role in the sense-making activities of councils. How this may have impacted the interpretation and design of the deliberative engagement practices needs to be considered as it meant that principles usually associated with the practices may not have been disseminated.

6.3.4 Prominent frames of reference for sense-making

The data presented in this section reveals that sense-making processes and sources of information local government actors engaged with varied depending on roles. Councillors reported relying significantly on how deliberative engagement practices were framed in presentations they attended, having done very little research or inquiry of their own; and council staff reported primarily consulting with their local government sector colleagues. While caution must be exercised in assuming that respondents were always answering the survey questions accurately, this analysis indicates that both organisational actors and councillors were drawing primarily from local government sector knowledge and expertise during the sense-making process.

Given that it became a critical frame of reference for councils in deciphering which courses of action were available to them, it is worth considering the broader implications of this sense-making. In a context where the principles of deliberative engagement practices were not clearly articulated or prescribed by the legislation, any interpretation through a 'local government lens' would

inevitably have been influenced by the organisational norms and constraints actors operated within. Furthermore, how aspects of deliberative engagement practices that did not conform to, or potentially disrupted, organisational norms need to be considered. This tension is apparent in the following sections of this chapter, which explore how the practices were formalised through councils' definitions and then subsequently implemented.

6.4 Rules: what aspects of deliberative engagement were councils prepared to formalise?

Through the prism of Lowndes and Roberts' (2013) *rules*, *practices,* and *narratives*, (as outlined in Chapter 3), the following two sections consider how councils progressed from the sense-making phase to defining and applying deliberative engagement practices. This section begins with how *rules* were established and deliberative engagement practices were formally defined in councils' community engagement policies. This examination of the *rules* then sets the scene for the subsequent sections, which explore the *practices* and *narratives* that emerged.

As noted earlier, the *Victorian Local Government Act 2020* defines 'deliberative engagement practices' as: '*the deliberative engagement practices included in a community engagement policy*' (Part 1 – Preliminary). Hence, how they are defined in each council's community engagement policy is the key mechanism for holding councils to account and the only means for evaluating whether councils are meeting their legislative requirements. As such, the definitions are effectively the 'rules' councils established for themselves and provide a window to understanding which standards of practice they were prepared to commit to. To explore these rules, the following analysis examines how deliberative engagement practices were defined in all 79 community engagement policies across Victoria.[9]

[9] Definitions of deliberative engagement practices were taken from all 79 councils' community engagement policies as of March 2021.

6.4.1 From detailed descriptions to vague intentions

When examining the way deliberative engagement practices were defined, the first aspect that became apparent was the varied degrees of detail and caveats included in the definitions. Several councils made clear and quite prescriptive commitments to the types of practices they would implement. For these councils, definitions provided a high level of certainty around their intended designs. For example, Moonee Valley City Council (2021) stated it would *'aim to have a group of at least 50 residents representative of the population brought together to meet for at least one day*'. Other process-orientated details included references to involving an independent facilitator to '*ensure a fair and equitable process*' (Swan Hill Shire Council, 2021; Monash City Council, 2021; Corangamite Shire Council, 2021a), or recruiting groups using a random stratified method (East Gippsland Shire Council, 2021; Hepburn Shire Council, 2021a; Nillumbik Shire Council, 2021).

Conversely, a handful of councils' definitions were rather vague; for example, Buloke Shire Council (2021) simply stated: '*Deliberative engagement requires a higher level of participation.*' Speculatively, councils with these broader, sometimes obscure, definitions may have intentionally made them inexplicit to accommodate a variety of engagement activities. Whilst they may have been intended as a means of providing flexibility going forward, one consultant also flagged that these more amorphous definitions might also have been a way for councils to evade firm commitments to the practices:

> *… that's quite sophisticated really, when you think about it, 'hey it's principles based, you take them and interpreted them how you want'. So, some [councils] will go 'Yeah, great. I'll interpret it really lightly; I'm not taking it seriously at all'.* (Consultant 10)

In addition to vague commitments, there was evidence of some hedging in definitions, with councils making caveats around their approaches. For example, Wyndham City Council (2021) outlined several details in their definition, including that '*information from diverse sources and covering different sides of the issue, such as background reports and expert speakers, are*

provided' and ensuring the cohort that participated in deliberations would be '*given 4–6 full days of time to deliberate*'. However, their definition also ends with a disclaimer of sorts stating:

> *Scaling of deliberative engagement is important, as not all deliberative engagement processes must include all elements as described. The more deliberative practices that are included, the more deliberative it will become. We will decide where a process fits on to the scale of deliberation, having regard to the significance and complexity of the decision to be made.* (Wyndham City Council, 2021)

These types of caveats indicate that some councils may have been more cognisant of the correlation between their definitions and future scrutiny or audits than others. This distinction was noted by two consultants who expressed concern that councils that had been more descriptive may have unintentionally also shoehorned their practices:

> *Any policies that were a bit more ambiguous this time around were probably the ones that served people the best.* (Consultant 8)

When considered alongside the earlier discussion regarding the intrinsic flexibility of principles-based legislation, these definitions demonstrate a possible shift in attitudes regarding the absence of a definition. Rather than the exigency of adequately meeting legislative requirements that permeated discussions one year earlier when the legislation came into effect, councils seem to have adapted to, and potentially used to their advantage, the open-ended nature of the legislation. However, a new tension emerged. In a legislative context that left questions about expected standards of practice unanswered, what then became an 'acceptable' interpretation of deliberative engagement practices was also equivocal.

6.4.2 Common characteristics of deliberative engagement in policies

Before moving to the *practices* that emerged, this section closely examines the definitions to ascertain which characteristics of deliberative engagement practices were commonly cited, and therefore, resonated most strongly with the

local government sector.

Almost three-quarters of all definitions (*n* = 57; 72%) referred to *deliberation* and a process where participants are '*provided with the information and time to reach a joint position through considered discussion*'. This suggests that the act of deliberating was acknowledged as a distinct feature of the practices. However, how deliberation differs from other forms of communication, including consultation, was not necessarily recognised. For example, Mansbridge (2015) argues that the term deliberation has at its root the idea of weighing alternatives and that 'a communicative process that includes little or no reflective interactive weighting is not by itself deliberation' (p. 28). This distinction is also found in the work of other scholars, including Dryzek (2010), who describes deliberative discourse as particular because it induces reflection about *preferences*, and Thompson (2008) who posits that some basic disagreement is necessary to create the problem that deliberative democracy is intended to solve (p. 502). Reflecting further on councils' definitions of deliberative engagement, rather than simply having access to more information, the act of examining information to *weigh options* is only recognised in 46% (*n* = 37) of policies. This distinction becomes more pertinent when considered against the concerns noted earlier about the suitability of deliberative engagement practices for strategic plans. Given these strategic plans typically accommodate several priorities, their scope did not sit comfortably with the usual pretext of a 'dilemma' in deliberative processes. Therefore, this distinction in the definitions might have oriented practices towards 'discussion' that did not weigh options, but rather, veered towards traditional consultation processes. This is admittedly a subtle distinction; however, it speaks to how deliberative engagement practices may have been conflated with more standard forms of community engagement practice.

Following deliberation, 60% (*n* = 48) of definitions highlighted that the practices included a 'representative' sample of the local community. Whilst what councils considered 'representative' and how they went about recruiting participants varied (and is explored in Chapter 7), this aspect of deliberative engagement practices also seemed to be quite resonant in interviews and observations. In

particular, the prospect of more descriptive representation[10], and participation beyond the 'usual suspects', seemed to be appealing to both councillors and organisational actors. Given the multiple references to 'inclusion' that state government officials reiterated throughout the development and initial stages of the legislation, it is perhaps expected that this principle featured prominently in definitions.

As well as inclusion, the other principle state government officials expressed they wanted to see advanced was influence. As noted in previous chapters, much of the discussion regarding deliberative engagement practices during the development of the legislation centred on its potential to engage community members more effectively in the decision-making of local government. However, only 20% (*n* = 16) of policies make a commitment to the community having more influence over the decision-making of council. Instead, in some policies, the overarching authority of elected representatives was highlighted. Two examples are Baw Baw Shire Council (2021) where the definition states, '*Deliberative engagement is a form of community engagement that places people closer to the decision making of a democratic society, without taking away from the decision-making powers of the elected Council'*; and Glen Eira City Council (2021) which conceded that although '*it is one form of 'high influence' engagement, it is not an alternative to Council performing its role as a statutory decision-making body*'. As these examples demonstrate, rather than greater reverence to community input, as was sought by the legislation, some definitions were explicitly defensive of councillors' prescribed role in decision-making.

Whilst there is scholarly contestation regarding the extent of influence democratic innovations should have on government decision-making (Lafont, 2019; Parkinson, 2003), it is also important to underline that the premise of these practices is to improve the normative and epistemic quality of decision-making. This was certainly the case for introducing deliberative engagement

[10] Descriptive representation is understood as 'individuals who in their own backgrounds mirror some of the more frequent experiences and outward manifestations of belonging to a group' (Mansbridge,1999, p. 628).

practices in Victoria. As such, if councils did not include how the practices would influence decision-making in their definitions, and therefore the formal rules they acknowledge and commit to, it would seem a key intention of the legislation was overlooked.

Related to this, almost 38% (*n* = 30) of policies highlighted that deliberative engagement practices were a legislative requirement within their definition, with a portion also calling attention to the fact that the Act does not define what deliberative engagement practices are. It is only speculative to comment on what might be driving this reference; perhaps councils felt they had to explain why these practices were now part of the strategic planning processes. Irrespective of the reason, it demonstrates that councils were more inclined to refer to the Act and their compliance obligations than any influence deliberative engagement would have on decision-making. Again, this can be linked to the point made earlier that challenged the assumptions of a principles-based legislative context. If councils did recognise 'influence' as a critical outcome of deliberative engagement practices, then many were clearly reticent to formalise it in their definitions.

This section analysed how deliberative engagement practices were defined in councils' community engagement policies, and in doing so, reviewed the formal rules that councils established for their implementation. What emerged from examining these definitions were a series of qualifiers and caveats that indicated some, albeit subtle, morphing of deliberative engagement practices. Through examining the definitions, it is clear that councils had began to move away from the aspirational calls of State Government to 'improve democracy' and adapted more tempered understandings that were closer to established organisational norms and preferences.

6.5 Implementing deliberative engagement: emergent practices and narratives

> *I suppose it's all about how you read the words at the end of the day.*
> (CEO Bologna Interview 1)

Aligned to a legislative stipulation, most councils endorsed their community engagement policies, including a definition of deliberative engagement practices, by 1 March 2021. Once these 'rules of engagement' had been established, the sector's attention then shifted to the next stage of implementation and how those formal commitments were interpreted into practice. This section considers how deliberative engagement processes were designed and adapted to inform council plans. It explores some of the themes that emerged during implementation before reflecting on the dominant narratives that rationalised policy actors' choices.

6.5.1 What makes deliberative engagement different to community consultation?

As intimated earlier when discussing the conceptualisation of deliberation in councils' definitions, how deliberative engagement practices were distinguished from otherwise standard practices of community consultation was somewhat blurred. This is more apparent when considering the format of councils' deliberative engagement processes and how discussions that were considered 'deliberative' were framed.

To establish what types of processes were undertaken, a desktop review of each of the 79 Victorian councils' deliberative engagement processes was conducted. Council reports and descriptions in council plans found that 63% (*n* = 50) of Victorian local governments implemented processes that can generally be described as mini-publics, with many referring to them as a 'community panel'. Consistent with the point made earlier, whereby councils defined deliberative engagement practices as involving 'a representative sample of the local community', the processes generally bought together a group of approximately 40–50 community members to 'deliberate' on the priorities of the council plan. The remaining 37% (*n* = 29) of councils conducted processes such as town hall meetings, pop up consultations, or conducted stakeholder consultation meetings.

Based on the above figures, over a third of councils' deliberative engagement practices were based on traditional consultation methods and formats. For the

remaining 63% of councils that established a community panel, uncertainty surrounding the distinction between 'deliberation' and 'consultation' was evidenced in several interviews and observations, most notably when discussing the question, or 'remit', that would be posed to the community panel. Below are two excerpts from the observations that exhibit this issue:

At a workshop involving approximately ten council staff and the consultants they had hired to facilitate their deliberative engagement process, the topic of which question would be posed to the community panel for deliberation was a point of contention. Several of the staff expressed concerns that there was no obvious 'dilemma' associated with strategic documents such as the council plan. Manager A stated: '*It's hard to come up with a problem for them to solve if there isn't a problem to solve … how are we going to navigate the deliberative engagement if we don't have a complex issue?'* The consultant suggested the deliberation could be a '*validation type exercise*' whereby the community panel was provided with information about councils' suggested directions and these could be tested to see if the panel found them reasonable. Manager B agreed with the suggestion and stated '*we want to gauge if we are hitting the mark or not – and if not, why? I think that is the best way to do it … to get [the community panel] well informed and comfortable with what we are doing*.' However, Manager A questioned the validity of this: '*Would we be meeting the legislative requirements if we did that?*' Likewise, Manager C expressed hesitation, stating: '*everyone seems comfortable but I'm less comfortable … I would call that consultation which isn't deliberative … If it ticks the box that is a question – I think we are walking a bit of a line there*.'

A similar incident occurred at a different council when staff were discussing their process with the consultants they hired. Officer Brescia stated: '*we want to make sure there is a final deliberative process [emphasises deliberative] … do we have anything specific in mind to support that rather than just asking them basically to sense-check and edit?*' In this observation, the consultant responded: '*the whole process is in a rushed timeframe, so our commitment to deliberation is as much as it can be within the constraints that we are working with.*'

These examples illustrate some of the key tensions that emerged when implementing deliberative engagement. The first links back to the earlier point about the suitability of documents such as the council plan for deliberative engagement, and the second observation highlights the constraints that affected the design of practices. This latter point is discussed in more detail in Chapter 8, but what can be seen is that deliberative engagement practices were being adapted to meet the norms and needs of the context, not the commonly accepted principles that underpin them. This was found in other interviews with consultants where descriptions such as ‘short-form’ deliberative engagement and ‘deliberation light’ were being used to describe processes. One consultant even described a process as a ‘local government act process’ when comparing it to usual deliberative engagement practices.

These adaptations seem to have spurred practices that are closer to traditional forms of community consultation than perhaps initially thought, as illustrated in the quote below:

> *So, I think it comes down to like deliberative engagement isn’t necessarily so different to community engagement.* (Officer Brescia Interview 2)

This council staff member appeared genuinely committed to ‘best practice’ deliberative engagement in their first interview, and in observations they were one of the key champions for the process in their organisation. However, by their second interview, having then experienced a deliberative engagement process, they began to reflect that the practices were not as distinct from business-as-usual as they previously anticipated.

Whilst the legislation allowed for and arguably contrived these adaptations, it does bring to light a potential limitation for the institutionalisation of democratic innovations. If they morph into practices that resemble existing models of public participation, how does this impact the value these practices are perceived to bring? This is explored further at the end of this chapter, following consideration of some of the other practices that emerged during implementation.

6.5.2 How deliberative engagement practices influenced council plans

Based on the legislation's expressed intention of bringing communities closer to the decision-making of council, the research explored how deliberative engagement practices informed council plans. This was achieved primarily through the survey, which asked respondents to indicate what level of influence their deliberative engagement process had on the final council plan. The categories respondents were asked to choose from were broadly based on those of the International Association of Public Participation (IAP2) Spectrum. This spectrum was applied because it is widely recognised in the local government sector and would have been a familiar mechanism for describing the level of influence given to a consultation activity. However, precisely because the IAP2 Spectrum categories are familiar terms that are commonly used in councils' reporting, there was a risk that explicitly using the terminology of the Spectrum would create a bias in responses (e.g., respondents might have ticked 'Consult' simply because they are used to using this descriptor rather than thinking about the actual level of influence). As such, instead of the categories commonly used in the Spectrum (i.e., Inform, Consult, Involve, Collaborate, and Empower), the survey used somewhat adapted descriptions outlined in Table 6.2:

Table 6.2 Correlation of levels of influence described in survey with IAP2 Spectrum

IAP2 Spectrum	Description in survey
Inform	The recommendations were presented to Council, but they did not change the strategies in the final council plan either at all or very much.
Consult	The recommendations were considered, and some changes were made, Council provided feedback to community about how their input influenced the decision.
Involve	Council worked with community members involved in the deliberative engagement to ensure that their priorities and recommendations were reflected in the strategies that were developed.
Collaborate	Council provided the community members involved in the deliberative engagement the opportunity to come up with their own solutions to issues that were discussed during deliberation and then incorporated these to the maximum extent possible.
Empower	Council committed to implementing whatever the community decided through the deliberative engagement process.

Source: Adapted from IAP2 Spectrum of Public Participation

As outlined in Table 6.3 (below), most practices were reported to be at the Involve or Consult level of the IAP2 Spectrum. There were slight differences between the level of influence reported by councillors compared to organisations: 40% of organisational respondents said that the level of influence was at Consult level, followed by 26% at Involve; whereas councillors had a perception of greater influence, with 41% saying it was at Involve, followed by 27% at Consult.

Table 6.3 Level of influence on strategic planning

Survey question: What level of influence do you think the deliberative engagement process had on the Council Plan?

		Organisational survey	Councillor survey
Inform	The recommendations were presented to Council, but they didn't change the strategies in the final Council Plan either at all or very much	15%	14%
Consult	The recommendations were considered, and some changes were made. Council provided feedback to community about how their input influenced the decision.	40%	27%
Involve	Council worked with community members involved in the deliberative engagement to ensure that their priorities and recommendations were reflected in the strategies that were developed.	26%	41%
Collaborate	Council provided the community members involved in the deliberative engagement the opportunity to come up with their own solutions to issues that were discussed during deliberation and then incorporated these to the maximum extent possible.	13%	14%
Empower	Council committed to implementing whatever the community decided through the deliberative engagement process.	6%	5%

Combined, this survey data suggests that the level of influence given to deliberative engagement processes was weighted more heavily towards the lower end of the IAP2 Spectrum. This is also consistent with data from the desktop review of council reports regarding all 79 councils' processes, as well as what was observed at councils across the sector during data collection.

> *I think a key limitation of our process was not the deliberative engagement itself but the extent to which it actually influenced the council plan. There was an attitude internally that we would progress with our plans no matter what it said.* (Organisational survey response)

Whilst it is not possible to determine the level of influence community members had on council plans prior to the legislation, it is fair to assume there has only been a notional change with deliberative engagement practices. Councils could legitimately argue that the open-ended nature of the legislation allowed for this relatively immaterial interpretation of influence; however, how this agnostic reality meets the ideals of the legislation and the normative and epistemic value it hypothesises should also be considered.

6.5.3 Rationales given for determining the appropriate level of influence

To understand what may have contributed to the level of influence given to deliberative engagement practices, both surveys asked: *Why do you think your Council decided on this level of influence for the council plan?*

Table 6.4 Rationales for level of influence

Survey question: Why do you think your Council decided on this level of influence for the Council Plan?

	Organisational survey	Councillor survey
This was considered the most appropriate level of influence by Councillors.	12%	20%
It was line with our understanding of deliberative engagement practice and the expectations of the legislation.	51%	30%
It was in line with what we would usually do for the development of the Council Plan.	10%	14%
This was the level of influence suggested by the Executive Leadership and organisation.	12%	21%
This was what the consultant recommended as appropriate.	7%	10%
Other	8%	5%

As Table 6.4 illustrates, most organisational and councillor responses stated that the level of influence given to deliberative engagement practices were in line with their understanding of the practices and the expectations of the legislation. Interestingly, '*what a consultant recommended as appropriate*' was the least noted reason for the level of influence, indicating that councils did not necessarily draw from this expertise when deciding how the practices would be integrated into decision-making processes.

To further interrogate this data, the survey responses from Table 6.3 (the level of influence given to the practices), was cross-referenced with the data from Table 6.4 (the rationales for that level of influence). In this manner, the analysis could consider rationales that supported decisions for each individual level of influence.

Table 6.5 Breakdown of rationales for each level of influence: Organisational responses

	Empower	Collabo-rate	Involve	Consult	Inform
This was considered the most appropriate level of influence by Councillors.	33%	15%	8%	8%	20%
It was line with our understanding of deliberative engagement practice and the expectations of legislation.	67%	54%	58%	45%	40%
It was in line with what we would usually do for the development of the Council Plan.			4%	15%	20%
This was the level of influence suggested by the Executive Leadership and organisation.		8%	19%	10%	13%
This was what the consultant recommended as appropriate.		15%	12%	5%	
Did not specify why:		8%		18%	7%

Table 6.6 Breakdown of rationales for each level of influence: Councillor responses

	Empower	Collabo-rate	Involve	Consult	Inform
This was considered the most appropriate level of influence by Councillors.	40%	21%	22%	19%	7%
It was line with our understanding of deliberative engagement practice and the expectations of legislation.	60%	43%	32%	22%	21%
It was in line with what we would usually do for the development of the Council Plan.		14%	10%	15%	29%
This was the level of influence suggested by the Executive Leadership and organisation.		7%	20%	26%	36%
This was what the consultant recommended as appropriate.		14%	15%	7%	
Did not specify why:			2%	11%	7%

As Table 6.5 highlights, irrespective of the level of influence given to the deliberative engagement practices, organisational respondents mostly stated it was '*in line with our understanding of deliberative engagement practice and the expectations of the legislation*'. However, councillor responses were more mixed; at the higher levels of influence, from Empower to Involve, councillors answered that '*it was in line with our understanding of deliberative engagement practices and the legislation*', but for those where influence was at the lower end of the spectrum, at the Consult and Inform levels, councillors tended to say that '*this was the level of influence suggested by the Executive Leadership and organisation*'. These responses could be linked to the earlier data that found that most councillors learned about deliberative engagement practices by participating in meetings (Table 6.1).

What emerges from the responses in Tables 6.5 and 6.6 is that, even at the lower levels of influence, both councillors and council staff believed, or said they believed, that it was what they understood as appropriate. Most telling is that 40% of organisational survey responses who said their deliberative engagement practices were at the Inform level, and therefore '*the recommendations were presented to Council, but they didn't change the strategies in the final Council*

Plan either at all or very much', also said it was in line with their understanding of deliberative engagement practices. Although the legislation provided broad scope for councils to adapt the practices as necessary, this interpretation, where strategic planning can essentially be carried out with little or no input from community members, is inherently contradictory to the legislation's expressed intent. Therefore, it can be inferred that some councils either fundamentally did not understand the core principles of deliberative engagement practices or they intentionally distorted them. Whichever is the case, this data indicates that narratives emerged to justify practices irrespective of how antithetical they were to commonly held perceptions of deliberative engagement practices.

6.6 Deliberative engagement practices – who was making the rules?

The previous section illustrated that, whether intentionally or not, deliberative engagement practices were interpreted and applied in a way that was inconsistent with commonly recognised principles. The following section theorises what might have contributed to this phenomenon by examining what local government organisations were being advised by key policy actors during their sense-making and design processes.

6.6.1 'Growth mindsets' and a regulatory vacuum

As noted earlier, as the legislator, the State Government provided few signals for councils to infer what was expected of 'deliberative engagement practices', arguing that as principles-based legislation it was the remit of local government organisations to interpret and define it for themselves. There were some instances where state government officials provided some insight; for example, at a webinar titled 'Local Government Act 2020 Explained – Embracing Community Engagement', a senior manager stated, '*deliberative engagement is about having that strong conversation with your community that is truly representative to enable your documents to be truly informed by what your community is asking for*' (VLGA, 2020). However, these expectations were never formally communicated.

Instead, the language state government representatives used seemed to reinforce a relatively amorphous interpretation of deliberative engagement practices. At webinars, state government officials urged councils to have a 'growth mindset' (LGV, 2020a) and 'choose your own journey' (IAP2, 2020); they suggested councils see this as an opportunity to 'fail forward', or 'opportunity to learn and explore', and develop a 'continuous improvement approach' (VLGA, 2020). These all imply that the Victorian State Government accepted that the practice would evolve over time as the sector developed skills and capacity in this space. It also gave licence to councils who were perhaps reticent to delve cautiously into the practices, restricting the scope to what they felt was manageable. This was expressed by consultants also who reported:

> *And, they [councils] were getting messages from State Government, 'look, you don't all have to do it the same, it won't be perfect. It's about making a start.' And so, they sort of thought, well let's just play it safe and just do something that we can manage, that's fairly manageable and not likely to be explosive in their thinking.* (Consultant 3)

In addition to these narratives, there was no foreseeable regulation of the legislative requirements. The Victorian Auditor-General's Office (VAGO) – the state government authority responsible for overseeing a swathe of local government functions – was absent from forums or official activities that were related to the legislative changes. Whilst VAGO (2015) had previously stated it expected to conduct performance audits to measure whether councils were 'efficiently and effectively engaging the public to inform government decision-making and implementation' (p. Foreword), these never materialised.

This is revealing when considering Ostrom's (1986) claim that 'decisions are substantially influenced, if not completely determined, by the consequences of default' (p. 13). Therefore, it is reasonable to assume that, without any perceived sanctions or 'third party' enforcement, there was also no real impetus for councils to challenge existing norms or strengthen their practices. Instead, deliberative engagement practices could be reinterpreted to suit contextual needs. This interplay between action and enforcement was perhaps predicted by the Victorian Local Government Association (VLGA) in its submission to the

Local Government Act Review Discussion Paper where they noted that legislation can *influence* but cannot, by itself, *deliver* community engagement by local government and to be effective, the legislation needed to be complemented by robust policy frameworks and other practical supports (VLGA, 2015).

6.6.2 An absence of commonly agreed industry standards

In addition to the government-based regulatory environment, the absence of agreed industry standards for deliberative engagement practices must be considered. Councils did not have formally recognised guidelines to draw from. Consequently, consultants engaged by Victorian local government organisations lacked a set of benchmarks they could enforce. This was noted as a concern for some consultants:

> *And I mean deliberative practice is a field of work, and it does have particular things that underpin elements, that should be standard. And so, to let sort of individual organisations sort of self-define seemed to me to be, I mean, a disaster for the field to be honest.* (Consultant 5)

> *And I was fearful, that what we were going to see was tokenistic practice emerging, because people didn't have the resources, but also the genuine understanding and will to do it.* (Consultant 4)

In several interviews with more experienced consultants, they relayed incidents where their role was to set boundaries when councils were veering towards actions that compromised the principles of deliberative engagement practices:

> *In one council there were councillors who were going a bit rogue on the process because they wanted to change their mind midway through and not follow through on promises … holding them accountable in that space was difficult.* (Consultant 10)

In fact, some consultants conceded that, ultimately, they had to accommodate the needs of their clients over their preferred approaches:

> *Because you can give the advice, and you can be very solid on the advice*

and why you're giving it, but if [councils] choose not to take it, sometimes for very good reasons, your level of influence is very small, and we've had to cop that. Yeah, sometimes, you know, if we want to take a purist view of how things should flow through from broad engagement to deliberative engagement, through to drafting. That's all very well and good, but at the end there actually needs to be a product that is a workable document for council. (Consultant 1)

So, we meet the clients' requirements, we try to talk to them about what's good practice, but we also try and meet them where they're at. And that was the message from Local Government Victoria that you know, the 'assessment' or the audit is not going to be full on for local governments this year. We try not to say that too much because we do want governments to try their best. (Consultant 8)

Connected to the earlier recounts from observations where there was discussion around what constituted 'deliberation' as opposed to 'consultation', it seems clear that consultants had to compromise on how they would usually deliver a deliberative engagement process. This accommodation can be seen in how practices were designed, but also in how consultants rationalised the influence of processes on decision-making. For example, in their handbook, MosaicLab (2020) frames deliberative engagement practices as 'complimenting' representative democracy and 'placing people closer to the affairs of government' (p. 2), but make a point of noting 'it does not replace or take away from the decision-making powers of elected representatives'. One consultant interviewed offered this pragmatic reason:

… for governments, obviously it's really hard for them to say 'we're going to implement what you tell us' because they have to work out whether they can afford it … They can't just commit to all the recommendations, because they've got to know where to put the money. (Consultant 6)

This type of rationalising seems more inclined to defend councils' overarching authority than champion the ascendancy of deliberative engagement practices. Perhaps linked to this, where consultants may have tried to challenge extant

norms, there is evidence they were resisted:

> *The consultants started by suggesting deliberative engagement approaches that the organisation wasn't ready for and would struggle to get approval for. Council needed guidance from the consultants, not direction.* (Cited from an Evaluation Report provided by one of the councils participating in the study)

A 'balancing act', as aptly described by Hendricks and Carson (2008) between trying to honour the principles of good practice with the expectations of councils was evident. Much like the 'divided loyalties' Christensen (2021) refers to in their work on community engagement practitioners, here the tension for consultants is not necessarily between the commissioning body and the community views they have been engaged to elicit, but between the commissioning body and the integrity of the deliberative engagement practices themselves.

The assertion that 'deliberative processes are less likely to be compromised by pernicious forces if they are controlled and safeguarded by those whose stake is in the integrity of the process, not in its substantive outcome (Kadlec & Friedman, 2007, p. 8) must be considered. Arguably, as experts in their field, the consultants engaged by Victorian local governments had a vested interest in maintaining the robustness of deliberative engagement practices; however, they lacked the formalised authority to ensure the principles were upheld.

Coupled with the previous section, what emerges is a context where there was neither a regulatory imperative nor industry standard that local governments were held accountable to for their interpretation of deliberative engagement practices. Therefore, the operationalisation of the practices relied significantly on the will and enterprise of councils.

6.7 A new paradigm or moderate change?

Whilst much of this chapter has alluded to relatively moderate adjustments around community engagement practices, interviewees and survey data

suggest that the legislation did catalyse change. When asked if they believed the legislation had improved how community is engaged in council's strategic planning, most interviewees responded in the affirmative:

> *In terms of legislation stretching us to do something that we perhaps didn't necessarily have in mind, it definitely did that. So, it's created an expectation that we do things differently … it enabled that authorising environment to happen straightaway.* (CEO Bologna Interview 2)

> *I think that it [the legislation] forced more attention. It's not a nice to have, it's a requirement. So, I think that's a really good starting point. So, for any organisations that may have been a bit recalcitrant or tick the box in their thinking about community engagement, it's made it become a front and centre consideration.* (Manager Rimini Interview 2)

> *I have seen an improvement of knowledge about how you engage with the community, and different methods for doing so. And I definitely see it being a more prominent thing in people's minds.* (Officer Brescia Interview 2)

As these quotes demonstrate, interviewees reported that the legislation created a higher profile for community engagement; it enabled more supportive authorising environments and prompted councils to deliver more ambitious processes than they might have otherwise undertaken.

The implementation of deliberative engagement practices also seems to have mobilised increased efforts around improving the descriptive representation of community members involved in engagement activities:

> *Do more of it! I strongly believe that truly randomly selected citizen panels can deliver excellent results*. (Councillor survey response)

> *It's an important way of giving voice to community and providing a stronger mandate for action at a local level.* (Councillor survey response)

Whilst it could be said that engaging the 'hard to reach' has been a focus of community engagement practices for some time, the introduction of community

panels and random selection seemed to create a more concerted effort in this regard. This topic is examined in detail in Chapter 7; however, as the quotes above suggest, the opportunity to engage community members from a broader cross-section of the municipality was an aspect of deliberative engagement practices that resonated strongly with councils, and in particular, councillors.

Finally, the expectation to 'do things differently' also seems to have stimulated greater investment in community engagement and organisational capacity building:

> *Sometimes, in briefing the executive I felt like they didn't necessarily think it was worth all this time and resources. Having said that, when I debriefed with the executive, they said that next time we need more resources and panels. So somewhere along the way they've shifted.* (Coordinator Sassari Interview 2)

Whilst the research did not collect data regarding the level of resourcing councils committed to their deliberative engagement processes, some reportedly spent upwards of $50,000–$100,000. Particularly for smaller and rural councils, this level of investment is considerable. Several interviewees did caution that greater investment in deliberative engagement, or community engagement more broadly, was at the expense of other council commitments:

> *I think for some of our projects, there will be a requirement to do more engagement than has potentially been done before. And the outcome of that is that it will take more time and therefore we won't get through as much work or as many projects as we were previously.* (Director Imola Interview 1)

> *It is that absolute balancing act between doing no engagement, not having the buy-in, and getting the wrong project but you've delivered it, to consulting for six years and never building something. Somewhere in between is the pendulum.* (CEO Tivoli Interview 2)

As implied by the comments above, whilst it can be said that the legislation shifted mindsets and catalysed greater energies towards engagement practices,

the question of ‘value’ generated, compared to the commitment required, needed to be resolved. Ultimately, as predicted by the Victorian State Government, each council needed to work within their own organisational constraints. These constraints could have been determined by tangible aspects such as budgets and capacity; but they could equally have been connected to more intangible influences such as the perceived benefit, or lack thereof, of investing in more ambitious deliberative engagement practices, as is examined in the next section.

6.8 Emergent practices and the public value proposition

6.8.1 A vulnerability for co-option

Co-option is the elite strategy of using apparently cooperative practices to absorb change initiatives, whilst there may be a perception of gaining new strategic advantages those advantages do not come and instead the elites’ position prevails, and the ultimate consequence is that the challengers become politically irrelevant (Holdo, 2019, p. 444). The findings from this chapter reveal several factors that would have left deliberative engagement practices vulnerable to co-option. It outlined how the legislative context of a ‘principles-based’ Act provided no guidelines around expected standards for deliberative engagement practices, and that there was no clear regulatory oversight for how councils defined and adapted them. Whilst it could be said that the State Government occasionally intimated the types of outcomes it anticipated, namely inclusion and influence, the chapter highlighted that the actualisation of those outcomes was ultimately at the discretion of how each council decided to interpret them. The emergent definitions of deliberative engagement practices, and therefore the formalised rules for how the practices would be realised, were at times elusive, made caveats around scope, and generally made limited commitment to influencing council decision-making. Regarding influence, the chapter outlined how practices were implemented that were essentially contradictory to the stated aims of the Act and the epistemic benefits that are often associated with deliberative engagement practices.

However, despite these contradictions, the data demonstrates that local

government actors justified choices by suggesting they were 'in line with their understanding of the practices and the expectations of the legislation'. The data related to this chapter consistently underscored how the ambiguous compliance obligations would not have compelled substantial change to existing practices; instead, the obligations were allowed to be circumscribed to meet organisational norms, and, in some cases, reinforcing business as usual approaches.

Whilst the Victorian State Government potentially foresaw these adaptations, and indeed encouraged adjustments based on organisational constraints, it is questionable whether the extent of the variations applied by councils were either desirable or defensible. Considered in light of the impetus for democratic innovations, and the assumed normative and epistemic benefits that underpin arguments for their institutionalisation, the potency of their transformative appeal is founded on their consequentiality. This raises questions such as: Can practices that are a moderate extension of existing norms be considered 'enough'? What is the value of such endeavours? Whilst the legislation indisputably nudged the sector forward with community engagement practices, it is important to also consider: if deliberative engagement practices become co-opted by local government, and therefore lose their 'larger critical potential' (Parkinson, 2010), has the assumed 'public value' generated from institutionalising the practices also lost some relevance? The answer to this question is beyond the scope of this research; however, the last section of this chapter returns to the topic of 'public value' to draw out what this lens reveals.

6.8.2 The search for public value: normative assumptions and pragmatic constraints

> *I'm not convinced that the process (with the amount of resources – financial, officer, and councillor time) led to a significantly better council plan.* (Councillor survey response)

Moore (1995) describes 'public value' as the ethical responsibility of public managers to create 'value' from the public resources they have been entrusted with (p. 1). According to Moore (2013), public managers need to establish the 'public value proposition' of their endeavours to satisfy this ethical responsibility

and garner political support (p. 411). In the context of this research, the need to establish a ‘public value proposition’ draws attention to the fact that, when determining how deliberative engagement practices would be adapted, local government organisations would have inevitably considered whether they were a valuable and effective use of council resources. For public managers, this perceived ‘value proposition’ would have been fundamental to deciding how the practices were designed, the level of influence they had on decision-making, and the resources they were allocated.

As stated at the beginning of this chapter, by mandating deliberative engagement practices, the legislation intrinsically hypothesised that deliberative engagement practices would create ‘public value’. As was highlighted, the State Government not only assumed that the intended outcomes of deliberative engagement practices were commonly understood by councils but that their ‘value proposition’ would have been powerful enough to inspire ‘industry best practice’ (LGV, 2020a). However, this chapter identified several contested principles and a latent apprehension towards deliberative engagement practices, which indicates that the State Government overestimated the value councils placed on these new practices, and, in turn, their preparedness to enact them. This suggests that appeals to ‘protect the democracy of local government practices and decision making while ensuring the community’s voice and priorities match that of the council’ (LGV, 2022, p. 9) through deliberative engagement practices did not resonate with Victorian councils in the way the legislation intended.

What emerges from the analysis could perhaps be described as a dichotomy between theory and praxis. Where State Government’s perceptions might have aligned to dominant discourses about the epistemic and normative value of democratic innovations, those tasked with operationalising the legislation were not necessarily driven by these and were perhaps more cognisant of the pragmatic constraints. Whilst democratic innovations are often championed as a means for improving democratic decision-making, founded on the belief that through public participation governments become better informed and more likely to make decisions based on the ‘common good’, the findings from this

chapter suggest that policy actors also need to be aware of the commonly rooted demands for efficiency and effectiveness in public administration (Dean, 2023). This is particularly the case for local government, where functions are usually 'couched less in terms of citizenship rights and more in terms of instrumental utility' (McDonnell, 2021, p. 241). A more compelling 'public value proposition' for local governments may well have been the instrumental benefits of these practices rather than their emancipatory potential.

Returning to the 'public value' lens, it seems that the legislation was founded on a 'public value proposition' that was not reconciled neatly with how local government actors interpreted a 'valuable and effective use of council resources'. Further consideration and exploration of the perceived value and benefits of integrating deliberative engagement practices in local government strategic planning, and potentially some collective sense-making to ensure more clarity around the principles, may have mitigated this dichotomy.

6.9 Conclusion

The chapter began by drawing attention to some of the underlying assumptions of the principles-based legislation that left councils to decide for themselves how they would interpret and apply deliberative engagement practices. It highlighted that the State Government's expectation that this latitude would lead to 'industry best practice' (LGV, 2020a) was problematic as it required a preparedness of the sector to embrace practices that they were somewhat sceptical of and had little experience in. Rather than draw on industry standards and expertise, the research found that local government actors predominantly made sense of their legislative requirements by looking to each other for signposts for action. Through the prism of Lowndes and Roberts' (2013) *rules*, *practices,* and *narratives*, the chapter considered how councils defined and then applied deliberative engagement practices. It found that whilst some of the rules and practices that emerged conflicted with the commonly understood epistemic and normative outcomes of democratic innovations, they were nonetheless supported by dominant narratives. The analysis in this chapter demonstrates that, in the context of a reform agenda that sought to 'put community at the

heart of decision-making', the ambiguity around a principles-based Act and a virtual vacuum of either regulatory or industry oversight meant deliberative engagement practices were vulnerable to co-option. It shows that policy actors were operating from distinct and different values frameworks, creating a dichotomy between the hegemonic ideals consistently attributed to democratic innovations around 'improving democracy' and the pragmatic constraints of those tasked with operationalising the legislation.

The findings of this chapter provide an empirical account of the tension between the assumptions of normative theory around democratic innovations and what 'ought to be', and the practical considerations of moving practices in a 'deliberative direction' (Ercan et al., 2022). It demonstrates that there needs to be greater consideration of the norms, dominant paradigms, and motivations of policy actors who are responsible for the actualisation of democratic innovations and, alongside this, more collective sense-making around their public value proposition.

Chapter 7: Building legitimacy in deliberative engagement with authorising environments

So, even though the community panel had given us these things, we're not just going to take that as 'oh well, we must do this now'.
(Mayor Lucca)

7.1 Introduction

Whilst Chapter 6 examined how 'deliberative engagement practices' were understood and interpreted by the Victorian local government sector, this chapter considers the authorising environment by exploring how decision-makers were involved in and conferred legitimacy on the practices. It investigates in more detail the second research question: *How does the authorising environment influence the design and implementation of deliberative engagement practice, including its perceived legitimacy?*

In public value theory, an authorising environment is understood as 'the arena where proposals are tested and modified against the stances of elected politicians and those who influence them' (Alford & O'Flynn, 2011, p. 177). Examination of the authorising environment was considered important for this research because, even when deliberative engagement practices adhere to 'best practice' design, their impact on decision-making is dependent on how the authorising environment responds to their conclusions (Dryzek, 2002; Johnson, 2011). This recognises that whilst deliberative democratic theory often positions itself as a counterbalance to the failures of elected representation (and sometimes as a replacement for it; Van Reybrouck, 2013), the deliberative engagement practices studied in this research cannot be separated from existing governance systems (see Christensen & Grant, 2016; Thompson, 2008). Furthermore, as has been noted by Parkinson (2003), 'accounts of deliberative democracy are accounts of legitimacy' (p. 180). As such, the

outcomes of a deliberative process, and therefore its potential to realise the epistemic and normative assumptions it is founded on, rely decisively on the legitimacy the process is conceded by its authorising environment. Without this legitimacy, its impact is limited.

To examine how the authorising environment responded to deliberative engagement practices in the research, the first part of this chapter explores how elected representatives (i.e., councillors) were engaged in the design and implementation of the practices and how this influenced their perceptions of legitimacy. The second part of the chapter takes a broader view of the authorising environment and considers the deliberative engagement practices within the local government civic sphere and overall public participation 'system'. It examines the interconnections between the 'deliberative' and 'non-deliberative' aspects of participation and how these impacted the legitimacy of the overall outcomes of the deliberative engagement practices.

As with Chapter 6, analysis in this chapter draws from the mixed methods data collection. The thematic analysis of interviews with council staff, councillors and deliberative engagement consultants was undertaken through the same processes as other chapters; however, some of the data is presented differently in response to ethical considerations that emerged. Mainly, each of the councils involved in interviews had distinct ways of engaging councillors and therefore, the pseudonyms each interviewee was allocated would not have protected their anonymity within their own organisation (e.g., based on how they engaged with their councillors, it would have been reasonably clear who the CEO Padova was). Given the candid nature of many of the interviews and the potential reprisal that might have occurred, some of the findings have been presented through paraphrasing rather than direct quotes. The qualitative analysis was also accompanied by the statistical analysis of survey data and selected artefacts such as council reports that outlined the deliberative engagement processes each council implemented.

Finally, whilst the public value strategic triangle was a useful heuristic for identifying 'orienting concepts' (Layder, 2013), the interconnected nature of the

strategic triangle categories was particularly apparent when considering the authorising environment. Members of the executive were clearly part of the authorising environment, and they also informed organisational capacity significantly. This meant that at times, emerging themes involving members of the executive did not fit neatly into only one of the categories, but instead, they overlapped. To organise the findings, how the executive informed the legitimacy of deliberative engagement practices is considered in this chapter, and how they influenced the agency and operational constraints of councils is considered in Chapter 8.

7.2 Context regarding the Victorian local government authorising environment

Before examining the data, it is useful to provide some context around the legislative rules that determine the relationship between elected representatives and the administration in local government in Victoria. The respective roles and functions of these two distinct areas of governance provide important 'scene setting' for the Victorian local government authorising environment and proved to be instrumental in how councillors were engaged in the deliberative engagement practices of their council.

As described in Chapter 1, in Australia, the state government is constitutionally responsible for overseeing the local governing bodies that are referred to as councils. Councils are made up of two branches: the elected representatives (councillors) and administration (council staff). In Victoria, the authority of each branch and how they are permitted to interact is legislatively defined under the *Victorian Local Government Act 2020.*

In terms of decision-making, the *Victorian Local Government Act 2020* stipulates that councillors can only exercise their authority when they meet as a council at a properly constituted meeting or a delegated committee. Outside this, neither the mayor nor the councillors have the legal authority to act or make decisions on behalf of the council (*Victorian Local Government Act 2020*: Part 3, Division 8, 59 (2)). As such, councillors in Victoria have very little individual decision-making or executive authority; they rely on garnering the

support of their fellow elected representatives to pursue their strategic interests.[11]

In terms of the relationship between elected representatives and the administration, there are also some pertinent distinctions that must be clarified. Namely, the chief executive officer (CEO) is the only staff member appointed by councillors and the only person in the administration who is directly accountable to them. The remainder of the administration, and therefore all other council staff, are formally accountable to the CEO, not councillors (illustrated in Figure 4.3). Amongst many other duties, the CEO is responsible for the enforcement of policies and protocols to manage interactions between councillors and council staff. As such, there is an unequivocal division between the elected body and the administration in Victorian local government. Consequently, how councillors are permitted to engage with the 'operational' activities of their council is circumscribed by the CEO.

With regard to strategic planning, the legislation states that 'a council must prepare and adopt a council plan for a period of at least the next 4 financial years after a general election in accordance with its deliberative engagement practices' (Part 4 – Planning and financial management – Division – 90(1)). Furthermore, it states that the 'Mayor needs to lead engagement with the municipal community on the development of the Council Plan' (*Victorian Local Government Act 2020*: Part 2, Division 3, 18(1c)) and that councillors also need to contribute to the strategic direction of the council through the development of the council plan. As such, councillors have the responsibility to contribute to and oversee the development of the council plan.

Combined, these legislative requirements meant that while councillors were required to participate in the development of the council plan, they had limited formal oversight around how deliberative engagement practices were

[11] For example, with the exception of Melbourne City Council (which is constituted under its own Act – see the *City of Melbourne Act 2001* – Victorian local governments operate under what could be described as a 'committee/cabinet' model where mayors are not directly elected but instead selected annually through a majority vote of their fellow councillors. This differs from models in South Australia, Western Australia, Tasmania, and Queensland, where the mayor is directly elected. For further explanation, see Grant & Drew (2017).

operationalised, as the level of involvement they were permitted was the prescribed by the CEO.

7.3 Councillor involvement in the design and implementation of deliberative engagement practices

Bearing in mind the authorising environment context described above, the analysis began by considering the level of involvement councillors had in the design and implementation of their council's deliberative engagement practices. The following two sections present data for the degree of councillor participation reported by both organisational and councillor survey respondents, followed by extracting and examining some of the emerging narratives that rationalised the level of involvement granted to councillors.

7.3.1 Councillors mostly 'somewhat' involved

Councillor involvement was explored through interviews and artefacts; however, data was primarily drawn from survey responses to the question *'How involved were councillors in the design of the deliberative engagement process?*', which provided a sector-wide account. The responses from this question are presented in Table 7.1 (below) which shows that organisational and councillor responses were almost identical. Both reported that only a small portion of councillors (9% of total survey responses) were 'very involved' in the design of the deliberative engagement process. Most councils limited the involvement of councillors to providing the opportunity to ask questions and make changes before the deliberative engagement process occurred (44%), and in almost a third of councils, deliberative engagement occurred 'mostly without' councillor involvement (32%). This restricted level of councillor involvement was consistent with the processes described in interviews, where there was a common perception that councillors should remain mostly separated from deliberative engagement practices.

Table 7.1 Involvement of councillors in design of deliberative engagement practices

Survey question: How involved were the councillors in the design of the deliberative engagement process?

	Organisational survey	Councillor survey
Councillors were very involved in designing the deliberative engagement activities – e.g., deciding the remit or how community members would be engaged.	9%	9%
Councillors were somewhat involved – e.g., had the opportunity to ask questions and make changes to the deliberative engagement activities before they occurred.	44%	45%
The design of the deliberative engagement activities occurred mostly without Councillors – e.g., they were informed about deliberative engagement activities but did not have an opportunity to make changes.	32%	32%
For Councillors Survey: Not at all – I don't remember being informed about the deliberative engagement activities		9%
For Organisational Survey: Not sure – I didn't have much involvement with the Councillors around the deliberative engagement process.	11%	
Other	4%	5%

Before examining the potential impact of this disconnect, the following section considers how the understanding emerged and outlines some of the rationales provided in interviews and survey responses.

7.3.2 Narratives that emerged which restricted councillor involvement

The interviews revealed that limiting the involvement of councillors in deliberative engagement practices, and in particular, not allowing them to observe processes, was considered standard practice. Whilst some interviewees even suggested that it was 'best practice', there was no industry standard or formal recommendation to this effect.

A review of publications such as MosaicLab's (2020) *Deliberative Engagement for Victorian Councils* and other blogs and posts found no suggestion that councillors should not attend as observers or should be kept at arm's length from the process. In fact, in their *#MonthlyMyth about Decision Makers and Deliberative Processes* post, MosaicLab (n.d.) suggest that it is *preferable* that

decision-makers are ‘part of the action where possible as observers and listeners’. The post discusses decision-makers attending or observing a range of different events to help them ‘appreciate what’s happening on the ground’ and that decision-makers could also be invited to speak with the panel during the group’s deliberations. Generally, experts in deliberative engagement practices support some integration with councillors, so the catalyst for this misconception by councils is unclear. However, some data indicates the potential motivations of councils to limit councillor involvement.

For instance, although never explicitly stated, at one of the councils that participated in the study, keeping councillors at arm’s length seemed to be an intentional strategy. There was a general sentiment that councillors would not participate productively in the process, which was particularly evident at an internal meeting where the potential of involving councillors was flagged. Attendees at this meeting, which included three members of the executive, expressed concern that councillors would ‘get stuck in the reeds’, speculating that councillors would not be able to ‘participate strategically’. This sentiment was also identified in some of the organisational survey responses:

> *Our councillors have next to no understanding of deliberative processes and have trouble maintaining focus on the role of local government. There was a danger in some trying to shape the process for their political agenda.*
>
> *Concerns that councillors would overstep the mark as self-identified engagement ‘experts’ and skew approach.*
>
> *Wanting to keep distance from councillors so they did not put undue pressure or influence on the final outcomes*.

It could be inferred from the comments above that some councils were consciously limiting councillors’ participation because they were concerned it would negatively impact the process and outcomes. This was also identified in councillor survey responses that expressed feelings of being excluded from decision-making around how the practices would be implemented:

I requested to be more involved with deliberative engagement but will need to keep bringing it up. I haven't been included in the processes as much as I'd like.

I do not believe the Council officers can let go of control – they put forward the remit and all else for councillors to comment and tick off … I believe there was too much staff influence – they worked everything out with consultant.

Officers had too much influence on how the process would operate and justified this on the very short time to do the process.

Alongside councils where the exclusion of councillors was likely to have been deliberate, there is also evidence that some councils genuinely understood this to be 'best practice'. This was clearly the case at another of the councils involved in the study, where the executive stated they were '*really pleased that we absolutely did it independently from councillor input, which is the intent of deliberative engagement*'. Several interviews with the executive and staff at this council all reiterated that if councillors attended the deliberative engagement sessions to observe discussions, then community members were less likely to participate unreservedly. As is explored later in the chapter, the separation resulted in some tension between the executive and councillors, and retrospectively, the executive conceded it would have been more productive to allow councillors some involvement, but initially they strongly believed restricting councillor involvement would lead to better deliberative outcomes.

These varied reasons were also noted in interviews with consultants:

I had one council where the executive wanted to keep this at arm's length from the councillors, and that was partly because they wanted to control the process and they didn't want them to interfere with it … they didn't trust the councillors and they thought that the more they were engaged the more difficult their job would be. (Consultant 3)

And there was this like bizarre messaging, and I'm not sure where it came from, but people not knowing if they could be involved. And I don't know where this at 'arm's length' came from. (Consultant 7)

Finally, equally mixed reasons were given when councillors and organisational staff were asked '*what would you say was the main reason for the level of involvement from councillors*?'

Table 7.2 Rationale for level of councillor involvement

Survey question: From your perspective, what would you say was the main reason for the level of involvement from councillors?

	Organisational survey	Councillor survey
Level of interest from Councillors	24%	26%
In line with our understanding of deliberative engagement practice and expectations of legislation	26%	35%
Process was decided by Executive Leadership Group and organisation	24%	36%
Unsure	22%	
Other	16%	3%

Whilst responses to this question in both the organisational and councillor surveys were quite evenly distributed amongst the options, when responses were juxtaposed with responses from the earlier survey question regarding the level of councillor involvement, some interesting themes emerge. Table 7.3 (below) cross-references responses to the councillor survey question *'How involved were you in the design of the deliberative process?*' as shown in Table 7.1 (vertical axis), with responses to the councillor survey question '*From your perspective, what would you say was the main reason for the councillors' level of involvement in the deliberative engagement activities?'* as shown in Table 7.2 (horizontal axis). It illustrates that when councillors were either only informed about the deliberative engagement activities or 'not at all involved', they tended to report that it was a decision made by the executive leadership group and organisation. However, as they progressively became more involved, when they were either somewhat involved or very involved, their reasons changed to being

either ‘in line with their understanding of deliberative engagement’ or the ‘level of interest from councillors’. The data in the organisational survey showed the same trend, with staff reporting that where councillors were not involved in the design of the deliberative engagement process, it was mostly because it was a process decided by the executive leadership group, and where they were, it was either in line with their understanding of the practices or councillor interest.

Table 7.3 Breakdown of rationale for each level of councillor involvement

	In line with our understanding of deliberative engagement practice and expectations of legislation	Process was decided by Executive Leadership Group and organisation	Level of interest from Councillors
I was very involved in designing the deliberative engagement activities – e.g., deciding the remit or how community members would be engaged.	44%	11%	44%
I was somewhat involved – e.g. I had the opportunity to ask questions and make changes to the deliberative engagement activities before they occurred.	47%	16%	38%
I wasn’t involved in the design of the deliberative engagement activities – e.g. I was informed about deliberative engagement activities but did not have an opportunity to make changes.	22%	66%	13%
Not at all – I don’t remember being informed about the deliberative engagement activities	25%	75%	

Note: The responses with ‘Other’ accounted for a small proportion of responses and is not reflected in the data above.

As outlined in the data presented, whilst it is feasible that members of the executive were responsible for restricting the involvement of councillors in deliberative engagement practices, there is insufficient evidence to decisively conclude that it was an intentional strategic decision or, alternatively, a misunderstanding of the practices. The surveys did not ask about involving councillors as observers to the deliberative engagement practices, which seemed to have been the greatest sticking point for interviewees. Further data around the rationales given for this decision may have provided a clearer

understanding of how this interpretation of deliberative engagement practices emerged.

Irrespective of whether council staff knowingly adapted the practices to suit their own purposes, what can be seen is that deliberative engagement practices were interpreted and applied to suit organisational imperatives. Further to the findings in Chapter 6, dominant narratives emerged to justify these preferences even though they were inconsistent with industry-based recommendations. As explored in the next section, this meant that practices were sometimes applied in ways that inadvertently compromised the outcomes and legitimacy of deliberative processes.

7.4 Levels of involvement and councillor perceptions

This section considers how the varying degrees of councillor involvement impacted their sense of 'informal accountability' towards the outcomes (Hendricks, 2016), and consequently, the perceived legitimacy of the deliberative engagement practices. First, a context where councillors were relatively involved in the design of the practices is considered. This is followed by examples of contexts where councillors were held at arm's length. Comparison and analysis of these two approaches draws out distinct differences in councillor perceptions around deliberative engagement participants and outcomes.

7.4.1 High level councillor involvement and sense of ownership

This section provides an account and analysis of a council that decided to engage councillors significantly in the operationalisation of their council's deliberative engagement practices. The level of engagement at this council would align with only 9% of councils as described in Table 7.1 where 'councillors were very involved in designing the deliberative engagement activities', and as such, reflects only a small portion of what occurred in the local government sector in Victoria overall. However, the analysis suggests that the perceived legitimacy of both the deliberative engagement participants and outcomes can be strengthened through this more intense involvement.

Stemming from the initial stages of sense-making, observations and interviews at this council revealed a steadfast commitment to ensuring councillors had a strong sense of ownership over the deliberative engagement practices it implemented. On several occasions at internal meetings the CEO highlighted that councillors needed to feel 'fully engaged' in the process, that they needed to be provided with enough information to be 'supported to make effective decisions', and that they should not feel they were being 'nudged or pushed by us as an organisation'. Interviews and observations of councillors found a similar ethos, the Mayor described feeling empowered and that councillors were in the 'driver's seat'. This was also demonstrated by the fact that the organisation had originally proposed a relatively discrete approach to their deliberative engagement process; however, after councillors expressed they wanted a community panel, the organisation changed its approach accordingly.

Having decided to pursue a community panel process, council staff proceeded to involve councillors in several design choices. Councillors were provided thorough information about the recruitment of the panel (including details about how the random stratified sampling would occur); they were consulted about what questions would be asked in the Expression of Interest (EOI) form for panel applicants, whether the panel should be remunerated, and how many panel participants could be considered 'representative'. In addition to deciding the format of the deliberative engagement and being across how the panel was recruited and selected, councillors were also involved in shaping the information the panel received, the remit put forward to the panel, and the framing of the 'promise' that was made to the panel. In all, councillors participated in nine specific briefings regarding the design of the deliberative engagement process, including a three-hour workshop dedicated to the topic. Once the deliberative engagement process was underway, although councillors were not permitted to observe the sessions, they met panel members three times: they were invited to meet panel members briefly at the start of the deliberations; they 'received' the panel's recommendations at the final workshop; and panel members were also invited to present their recommendations at a special council meeting.

This high level of involvement meant that councillors had a clear understanding of how their council's deliberative engagement practices would be implemented. In addition, it is reasonable to suggest that they felt a sense of ownership around design choices, as also indicated by the comments by the Mayor (noted earlier). These factors are likely to have contributed to the strong sense of legitimacy conferred on the deliberative engagement practices observed at this council and explained below.

Whilst the restricted number of participants in community panels is often a criticism made against the legitimacy of deliberative engagement practices (referred to as deliberative democracy's 'scale problem' by Parkinson, 2003), councillors at this council did not perceive it as such. In fact, at a community information session, the Mayor confidently responded to questions from members of the public about the panel selection stating that '*the usual suspects won't get a special jersey'* and that *'30–50 people out of 130,000 is quite a lot*'.

In terms of the recommendations that came out of the deliberative engagement process, despite not having observed the panel deliberations, members of the executive reported that councillors were 'quite respectful' of the panel's recommendations, and that they demonstrated a sense of accountability around the 'promise' they had made to it. Councillors did not seem to interpret deliberative engagement practices as something that would impact or displace their own authority as decision makers, but rather, improve it. In an interview with the Mayor, they described how councillors could have had the attitude of '*I've been elected to make these decisions – why am I asking someone else?'* However, the Mayor highlighted that councillors did not see the panel as a conflict and that it was an opportunity to hear from community members they do not usually engage with so they could '*make a better decision'*.

From this council, it could be inferred that involving councillors in the design of deliberative engagement practices and providing them with a sense of ownership over its outcomes creates a more enabling authorising environment. This is supported by both survey data and interviews with consultants, which is explored later, but first, it is interesting to compare the experience of this council

with the two other councils involved in the study as they did not involve their councillors to the same degree.

7.4.2 Restricting councillor engagement and connection to outcomes

The other two councils that participated in the study were more aligned with most survey respondents that either involved councillors 'somewhat' (44.5%) or only informed councillors about their deliberative engagement activities without providing an opportunity to make changes (33%). This section explores what occurred in each of those councils as they had quite different authorising environments.

At the council where the design of deliberative engagement practices occurred mostly without councillors, managers recalled only two brief conversations regarding the process council would undertake: an informal conversation with the mayor and a councillor briefing. At the councillor briefing, a manager noted that there was relatively little discussion compared to usual briefings, with only two questions broached by councillors – one around how community members would be selected for the panel and the other around how council would avoid it turning into '*a wish list of stuff*'. Notably, despite having requested to be involved in the councillor briefing, the community engagement officer responsible for the design of the process, and arguably the most expert in deliberative engagement practices at the council, was not permitted to attend. Once the panel process was underway, the Mayor attended part of the first session to welcome participants and then at the end of the process councillors were informed of the panel recommendations by council staff.

Interviews, observations, and artefacts from this council all indicate that councillors were considerably apprehensive about deliberative engagement practices and how they impacted their role as the elected representatives. This was most marked in an evaluation report that highlighted that the councillors '*appeared uneasy about the community panel and its influence on council decision-making*', also stating that:

> *the role of the community panel (in comparison to the role of councillors)*

was not deemed to be clear enough. Councillors felt that the community panel was making decisions and councillors were left thinking 'what are we here for, aren't we representative of the community?

In terms of legitimacy of the process, the CEO at this council confirmed that councillors were '*very distrustful and suspicious of the process*', especially how participants were selected and the panel's level of authority over decision making compared to their own. The concept of the panel 'representing' the community seems to have been a particular sticking point for councillors; they felt that a panel made up of unelected representatives did not have the accountability or legitimacy to be a proper voice for the community.

In retrospect, the CEO noted that the organisation could have provided greater '*time to get the councillors more on board with the process – particularly how the role of the panel is different to the role of the councillors*'. They also reflected that it would have been useful to have planned various opportunities for councillors to engage with the panel and to be kept more informed about what the panel was considering. The benefits of allowing councillors to engage with panel members could also be inferred from the positive comments the Mayor made about welcoming participants at the start of the deliberative process. This was reiterated by some of the council staff who said the Mayor *'raved about it'* after the session.

This council had what can be considered the highest level of 'organisational capabilities' for deliberative engagement practices of all three councils that participated in the study. The council had a community engagement officer who was quite familiar with deliberative engagement practices and had engaged a highly regarded deliberative engagement consultancy to run their process. Of the three councils, its process for participant recruitment was closest to what might be described 'best practice' by standards set out by advocates in the field (e.g., they conducted a civic lottery to recruit participants).[12] This recruitment

[12] Participants selected through civic lottery are commonly drawn from an official government registry. Letters are sent to a large number of people, inviting them to register their interest in participation. Panel members are then randomly selected from the pool of candidates/respondents to create a cohort that roughly matches the demographic profile of the wider population (Participedia n.d.).

practice is often heralded as a means to ensure broader community participation, and yet, this seems to have been lost in councillors' perceptions of the practices. The example of this council suggests that organisational capacity and following 'best practice' methods alone is not sufficient for building an enabling authorising environment.

Although to a lesser degree, the third council involved in this study also restricted the involvement of councillors and experienced similar issues around legitimacy. In this case, councillors were involved in the early discussions regarding the definition of deliberative engagement and its characteristics. They were also involved in the broader community engagement activities that were undertaken at the start of the process. However, once the deliberative process began and a community panel was established, they were barred from observing the deliberative activities and not permitted to meet the panel members. This proved to be a point of contention for the councillors. They argued that members of the executive were able to participate in the panel discussions and felt that the executive '*had the balance of power*' and could '*potentially sway the things being said*'.

Whilst the reasons are different, councillors at this council expressed uncertainly about the deliberative engagement process. This was evident in several ways: there was some apprehension around the selection of the community panel, with some councillors questioning the transparency of the process and whether particular community members had been intentionally been left out; some councillors questioned the thematic analysis of consultation outcomes conducted by the consultant, stating that they wanted to see all the data to draw their own conclusions about the priority themes; and ultimately, there was disagreement at the final stage when panel recommendations were challenged by influential civic actors and councillors had mixed positions on which 'voices' should be given greater importance. It is important to note that several interviewees stated this scrutiny was the result of councillor *support* for community engagement, not resistance to it:

> *I think it's just a genuine want to be involved in engagement. Understanding what was going on, and who was there, and what were the*

conversations. To have that ability to hear those firsthand was probably the main part of the driver.

In a similar vein to the other council that restricted councillors' access to the deliberative engagement process, members of the executive at this council also said that, in hindsight, they should have created greater connection between councillors and the panel members. They expressed that if the councillors had heard what the panel recommended firsthand, it might have mitigated some of the mistrust that occurred around the deliberative engagement outcomes.

As a final important contextual point, respectively speaking, of all three councils involved in the study, councillors at this council had the keenest commitment to community engagement. The mayor reported that their motivation for running for office was founded on a desire to see improved community engagement, and this was the case for several their colleagues. One of the councillors was even reported in the local media stating that their 'main goal was to find a way for council and community to work collaboratively on decision-making' and spoke positively about the fact that this had been mandated by the *Victorian Local Government Act 2020*. As such, the authorising environment at this council was decidedly supportive of community input into decision-making; however, this support did not necessarily translate to a sense of informal accountability towards the outcomes of the deliberative engagement practices.

Both examples in this section demonstrate that, when kept separate to the deliberative engagement process, trust and legitimacy for the outcomes can be impacted. This is directly related to the industry recommendation cited earlier from MosaicLab (n.d.), which suggests decision-makers should be 'part of the action as observers and listeners to help them appreciate what is happening on the ground'. To interrogate this phenomenon more thoroughly, the next section considers how the findings from the councils that participated in the study compare against consultants' interviews and survey data.

7.4.3 Comparing perceptions of councillors – does proximity result in legitimacy?

Data in the previous two sections explored how varying levels of councillor involvement in deliberative engagement practices could have impacted their sense of informal accountability to the outcomes and their perceived legitimacy. A direct connection between councillor participation and legitimacy was identified. This section considers this link more rigorously. Data from surveys and consultants' interviews is analysed to render a more complete understanding of the connection.

When asked about their interactions with councillors, consultants expressed a range of experiences. For some, they had little to no formal contact with councillors and instead relied on council staff to convey critical information. This was reported as problematic in some interviews, as council staff were not always cognisant of key aspects of deliberative engagement practices or equipped to share them:

> … *because there had not been this quality work done internally with councillors, we had over half of them not supporting it and then we had this argy-bargy for quite a while, because the councillors' point of view was why did they need a community panel when they could do it as councillors*. (Consultant 4)

> *[Councillors were keen to understand] what does that mean for us as councillors, what does that mean for our decision making and what we are then going to have to do with the information that we receive? So, I think having the opportunity to unpack that, if that's an officer/manager doing that internally, that's okay, but I don't think the skills are there enough, from what I observed, I don't think the confidence to have that conversation is there yet.* (Consultant 8)

On the other hand, consultants reported that when they were able to engage with councillors throughout the deliberative engagement process, they generally found it to be more effective:

> *The ones that had the councillors in the mix, the mayors in the mix, did the*

best … they had time to think about it, plan it, write it, understand it … those that didn't have councillors involved, we had pushback all the way along, they didn't feel ownership, weren't involved, they'd play the politics, all that kind of nonsense. (Consultant 10)

It's always important I think for these deliberative panels to know that there's interest and there is support, there's a strong sponsorship of the process and intention to act on it. And also, that if they have the optics of seeing how they work, they've got more confidence in the process. (Consultant 3)

In addition to consultants' interviews, the survey data also suggests that the more councillors were involved in the practices, the more they appreciated the benefits derived from them. This was demonstrated when responses to the councillor survey question regarding how involved they were with the design of the deliberative engagement process (Table 7.1) were cross-referenced with responses regarding their perceptions around the benefits of the practices. As shown in Table 7.4 (below), 56% of councillors who had been 'informed but not involved' in the design of deliberative engagement practices responded in the affirmative that deliberative engagement '*Involves community members that are more reflective of the general community compared to standard engagement activities*.' This is compared to 70% who responded in the affirmative when they were 'somewhat involved' and 89% when they were 'very involved' in the design of deliberative engagement practices. Although it could be said that councillors' general perceptions of the benefits of deliberative engagement were quite positive, Table 7.4 shows that for each question regarding the perceived benefits, councillors were progressively more positive about outcomes the more involved they were.

Table 7.4 Matrix of councillor involvement and favourable responses to perceived benefits of deliberative engagement practices

	Informed but not involved	Somewhat involved	Very involved
Involves community members that are more reflective of the general community compared to standard engagement activities.	56%	70%	89%
Ensures that final recommendations are more focused on collective priorities for the whole community rather than singular interests.	56%	66%	78%
Provides Council with better informed recommendations for its strategic plans.	53%	80%	89%
Provides Council with an opportunity to explore different options and understand which might be more acceptable to our community.	66%	75%	89%
Builds community's trust in Council.	56%	59%	67%
Builds community's understanding of Council.	41%	61%	78%
Increases levels of civic engagement and political participation.	44%	61%	67%

Whilst it is clear that how involved councillors were in the deliberative engagement practices impacted their perceptions, interviews suggested other factors that could have also contributed to either building councillor confidence or creating mistrust. Consultants noted tenure could have affected councillors' support:

> *So, the ones [councillors] that really embraced it were either very new and enthusiastic, and deeply driven by community.* (Consultant 10)

> *I don't think they understood it, especially the new councillors coming in, I think they were just relying on delegating authority to their CEO.* (Consultant 11)

There was also an indication that tensions within councillor cohorts impacted how they responded to the processes:

> *So, when we talk about bringing diverse people together in a deliberative process, [councillors'] distrust of one another spills over into distrust of the process.* (Consultant 4)

Moreover, whilst it wasn't noted by anyone interviewed, some research suggests that political affiliations can affect councillor attitudes towards supporting public participation (Sweeting & Copus, 2013). Data collection did not include questions around councillor tenure, political affiliation, or collegiality; instead, it focused on organisational and institutional constructs. Whilst it is possible that these factors also influenced how councillors responded to deliberative engagement practices, the impact of these aspects cannot be analysed.

The previous sections of this chapter, coupled with the data presented in this section, provide substantive reasons to believe that proximity to deliberative engagement practices contributes to building councillors' perception of legitimacy and a more enabling authorising environment. The data demonstrates that when involved in deliberative engagement practices, councillors were more likely to view the practices as complementary to their role as elected representatives rather than a threat to their decision-making powers, they were more likely to accept participants as being 'representative' of the local community, and they were more likely to appreciate the benefits of deliberative engagement practices overall.

7.5 The qualified legitimacy of deliberative engagement outcomes

Whilst the previously citied comments indicate a strong sense of legitimacy around deliberative engagement outcomes from some councillors, it would be erroneous to assume that councillors would have accepted all deliberative recommendations *a priori*. Unlike scholarship that suggests deliberative engagement practices can enable political support for difficult or even

controversial decisions (Farrell & Suiter, 2021; Ercan et al., 2017; Johnson, 2011), this research cannot make this claim. In fact, it is doubtful that any of the councils involved in the study would have adopted a decision that was contrary to councillor interests regardless of their perceptions of the deliberative engagement process. This was evidenced in interviews where councillors highlighted the alignment of community and council aspirations or qualified their support for recommendations:

> *While we may not have come up with those [recommendations] specifically, there was nothing in there that anyone had to change their basic philosophy on. It was all very, very, very aligned to what most of us were thinking anyway. (*Mayor Livorno Interview 2)

> *So, even though the community panel had given us these things, we're not just going to take that as 'oh well, we must do this now'. If there's no evidence, there's no underlying evidence pointing towards doing something, then we will be clear about potentially not doing that and why we're not doing it.* (Mayor Lucca Interview 1)

Speaking of a deliberative engagement process they had previously been involved in, one interviewee described how councillors were initially supportive of the process but then resistant when they received the community panel's recommendations:

> *Yes, this is all great idea, but as soon as the feedback didn't match their own [councillor's] expectations, or their point of view, it was quickly dismissed. And it, it sort of undermined the whole process.* (Executive Genoa Interview 1)

It could be inferred from comments such as those above that recommendations resulting from deliberative engagement processes needed to conform with the views of councillors. Had those recommendations conflicted with councillors' positions or been contentious in terms of the broader civic context, they are likely to have been scrutinised regardless of the informal accountability created. Therefore, it is possible that even where councillors were supportive of deliberative engagement practices, they still needed to be reconciled with their

own positions.

Furthermore, it is relevant to consider that whilst elected representatives may have greater appreciation for citizens' input when they are engaged in deliberative processes, this value is founded on its potential to enhance their own decision making, not necessarily replace or undermine it (Hendricks, 2013). This can also be seen in the research data. For example, when describing an incident where a councillor was criticising deliberative engagement practices, to assuage them, Consultant 1 made the following argument:

> *This is not about taking decision making power away from you. It's about informing you in more depth about what your community wants. So instead of a narrow view of what your opinion is on the matter, you're going to have more information to inform your decision making.*

The above comment exemplifies Fung's (2015) point that 'elected representatives need to translate their commitment to participatory democracy into a source of political capital rather than a drain on it' (p. 520). It indicates that whilst deliberative engagement practices may have supported Victorian local governments to make 'better' decisions, they were unlikely to be decidedly different from those what would have been endorsed irrespective of the deliberative process. This is linked to earlier findings in Chapter 6, where the research found that deliberative engagement practices overall had a relatively modest influence over decisions for the council plan.

However, it is important to acknowledge this may also have been impacted by the nature of the council plan document. As noted previously, council plans are usually expansive and outline a range of priorities that councils commit to undertaking over a 4-year period. They do not pose a 'dilemma' which needs to be reconciled. Had the deliberative engagement practices focused on a wicked problem for councils, or one that councillors were reluctant to take a determined stand on, perhaps more contentious recommendations would have been accepted. Nevertheless, the claim that deliberative engagement practices spur more ambitious or controversial government decisions is tempered in this

research, and perhaps warrants further scrutiny in the literature.

In addition to supporting councillors with decision-making, councillors may also have valued deliberative engagement acting as a sounding board to public servants' recommendations, or to test the options put forward by the administration, as found by Hendriks and Lees-Marshment (2019). Within this context, referring back to councillor comments shared in previous sections where they argued staff exerted too much influence over decision-making, deliberative engagement practices may also have been perceived as a way of verifying or validating proposed courses of action.

To conclude, this section has shown how elected representatives perceive public participation as an adjunct to their work, for its instrumental value in garnering a more complete understanding of their constituents' positions. As such, irrespective of whether elected representative confer legitimacy on the deliberative engagement outcomes or not, their receptivity is on integrating aspects of public input into decision making, not necessary relinquishing or even sharing control (Macq & Jacquet, 2020).

7.6 Gatekeeping in the authorising environment

As can be surmised from the data presented in the chapter so far, how councillors were engaged in the design and implementation of deliberative engagement practices is likely to have had a consequential impact on how they perceive legitimacy, and as a result, a more enabling authorising environment. Within this, it is important to highlight that councillor engagement was circumscribed by the executive level of local government. As noted at the beginning of the chapter, the legislative environment is such that CEOs had overall control of the information that was shared with councillors and how they were engaged in the operationalisation of the practices. This chapter has shown that some executives intentionally kept councillors at arm's length from the practices, and, deliberately or not, a dominant narrative emerged that supported this phenomenon despite there being no formal industry standards or rules to this effect.

Furthermore, as noted in Chapter 6, councillors relied significantly on participation in meetings to build their understanding of deliberative engagement practices, having undertaken very little self-initiated research (see Table 6.1). Combined, these factors suggest that the executive level of local government had substantial control over how deliberative engagement practices were framed and experienced by councillors, which ultimately would have had an influence on their transformative power. This correlation can be found in public administration literature which refers to the 'principal-agent problem' and argues that because public managers are responsible for implementing reform, they can limit the extent of outcomes through their control of information (John, 2011).

Whilst limited, there is existing research regarding democratic innovations that aligns with this deduction. Hendricks (2016), in a process described as 'designed coupling', found that institutional connections need to be established between elected representatives and the deliberative process. However, Hendricks (2016) also noted that this process 'requires champions who are well-placed to encourage actors to think differently' (p. 43). Much like Hendricks' research, which found that a champion was needed to actively encourage the connection between the deliberative panel and the authorising environment, in this research, the connection seems to have been contingent on the support from the executive actors at council. This was noted in an interview with a consultant:

> *[the executive] really empowered the councillors to be able to take that on board. Now that required a couple of things, that required an executive who was willing to let a bit of control go, to bring people into the fold.* (Consultant 1)

To conclude the first part of this chapter, this research has demonstrated that the executive played a critical role regarding how deliberative engagement was understood, how processes were framed and ultimately given legitimacy by elected representatives.

7.7 Beyond the squeaky wheel: the perceived legitimacy of deliberative cohorts

Thus far, this chapter has focused on how the perceived legitimacy of deliberative engagement practices was intertwined with the level of 'coupling' that occurred with elected representatives. This part of the chapter examines the broader authorising environment within the civic context. It focuses on the deliberative 'inputs', or who from the general public participated in the deliberative process, and how these are weighted against extant systems for public participation. This includes consideration of how deliberative forums interacted with the prevailing 'non-deliberative' forms of public participation. This examination allows for a more expansive understanding of the authorising environment whilst also providing detailed analysis of how deliberative engagement practices are legitimated against established norms for public participation.

7.7.1 *"Who are these people?":* Participation in the deliberative engagement practices

The possibility of attracting broader descriptive involvement in community consultation was perhaps the most compelling aspect of deliberative engagement practices noted in the data. In interviews, engaging community members who do not otherwise participate in council engagement processes or reach beyond the limited 'usual suspects' who tend to get involved was consistently highlighted as a perceived benefit:

> *And usually, the interest in those projects comes from a small number of individuals that are already engaged and already have, like we all do, a particular view on what it should look like. And so, there's advantages to that in that, I think, if we take a deliberative approach, we'll hear from some broader voices.* (CEO Bologna Interview 1)

> *Often, you'll end up with sort of the same people that all volunteer for everything. So, I think we were really conscious to try and get a real cross-section of the community, with a variety of backgrounds and interests.* (Manager Ragusa Interview 1)

> *So, where they've gotten excited about is hearing that people who would not normally engage with council getting involved.* (Officer Verona Interview 1)

Only a handful of those interviewed indicated there were concerns around the motivations of people who wanted to be part of a deliberative engagement process:

> *A couple were suspicious of it [referring to elected representatives] … fearful that it might get hijacked by a couple of the noisy locals.* (CEO Padua Interview 2)

However, most seemed to consider the potential for broader participation as a positive. That said, a couple noted that councils could not outright exclude existing stakeholders or more vocal community members as this had its own limitations:

> *You need a combination of voices, need to bring in some of the loud voices, otherwise, if you don't [elected representatives] will be going 'this is not the right process'.* (CEO Tivoli Interview 1)

Councillor survey responses were also consistent with interview findings; they indicated a keen interest in broadening the scope of community and stakeholder participation. When asked what they would most like to see more resources and time dedicated to, councillors' highest response was '*Improve the process of recruiting community members to the deliberative engagement activities*' (57%). This was followed by '*Improve our engagement with key community stakeholders so they understand and support the process*' (51%), and third, '*Increase the number or scope of the broader community engagement activities either before, during, or after the deliberative engagement process'* (49%). These three options were the most selected of 11 possible answers, which included '*spend more time or resources to better understand what deliberative engagement is and how it can be used effectively for our strategic plans*' (*n* = 26) and '*increase the number or scope of deliberative engagement activities*' (*n* = 35). The organisational survey indicated similar results and enhancing participation of community ranked prominently in council staff priorities. Given

that survey respondents indicated a preference for improving participation, whether it be with those involved in the deliberative process, existing stakeholders, or broader community consultation, it can be inferred that the breadth of perspectives included in the deliberative forum was of high importance, particularly for elected representatives. This is a critical factor to contemplate as the research moves on to examining the processes used to recruit community members and involve them in deliberative engagement practices.

7.7.2 How community members were recruited to deliberative engagement practices

Noting the importance that representation had in the authorising environment, it is conceivable that the composition of the deliberative cohort was instrumental to the legitimacy it was afforded. The research did not specifically collect data around the composition of deliberative cohorts; however, data around their recruitment processes provides some insight into their likely characteristics.

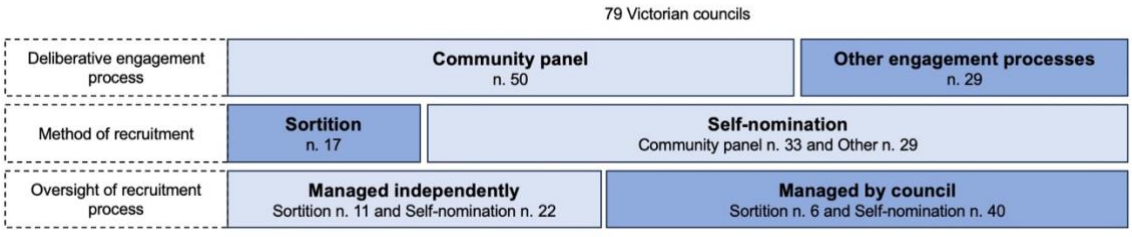
As noted in Chapter 6, most Victorian councils defined deliberative engagement practices as including a representative sample of the local community. When it came to implementation, 63% of councils (*n* = 50) chose to conduct a process where they convened what was commonly referred to as a community panel. These panels were typically made up of a small group of community members who came together over a few workshops to deliberate. The remaining 37% (*n* = 29) of councils conducted processes such as town hall meetings, pop up activities, or stakeholder consultation meetings. Putting aside whether these processes would be considered genuinely deliberative by scholars and practitioners (which is explored in Chapter 9), it is useful to examine how participants were recruited and how the concept of a representative claim was interpreted by the authorising environment.

Processes that used a community panel model were often described as having been established through a process of random selection. However, only a third (*n* = 17) conducted recruitment processes that met the standards set out by the OECD (2020) of a civic lottery or sortition (see Participedia, n.d.). This process

usually involves sending a direct invitation to a group of randomly selected community members asking them to participate in the deliberative process. Amongst these 17 councils, an even smaller number (*n* = 11) had processes that were independently conducted (i.e., where council staff were completely removed from the selection process). As such, most of the community panels (66%; n = 33) were recruited with an open Expression of Interest process, and therefore, rather than receive a randomly generated invitation to participate, community members were able to self-nominate and express interest in being a part of the panel. This may seem like a minor detail; however, as is explained more thoroughly later, this recruitment practice delivers materially different results.

The remaining 29 councils that did not establish a community panel as their deliberative engagement process also relied on self-nomination, most either holding open invitation consultations or drawing from existing community reference groups and advisory committees. Therefore, as illustrated in Figure 7.1, over 80% of deliberative engagement practices conducted in Victoria recruited participants through an open invitation process and, as such, relied on existing channels of engagement and community members self-nominating their interest.

Figure 7.1 Deliberative engagement recruitment processes



Source: Author's own

Scholarship in the field has long established that processes which recruit through self-nomination are more likely to be over-represented by people who have more time, finances, and education as well as greater stores of political efficacy, information, and motivation (Karpowitz & Raphael, 2016; Warren,

2009; Ryfe, 2005). Furthermore, more demanding forms of engagement, such as democratic innovations, tend to exacerbate this bias and reinforce existing socioeconomic differentials (Fung, 2003; Cooper & Smith, 2012). To mitigate this, random sampling, sortition, or civic lotteries, as the OECD (2020) describes them, are seen as 'necessary to compensate for unequal volunteering rates and for chance deviations from desired demographic characteristics' (Carson & Martin, 1999, p. 91). Therefore, since most processes in Victoria employed self-nomination processes, it is fair to assume that the deliberative engagement practices conducted were unlikely to have significantly broadened participation. Theoretically, this should have undermined the legitimacy of the practices that hinged on a belief that a plurality of views was expressed and considered; however, this was not necessarily the case, as discussed in the next section.

7.7.3 The subjective nature of 'representative claims'

> *Councillors were reported to me as saying, 'I'm really looking forward to reaching beyond the usual suspects', and yet they hadn't recruited that way.* (Consultant 2)

As noted earlier in this chapter, much of the interest around deliberative engagement from elected representatives' perspectives was regarding its potential to engage with a broader cross-section of their communities. This broadening of participation could also be considered one of the lynchpins of the new legislation. With this in mind, it is incongruous that most councils engaged community members through processes that are well known to replicate usual participation trends. However, this contradiction seems to have been lost on Victorian councils. Interviews and survey data found that, overall, there was reasonable confidence around the descriptive representation of participants. When asked whether they thought deliberative engagement '*involves community members that are more reflective of the general community compared to standard engagement activities*' the majority of organisational survey respondents were positive, with 84% of responses saying it achieved this 'a fair degree' or 'a lot'. Respondents to the councillor survey were less

certain, with 62% responding ‘a fair degree’ or ‘a lot’; however, this still demonstrates a relatively high level of confidence in the processes.

This sense that the process involved a greater breadth of community members was also seen in interviewees. At one council involved in the study where recruitment was entirely by self-nomination, the Mayor described the participants of the community panel as:

> *A great representation in terms of demographics … we weren’t looking for people who’ve got experience because the trouble is, if you go down that path, you end up with the squeaky wheels again, because they’re the people who are being involved with stuff, we want to hear from the, the normal citizen, if you like. So yeah, that’s been really successful.* (Mayor Livorno Interview 2)

At another council, the Mayor accepted that some of the ‘louder voices’ had been selected but generally felt there had been a broader representation:

> *And I actually think that worked out as a really good thing, because often in engagement activities, as opposed to deliberate engagement, you get the people with the loudest voices. And what I liked about this one was that even though the people with the loudest voices, the same faces that have turned up to everything all the time, they did put in an expression of interest, and some of them were selected, but it was much broader than that.* (Mayor Lucca Interview 2)

There was only one councillor survey response that revealed some acknowledgment of the limitations of self-nomination:

> *Unfortunately, it will always be the same applicants for panels and surveys and not a true representation of the community … we have a community panel of the usual suspects and failed candidates ‘selected at random’ telling you how to do your job.* (Councillor survey response)

However, for the most part, the inconsistency between the way community members were recruited to deliberative engagement practices and the likelihood of those participants representing people that council would not

usually engage with was not necessarily apparent to councillors or council staff.

Paradoxically, the only council involved in the study that did use a sortition process, and therefore, most likely succeeded in attracting a broader cohort to their deliberative engagement processes, experienced suspicion from elected representatives around their representative claim. In another council, the decision to recruit the community members for the panel through a combination of self-nomination and random invitations was in response to community feedback and a sense that having a panel exclusively made up of people invited via random invitation would not be accepted as legitimate by their community.

The findings above demonstrate that what is considered descriptively representative and legitimate in one context may be considered illegitimate in another (Parkinson 2003). As such, these examples highlight that representative claims are context-specific, not absolute. They affirm Saward's (2006) observation that 'representative claims only work, or even exist, if "audiences" acknowledge them in some way' (p. 303). It is therefore possible that the perceived inclusiveness and diversity of participants in Victorian deliberative engagement processes was informed more by the propensity of decision-makers to accept them as such than the validity of their claim to be representative.

These findings are important to consider for the institutionalisation of democratic innovations because they suggest that structural biases that perpetuate homogeneity and extant views can inadvertently persist even with the introduction of deliberative engagement practices. Although there is a common perception that deliberative cohorts will be established and scrutinised based on whether they are sufficiently representative to legitimise decisions (Bohman, 2012), the data suggests that this judgement is dependent more on how much the authorising environment subscribes to their legitimacy than the actual engagement design and methodologies used. Furthermore, the data indicates that careful consideration needs to be given to what is described as the design space of participation, where democratic architects can manipulate what kinds of stakeholders participate and whose voices come to the fore (Fung, 2015).

7.8 Who speaks for the whole municipal community?

Whilst it is accurate to say that, broadly speaking, Victorian councils believed there had been broader and more inclusive participation in their deliberative engagement processes, this was also caveated by some apprehension around the influence of a relatively small group of community members. As such, although the likely traits of participants were not generally questioned, there was some doubt about whether they had the authority to make recommendations on behalf of their fellow constituents. The following two sections explore this phenomenon; the first examines what is sometimes referred to as deliberative democracy's scale problem (Parkinson, 2003) and how it manifested in Victoria, and the second analyses how this tension was mitigated by councils.

7.8.1 Deliberative engagement's scale problem

Deliberative democracy is founded on a premise that, to be legitimate, a forum needs to involve people who are reflective of all those subject to the decision in question (Dryzek, 1990; Habermas, 1996). The *Victorian Local Government Act 2020* has some alignment to this premise with the inclusion of the community engagement principle:

> *Participants in community engagement must be representative of the persons and groups affected by the matter that is the subject of the community engagement.* (Victorian Local Government Act 2020 Clause 56 (c))

This principle was identified in some community engagement policies and referred to in interviews:

> *So, in our new engagement policy, which was adopted just before this happened, we made a commitment that anyone affected by a decision would have an opportunity or a chance to be involved in that process, whatever it be, down at the inform end or whether it be up at the empowering.* (Coordinator Verona Interview 2)

However, as Parkinson (2003) cautions, 'in complex societies, deliberative

participation by all those affected by collective decisioning is *extremely implausible*' (p. 180, emphasis added). This is echoed by Dryzek (2002), who also recognises that any meaningful participation in collective decision-making by more than a small minority is inconceivable in contemporary nation-states. Inevitably, any deliberative process will comprise a select group of citizens who participate in lieu of the collective whole. Consequently, deliberative engagement can be interpreted as a way of delegitimising some democratic channels in favour of a privileged connection between a select few citizens and decision makers (Parkinson & Mansbridge, 2012 cited in Courant, 2022, p. 171). This limitation, described by Parkinson (2003) as 'deliberative democracy's scale problem', was not lost on the Victorian local government sector. Interviewees expressed concerns, or scepticism, about the influence of a relatively discrete group of community members over municipal wide strategies:

> *… [through the process we] have created a mini council. And I'm wondering if that, as a by-product, has made it a bit more exclusive – it's an exclusive group … we tried to get representation, and I think we had really great representation … We've got thousands of community members out there that we didn't involve too – it depends on what your assessment is, quality or quantity.* (Coordinator Verona Interview 2)

> *Those that really just focused in on the panel process, and in the end that's where I worry that there's a bit of a tick-a-box – like 'we did it' and felt like that's it. But what does that mean for the rest of the community, and what was the opportunity for anyone to kind of influence the vision or council plan?* (Consultant 8)

> *How do you sort of still give the community some ownership because there's still very much an opinion from councillors that, 'this is some privileged body [referring to the Community Panel], but what about the rest of the community?'* (Consultant 9)

These quotes demonstrate that interviewees shared similar concerns to some scholars who argue that deliberative engagement produces 'weak representatives' who are not accountable to their communities in the way

elected representatives are, and therefore should not be afforded decisive influence (Courant, 2022; Lafont, 2005). This tension can potentially also be inferred from the high number of survey respondents who indicated that if they had more time and resources, they would allocate them to '*Increase the number or scope of the broader community engagement activities either before, during or after the deliberative engagement process*' (*n* = 102 = 50% of responses).

This data suggests that even when there is legitimacy conferred on the deliberative cohort (as was the case with some of the interviewees cited above), it does not automatically transfer to legitimating recommendations on behalf of the broader community; some reconciliation with the wider constituency still needs to occur, as is explored in the next section.

7.8.2 Continuance of the public exhibition stage

The reliance on sources of legitimacy beyond a deliberative cohort can best be demonstrated through the almost blanket use of a public exhibition[13] consultation process by local governments in Victoria. Despite the *Victorian Local Government Act 2020* removing legislative requirements to have a public exhibition stage, replacing it with the requirement to undertake deliberative engagement practices, 92% (*n* = 73) of Victorian councils decided to have their strategic plans undergo this process. In addition, a large proportion (64%; *n* = 47) made amendments to their strategic plans following this public exhibition stage.

Reasons for continuing this practice were varied; some referred to 'best practice', while some inaccurately stated that the public exhibition process was 'in accordance with the Local Government Act'. All three councils involved in the study acknowledged that they no longer had to conduct a public exhibition stage but they decided to maintain it because they understood it to be more inclusive.

[13] Under Section 223, Right to make submission of the *Victorian Local Government Act 1989*, councils needed to publish a public notice and provide members of the public not less than 28 days to make a submission in response to the council plan and budget. This was commonly called the 'public exhibition' process.

This position was also identified in some council reports where it was suggested that the public exhibition process was a part of their commitment to deliberative engagement:

> *In light of ensuring Council's commitment to deliberative community engagement, Council has given public notice of its preparation to give the right to any person/s to make a submission on the Council Plan.* (Casey City Council, 2021)

Interviewees expressed the need to ensure interested community members were still able to inform strategies and highlighted the need to sense-check recommendations with the broader community:

> *How do you sort of still give the community some ownership because there's still very much … often from councillors that say, 'this is some privileged body [referring to the community panel], but what about the rest of the community?' So yeah, I think that gives them a level of comfort that it's still going out, it's still going through the normal process anyway.* (Consultant 9)

This sense-checking with the broader community was noted in some council reports where consultation processes were conducted with specific cohorts to ensure their feedback was considered before finalising the council plan:

> *To ensure Council received feedback from young people within the Shire, the Mayor and CEO met with the Corangamite Shire Youth Council to discuss the draft Council Plan.* (Corangamite Shire Council, 2021b)

> *Our relationship with the Traditional Owners is of vital importance to Council. Strategies have been added to Focus Areas 1, 3 and 4 that align with the value of this relationship.* (Hepburn Shire Council, 2021b)

Drawing on existing channels of participation was therefore understood as strengthening the decision-making process and as a way to sense-check with the broader community. Notwithstanding the fact that there would have been valid reasons to invite specific cohorts who are traditionally underrepresented in engagement practices to contribute to the process, as demonstrated by the two

examples of including youth and Traditional Owners, there is still a tension that needs to be recognised. Although it could be interpreted as more inclusive, the continuance of the public exhibition process was also essentially a means of perpetuating existing power structures and giving a platform to community members with political agency.

> *Even though it's no longer a legislative requirement, I've seen in a lot of council groups who wanted to avoid the squeaky wheels, but they come back during the public exhibition period and get their thing passed.* (Consultant 1)

> *You need to be clear about what level of influence that will have, and how you weigh that up against this process. Because I think you can confidently say that the Act and the resources that go into this, the deliberative process should have more weight than something going out for comment and hearing from the usual suspects.* (Consultant 3)

There is clearly incongruence between planning a deliberative process which aims to engage participants that don't usually engage with council only to then incorporate activities that privilege those with greater political agency. However, despite this paradox between public exhibition processes and deliberative engagement practices, much of the sector continued these practices, justifying them by suggesting that it was required to legitimate decisions.

The almost unilateral application of a public exhibition process underscored the reality that, whilst deliberative engagement practices may have attracted more descriptive representation in the deliberative cohorts that participated, the practices alone were not sufficient in creating overall confidence in their recommendations. Instead, what pervaded were existing channels of public participation despite them no longer being legislated and irrespective of their known limitations and biases.

7.9 How deliberative and non-deliberative practices interconnected

As can be inferred from the sections above, there was contention between the perceived legitimacy of deliberative engagement practices and the 'non-deliberative' practices councils were accustomed to. This data affirms the position of various scholars who argue that no individual deliberative forum, however ideally constituted, is likely to possess deliberative capacity sufficient to legitimise decisions (Mansbridge et al., 2012) and that ways to combine participatory methods with deliberative processes are necessary for impact (Nabatchi et al., 2012). Indeed, in their guidelines around deliberative democracy, the OECD (2020) suggest that deliberative engagement should be used '*together with* other participation methods as part of a broader public participation strategy' (p. 41, emphasis added). The OECD conceptualises this connection as information collected in the broader public participation sphere and then feed into the deliberative process. This in fact occurred in most Victorian councils where deliberative cohorts were presented with findings from previous engagement activities. What is not foreseen by the OECD is the subsequent process that occurred in Victoria where the recommendations from the deliberative process were then tested with the broader public *after* deliberation.

In the Victorian context, given the public exhibition stage was essentially the 'final say', in instances where the feedback received from the public exhibition process conflicted with the deliberative engagement outcomes, the integrity of deliberative engagement practices could have been jeopardised. While it is not possible to trace the degree to which changes suggested through a public exhibition process were in direct conflict with the recommendations of the deliberative cohort, some of the data suggested there was dissonance:

> *I think some of the [public exhibition] feedback around the plan was a real sticking point. That was a bit hairy there for a while ... a couple of councillors were like, 'well the community really wants it'. But do they really? Some portion of the community want it because the plan doesn't reflect how they feel … I ended up writing a three- or four-page document*

> *for how the priority statements from the community panel should be treated, they're not just the same as every other part of the engagement that will did.* (Coordinator Matera Interview 2)

> *We gave our councillors and exec training, but at the end of the process, they still didn't understand that the deliberative component has more weight than broad engagement (e.g. public exhibition).* (Organisational survey response)

Regarding the public exhibition stage:

> *So that's the thing about that broad scattergun engagement process, they can sort of pick and choose what comes in.* (Consultant 3)

> *I guess I just kept asking them and saying, 'well who's going to decide what goes in the plan after the public exhibition period?', and then if it's you deciding, you can't call it a community vision because you could change it all.* (Consultant 7)

In the quotes above, there is unresolved tension between weighting the outcomes of a deliberative engagement process with the feedback received through traditional channels such as a public exhibition process. The consultants' quotes also highlight that existing processes tend to position council staff as the ultimate adjudicators of which recommendations are given precedence.

It is not possible to determine how much council staff recognised the public exhibition process was biased towards councils' own preferences. However, it is possible that survey respondents were cognisant of the need to reconcile deliberative engagement practices with their broader community context given the significant number who indicated that if they had more time and resources, they would '*Improve our engagement with key community stakeholders so they understand and support the process*' (*n* = 102; 50% of responses).

Furthermore, it is possible the continuance of the public exhibition stage is

related to the institutionalist concepts of ‘path dependency’ or ‘logics of appropriateness’ whereby policy actors privilege their instinct to legitimise actions over responding to situations with new and bespoke solutions. The inherent need to seek stable conditions, leads policy actors to employ trusted templates and fit problems into pre-existing solutions that they have used in the past (Lowndes & Roberts, 2013, p. 115). This might explain why the public exhibition process continued, even though it was no longer legislatively required and despite the fact it demanded both extra resources and time, neither of which councils reported having. Therefore, while rationales for continuing the public exhibition process were often positioned around inclusion, it is also possible that council staff had not considered an alternative to managing existing stakeholders.

> *And it’s like, well, just don’t keep doing what you know because you know it, what are you getting out of it? … they seem to be stuck in that rut of just doing the things that they know because they know them, but they end up causing themselves more problems and not achieving what they want to achieve.* (Consultant 5)

Council staff may not have had enough confidence justifying why council should discontinue a public exhibition process in favour of prioritising the outcomes of the deliberative engagement practices. Irrespective of the reason, courses of action that councils had applied in the past most likely continued because, within their organisational context, the perceived risk of changing practices was considered untenable.

This section demonstrates that the public exhibition processes may have impacted the integrity of the deliberative engagement practices by providing community groups, stakeholders, and councils with a mechanism to override, edit out, and diminish the recommendations of the deliberative process. It highlights that greater attention needed to be given to how deliberative engagement practices were embedded within their broader civic context and how they were reconciled with existing channels for public participation.

7.10 Conclusion

This chapter began by providing context regarding the Victorian local government authorising environment, particularly how councillors had limited formal oversight over how deliberative engagement practices were operationalised. It then explained that during implementation, councillors were mostly removed from deliberative engagement processes in line with a dominant narrative that argued this was necessary to ensure their epistemic integrity. This narrative was not substantiated by any formal rules or expert recommendations; however, it was so influential that many councils genuinely understood it as best practice. In contrast to that narrative, the research found that where councillors were involved more directly in the design and implementation of deliberative processes, their perceptions of the practices were notably more constructive. As such, the dominant narrative that elected representatives' involvement should be restricted was effectively acting *against* the implementation of deliberative engagement practices by weakening their legitimacy and hindering a more enabling authorising environment.

The second half of the chapter demonstrated that although the possibility of attracting broader community participation was one of the cornerstone objectives of the legislation, the application of self-nominated recruitment methods meant that this was unlikely to have been achieved. This finding pointed to the subjective nature of representative claims but, importantly for this research, that practices can be adapted to suit organisation imperatives. This was also seen with the continuance of the public exhibition process, which, although no longer legislated, was maintained by most councils with the assumption that it would improve inclusion. The chapter highlighted how practices that privileged those with greater political agency, and were essentially contradictory to the principles of democratic innovations, were nevertheless almost unilaterally applied by Victorian councils.

Through examination of the authorising environment, this chapter further demonstrates how deliberative engagement practices were interpreted and applied to suit organisational imperatives. It also highlighted how policy actors

gave preference to practices that aligned with the status quo and extant public participation processes, and narratives emerged to justify those practices even when, knowingly or not, they undermined the legitimacy and were inconsistent with the principles of democratic innovations. The chapter built on the findings of Chapter 6 and further determined how the executive arm of local government played a critical role regarding how deliberative engagement practices were understood, and how processes were framed and ultimately given legitimacy by elected representatives. It demonstrated how public managers were instrumental in determining whose participation was accommodated, whose was considered sufficiently representative, and, through the conceptual lens of inclusion, whose perspectives were given more weight and influence. It could be argued that the research has shown the need to explore not only how democratic innovations interface with the role of elected representatives and existing public participation practices but also broaden attention to include the administrative arm of government that acts as gatekeepers.

Chapter 8: The impact of individual agency and organisational cultures on operational capacity for change

You think if something is enshrined in legislation it's going to make it happen, it is not necessarily so.
(Consultant 3)

We need to solve the problem of people not trusting people, and I don't know that legislation and creating a tick-box exercise solves that.
(Consultant 5)

8.1 Introduction

This chapter explores the third and final point of the public value strategic triangle, operational capacity. In public value theory, this point is concerned with whether an initiative is operationally and administratively feasible (Alford & O'Flynn, 2009). This can encapsulate tangible aspects such as how an organisation is resourced, structured, and governed, in addition to more intangible aspects such as organisational cultures and how they inform an organisation's ability to respond to challenges and change. For the purposes of this research, it is aligned to the research question: *How do organisational cultures and constraints inform how deliberative engagement is designed and implemented?* As such, this chapter focuses on how local government organisations responded to the legislative requirements for deliberative engagement and how aspects like existing norms, environmental context, individual agency, and organisational cultures influenced these practices.

The chapter draws mostly on themes that were identified in interviews that were considered alongside observation and survey data. To further examine the narratives and practices that emerged during the implementation of deliberative engagement practices, this thematic analysis was examined alongside concepts

from relevant scholarship. This allowed for the research findings to be interrogated against a broader context to better understand whether they were consistent with extant knowledge or provided alternative interpretations. Cognisant of the particular risk of bias in this chapter, given the researcher worked in local government for 10 years and was intimately familiar with local government organisational cultures, this chapter has used quotations more than other chapters to ensure inferences were clearly demonstrated.

Much like Chapter 6, the scholarship applied in this chapter is mostly from an institutionalist lens as this provided valuable insights into the constraints and inherent motivations of actors. In terms of public value theory, as noted in Chapter 7, themes such as leadership permeated both the authorising environment and operational capacity points of the strategic triangle. Whilst leadership was explored through how it influenced the perceived legitimacy of deliberative engagement practices in Chapter 7, in this chapter it is explored in relation to how it informs organisational responses and cultures.

The chapter begins with an examination of the broader contextual environment that the legislative changes for deliberative engagement occurred within and how this may have impacted organisations' preparedness to tackle the new requirements. The chapter then considers the challenges deliberative engagement practices presented to council staff, who needed to navigate high levels of uncertainty within constrained timeframes whilst simultaneously building organisational confidence in their proposed approach. The distinct approaches of diverse council staff are considered along with organisational cultures that are likely to underpin council staff's agency and propensity for change. Finally, the chapter theorises about the organisational cultural shifts the new legislation might have achieved and how these learnings might inform what is required for building organisational capacity in deliberative engagement practices.

8.2 Setting the context for the legislative changes: new legislation, a pandemic, and an election

How the broader environmental setting influenced the way deliberative

engagement practices were applied should not be underestimated as it was consistently referenced in interview, survey, and observation data. This section provides a brief contextualisation of this environment and examines how it may have impacted the operational capacity of the sector.

The *Victorian Local Government Act 2020* was the first major local government reform since 1989, and accounting for the considerable change within the sector in those 30 years, the new Act presented a raft of new requirements. This included introducing requirements for several new strategic plans and policies (such as the public transparency policy, workforce plan, and a 4-year revenue and rating plan), as well as changes to reporting requirements and existing policies (for an overview of the changes see VLGA, 2019). Within this, and as explored in Chapter 6, the shift to a principles-based Act meant that there was added complexity in adapting to the new legislative approach. Therefore, the deliberative engagement requirements for the legislation need to be understood as one aspect of a much broader scale of reform that all councils were navigating.

Added to this changed regulatory environment, the *Victorian Local Government Act 2020* received Royal Assent at the beginning of the COVID-19 pandemic in Australia. This was a period of significant disruption, and it would be fair to say that local governments, particularly in Melbourne which was subject to extensive lockdowns (Kelly, 2021), were in a state of flux. Services had to be re-designed, staff needed to be re-deployed, and resources had to be found to meet the needs of communities, especially the most vulnerable who tend to rely on council services. In interviews, council staff often expressed exhaustion at the increased workloads and strain these circumstances collectively brought:

> *I think because of that level of busyness, and that level of unknown in regard to COVID, people's mental capacity to consider legislative requirements, and to do it with clear thinking and intention and, just having that brain space to think about how we could approach this and our options wasn't there.* (Coordinator Sassari Interview 1)

Furthermore, 2020 was also a local government election year, which would have brought its own complexity. In the lead-up to the council elections, decisions were likely to have been more politicised, major decisions would have been delayed until after the elections, and potentially further impeded by the three-month caretaker period from September until November when there were no elected representatives. Once councillors were on board in November 2020, council staff were occupied with inducting councillors and familiarising them with their role and the organisation. For councils where there was a large turnover of councillors, this would have been a critical formative period when relationships were established and the organisation became more aware of a new councillor's interests and leanings. Some interviewees stated it was difficult to sufficiently explore community engagement practices whilst also building rapport with councillors and establishing trusting relationships.

Combined, these factors created a challenging period for council staff to navigate, as described in the following comment:

> *It was the new regulations, people getting their head around the Act, around deliberative engagement, then what exactly the state were after with respect to the document and deliberative engagement. You had a new council, as well, thrown into the mix, a whole heap of other legislative changes. And I think, there was a lot of change in one year.* (Manager Bari Interview 2)

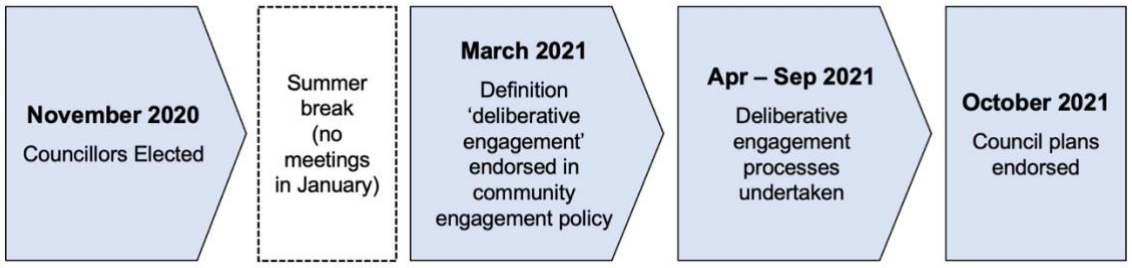
In this type of environment, it is perhaps not surprising that several interviewees expressed feeling stress and apprehension regarding their capacity to satisfactorily implement deliberative engagement practices. This is an important backdrop to consider for the findings of this chapter.

8.3 Applying new practices in a time-constrained environment: No time to stall

Added to the complex circumstances described in the previous section, the sense-making and then development of deliberative engagement practices was also occurring in what was often described as a time-constrained environment. The theme of 'lack of time' was referred to consistently in all data and the

timelines outlined in Figure 8.1 were often repeated:

Figure 8.1 Timelines for deliberative engagement requirements



Source: Author's own

As illustrated in Figure 8.1, almost immediately after councillors were elected in November 2020, deliberative engagement was on the agenda. Amongst inducting councillors and making allowances for the summer break, councils had only four months before they needed to have endorsed a community engagement policy that defined deliberative engagement practices. This meant that one of the first conversations the CEO and staff had with councillors was around deliberative engagement practices and what that would mean for council. Most councils' deliberative processes occurred between April and September 2021. Once council plans were written, as explained in Chapter 7 most went out for public exhibition before they needed to be endorsed by 31 October 2021 according to the legislation.

When speaking about the timelines, there was a sense from most interviewees that decisions needed to be made quickly and there was little opportunity to properly explore options. For some interviewees, this was seen as an advantage as it meant that there wasn't time to overanalyse or stall decisions:

> *And I think, tight timelines help with managing expectations because there's a recognition that you just have to get down and do it.* (Mayor Lucca Interview 2)

> *Sometimes being in this position, it's actually a positive, the adrenaline gets people moving, making us have to make decisions rather than contemplating for another three weeks as to what could be.* (Executive

Genoa Interview 1)

There were a lot of points where the councillors, and the exec, everyone wanted to have a bit of a bite at the cherry… in some ways, because we didn't have the luxury of time we just kept pushing on regardless. (Executive Perugia Interview 1)

One interviewee even suggested that the constrained timelines created an opportunity for more flexibility and adaptation:

We sort of didn't have enough time to anchor our minds to what it should look like … I wonder also, as a result, because we had to pull people together so quickly, whether there was just an energy and a preparedness to be a little bit more flexible. (CEO Bologna Interview 1)

However, this more sanguine response to the timelines was in the minority; most interviewees described a sense of disruption and feeling unprepared:

People were chasing their tail, sort of instantly. And it's just felt like a panicked process for a lot of it. (Coordinator Sassari Interview 1)

So, because of the timelines that we're working with, I feel personally that we have not had the opportunity, or not had the time to actually train and educate our staff as well in relation to what is deliberative engagement, and we're really working it out on the run. (Director Imola Interview 1)

Because it feels like everyone's running around madly, constantly. And so their headspace to sit with the issue and try and find a way forward isn't there … because I think people felt really thrown into this, and not resourced adequately to deliver on it. (Manager Rimini Interview 1)

Some interviewees were concerned that, without sufficient time to properly explore options, there was more potential to shoehorn practices and reinforce tick-the-box behaviours:

Because it's been done in a little bit of a rush, trying to meet the legislation and trying to get this up and running. It's a little bit more high level … so

> *those guiding principles coming out, yeah, we can utilise those for the development of our plan, a very light touch approach. (*Manager Bari Interview 1)

> *And I guess one of the things that I struggle with, and I know some of the rest of the project team struggle with, is some of that discomfort comes from, you know, people want to do the best job they possibly can. And this environment is not allowing us to do that.* (Coordinator Sassari Interview 1)

The responses above indicate the impact of limited timeframes on how interviewees were able to respond to the requirement for deliberative engagement practices. For some, it was seen as an enabling factor, providing licence to break out of fixed positions or responses to trial new approaches; for others, the restricted timeframes reinforced a dependence on known entities and constrained action to status quo. This phenomenon, where embedded practices overrode opportunities for innovation or change, was noted in some of the data:

> At an observation of a strategic planning meeting, Executive Perugia stated: *Culture is a catch 22 situation, people see the need for improvement but are so busy keeping up that they don't have time to invest in looking at changing the way we work and be better and more customer focus … The day-to-day will always win*.

> *That's what drives much of the work, deadlines, not the engagement process itself.* (Organisational survey response)

The findings above align with institutionalist theory that maintains courses of action are critically influenced by how quickly decisions need to be made, and the time commitment necessary for participatory engagement initiatives acts as a powerful inhibitor to greater experimentation (Lowndes, 2001, p. 212). The time constraints in Victoria may have inadvertently reduced the incentive for more ambitious deliberative engagement practice and created conditions that pressed councils to default to relatively standard engagement activities.

8.4 Operating in the grey

In addition to time constraints, it is important to underscore the considerable inexperience of the local government sector regarding deliberative engagement practices. Whilst some discrete deliberative engagement projects had been undertaken by councils prior to the legislation, most had not experienced the processes firsthand. Therefore, council staff tasked with implementing the legislative requirements had limited understanding of the practices or points of reference to guide them around what the practices might involve; as one interviewee suggested, most were '*operating in the grey*'. Coupled with the timelines, this meant that council staff were trying to make sense of the new deliberative engagement practices whilst simultaneously being responsible for implementing an appropriate method for their council.

> *There was a lot of grey and people just trying to get their head around stuff, and try and meet that deadline, and try to do the best that they sort of could.* (Manager Bari Interview 2)

> *But it certainly has been a factor about educating staff along with educating the community and then educating councillors all at the same time. That's a pretty pressured environment to try to get great outcomes and great engagement going on in that way.* (Director Imola Interview 1)

As intimated in the comment above, while delivering processes they were unfamiliar with, council staff needed to concurrently embed trust in the processes with their authorising environment.

Perhaps because of this context, a theme that emerged in the interviews was the anxiety or stress that people felt at the time. Several interviewees recounted not feeling prepared or capable because they knew so little about the practices. This observation was also shared by consultants interviewed:

> *I think the sector and the government underestimated the amount of anxiety around these changes, and the work that would need to be done to establish some level of comfort within the sector.* (Consultant 1)

And for [Community Engagement Person] it was really stressful because they are a real 'detail person', likes to have a process and to run with it. (Coordinator Verona Interview 2)

These comments, along with the earlier ones in this section, further demonstrate how the preparedness of the local government sector to apply deliberative engagement practices was questionable. This is critical to consider against the earlier point in this chapter regarding the inherent disincentives for more ambitious processes. Courses of action are likely to have been influenced by the timeframes as well as the level of existing confidence council staff had in deliberative engagement practices.

Furthermore, and as noted in both Chapters 5 and 6, up until the new legislation, councils had been accustomed to relatively prescriptive compliance frameworks and high level of certainty around legislative expectations. Deliberative engagement practices required considerable adaptability and were comparatively unpredictable. The unease this created was expressed in several interviews:

So, it was around the discomfort with the process itself, and needing to be quite fluid and responsive, that was challenging for people … another level of discomfort comes from the process itself. So, for those of us who like to be able to pre-plan and know exactly where we're heading … Well, that's just not possible. Because you don't know where things are going to land with the community panel. (Coordinator Sassari Interview 1)

We can't give you exactly what the process or the agenda will be until we have analysed the broad engagement, because that should be what shapes the deliberative engagement. It's a process, it's a funnel. Councils found that really difficult. (Consultant 1)

Things were looking a little bit off track in the middle section, and maybe people weren't so comfortable with verbalising that, because it almost sounded like a … not failure, but you know, a lot of time and a lot of money had been invested in this process. (Officer Brescia Interview 2)

> *It was just kind of like, oh, okay, we're in this now, it's not going to work as we thought it was, but we don't actually have any capacity to change it.* (Officer Spoleto Interview 2)

This section establishes that, alongside the disruptive environmental context described earlier, council staff were managing various dynamics whilst also familiarising themselves with a practice that was, for the most part, untested in their councils. The complex context would indubitably have influenced design choices and how the sector implemented deliberative engagement practices; most saliently, these factors would have further contributed to the sector's reticence and acted against more enterprising initiatives.

8.5 Local government as a community of practice

Institutionalist theory suggests that when an organisation faces a problem with ambiguous causes or unclear solutions, policy actors use criteria of similarity and congruence when deciding on courses of action because it yields viable solutions with minimal resources (DiMaggio & Powell, 1983). This section examines this phenomenon in the context of this research, where all 79 Victorian councils were trying to make sense of and implement deliberative engagement practices at the same time.

As examined in Chapter 6, interviewees reported engaging with a variety of different networks, usually associated with one of the three local government associations (VLGA, LGPro, and MAV) or contacting colleagues in other councils when exploring their options. The organisational survey demonstrated the pertinence of this community of practice. When asked what they did to find out what deliberative engagement is and what it might involve, the clear majority of respondents said they had '*looked at what other local government organisations were doing or other case studies*' (76%), and many also said they '*talked about it with my networks*' (62%).

Interviews suggested that not only did council staff tend to look to each other

during the sense-making process but they also assumed this would lead to an understanding of the appropriate courses of action and acceptable standards of practice. This influenced design choices in various ways. For some councils, it was used to establish a range within which to operate, yet for others this benchmarking seems to have spurred actions they might not otherwise have taken:

> *You know, the whole industry talks, and nobody's big on reinventing the wheel. If you see a wheel that works perfectly well, you're more inclined to adopt it than adapt ... So those networks are really important, as a touch point and reassurance that you're not out of step or out of kilter with everybody.* (CEO Padua Interview 1)

> *There are you know, 79 councils all watching each other to understand who's doing what, because no one wants to be the poor cousin that doesn't do it right. (*Executive Perugia Interview 1)

> *People don't want to miss out, and they don't want to feel like they are lagging. But some are uncomfortable about leading, so they want to know that they are in some kind of range. (*Consultant 7)

> *And I'd heard previously and in previous meetings that the CEO would not be happy to do that. But I think LGV or LGPro ran a session with CEOs that talked them through deliberative practice and I think in that, because they got sent the notes, they highlighted that people should be paid. So when we took it to Exec the second time, you know, the CEO said, 'I understand this is kind of the practice, and we'll do it, but I'm not really happy about it'.* (Manager Rimini Interview 1)

Based on the comments and survey data above, it could be said that the Victorian local government sector responded to the legislation with an approach that is aligned with what DiMaggio and Powell (1983) called 'mimetic processes'. Their research suggests that when an organisation faces a problem with ambiguous causes or unclear solutions, there are advantages to mimetic behaviour as it yields viable solutions with minimal resources. This reasoning

can also be seen in the following interview comments:

> *The negative is that our council are not leaders, we are not even early adopters, we generally wait until other people have tried it out, we need a little bit of convincing and then we get on board … So, for us to have to navigate new legislation, where there is a blank canvas, and no one who we can be looking to for what worked well before and what's the least risky approach that we can take, I think that was a challenge.* (Coordinator Sassari Interview 2)

> *And so for me, that was really reaching out to colleagues at other councils, because I don't have the people with expertise in my own organisation. And so I think it's fair to say that most people that are part of the network, our policies are going to look very similar and our definitions are going to look very similar, because we've all shared the journey to get to that point and we've workshopped it and discuss these ideas.* (Officer Spoleto Interview 1)

Relevant to this research, two key consequences to the institutionalisation of the practices need to be considered. Firstly, this phenomenon means that deliberative engagement practices may coalesce into models that are consistently applied across the sector, regardless of whether the legislation allows for more context-specific approaches. This has an impact on innovation. Secondly, these mimetic behaviours do not necessarily encourage best practice. As seen in the previous chapters, processes were co-opted and adapted to suit organisational imperatives or constraints. These more tempered approaches to deliberative engagement practices are likely to be reinforced through mimetic behaviours, further distancing their application from the premise and expected outcomes of the legislation.

8.6 Restrained input from deliberative engagement 'experts'

Considered in terms of where expertise was drawn from, further to the mimetic behaviour examined in the previous section, the data suggests that councils limited consultants' involvement in the design stages of the deliberative

engagement practices, even though consultants were decidedly more qualified and experienced in their application. This was perhaps most demonstrated at the Request For Tender (RFQ) stage where most councils stipulated parameters and methodologies that consultants needed to respond to:

> *A marked shift I've seen since the new Local Government Act has come in, is that Council staff are undertaking much more of the design before they go out to market to recruit a consultant to design and or facilitate a deliberative process. My experience before this Local Government Act, and this is specifically to Victoria and councils, is that we would be brought in much, much earlier to get involved in the design. (*Consultant 6)

> *And I found that a couple of times with a few different clients, that definitely was the case. So like 'Look, I've done all this thinking, I've done all this work. Now I need you to come in and, you know, support me so that they will actually kind of take that on*'. (Consultant 8)

When discussed in interviews, most council staff, and even some consultants, reasoned that procurement processes had constrained their ability to engage consultants at an earlier stage, noting that they needed to specify contractual outputs, such as the number of deliberative engagement workshops, in the RFQ.

> *From a procurement perspective, we would have needed to do an RFQ that talked about 'help us plan and then deliver', which the timing wouldn't have allowed. And also, the cost and quantifying what we were doing. The RFQ has to have some level of quantification otherwise we wouldn't know what to quote to.* (Manager Rimini Interview 2)

Whilst this seems reasonable, it does raise the question of how these practices were procured before the legislation. Prior to the requirement of the *Victorian Local Government Act 2020*, whilst considerably less numerous, consultants were routinely brought in at the design stage of deliberative engagement processes. It is not within the scope of this research to consider how processes were coordinated prior to the legislation, but it is reasonable to say that perceptions around the utility of engaging consultants may have changed.

A possible reason for engaging consultants at later stages of the process design were the sector's perceptions around consultants' roles and the nexus of their contribution. In the organisational survey, when asked what activities council staff undertook to develop their understanding of deliberative engagement, out of seven options, '*talked about it with people who had experience with deliberative engagement*' was the lowest. This suggests that councils did not initially see leveraging the expertise of consultants as necessary. In interviews, some expressed that consultants were critical to the design process:

> *[Consultants] are the experts in community engagement and seeing how other councils are doing this. So we are sort of relying on them a lot during this process.* (CEO Tivoli Interview 1)

> *If you're going to bring a contractor to do this, they really have an important, critically important, role to play to actually be that educator, guide, mentor for not only the officers, but also the council.* (Director Imola Interview 2)

These were in the minority. Interviewees more consistently centred the capabilities and contribution of consultants on their independence and the legitimacy they generated:

> *I'm not sure [consultants] had a skill set that we don't have internally, I think, looking at the staff that we've got it's the sort of thing that we could probably run. But I think having them involved just enabled a little bit of that 'Okay, so there's someone here who's not got all the skin in the game, and they are going to make sure that what we say is actually recorded accurately on the whiteboard'.* (CEO Bologna Interview 2)

> *Probably the biggest thing for me with consultants, is you are buying objectivity. And I think it's really difficult, from a community perspective, to have the authority that the community voices are really heard and embedded when we deliver a process.* (Officer Spoleto Interview 2)

> *Obviously, the number one thing [consultants] bring is the independence.*

> *So it gives the community panel, and we know that there's a lot of cynicism about government, not just local government but all governments, and I think the consultant brings a degree of independence.* (Coordinator Verona Interview 2)

By limiting the expertise of consultants to facilitation rather than including them in the design stage, council staff were not accessing expertise that might have flagged when the integrity of deliberative engagement practices was being undermined. Several more experienced consultants who were interviewed relayed incidents where their role was to set boundaries when councils were suggesting actions that compromised the principles of deliberative engagement practices. Whilst speculative, the sort of practices that were discussed in Chapter 7, such as self-nominated recruitment processes and the public exhibition stage, may have been mitigated with greater input from experienced consultants. Furthermore, councils may have also derived more value from the deliberative engagement practices with more expert involvement. This was implied by one interviewee who had initially stated they were confident the design of their deliberative engagement processes would not have been substantively different had they engaged a consultant:

> *I'm fairly confident that this planning process is probably very similar to what an external facilitator would have done … But we had to do a lot of that ourselves, and a lot of that involved kind of looking at what was being done elsewhere …* (Officer Brescia Interview 1)

However, in their second interview, they reflected that a consultant's involvement might have generated stronger outcomes:

> *I come back to the thought that maybe we didn't leverage the facilitator's expertise enough. And maybe we could have done that if we had a clearer understanding of what we needed from that process.* (Officer Brescia Interview 2).

The potential advantage of involving consultants with expertise in deliberative engagement practices was less recognised than that of conferring with colleagues and fellow local government sector policy actors. The mimetic

behaviours, coupled with the propensity for co-option that was discussed in Chapters 6 and 7, provide further evidence that the integrity of democratic innovations was at significant risk of being compromised in favour of organisational biases and constraints.

8.7 Two dispositions emerged

Moving from the macro level context to more micro level analysis of policy actors and organisational cultures, the next sections consider how individual council staff responded to the legislation. These sections examine the two broad dispositions that were identified in council staff when operationalising deliberative engagement practices. They are referred to as 'the willing explorer' and 'the functionalist'. The two dispositions responded quite differently to the changed legislative requirements and the research found this impacted the design and implementation of practices.

However, before examining these dispositions and their impact, it is acknowledged that this approach to presenting the data could be seen as reductive or simplistic. These dispositions do not describe individuals and their sense of agency in their entirety, and it is recognised that organisational cultures and constraints also play a significant role in this agency (covered later in the chapter). Furthermore, council staff are likely to have demonstrated aspects of both dispositions at different times, and in different circumstances. The presentation of two dispositions is not to constrain individual agency into two boxes, but to understand the courses of action, narratives, and practices that emerged during the operationalisation of the legislation.

The following sections illustrate how individual dispositions had a distinct impact on the types of deliberative engagement practices that were implemented and, most importantly, the influence they were permitted.

8.7.1 The 'willing explorer'

The title of this disposition was based on what Moore describes as 'willing explorers' in their account of how public managers take up their role as

‘explorers commissioned by society to search for public value’ (cited in Fisher & Grant, 2013, p. 254). This descriptor was selected based on how interviewees responded to questions about the qualities or traits council staff demonstrated that supported deliberative engagement practices. Several traits were highlighted in these willing explorers; most significant was their enabling and adaptive approach:

> *Attitude, yeah, ‘can do, will do’ sort of attitude is invaluable, because we were making some of this stuff up as we went … the ability to have people that could work in that environment was really, really important.* (Director Imola Interview 2)

> *We had a bunch of people with some new energy that were really keen to try some different things and weren’t dogmatic in what they thought was the ‘right thing’ or the answer to deliberative engagement.* (CEO Bologna Interview 1)

> *A lot of people would have just gone too hard, but [Community Engagement Person], sort of said, ‘I can do this’, and really took on the challenge. I’m sure underneath, they are like the duck on the water kind of thing.* (Executive Perugia Interview 1)

> *Someone that’s got the ability to go with the flow a bit … I think if you’re a little bit too black and white, I reckon that will be a real challenge. So, I think you need some flexibility, and a little bit of cop some criticism on the chin, and not let it detract you, you’ve got to be reasonably thick skinned.* (CEO Tivoli Interview 2)

This willing explorer disposition was also sometimes demonstrated in interviews with comments such as:

> *And we’ll keep adjusting and altering it as we go along as part of that continuous improvement process. It’s a pretty exciting project to be part of, I must say. Although I don’t think that some nights at 10 o’clock when I get home. I’m thrilled to be involved in it really.* (Manager Ragusa Interview 1)

These comments demonstrate that for some council employees, even though they were operating in a complex and uncertain environment, they brought an attitude of positivism to navigating the new demands and were willing to explore the potential advantages that the legislation brought to their work.

In addition to an aptitude that was constructive and adaptive, the ability to communicate effectively, in a way that was both compelling and brought clarity to the process, was noted as significant in interviews. This was particularly evident when discussing building trust in the process within the organisation and with decision makers: staff members needed to not only perceive the benefits of deliberative engagement practices but importantly, convince others in their organisation that it was worthwhile.

> *We had some really smart officers talking to [councillors] about design and what it might look like. And I think doing that gave them some confidence that we knew what we were talking about, despite the fact that we're operating in grey.* (CEO Bologna Interview 1)

> *They take it back to real basics. They make it simple. And they step people through in a logical way that helps bring them along the journey and makes them feel part of the process.* (Executive Perugia Interview 1)

In all three councils involved in the research, having individuals who were able to synthesise information and present a clear way forward was identified as critical:

> *[Community Engagement Person] has been really fantastic in providing really sound direction … they have undertaken quite a bit of research, benchmarking with other councils as well as understanding from a Local Government Victoria perspective what best practice is.* (Executive Perugia Interview 1)

At a different council, the Community Engagement Person was described in a similar manner:

> *Where [Community Engagement Person] really shone, their ability to*

> *actually research, think through, these are the elements that we need to do for deliberative engagement, this is what I've read, this is what I've seen, this is who I've spoken, to this is the structure of what it would look like … that was really a strength of [Community Engagement Person], this is the way best practice is as we understand it, this is what we should be doing, and was strong in that place.* (Director Imola Interview 2)

These comments align with Lee's (2014) assertion that those tasked with delivering engagement need to design processes that are more manageable within the bureaucracy and, amongst other things, make democracy 'less messy'. It could be said that willing explorers navigated this 'messiness' and supported their organisations to understand deliberative engagement in a way that was both potent and viable.

The use of language such as 'best practice' in the two previous quotes is also noteworthy. In fact, a review of the presentations and reports that were written at both councils found 'best practice' terminology used throughout. It is reasonable to suggest that these individuals, having understood the local government context described earlier, were able to leverage this type of rhetoric to build legitimacy in what they were proposing. In this manner, it was not only their 'passion' or 'drive' that was instrumental, but their understanding of the context and ability to pursue strategic influence.

This could be linked with existing literature that suggests those tasked with community engagement can often rank low in organisational hierarchies and have limited formal power to compel others (McKinlay et al., 2011). Therefore, they need to build 'relational capital' and create an 'ecology that supports their work' (Escobar, 2022a). Fung (2015) describes organisational champions in a similar manner, highlighting that they need to be adaptive as well as have enough political savvy to identify and organise allies (p. 520). As such, people tasked with designing and delivering deliberative engagement practices in Victorian local governments needed to be capable of cultivating influence across their organisation. The success of these willing explorers would have relied strongly on how they are able to relate to actors across the organisational

hierarchy and create buy-in at different authoritative levels. The willing explorers were, therefore, the enabling champions of deliberative engagement practices; they were able to work within the messiness and guide their organisations in making sense of the legislative requirements, presenting them as an opportunity rather than an obligation.

8.7.2 The 'functionalist'

The other disposition found in the research was labelled the functionalist since policy actors in this category tended to use narratives that focused on control, stability, efficiencies, and pragmatic challenges rather than approaching deliberative engagement practices from a more favourable perspective of the benefits they might produce.

Fundamentally, interviewees described people of a functionalist disposition as resistant to changing established norms. For these actors, the disruption to the status quo brought about by the legislation was met with aversion and contention.

> *But it's protective, it's people's security and comfort. And it's really hard to get people who have done some of this stuff, you know, 10, 20, 30 years to actually go 'It's okay.' Like, it's okay to let that go and try something new and do something different.* (Executive Perugia Interview 1)

> *Perhaps some investment in untethering the fixed mindsets of executive leadership group on maintaining a business-as-usual approach.* (Organisational Survey)

Exploring this resistance a little further, the data suggests that rationales underpinning this disposition revolve around some key factors, including an unwillingness to share control of the strategic planning processes, coupled with an overall wariness of community input.

Regarding control over strategic planning processes, one of the key themes that emerged during interviews was individual staff members' sense of ownership

over the strategic planning documents. Interviewees described their colleagues not wanting to lose control of 'their' documents and, in some instances, individuals were described as 'document owners' when talking about the council plan. These descriptions were presumably referring to organisational accountabilities; however, narratives sometimes veered towards ownership in the absolute sense:

> *The people who are authoring the documents, they're going 'Oh crap, like, what impact is this going to have on my plan? And how much do I need to take on board from that comes from the community panel*?' *… people feel a lot of ownership over the strategic documents that they're responsible for.* (Coordinator Sassari Interview 1)

> *If you get a budget, it's just not your budget. You've been entrusted an allocation for a particular purpose … and what I find sometimes within local governments, and within managers' perspective … they are very precious about that money, that it is theirs, but it's not.* (Manager Bari Interview 2)

> *It's interesting, no matter how many times we had conversations around the commitment to the process, they [council staff] are just still really grappling with the fact that they don't own it [the council plan], they can't control it.* (Consultant 1)

In a similar vein, functionalists tended to favour limiting community's influence on decision-making because it would impact council staff's obligations going forward:

> *I would say that's very difficult in an organisation for people giving up their power or giving up 'do I want to have that decision made by others when it's going to affect me and what I do'.* (Director Imola Interview 1)

> *They're so used to controlling a situation, I think handing over to a random selection of people they were concerned about losing control of the outcome. Because we know what the consequences are. The council plan is a pretty big deal. It's the operational plan for the next four years of how*

you run your organisation, you lose control of the outcome, that can be a bit scary. (Coordinator Matera Interview 1)

Whilst the comments above refer to uneasiness associated with losing oversight of their functions, at times the apprehension was connected to a sense that the process challenged staff members' professional expertise:

And for some of them, their mindset was, we don't think anything could come out of this that will help us with our plans because we've basically written it. So we just hope it doesn't interfere and become inconvenient for us in any way. (Consultant 3)

Describing how some colleagues felt: *You know, people have studied for a very long time to be content matter experts, and now we're going to ask some community members, who have all different educational backgrounds, to have genuine input into something that we've been working on for decades? You know, this is how local government functions and we're a well-oiled machine and don't mess with the process.* (Coordinator Sassari Interview 1)

The influence of council staff's individual policy positions was also noted in the councillor survey responses:

Some council officers simply implement their own personal political agenda … they bypass public engagement and debate and simply implement whatever they like according to their now personal ideological objectives. (Councillor survey response)

Although some caution needs to be taken with the councillor comment above as there was some reciprocal scepticism between councillors and council staff in the survey responses, the interviews indicate a reticence around community members meaningfully contributing to decision-making based on their professional expertise. The perception that community members did not properly understand council because it was a complex organisation pervaded many of the interviews where the functionalist disposition was discussed; this was coupled with a questioning of the community's motivations:

> *I think that's probably what people are afraid of – a squeaky wheel taking the wheel*. (Coordinator Matera Interview 1)

> *There's a fundamental lack of trust in the public by government. I think, people do not trust in the public's capacity to actually weigh in or understand or get their heads around complex policy issues.* (Consultant 5)

> *So for some, there was a bit of a fear around that, who was going to turn up, but then for others it was a fear around what would a general member of the community know? You won't get much out of them.* (Consultant 7)

In interviews, and also at observations, council staff who seemed to align with this disposition often expressed concerns around the public making either uninformed or self-serving recommendations. However, whether this perception of community input was based on a genuine concern around effective policy decisions or as a way of justifying a tendency to retain control is not clear. In all probability, it was a mixture of both.

This functionalist disposition demonstrates that a degree of gatekeeping was occurring, with some council staff actively attempting to limit the influence that deliberative engagement practices had on strategic planning decisions. In the context of the complex environment described earlier, for some the level of uncertainty that deliberative engagement practices brought would have been challenging, particularly for those accustomed to a sense of clarity and control over appropriate courses of action. Therefore, this functionalist disposition could be interpreted not only as a way of safeguarding policy actors' own sense of authority or professional leanings, but also a way of 'reducing the disabling effects of uncertainty' (Lowndes & Roberts, 2013, p. 99) and maintaining a degree of reliability and conformity as normatively expected of bureaucracies (Merton, 1940).

8.7.3 How individual agency affects practice

The previous sections provide some insight into different inclinations of council staff based on what were broadly identified as two dispositions. The sections highlighted how these dispositions impacted the way deliberative engagement processes were understood and the perceived value, or risk, they presented. As such, they played a critical role in shaping how local governments designed and delivered their initiatives, including the level of influence that deliberative engagement outcomes achieved.

When considered in the context of the legislation's intention to put 'community at the centre of decision-making', the research demonstrates this was dependent in large part on the willingness of council staff to adapt and create processes for it to occur. What is also evident is Moore's (1995) argument that public managers are not just 'passive bystanders'; they are interpreting and applying policy based on their own constructs of what is an appropriate or worthwhile course of action.

As noted earlier, each local government organisation involved in the study presented a mix of individuals from both dispositions. Some council staff embraced deliberative engagement as an opportunity and championed it within their organisation, but others were more reticent. Whilst their individual agency is without doubt pivotal to the disposition they displayed, it is also pertinent to consider how the broader context of the organisation either enabled or restricted this agency. The following sections explore these organisational cultures and how they impacted deliberative engagement practices.

8.8 Organisational cultures that supported the 'willing explorers'

The research found some distinguishing organisational features that would have supported the willing explorer disposition, namely, the leadership approach and more collaborative organisational cultures. This section examines these features to better understand how they were instrumental in creating a more enabling environment for the implementation of deliberative engagement

practices.

8.8.1 Leadership and a growth mindset

As noted in Chapter 6, throughout the initial stages of sense-making around deliberative engagement, the State Government consistently advocated that councils apply a 'growth mindset' (i.e., see this as an opportunity for development). State government officials often presented the narrative that 'each council will have different levels of maturity, all moving toward better practice from different starting points' (LGV, 2020a). Taking a continuous improvement approach, rather than a compliance approach, is a cultural shift that the local government sector was encouraged to adapt to and one that was a reoccurring theme in the leadership approaches that supported the willing explorers.

Observations and interviews found instances where organisational leaders reinforced a mindset that was orientated to growth and learning:

> *We don't expect things to go perfectly, we have a crack. Let's just own this and learn from it … while this is a spanner in the works, it is not about being right, it is about getting it right … You've got the permission from executive that things go wrong and let's just get on with it.* (CEO Tivoli observation at Executive Leadership Workshop)

> *I think what we had was energy and passion and an understanding of the opportunity that would come out of it. And as a result, whatever came out, didn't really matter because we're going to attack the process.* (CEO Bologna Interview 1)

These comments from CEOs reveal an emphasis on finding the value and constructive outcomes for the deliberative engagement process rather than one that was preoccupied with the risk of making mistakes. Several interviewees suggested a licence to engage with deliberative engagement practices from a continuous improvement lens needed to come directly from the CEO:

> *I think we, as a leadership team, absolutely see the value and understand*

the importance of the project. But I would have to say that it's been the leadership of the project that was initially by CEO. Yeah, that was the absolute driving force behind this. (Manager Ragusa Interview 1)

So, the CEO was really critical in liaising organisational drivers with council understanding. So they were fantastic in supporting the process in the background … obviously new council want to achieve everything, but the CEO gave them a level of trust. (Coordinator Verona Interview 2)

However, there were also some indications that a growth mindset could be galvanised by people across various leadership roles:

[Describing one of the managers responsible for overseeing the deliberative engagement process] … *they have really good relationships with people and can think outside the box in a way that other people don't; others are very hamstrung by tradition and the usual way of doing things … they have the capacity to be adaptable and respond in a way that others don't.* (Officer Spoleto Interview 2)

We don't have to nail it this time. This is just part of our ongoing learning and response to the Local Government Act. (Coordinator Sassari Interview 2)

The comments above suggest that leadership around having a 'growth mindset' did not necessarily need to be positional, and policy actors at different levels of the hierarchy could create more conducive environments for the challenges that deliberative engagement presented. However, linking back to the earlier discussion around willing explorers needing to cultivate strategic influence, these leaders did need to be authoritative.

Whilst it can be said that certain leadership traits tended to shape a more enabling environment, it is important to acknowledge that even where CEOs supported more adaptive approaches, some council staff were instinctively apprehensive:

I think we're very good as a council that we put our head down and sort of

keep doing what we're doing. Because it's always worked. And the CEO is continuously saying, don't do that, do things differently, pivot. But I don't think the organisation's got the understanding about how to do that. And I think probably as an organisation, we maybe should have done a bit more capacity building around what does doing things differently look like? (Coordinator Verona Interview 1)

The comment above demonstrates how individual agency can be constrained even in situations where policy actors are being compelled by leadership to adapt. It illustrates that some individuals are conditioned to make choices within the constraints of their past training and constituent understanding of their role (Merton, 1940). From this positionality, it is inevitable that some policy actors will revert to what they know, irrespective of leadership practices. In the context of the individual above, the critical mass of colleagues and executive members that championed a willing explorer disposition meant that their resistance was effectively eclipsed. As the next section explores, the combination of leadership along with a collective drive for change was fundamental.

8.8.2 Collaborative approaches and building organisational buy-in

In addition to the growth mindsets described previously, organisations in which the willing explorer disposition were most prominent seemed to have embedded collaborative approaches with relatively high cross-organisational buy-in. Interviews highlighted the importance of a sense of collegiality, where the deliberative engagement practices were understood as an organisation-wide initiative and accountabilities were shared:

I've seen some real coalition of everyone from a team perspective to get things done. We've just committed to it, agreed that this is what we want to do with our community, and we've just done it. (Manager Ragusa Interview 2)

I think for us, from a culture perspective, it was about saying 'we're all in on this, this could go anywhere, but just understand, no one's going to step away from the process and what will be will be' … and obviously, I'm

sure they felt nervousness at different points in time. But, from my perspective, we always knew that we were going to be pushing this thing potentially to fail point, and then we just needed to be all in on that. (CEO Bologna Interview 1)

We've got to work together on this, and actually, if we don't, it won't work at all. So there were times where it did go sideways, there were times when we had amazing outcomes. But the commitment to the project, and the process, continued throughout. (Consultant 1)

Reflecting on the comments above, it can be inferred that where there was a collective endeavour, there was also shared accountability, and therefore, less individual risk if 'things went sideways'. This is more meaningful when considered against the backdrop of ambiguity, trepidation, and compressed timeframes described earlier. With limited experience of deliberative engagement practices, there was clearly a higher level of perceived risk that needed to be reconciled, more collaborative approaches with strong organisational buy-in could have been a means to mitigating this risk by sharing it.

The value of strong organisational buy-in was also noted in the organisational survey where, of a possible 11 options, the highest number of respondents indicated that if they had more time and resources they would have spent '*more time building greater buy-in and input from across different areas of the organisation*' (53%). Whilst the survey did not ask for any commentary that explains this response, it is unlikely that the rationale was based solely on sharing risk. Some of the interviews suggested greater organisational buy-in was also associated with enhancing the impact of the deliberative engagement process:

I think early on in the process when deliberative engagement was discussed there were certain key people who should have been in those conversations who weren't … it meant that not all of the strategic document owners were on the same page about what needed to be done … there definitely might have been less confusion about what [deliberative

engagement] kind of looked like, or how it would have factored it into their plans if they had. (Officer Brescia Interview 2)

So, in a couple of councils, it was just the role of this one person, and it was just their project, and so it doesn't seem like it was going to get the kind of the gravitas around how it was going to be implemented. (Consultant 7)

Organisational buy-in was also identified by consultants as essential for supporting decision-making around the design and delivery of deliberative engagement practices:

We had lots of people who are at a more junior level who are really keen – I'm really excited and wanted to do it. But we had the blockers at middle management … And they are a really hard group to get to. (Consultant 5)

So what's kind of this really weird dynamic that like we were working with the engagement team but they didn't have ownership of it in some respects. (Consultant 1)

You can get [the community engagement team] over the line at meeting, but then they get their huddles later on, and they kind of retreat to what they know. (Consultant 3)

So, because this deliberative engagement was new, I think there was scope for too many decisions going too far up, there was a bit of nervousness when it came to signing off on stuff around the deliberative process because people weren't sure. (Consultant 11)

These comments indicate that staff responsible for deliberative engagement practices often had limited positional authority and were sometimes operating as a distinct and separate activity, disengaged from decision-making aspects of strategic planning. As noted earlier when describing the willing explorer, in order to generate organisational commitment to deliberative engagement outcomes, council staff needed to champion processes and exert influence across the

organisational hierarchy. Furthermore, the data presented here suggests that the capacity to enact change and convince more senior staff to endorse deliberative engagement practices was connected to how well the organisation understood these practices as a collective endeavour rather than one area's responsibility. This requires not only certain individual agency but also an organisational culture of collaboration and cooperative practices.

These sections demonstrate that the willing explorer disposition was supported by growth mindset leadership styles as well as collaborative organisational cultures. These are two topics that have extensive public management literature that could be drawn on; however, a thorough exploration of the empirical findings of this research in the context of this literature, while interesting, lies outside the main focus of the work in this thesis.

8.9 Organisational cultures that reinforced the 'functionalist' disposition

While the organisational cultures that enabled a willing explorer disposition were collaborative and demonstrated more adaptive approaches, this does not imply that those with the functionalist disposition were necessarily uncooperative or rigid. In fact, none of the councils involved in the study demonstrated those types of organisational cultures, even though some staff exhibited functionalist dispositions. As such, rather than exploring cultures that *enabled* a functionalist disposition, it is perhaps more accurate to consider organisational cultures that *reinforced* it. However, in this regard, the data was relatively limited.

At times, interviewees inferred that, despite their inclination, their operating environment constrained them to tick-the-box approaches.

> *And I am not someone who normally operates at the level of just ticking the box. And this time, I need to go, Well, you know what, I'm going to manage a project and we might just tick the box this time. And I need to just deal with that.* (Coordinator Sassari Interview 1)

> *I think that we could have achieved more if I had permission to do a longer, more in-depth process, but I didn't. So I think I've done the best I*

can with the resources that I knew I would be allocated. (Officer Spoleto Interview 1)

These comments suggest that staff knowingly delivered processes they considered inferior because they felt constrained to do so. Therefore, it is possible that organisational cultures that prioritise compliance or efficiency reinforce functionalist dispositions.

As noted, there is limited data regarding this aspect of the research so further elaboration cannot be made. The scarcity of data is perhaps because these organisational cultures were not evidenced in any of the councils that participated in the research. Conceivably, this may be indicative of research participants concealing aspects they believed would be interpreted negatively, however this is not possible to verify. Future research that elicits this line of inquiry may be worthwhile; nonetheless, the previous section outlined several valuable insights into the organisational cultures that enabled willing explorers, and therefore more ambitious implementation of the practices.

8.10 Building organisational capacity for deliberative engagement practices

Thus far, this chapter has shown that deliberative engagement practices posed a significant challenge for Victorian local government organisations that mostly felt unprepared and under-resourced to deliver them effectively. The chapter has also explored how two key dispositions emerged and the organisational cultures that enabled or reinforced them. The final section examines how organisational capacity for deliberative engagement practices is strengthened.

8.10.1 Continuous improvement and an iterative outlook

A recurrent theme in interviews was that how the practices were applied in this first iteration and their relative 'success' would be formative for how councils adopted the practices in future:

I think that those who had a bad ride will think 'this is crap, we are not going to do this again'. (Consultant 10)

> *It's important that we get this right, because it's the start – it is the foundation of the way we're going to proceed into the future … if we muck this up, we're just going to be forever trying to catch up and rectify the situation.* (Manager Como Interview 1)

> *If the proposal is too bold and innovative, then I'm just going to run up against brick walls the whole way. So every time I do something, and it's successful, I kind of get this inherent permission to just go a little bit further next time. And so that was what I was trying to do is like, Okay, what is something that is a big step forward to our council, still has the concepts of deliberation at its heart, but doesn't kind of blow their minds so that they immediately get defensive.* (Officer Spoleto Interview 1)

This was not only seen as important for building organisational capacity, but also for building greater support in the authorising environment:

> *We're trying to do something new, because the way we do it this time will influence the way in which our authorising environment will enable us to do it next time.* (Manager Rimini Interview 1)

Linked to the discussion about path dependence and logics of appropriateness in Chapter 7, the comments above imply that building confidence around the merits of deliberative engagement practices is instrumental to whether they will be accepted as a valid course of action in future iterations. This aligns with Kadlec and Friedman's (2007) claim that 'if deliberation does not result in meaningful outcomes and change, it becomes increasingly difficult to make the argument that resources and people's time ought to be invested in deliberation in the future' (p. 7). Councils' experiences this time around are therefore likely to have determinate influence over the authorising environment and how practices are resourced in future.

The intention to use this first experience of deliberative engagement practices as a springboard for building organisational capacity and learning is also apparent in the interview and survey data. Some interviewees acknowledged the limitations of their process this time around and reconciled this with the

aspiration that the learnings could be applied for future engagement:

> *That will also be one of my recommendations, let's not miss the opportunity to learn something from this and put ourselves in the best position possible to not just tick the box next time.* (Coordinator Sassari Interview 1)

Aligned with this, in response to the multiple-choice question in the organisational survey '*If Council had more time or resources for the deliberative engagement process, what do you think would be the best use for these?*', from a possible 11 options, the second highest item selected was *'improve the evaluation of our deliberative engagement process for continuous improvement'.* Whilst the survey was a hypothetical question, and therefore it cannot be inferred that resources would be allocated to improve evaluation in future, it demonstrates an interest in applying the lessons from implementation and developing organisational skills or capacity for deliberative engagement practices. It may also mean that the State Government's messaging of growth mindset (as discussed in Chapter 6) did resonate.

It remains to be seen whether this interest in evaluation and continuous improvement is realised; however, it could signal an intention to iteratively improve practices. It is possible that, in their first execution, deliberative engagement practices were designed to accommodate the unprecedented circumstances the sector found itself in; however, going forward, as deliberative engagement practices become more familiar, practices may become more ambitious. It would seem that this is the general position of councils, and not dissimilar to what the Victorian State Government had anticipated when it was championing a growth mindset approach.

Accepting that this may be the case, capacity building will require more than evaluation. When interviewees were asked about capacity building, they tended to list what might be considered predictable answers: improved training and increased resources. These are not dissimilar to Christensen and McQuestin's (2019) research where Australian local government employees reported that the main barriers to delivering community engagement activities were under-

resourcing and poor planning. The following two sections explore these factors.

8.10.2 Building expertise in deliberative engagement practices

Whilst interviewees and survey respondents commonly asserted that professional development was needed to improve deliberative engagement practices, building capacity through training is not without its complexities. As a starting point, the only deliberative engagement training currently available in Victoria is delivered by individuals who are also commercial deliberative engagement service providers. Whilst it is fair to say that many of these service providers have shared information free of charge, there is an intrinsic conflict of interest as these experts also have significant motivation to ensure certain aspects of the practices remain outsourced, and some competencies are separated from councils' internal capabilities. As noted in Chapter 6, this conflict of interest was flagged by some interviewees. This phenomenon is not particular to Victorian local government, it has been identified by scholars who have described it as the 'marketisation of deliberative democracy' (Hendricks & Carson, 2008) and have cautioned that practices that are spearheaded by an 'emergent deliberative industry' (Amelung, 2012, pp. 13–14; Christensen & Grant, 2020) may be compromised by their commercial bottom lines.

Perhaps because of this, some interviewees and survey respondents suggested that government organisations such as Local Government Victoria (LGV) should deliver professional development initiatives instead. The potential for LGV to have an expanded role in capacity building also predates the *Victorian Local Government Act 2020*; it was noted by the Victorian Auditor-General (VAGO, 2017), who stressed that the State Government did not provide enough support and guidance to councils, and 'to improve practices and maximise community value, LGV could do more to identify specific weaknesses in public participation and promote better practice across councils' (p. viii).

At a webinar in November 2020, an LGV manager indicated that there was a mixture of capacity building initiatives being developed. These included establishing a community of practice through IAP2 Australasia; developing tools

that increase understanding around deliberative engagement practices; and providing information regarding how to scale deliberative engagement processes according to councils' resources. They stated 'we'll continue to work on those and support councils about the questions they have and what they need to actually truly embed this type of engagement with their communities' (VLGA, 2020). Three years later, at the time of writing, this community of practice and these tools have not yet been established.

Furthermore, even though interviewees and survey respondents expressed a need to build organisational competencies, some of the survey data suggests it is not a priority. When asked '*if Council had more time or resources for the deliberative engagement process, what do you think would be the best use for these?*', the second lowest response was '*Spend more time or resources to better understand what deliberative engagement is and how it can be used effectively for our strategic plans*' (33%). In addition to showing little appetite for dedicating more resources towards developing their understandings, council staff have even less for engaging consultants in more substantive manner; '*Increase the scope of the consultants' brief so they can be more involved*' (4%) was by far the lowest response of 11 options. However, this may be, in part, because consultants were engaged not necessarily for their specific skills but to alleviate workload needs:

> *And I wonder if, in four years' time, and deliberative engagement and community engagement is more ingrained in the organisation, whether I suppose you don't need the consultants because it's become more just business as usual. Yeah, that'll be interesting. I'm not convinced it will be because I think there is also the workload component.* (CEO Tivoli Interview 2)

Considered collectively, the data in this section demonstrates what capacity building entails, what would be considered a worthwhile use of resources, and which actors will be responsible for it, remains relatively elusive. These factors need to be considered more rigorously if the local government sector is to build greater competencies in deliberative engagement practices going forward.

8.10.3 Funding deliberative engagement practices: how much is enough?

In terms of increased resourcing, the perception that deliberative engagement practices are resource intensive and therefore, financially onerous for councils was a pervading theme across all data. Comments such as the following were received regularly:

> *The Act specifies that councils work towards DE. I suspect we'll still be working towards it in 20 years' time, unless the State Government decide to provide grant money to assist in running a true deliberative engagement in each council area.* (Email from a councillor received April 2022 following the distribution of the survey)

Whilst this was predicted, a decision was made not to collect data related to the budget councils allocated to their deliberative engagement practices. The rationale for this was that what different councils might consider sufficient or appropriate resourcing is highly contextual, and there was some doubt that having exact figures would provide meaningful data.

What is perhaps more pertinent is the consistent narrative that deliberative engagement practices are financially burdensome, and how this narrative is used to justify the constrained efforts of councils. Without suggesting that councils had ample budgets (they are finite, particularly in small rural councils), there were several references in interviews that indicate budget allocations could be negotiated and were increased:

> *We had to go to the exec twice, they'd knocked us back the first time, didn't believe that we needed any resources. And we had to go back a second time to advocate and then got the resources … we also had to really say this is fundamentally different to what we've done before, to shift thinking in executive and management's expectations of what needed to be done.* (Manager Rimini Interview 1)

> *I said to [Manager] in a meeting, 'you can't just go in and ask for the money. You've got to go in and sell the idea' when they're jazzed about the idea and the process, that's when you say 'and this is what it's going to*

cost. (Officer Spoleto Interview 1)

When I debriefed with the executive, they said, next time we need more resources, and potentially two panels. So, somewhere along the way, they've shifted. (Coordinator Sassari Interview 1)

These comments demonstrate that positions on budget allocations could shift depending on the resonance of the rationales presented. The research found numerous examples of resources being increased as the deliberative engagement practices were implemented. This was seen in each of the councils that were involved in the research and was also noted by several consultants. In addition, given that the legislation itself did not mandate a certain scope for deliberative engagement practices, arguments that resource constraints are to blame for restrained processes are possibly misleading.

With an institutionalist lens, these arguments may instead be more aligned to policy actors finding reasons for their actions that are 'pulled from frameworks such as institutional constraints, organisational premises, plans, expectations, acceptable justifications, and traditions inherited from predecessors' (Weick et al., 2005, p. 409). Instead, of focusing on resource constraints, it might therefore be more useful to return to the concept of perceived public value, or lack thereof, and how this was interpreted.

As noted in Chapter 6, when determining how deliberative engagement practices would be adapted, policy actors would have inevitably considered to what degree these practices were a justifiable use of council resources. Cognisant of the pragmatic constraints, the practices needed to be reconciled with what was interpreted as a valuable and effective use of council resources. This is particularly the case for local governments as their functions are usually couched terms of instrumental utility (McDonnell, 2021). It is possible that arguments about a lack of resources are signals that the public value proposition of deliberative engagement practices was not sufficiently developed.

8.10.4 The importance of culture change in organisations

The previous two sections demonstrate that training and financial resources alone are unlikely to build organisational capacity for deliberative engagement practices. They suggest that further consideration also needs to be given to understanding where the capability gaps are in local government organisations as well as developing a stronger public value proposition for the practices. Together with these, the research indicates that there is also a need for some organisational cultural change, in particular, building greater trust in community.

As noted earlier when discussing the functionalist disposition, some council staff demonstrated a resistance to sharing control of decision-making and an overall wariness of community input. On the other hand, those with a willing explorer disposition were focused on how deliberative engagement practices would present valued outcomes for council. In more enabling approaches, community input was seen as an opportunity rather than a threat to councils' authority. This pivotal difference in perspectives was identified by some consultants:

> *I think we need to solve the problem of people not trusting people, you know, public servants not trusting people, not valuing the input of community, and I don't know that putting in legislation and creating a tick-box exercise solves that.* (Consultant 5)

> [Notes a lack of] *belief that people in the community are actually capable of thinking about their own interest and can appreciate complexity, can put themselves in the position of council trying to make tough decisions ... they really had a negative view of the community, like the community is basically a problem to manage, rather than an asset to work with.* (Consultant 3)

It is therefore feasible that one of the critical barriers to improved deliberative engagement practices is this conceptual bias of some public managers. This finding is consistent with the OCED's (2020) claim that the institutionalisation of democratic innovations will require cultural change within the public service and to shift citizen participation being viewed as 'a threat or an expensive additional

step' (p. 14). In order to achieve this, Brown and Head (2019) have argued that a reconceptualisation of community as a resource to the system rather than simply beneficiaries of it is needed. Returning to the earlier point about developing a stronger public value proposition, greater attention also needs to be given to the assumptions underpinning how public managers currently perceive community engagement and how this may be actively compromising the institutionalisation of democratic innovations. Without addressing the resistance and scepticism that surrounds attempts to increase public participation in decision-making, democratic innovations can be subverted.

8.11 Conclusion

This chapter focuses on the operational capacity of the local government sector and how this impacted the design and delivery of deliberative engagement practices. It begins with an overview of the complex environment and challenging period the sector was experiencing while simultaneously implementing deliberative engagement practices. The chapter examines how this environment is likely to have reinforced tick-the-box behaviours that shoehorned practices and reduced incentives for more ambitious approaches. Furthermore, the research found evidence of mimetic behaviours whereby council staff tended to rely on their sector-based communities of practice rather than engaging with those that had experience of deliberative engagement practices. This meant that understandings of appropriate or even acceptable standards of practice were predominantly based on imitation and the conceptual biases of local government organisations. In terms of the institutionalisation of democratic innovations, the chapter demonstrates that their integrity is significantly at risk of being compromised in favour of organisational predispositions and constraints.

Two broad dispositions of policy actors emerged from the findings. These are referred to as the willing explorer and the functionalist. Whereas those who were willing explorers exhibited enabling and adaptive approaches and were able to create a sense of opportunism and efficaciousness around deliberative engagement practices, those with a functionalist disposition tended to resist

losing control of strategic planning and favoured practices that resembled the status quo. Where the willing explorer was able to render deliberative engagement practices more manageable, working within the ‘messiness’ to guide their organisations in making sense of the legislative requirements, the functionalist was more inclined to use narratives that focused on compliance, stability, efficiencies, and pragmatic challenges. How organisational cultures and leadership may have supported or reinforced these dispositions was explored; however, it is clear that individual agency and how policy actors reconcile the task of operationalising deliberative engagement practices with their own role and expertise is critical.

The chapter concludes with consideration of capacity building, reflecting on how a continuous improvement approach seems to be resonant in the sector and hypothesising about whether improved capabilities and resources might see enhanced deliberative engagement practices in the future. This analysis found that arguments about a lack of capabilities or resources may more accurately be signals that the public value proposition of deliberative engagement practices is not sufficiently developed. Furthermore, it highlights that perceptions about community’s capacity to participate effectively in government decision-making requires consideration. Given that councils’ experiences in these first iterations are likely to have determinate influence over how practices evolve in the future, the chapter proposes that greater attention needs to be given to the values underpinning current practices; how they may be actively compromising the institutionalisation of democratic innovations, and what might be required to shift them.

Chapter 9: Institutionalising deliberative engagement: unsticking dominant paradigms and norms

Even though we've been through this process and every council in Victoria has now done something deliberative, or 'deliberation light', I still don't think the penny has really dropped. I still think there's a lot of work to be done to link this with democracy and the democratic process.
(Consultant 3)

9.1 Introduction

The empirical chapters of this thesis demonstrate the complexities of operationalising the deliberative engagement practices legislated by the *Victorian Local Government Act 2020*. The findings show that, in the absence of clear guidelines, local government organisations adapted deliberative engagement practices to suit organisational preferences, and despite the incongruity of some of the emergent practices, they were legitimised with narratives that rationalised policy actors' choices. The findings provide a more nuanced understanding of how democratic innovations are institutionalised, or perhaps more accurately, the factors that act as barriers to this institutionalisation. This chapter provides an exposition of the keys findings of the thesis, drawing out what they reveal and positioning them within the context of existing scholarship.

This chapter begins by bringing together the individual findings from each of the empirical chapters, and at the same time each of the research questions, to explain how they build a layered understanding of how deliberative engagement practices were operationalised. The chapter then considers how the findings from each of the empirical chapters interconnect and create a fuller description of the competing tensions and compelling narratives that manifested. These

findings are also considered in the context of relevant scholarship to position the research within existing understandings of democratic innovations. The next part of the chapter reflects on the theoretical frameworks that were applied in the study. This part begins by considering the use of the public value strategic triangle and how exploring all three points (value, authorising environment, and operational capacity) enriched the study. It then reflects on the use of an institutionalist lens, outlining the advantages of interrogating data through the frames of *rules*, *narratives*, and *practices*. Therefore, this chapter provides a comprehensive account of the research findings before moving on to the conclusion of the thesis, which outlines its overall contribution.

9.2 Summary of research findings

The research set out to broaden understanding of how democratic innovations are institutionalised through the *Victorian Local Government Act 2020* case study and three main research questions. This section provides an overview of the most cognate findings as they relate to each of those research questions to summarise them before the chapter explores what they determine for the research overall.

9.2.1 Understanding and Interpretation

The first research question: *How are deliberative engagement practices understood and interpreted by local government organisations?* explored how the intended normative, epistemic, and pragmatic value of deliberative engagement practices were actualised through examining how they were conceptualised and realised by local government in Victoria.

As outlined earlier in the thesis, the *Victorian Local Government Act 2020* was explicitly framed as a means for improving democracy, and the application of deliberative engagement practices were presumed to intrinsically ‘protect the democracy of local government practices and decision making while ensuring the community’s voice and priorities match that of the council’ (LGV, 2022, p.8). Whilst clear in its aspirations, the legislation also afforded local governments a great deal of autonomy in shaping the interpretation and operationalisation of

deliberative engagement practices, leaving it to individual councils to define it for themselves.

To understand its legislative requirements, the local government sector reported having undertaken a considerable number of sense-making activities. However, these activities were different depending on whether policy actors were local government employees or elected representatives. For local government employees, although there was some engagement with policy actors who could be conceived of as experts (such as consultants), the sector generally looked to each other (i.e., their local government colleagues) to understand acceptable standards of practice. Conversely, elected representatives relied on what they were told by their executive and what was presented to them as best practice at meetings. As explored in Chapter 8, this meant the interpretation of deliberative engagement practices was influenced by ‘mimetic behaviours’ (DiMaggio & Powell, 1983) with models that had been informed primarily by the adaptations and constraints of local government organisations consistently applied across the sector.

Once reconciled with the fact that the sector had expressed apprehension around the suitability and necessity for the mandatory introduction of deliberative engagement practices, and in the absence of any definitive legislated guidelines, the research found that resultant deliberative engagement practices were vulnerable to co-option and interpreted to suit the conceptual leanings of public managers. Whilst some incremental changes were perceived by those interviewed, this research also highlights how the practices emerged that, perhaps inadvertently, reinforced the status quo. This is problematic for the legislative aspirations of revitalising democracy and has implications for the institutionalisation of deliberative engagement practices, which is explored later in this chapter.

When considering how deliberative engagement practices were interpreted, whilst their potential benefits and value was assumed by the legislation, it is likely this was not recognised by policy actors in the local government sector. For some, particularly council employees in community engagement roles, it

presented an opportunity to leverage a more conducive authorising environment and broaden engagement practices; however, for many, the value proposition of deliberative engagement practices was either consistently challenged or remained ambiguous. Although the adverse response that characterised the legislation while it was being developed was mostly tempered by the time it was being implemented, the preparedness of local government to adapt its ways of engaging the community was still nascent, perhaps because the instrumental value of deliberative engagement remained elusive.

The research demonstrates that deliberative engagement practices and their institutionalisation are vulnerable to co-option where the impetus for change is not strong enough to shift the dominant paradigms. This understanding is critical to underpinning the cultural shifts needed for deliberative engagement practices to be operationalised in a manner that is more likely to achieve the normative and epistemic aspirations they were conceived to address; without it, their practical application will inevitably contend with pragmatic constraints.

9.2.2 The authorising environment and legitimacy

The second question posed was: *How does the authorising environment influence the design and implementation of deliberative engagement practices, including their perceived legitimacy?* Of the three research questions, this was the most challenging to answer because it assumes the authorising environment influences the design and delivery of deliberative engagement processes when in fact, this was not entirely observed in the data. Although much of the extant literature on democratic innovations underscores the ascendancy of elected representatives, this was not necessarily the case in the context of the reforms in the *Victorian Local Government Act 2020*. Rather than having any discernible influence *over* the deliberative engagement practices that were delivered, somewhat paradoxically, the research found that elected representatives were influenced *by* how they were designed and implemented. This was particularly the case in terms of how the authorising environment perceived the legitimacy of deliberative engagement practices.

The research data suggests that the more engaged councillors were in the deliberative engagement process, the more legitimacy they conferred on the integrity of its outcomes and the deliberative cohort. Proximity meant that, rather than perceiving deliberative engagement practices as a threat to their authority, councillors were more likely to recognise the epistemic benefits of deliberative processes.

However, in antithesis to this, the research also identified a dominant narrative within the local government sector that asserted councillors should be kept at arm's length from deliberative engagement practices. The narrative argued that separation would ensure the integrity of deliberative outcomes and more authentic participation from community members. The genesis of this narrative is unclear given there were no documented accounts of this 'rule', nor is it supported by any of the more experienced consultants in the sector. As such, deliberative engagement practices emerged that were justified by a narrative that was not only unfounded but compromised the perceived legitimacy of deliberative processes.

In addition to the legitimacy that deliberative engagement practices were given by elected representatives, this question also considered how deliberative forums were legitimised in relation to existing participation practices and norms. This was considered pertinent because the outcomes of a deliberative process, and therefore its potential to realise the epistemic and normative assumptions it is founded on, relies decisively on the legitimacy the process is conceded by its authorising environment. This legitimacy is implicitly juxtaposed to the existing systems of participation, which need to be reconciled with the inputs generated from a deliberative engagement process.

Here, the research found that rather than reconfiguring how local government conceptualised public participation, the deliberative engagement practices implemented tended to reaffirm the primacy of existing engagement channels. It also found that the strategies employed to recruit community members to the deliberative engagement processes, however incongruous with the known participation bias they usually produce, were justified as legitimate and their

representative claims were generally accepted. This is also illustrated with the continued use of a public exhibition stage, which, although conceived of as inclusive, is essentially a mechanism to override, edit out, and diminish the recommendations of the deliberative process. These findings demonstrate that, confronted by a sector not yet ready to accept the legitimacy of deliberative processes as representative 'enough', continuity prevailed, buttressed by perceptions that it would strengthen inclusion.

Overall, the research indicates that the administrative arm of local government played a central role in framing the way deliberative engagement practices were integrated into existing decision-making systems and supported by the authorising environment. This may have been particularly pronounced given the Victorian local government context where the research was undertaken and where the executive has considerable authority. However, more broadly, the research also demonstrates how dominant narratives can emerge to justify practices that are inconsistent with the commonly argued rationales for the ascendancy of democratic innovations.

Additionally, this research question illustrates that, whilst attention to how democratic innovations interface with the role of elected representatives is worthwhile, there is eminent value in broadening this attention to the administrative arm of government, which, in the case of the *Victorian Local Government Act 2020*, acted as gatekeepers between the legislated deliberative engagement processes and elected representatives.

9.2.3 Operational cultures and constraints

The third research question: *How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented?* brought attention to aspects like the organisational context and individual agency to gain a more complete understanding of how organisational dynamics influenced practices.

Analysis suggested that the complex environment the legislation was operationalised in was likely to have had a constitutive effect on how deliberative engagement practices were realised. There were consistent references to uncertainty, restrictive timeframes, and angst in interviews that would have impacted the propensity of policy actors to engage with the practices that had been, until then, relatively unknown. In addition, council staff, who were accustomed to prescriptive legislation and therefore, certainty about courses of action, needed to navigate an unfamiliar environment with few points of reference to guide what the practice might look like for their organisation. Finally, this occurred in a pressured context, where staff were adapting to new practices whilst simultaneously managing the expectations and trepidations of the authorising environment. These contextual characteristics may have underpinned the mimetic behaviour of emergent practices described earlier, with councils often looking to each other for reassurance or validation around how they should proceed. This suggests that, even while the legislation allowed for more context-specific approaches, councils' innate tendencies towards homogeneity may, over time, result in deliberative engagement practices that coalesce into models consistently applied across the sector, regardless of whether they are fit for purpose and irrespective of the normative and epistemic potential they are founded on.

In addition to how the factors noted above constrained deliberative engagement practices, the research found that the predisposition of policy actors also affected design choices. Policy actors with a willing explorer disposition could see the benefits of deliberative engagement practices and, importantly, created more organisational buy-in by highlighting the instrumental value that could be achieved. Conversely, those with a functionalist disposition found operationalising the new legislative requirements challenging and expressed a reluctance to engage the community more meaningfully in decision-making. In the case of functionalist dispositions, there was more potential for path dependency and tick-box behaviours that tended to maintain established norms and engagement processes.

The research also uncovered various organisational dynamics that influenced how deliberative engagement was designed and implemented. For some organisations, this led to more adaptive approaches; however, for others, existing processes and norms were reinforced. Ultimately, in the context of the research question, it is clear that public managers are not just passive bystanders to legislation; they interpret and apply policy based on their own constructs of what an appropriate course of action is and can have an instrumental effect on how practices are realised.

9.3 When values, legitimacy and capacity combine

This section brings together the research findings, considering how each of the findings from the research questions and empirical chapters interconnect and create a fuller description of the competing tensions and compelling narratives that manifested. These are also considered in the context of relevant scholarship to position the research within existing knowledge. Four key considerations emerge from collectively considering the findings: firstly, whether the practices that emerged indicate ambiguity or obfuscation by the sector and what this means for how the legislative reform was framed; secondly, how what occurred in Victoria is symptomatic of the vulnerability of these practices to co-option more broadly; thirdly, what the evidenced 'institutional stickiness' (Lowndes, 2005) reveals about the role of public managers in democratic innovations; and finally, what these findings might mean in the context of institutionalising democratic innovations and their normative aspirations to 'save democracy'.

9.3.1 Ambiguity or obfuscation?

The empirical chapters of this thesis provide examples of how deliberative engagement practices in Victoria were vulnerable to co-option. The findings show how dominant narratives emerged to justify practices that were inconsistent to expert recommendations, as they did with the exclusion of councillors from observing deliberative processes. In addition, the narratives were powerful enough to create perceptions that are inherently contradictory, such as how deliberative processes were thought to have engaged the silent

majority when, in fact, most processes were unlikely to have done so. Problematically for reform efforts, the research found that rules can be so ingrained in existing practices that even when those rules no longer exist, the practices persist, as occurred with the use of public exhibition stages. Whilst it was clear from the research findings that deliberative engagement practices were adapted to meet the norms and constraints of local government organisations, it is unclear whether this 'concept-stretching' (Collier & Mahon, 1993) emerged from genuine ambiguity and lack of understanding around the deliberative engagement practices or potentially, obfuscation.

Each of the examples cited above can be interpreted as the result of deliberative engagement practices being resisted by policy actors who perceived the new requirements as hostile to their interests. Equally however, for some policy actors, the same courses of action were in line with what they genuinely believed were acceptable standards of practice. In the latter case, deviation from what are generally considered proper practices were not the product of their resistance; rather, it was an indication of just how dominant some narratives were.

It could be argued that not enough was understood about deliberative engagement practices when the legislation was passed. This was a prominent position expressed by local government sector, and the research highlighted the significant apprehension that surrounded the legislation when it was formally passed. The lack of a definition and resistance of the Victorian State Government to provide any further elucidation led to an ambiguous policy environment and meant that there were few anchor points to inform councils' practices. However, what could be described as the 'regulatory vacuum' surrounding the legislation also meant that it was wide open to interpretation. This latitude was also reinforced with the consistent messaging of a growth mindset from the State Government, which encouraged each council to design processes based on their own contextual terms. Whilst potentially intended to mitigate some of the expressed concerns from the sector around resources, these circumstances may have also given licence to councils for tick-the-box behaviours, rationalising that they would improve their practices next time. As

such, the legislator may have unintentionally created an environment where there was no real imperative to make significant organisational shifts, and it is reasonable to think that some of the practices that emerged ‘stemmed from biases and constraints placed upon the process by those who wish to exercise control over it for their own ends’ (Kadlec & Friedman, 2017, p. 7).

Putting this dichotomy aside, an interesting question is what the legislator might make of this, particularly in the context of what it described as the impetus for the legislative reform. Clearly, the State Government anticipated that different councils would interpret deliberative engagement practices in various ways. This was accommodated through the autonomy councils were given in defining deliberative engagement. However, as examined in Chapter 6, it seems that the State Government assumed the principles and values driving the legislative reform were understood and shared by local governments. These principles were never explicitly articulated, and therefore it is difficult to know whether the extent of deviation from standard deliberative engagement practices was foreseen or considered acceptable by the authors of the legislation. They may feel that, whilst moderate, the shifts that have occurred as a result of the legislation are encouraging for the gradual improvement of community engagement practices. Alternatively, their expressed aspirations for the practices to significantly reconfigure the relationship between communities and councils did not come to fruition and there may be a sense that the legislation has been subverted in a manner that significantly diverges from its intended application. The Victorian State Government and other entities in the authorising environment such as the Victorian Auditor-General’s Office have been decidedly silent on the matter. Whether they intend to revisit this aspect of the legislation, perhaps create guidelines, remains to be seen.

While the scope of this research does not allow for contemplating whether, from the legislator’s perspective, what has occurred in Victoria was ‘enough’; some important questions emerge regarding institutionalising democratic innovations through regulatory reform. Principally, had the legislation been more prescriptive, or what constitutes deliberative engagement, been much clearer, would it have made a difference to the way it was implemented?

Speculatively, prescriptive legislation is likely to have been received with antagonism, especially considering the response to deliberative engagement requirements when the legislation was in draft, as explored in Chapter 5. However, some scholars argue it would be beneficial. For example, Cooper and Smith (2012) found that negligence or lack of understanding about public participation processes on the part of public authorities was the cause of poor practice rather than explicit manipulation (p. 22). Their findings suggest a need for clear codes of conduct. However, they add that, beyond systems of self-regulation that are managed through guiding principles or a code of practice, governments should also be directly involved. They call for an independent, publicly funded agency that is responsible for 'promoting, publicising, regulating, moderating, summarising, and evaluating' practices' (p. 32).

In the context of this research, it is unlikely that Local Government Victoria (LGV) would have pursued such an extensive role in the implementation of the legislation. Much of its capacity building initiatives were framed as 'co-design', and it appeared to have given preference to a collaborative rather than authoritarian role. However, even if LGV was to take a more active role in the implementation of deliberative engagement practices, the learnings from the Tuscany Regional Participation Policy discussed in Chapter 2 should also be considered. The Tuscan legislation was developed through a participatory process where a broad range of stakeholders contributed to defining the goals, contents, and features of the law. In addition, an agency was established to provide both financial incentives and methodological support for local administrators. Nonetheless, some suggested that the legislation was too rigid and imposed unreasonable explications on local authorities (Ravazzi, 2007; Bherer et al., 2017). Whilst clearer measures might address ambiguity, they are unlikely to combat obfuscation.

Rather than necessarily prescriptive measures, Lowndes and Wilson (2001) propose a slightly different approach. They argue that institutional design is inescapably a normative process and, as such, there should be clarity about the *values* being promoted (and challenged) within institutional reform programs. This was demonstrated in an analysis of the *Local Government Act 2000* in the

United Kingdom, where scholars found that without ‘a clear articulation of democratic priorities and values, practices emerged which, rather than shifting deeply embedded institutional norms, were in fact adapted to reinforce institutional priorities and values’ (Pratchett, 2004, p. 372). In the context of this research, this suggests that had the State Government been more explicit about the principles that underpinned the legislation, there may have been different outcomes. This is the opinion of the newDemocracy Foundation (2022), which, in its learnings report on the *Victorian Local Government Act 2020*, stated ‘it was evident that *many* examples of work undertaken breached the two most fundamental principles of deliberative engagement practices’ (p. 2, emphasis in original), and if there had been clearer ‘deliberative principles or essentials’ communicated, it would have ‘resulted in numerous changes to the rollout.’

While clearer articulation of the principles is likely to have generated benefits, it may still have been insufficient to inspire more ambitious practices. This is perhaps most clearly demonstrated in how the principle of *inclusion* was realised. Whilst many interviewees expressed that they wanted to reach beyond the ‘squeaky wheel’ and engage with the ‘silent majority’, they nevertheless utilised recruitment and public exhibition processes that were antithetical to these intentions. Importantly, despite some practices being at odds with the apparent principle of inclusion, they did not necessarily impact the perceived legitimacy of the processes (as seen in Chapter 7). Therefore, it is possible that articulating the principles alone may not be sufficient to make a material impact on resultant practices.

In conclusion, it would be erroneous to think that a more prescriptive regulatory environment or clearer articulation of principles would have fully addressed the dilemmas of ambiguity and obfuscation. Notwithstanding the reasonable assumption that greater clarity in the legislation would have been helpful, it is unlikely to have catalysed the anticipated level of change hypothesised by the State Government. Whether the Victorian State Government decides to create guidelines in the future remains to be seen; however, beyond more an explicit articulation of principles, the research shows that there needs to be careful consideration of the incentives and drivers that currently underpin how the

practices are realised. This also speaks to the larger issue of how the integrity of democratic innovations is determined and evaluated.

9.3.2 What's integrity got to do with it?

The research findings describe several practices that deviated considerably from what would commonly be understood as best practice for deliberative engagement practices. It also found that, when this occurred, it did not necessarily impact the legitimacy conferred on the process by the authorising environment. In fact, in some cases, legitimacy was maintained even when the practices were fundamentally in conflict with the normative and epistemic outcomes that democratic innovations are designed to achieve (e.g., the recruitment methods used or the continuance of the public exhibition period). The research highlights how susceptible democratic innovations can be to co-option, which consequently risks the ongoing integrity of these practices.

This dilemma around integrity has been pointed out by several scholars: Neblo (2005) cautions scholars not to stretch the concepts to 'the point of vacuity' (p. 529); Goodin (2018, cited in Ercan et al., 2022) warns that the expansion of conceptual approaches and interpretations raises concerns about 'concept stretching'; and, similarly, Steiner (2008) argues that 'the concept of deliberation has become so faddish that it is in danger of being "stretched" until it becomes virtually a synonym for talk of any kind' (p. 186). Whilst the research agrees with Curato et al. (2021), who advance the importance of 'building a shared vocabulary among scholars, practitioners and policymakers that recognises good practice consistent with normative principles of deliberation' (p. viii), this must be reconciled within the fact that no singular construct of the practices exists. Indeed, it can be argued that there is great deal of conceptual ambiguity around what should qualify as a democratic innovation and its constituent parts (as described in Chapter 2). In a field where it has been suggested there are 'as many definitions of deliberation as there are theorists' (Mutz, 2008, p. 525), it is unclear who decides which approach to progress for each context. Specifically, in the case of the *Victorian Local Government Act 2020*, this standard-bearer was notably absent.

The issue this absence raises can be illustrated through how the analysis for this research almost deviated. Initial analysis of the research data had leaned towards further problematising the integrity of deliberative engagement practices and how they were being applied through the legislation. However, it became clear that had this line of inquiry continued and started to compare how the practices applied in Victoria stood up to different deliberative absolutes, the analysis could have ended up in an ideological rabbit warren, in essence becoming an ineffective attempt to assert practices that were closely aligned with the researcher's own ontological position. Indeed, prominent scholars have recognised that 'only a few innovations come close to passing the strict theoretical tests of any one model and typically only squeeze through by overlooking certain aspects of their design' (Smith, 2009, p. 10). In this regard, the research reveals the risk of placing too much attention on which interpretations of deliberative fora most accurately reflect the ideals of democratic innovations; instead, this research underscores the value of examining the constructs that underpin the design choices of their architects.

This approach to inquiry assumes that some degree of 'concept stretching' is inevitable; however, it does leave open debate about what can be considered 'good enough'. Goodin (2005) provides a pithy response to this question: 'the answer must surely be, "it depends"' (p. 193), suggesting focus should be on whether all 'deliberative virtues' are on display at some point in the decision-making process. Goodin concedes that 'it may not be ideal, but it might be tolerably acceptable' (p. 183). This sobering perspective seems a long way from the ideals of 'protecting democracy' (LGV, 2022) that the *Victorian Local Government Act 2020* was founded on, however it may be the most realistic. As noted in the previous section, what the legislators make of how deliberative engagement practices have been implemented is unknown, but this case study demonstrates that the emancipatory potential of democratic innovations, that permeates both what is written by academics and proponents can become quite tempered 'in the real world'.

9.3.3 Institutional stickiness

The empirical chapters demonstrate that, whether expressly or innately, existing norms, organisational cultures, and individual agency had consequential influence over how deliberative engagement practices were framed and operationalised by local governments in Victoria. This is not only demonstrated in Chapter 8, where the theme of organisational cultures was expected to emerge, but also in Chapter 6 when examining how the practices were defined and the influence they were afforded, and in Chapter 7 where public managers acted as gatekeepers between deliberative engagement practices and elected representatives. Consistently, the research found that public managers either reverted to established norms or adapted practices to suit their partialities. As shown in Chapter 7, this occurred even when those practices were effectively undermining the deliberative engagement outcomes and creating tensions within the authorising environment.

As established in Chapter 2, the role of public administration is not well explored in scholarship around democratic innovations. While some scholars recognise that institutional constraints and incentives matter (Smith, 2009; Nabatchi, 2010), they usually hypothesise that the potential value generated by democratic innovations will sufficiently incentivise policy actors to pursue them as an appealing course of action. However, the findings of this research contradict this perception. The public managers in this research demonstrated far more agency than usually inferred, they were not necessarily the often-perceived willing champions (Nabatchi, 2010), nor were they so compelled by the anticipated benefits that they were inclined to take on the associated 'burdens' (Smith, 2009).

However, the findings echo some contributions found in the extant literature, namely, the work of Lowndes and Wilson (2001) who emphasised the tenacity of bureaucratic institutional frameworks that frequently persist alongside innovations or adapt to incorporate (and effectively 'defuse') reforms. This was also identified in the work on public participation by Brown and Head (2019), who found that public servants were anchored in existing organisational cultures

and therefore, existing norms not only crowded out efforts at reform but could work against them. The research findings, therefore, provide a thorough empirical account and build on the understandings of previous scholars by demonstrating how public managers are not 'passive bystanders' (Moore, 1995), they are continually interpreting and applying democratic innovations based on their own constructs of what is an appropriate or worthwhile course of action.

In addition to Eckerd and Heidelberg's (2020) point that public managers 'largely determine the extent of participation, shape the way participation takes place and decide whether or not it is valuable to their work' (p. 133), this research demonstrates that public managers also control how the practices are framed through oversight of information about the practices and the mechanisms through which it is distributed. The research provides several examples where, whether intentionally or not, public managers created dominant narratives that justified the emergent practices and, even when they were clearly incongruous, those practices were rarely challenged by the authorising environment. This perspective, which is essentially a version of the principal–agent problem (the principal – the elected representative – in command cannot fully exercise their power over the agent – bureaucrat – because of the information asymmetry between the two; John, 2011, p. 62), has not yet been explored in a considered way in democratic innovations scholarship.

These research findings demonstrate what Lowndes (2005) aptly describes as 'institutional stickiness'. Not only is this institutional stickiness relevant to the application of democratic innovations broadly but it also provides a critical context for institutionalising the practices. These findings challenge the prevalent position that legislating democratic innovations, or somehow embedding them in the regulatory frameworks of governance, will ensure their actualisation. For example, scholars such as Montambeault (2019) suggest that it is *because* participatory budgeting is not regulated by legislation that it has a precarious role in decision-making; they advance that if legislated, the processes would rely less on the support and goodwill of bureaucrats. The

OECD concurs. However, this research demonstrates that even with legislation, bureaucrats (or the local government executives in this case) still have a pivotal role in their realisation. The research provides a more complete understanding of the constraints that need to be addressed beyond legislative reform.

9.3.4 How will democratic innovations 'save democracy'?

As noted at the beginning of this thesis, democratic innovations have burgeoned over the past few decades, buoyed by an increasing number of academics and proponents who champion them as a compelling counterbalance to claims of a 'democratic deficit' (Norris, 2011). Arguably caught up in this 'deliberative wave' (OECD, 2020), the *Victorian Local Government Act 2020* was heralded as a transformative piece of legislation, anticipating that 'deliberative engagement practices are designed to protect the democracy of local government practices and decision making while ensuring the community's voice and priorities match that of the council' (LGV, 2022, p. 8). However, the research demonstrates that the actualisation of these practices was considerably more tempered than the aspirational ideals of the legislator. This chapter's previous sections explored what the research findings reveal about institutionalising democratic innovations. This section theorises about what they suggest about the ability of democratic innovations to 'save democracy' (Stoker & Evans, 2022) and the cultural shifts that may be required in public administration to enable this shift.

Overall, it can be said that the findings show a clear dichotomy between the hegemonic ideals of improving democracy that are consistently attributed to democratic innovations and the pragmatic constraints of those tasked with operationalising these practices. In part, these findings are relatively consistent with what is known about public administration and its tensions with the expectations of democratic innovations. For example, it is mostly accepted that democratic innovations demand a new social contract with citizens and that 'public administrators are expected to relinquish power afforded by their authority and expertise and develop new kinds of contact with citizens' (Escobar, 2017, p. 149). This was evidenced throughout the empirical chapters

of this thesis, most notably in Chapter 8 when discussing the ‘functionalist’ disposition.

In addition, this research expanded understanding of the paradigmatic differences between public administration, where competence is usually attributed to qualities such as efficiency and effectiveness (Dean, 2023), and democratic innovations, which by their nature are resource intensive and relatively unpredictable. The institutional constructs that guide the norms of public servants need to be resolved against the demands of democratic innovations. This is particularly the case in a local government context, where policy actors are predominantly concerned with the instrumental utility of public participation (McDonnell, 2021; Aulich, 1999). This was again particularly present in Chapter 8 but could also be seen in Chapters 5 and 6, where the findings demonstrate that local government was operating from a distinct and different values framework to that presumed by the legislation. The research shows that the ‘public value proposition’ of deliberative engagement practices was not reconciled neatly with how local government actors interpreted a ‘valuable and effective use of council resources’. This research finding aligns with what Lowndes and Sullivan (2004) describe as the ‘equally important, but rarely recognised, task of de-institutionalising old ways of working’ (p. 67). The research reaffirms and provides a comprehensive empirical account of this critical standpoint.

Expanding on this, through the willing explorers described in Chapter 8, the research shows there is a need for policy actors to not only infer benefits of pursing democratic innovations but also create organisational buy-in. That is, these policy actors must take an active role in supporting their colleagues and community of practice to navigate the ‘messiness’ and champion democratic innovations in a way that is both potent and viable. The research reveals how these willing explorers are needed to spearhead efforts for culture change. It also demonstrates that there needs to be a critical mass; that one willing explorer alone may get lost.

Beyond a focus on individual organisational cultures, the research also provides an understanding of how the sector operates as a community of practice. It demonstrates that since organisations tend to look to each other to understand appropriate courses of action, in addition to addressing 'institutional stickiness', the mimetic behaviours of organisations also need to be considered. DiMaggio and Powell (1983) suggest that as organisations progressively reframe what is acceptable practice, these become normatively sanctioned, which, in turn, encourages the more hesitant sector actors to adopt them (p. 148). Given the networked (and somewhat competitive) nature of Victorian local governments, the research findings suggest that if a critical mass of councils begins to adopt more ambitious deliberative engagement practices, and these practices become normatively sanctioned, some of the more reticent councils may start to feel pressure to improve their own processes. As a result, the incentive structures that are currently missing from the legislation would become driven by the community of practice itself.

In conclusion, the research demonstrates that if democratic innovations are to live up to their hegemonic ideals of improving democracy, the cultural shifts required in public administration need to consider the underlying values frameworks, the agency and capabilities of willing explorers to champion these new practices, and, more broadly, how communities of practice inform incentives for change.

9.4 Exploring democratic innovations with public value theory and institutionalism

9.4.1 The public value strategic triangle as a heuristic device

As outlined in Chapter 3, the research applied public value theory, and in particular, the public value strategic triangle points of value, authorising environment, and operational capacity, as a way to conceptualise and organise the research approach. By taking this approach, the research was squarely focused on the role that public managers play in institutionalising democratic innovations which, as explained in Chapter 2, is an under-studied area in the field. In addition, using the public value strategic triangle, the research could

create a more layered understanding of the variables public managers must contend with when applying the practices. Rather than examine public administration from one angle (e.g., operational capacity) the triangle allowed the research to look beyond single factors and instead ensure the interconnected and dynamic interplay of all three strategic triangle points were considered. It could be argued that the approach provided a more nuanced understanding and opened opportunities for new insights into factors that impact how democratic innovations are embedded in the practice of government organisations.

The use of the public value strategic triangle also presented some challenges. The use of three triangle categories (public value, authorising environment, and operational capacity), were initially purposively applied in the data analysis as *orienting concepts* (Layder, 2013, p. 130); however, this process was more exacting than originally anticipated. The interconnected nature of the strategic triangle categories became increasingly apparent during analysis as themes emerged that did not fit neatly into one of the three options and complications arose around determining which findings were more suited to different points of the triangle. This was particularly the case for the authorising environment, which could have equally included findings around organisational leadership. Trying to fit findings into these categories, whilst being cautious not to reduce findings to only what fitted neatly, was a tension that needed to be managed and perhaps speaks to the complexity of applying the public value theory to empirical research (Hartley et al., 2017). Much as the interconnection between the public value strategic triangle categories provided a lens through which to draw out a more layered understanding of the data, this bleeding of themes also complicated how the data would ultimately be organised and presented as findings in the empirical chapters.

In addition to challenges applying the public value strategic triangle as an organising concept, disjuncture occurred between the way the authorising environment is usually perceived in public value theory and the way it manifested in the research. Usually, public value theorists, including Moore (1995), tend to understand the authorising environment as the realm of elected

representatives. The authority of public managers lies in developing proposals around what is valued, which are then tested in the authorising environment and modified against the views of elected politicians (Alford & O'Flynn, 2009). Aligned with this, the research began with the assumption that elected representatives would play a greater role in influencing the design and implementation of deliberative engagement practices. However, the data revealed that, in fact, public managers wielded significant influence; they essentially controlled the narratives around what deliberative engagement was and how councillors could engage with the practices. While the research originally anticipated a greater focus on the role of elected representatives, based on the assumption that the data would investigate how public managers navigated the authorising environment to achieve their objectives, this did not occur. As noted earlier, this meant that the research question that had been aligned with the authorising environment and was based on how the authorising environment is usually understood in public value theory, made incorrect assumptions. Therefore, instead of focusing on elected representatives, analysis centred on legitimacy because this is also considered part of the authorising environment in public value theory.

Ultimately, despite the challenges described above, the application of public value theory was considered highly useful for this research. It ensured the complexities around value, legitimacy, and operational capacity were continually recognised, and provided a useful lens to examine how public managers navigated the dynamic interplay between these as they interpreted and implemented deliberative engagement practices.

9.4.2 Institutionalism

In addition to the public value strategic triangle, institutionalist theory was a critical lens for the research. This brought attention to the agency of public managers and how their decisions were shaped by the inherent constraints or incentives of dominant institutional paradigms. Examining the decisions of policy actors through modes of constraint such as *rules*, *practices*, and *narratives*, allowed for a better appreciation of why certain courses of action

seemed more compelling than others and an understanding of the narratives that supported the emergent practices. In addition, this epistemological orientation meant that the research was firmly focused on the institution of local government and how it responded to legislative changes, rather than deliberative engagement practices or democratic innovations per se. As noted in Chapter 2, few scholars have explored democratic innovations from this perspective; therefore, institutionalism offered a distinct perspective to current empirical understandings.

Whilst the challenges experienced with applying public value theory did not occur with institutionalism, there were times that the two theories and their different frames of reference were in conflict. For example, an institutionalist perspective suggests that policy actors use criteria of similarity and congruence rather than likelihood and value when making decisions. Olsen and March (2004) refer to the 'logic of appropriateness', contending that to act appropriately is to proceed according to the practices of a collective, based on mutual, and often tacit, understandings of what is true, reasonable, natural, right, and good (p. 4). This framing could be identified in the data since local governments clearly looked to each other for appropriate courses of action and engaged in 'mimetic behaviours'. However, these 'logics of appropriateness' might have pervaded because the public value proposition for changing practices was not compelling enough. In this case, both theoretical framings used in the research could have been equally germane. It is not possible to decipher which theory most accurately describes what occurred, and although in conflict, this demonstrates how both theories provided multiple entry points for the interpretation of the research findings and deepening understanding.

An aspect not covered in the research that falls within an institutionalist approach is exploring the influence and effect of enforcement. It has been argued that rules, practices, and narratives not only need to be recognised by actors, but they also need to be subjected to some type of third-party enforcement, such as a professional association that upholds standards or quality assurance (Lowndes & Roberts, 2013, p. 51). Whilst the issue of compliance was prominent during the initial stages of sense-making and some

consultants interviewed lamented that there was no agreed standard for deliberative engagement practices, the issue was not explored in a concerted way. To some degree, the fact that there is no clear enforcer would have made this a difficult task. Without a professional association that set minimum standards, and, in the absence of more prescriptive legislation, the only potential enforcer might have been the Victorian Auditor-General, who was silent throughout the legislative process. Perhaps further exploration of how council staff perceived potential enforcement could have brought about some interesting findings and could be a useful topic for future research.

9.5 Conclusion

This chapter provides a comprehensive account of the research findings. It began with providing a synopsis of the findings from each of the empirical chapters, and therefore, each of the research questions, beginning with examining how deliberative engagement practices were understood and interpreted by the local government sector. It explained how the ambiguous nature of the legalisation meant its assumed value was not necessarily evident to councils and left the practices vulnerable to co-option. In terms of the authorising environment and legitimacy, the research found that narratives emerged to justify practices that were contradictory to common standards of deliberative engagement and, in some cases, in conflict with the expressed intentions of the legislation. Regarding findings on organisational cultures and constraints, the critical role of individual agency and the dispositions of actors was revealed as was the influence of communities of practice.

The chapter then examines the research findings collectively to create a fuller exposition of what they indicated and positions these within existing scholarship. Four key considerations were presented: whether the practices that emerged were a response to the ambiguity of the legalisation or perhaps obfuscation by the sector, and what this might mean for the legislative reform; whether what occurred in Victoria is symptomatic of the vulnerability of these practices to co-option; what the research illustrates regarding the role of public managers in democratic innovations; and finally, what these findings might

mean in the context of institutionalising democratic innovations and their normative aspirations to save democracy. Finally, the chapter reflects on the theoretical frameworks that were applied in the study. It outlines how, despite some challenges, the application of the public value strategic triangle provided a useful heuristic for examining the varied determinants and dynamics public managers needed to navigate during implementation. It then reflected on the use of an institutionalist lens and outlined the advantages of interrogating data through the frames of rules, narratives, and practices. Overall, this chapter demonstrates how the study built on existing knowledge and expanded understandings in an area of democratic innovations that has thus far been relatively under-researched.

Chapter 10: Conclusion

10.1 Introduction

This chapter begins with an overview of each of the thesis chapters, drawing out the key themes and providing a sense of the study's findings overall. Having established these, the chapter examines the implications of those findings, putting forward what are believed to be the empirical and theoretical contributions, as well as policy implications. The chapter identifies some of the research limitations and, before concluding, indicates future research that would expand the contributions of this study.

10.2 Thesis summary

The thesis began with introducing its key assertion, that despite the ascendancy of democratic innovations and increased calls for their institutionalisation, for the most part, little is known about how they are integrated into existing systems of decision-making. It then established the case study research approach which was situated in the *Victorian Local Government Act 2020* reforms that mandated deliberative engagement practices. Finally, the chapter gave an overview of the Victorian local government authorising environment and how the legislation was developed, briefly noting how the reforms presented a significant departure from the preceding community engagement obligations of Victorian councils.

Chapter 2 then positioned the study within the substantial body of scholarship focused on democratic innovations. It drew attention to the fact that, despite the relatively muted outcomes of democratic innovations, their appeal has enjoyed a steadfast resolve from theorists and advocates, as have the conceptual and normative assumptions associated with their application. The chapter then highlighted how the extant literature has limited empirical exploration of how the practices are conceptualised and operationalised by policy actors from a public administration frame of reference. It noted that where scholars acknowledge the

role of public managers, they also tend to assume that the normative value derived from democratic innovations will be compelling enough to counterbalance any ‘burden’ those practices present during their realisation. To situate the study in some of the empirical literature, the chapter explored examples of how democratic innovations have been implemented in the United Kingdom, Italy, Finland, and Brazil. These examples provided latent accounts of how the emancipatory potential of democratic innovations can be compromised by utilitarian constraints. The chapter concluded by arguing that without a greater understanding of the institutional constraints policy actors contend with, integrating democratic innovations into government decision-making processes can be compromised.

Chapter 3 then outlined why institutionalist and public value theory were selected as the theoretical frameworks for the study. It explained how an institutionalist lens provided a valuable frame of reference for analysing the incentives and constraints that influenced policy actors’ choices. Additionally, it proposed how public value theory, particularly the public value strategic triangle, supported a more layered understanding of the interconnections and determinants that impacted the realisation of deliberative engagement practices. This chapter articulated how both institutionalism and public value theory relate to the study of democratic innovations and hypothesised how they may offer new ways of understanding their institutionalisation. The chapter explored some of the existing scholarship that applies these theoretical lenses and noted that there has been limited investigation through these conceptual frames of reference. The chapter also recognised the ways in which institutionalism and public value theory differ in terms of ontological leanings, particularly how they perceive individual vis-à-vis collective agency and how the two theoretical approaches understand change. How these differing standpoints were reconciled in the context of this research was explained, noting that both were seen as instrumental for better understanding the legislative reforms. Finally, the chapter introduced the analytical framework that was developed to guide the initial stages of the research and outlined the sub-themes of the framework which were established through an extensive literature review.

Chapter 4 set out the research design, connecting the theoretical underpinnings with the research methodology and its interpretivist ontological and epistemological foundations. The chapter began with establishing the research questions and providing the rationale for selecting a case study method. It then explained why the *Victorian Local Government Act 2020* presented a compelling site for analysis. The chapter outlined the scope of the case study focus and provided a description of the embedded units of analysis, which included in-depth engagement with three councils coupled with broader sector data. The mixed methods research approach was outlined, as were each of the qualitative and quantitative data collection instruments, along with the rationales for including them in the research design. This was followed by an account of the data analysis and how the research integrated the multiple sources of data to establish findings. The chapter demonstrated how the research approach continually adapted and responded to circumstances as they emerged in a manner that ensured the findings were consistently interrogated against multiple sources of evidence and interpretation.

Chapter 5 began by outlining how the community engagement requirements of the *Victorian Local Government Act 2020* were a significant departure from the requirements of the preceding Act. It established a context for this reform, including the events and actors that are likely to have influenced the State Government and some of the dominant narratives that accompanied the legislation, including the Victorian State Government's expressed intention to 'improve local democracy'. It examined some of the key issues the sector identified with the legislation during its development, in particular, the general aversion to mandating deliberative engagement practices. The chapter provided an initial account of the Victorian local government sector's response to deliberative engagement practices and its preparedness to adapt the practices before identifying some of the perceived constraints and concerns that later informed how the practices were implemented.

Chapter 6 provided an empirical account of how the 'principles-based' nature of the legislation meant that councils were tasked with interpreting and defining for themselves what deliberative engagement practices meant. It outlined the

considerable amount of sense-making that occurred in the initial stages of the Act's implementation and found that, rather than draw on industry standards and expertise, local government actors predominantly made sense of their legislative requirements by looking to each other for signposts for action. It found that whilst some of the rules and practices labelled deliberative engagement were incongruous to the commonly accepted standards of the practices, they were nonetheless supported by narratives that defended them. The analysis in the chapter then demonstrated that, in the context of a reform agenda that sought to 'put community at the heart of decision-making' (Minister for Local Government, 2016), the ambiguity around a principles-based act and a virtual vacuum of either regulatory or industry oversight meant deliberative engagement practices were vulnerable to co-option. Finally, in the context of 'public value', it highlighted that the State Government's presumption that mandating deliberative engagement practices would lead to improving democracy was problematic as it did not account for the general ambiguity and apprehension that surrounded these legislative requirements. The chapter demonstrated that there needs to be greater consideration of the norms, dominant paradigms, and motivations of policy actors who are responsible for the actualisation of democratic innovations, and more collective sense-making around their public value proposition.

Chapter 7 considered the authorising environment by examining how legitimacy was conferred on the deliberative engagement practices that were implemented. The chapter begins with exploring how councillors were mostly restricted from participating in deliberative engagement processes, in line with a dominant narrative that had emerged arguing this was *de rigueur* practice. It also highlighted how, despite being one of the cornerstone objectives of the legislation, the recruitment methods employed by most councils are likely to have attracted participants with high levels of political agency. Finally, it examined the continuance of the public exhibition process, which, although no longer legislated, was maintained by most councils with the assumption that it would improve inclusion. Combined, these practices demonstrate how policy actors adapted practices in ways that gave preference to the status quo and extant public participation processes. It also highlights how narratives emerged

to justify those practices even when, knowingly or not, they undermined their legitimacy and were inconsistent with the principles of democratic innovations. The chapter built on the findings of Chapter 6 and further demonstrated that the executive arm of local government played a critical role regarding how deliberative engagement practices were understood, and how processes were framed and ultimately given legitimacy by elected representatives.

Chapter 8, the final empirical chapter, focused on the operational capacity of the local government sector. It gave context to the environment in which the deliberative engagement practices were realised and considered how the uncertain and time-constrained conditions impacted the courses of action chosen by council staff during implementation. The chapter highlighted how decisions around appropriate standards for deliberative engagement practices were mostly drawn from sector-based frames of reference, and the mimetic behaviours that occurred as a result of this. The chapter also considered the two dispositions that seemed most prevalent in council staff; it examined how they approached the task of operationalising deliberative engagement practices and the types of organisational cultures and leadership that enabled those approaches. The chapter then concluded by reflecting on capacity building and hypothesised on what might be required to support deliberative engagement practices into the future.

Drawing on the individual findings from each of the empirical chapters and each of the research questions, Chapter 9 demonstrated how the study built on existing knowledge and expanded understandings of how democratic innovations are institutionalised. It provided a synopsis of the findings and argued that they created a fuller description of the constraints and conditions that public managers navigated when operationalising deliberative engagement practices in Victoria. Four key considerations were advanced. These were examined in the context of relevant scholarship, explaining how the study aligns with and augments some of the empirical research in this field. The chapter then reflected on the theoretical frameworks utilised in the thesis, establishing how both public value theory and institutionalism provided useful prisms through which to examine the data.

This chapter (Chapter 10) concludes the study. It outlines each of the chapters and their findings and puts forward the contributions and implications for the study. Finally, the chapter identifies some of the research limitations before proposing suggestions for further research.

10.3 Contribution and implications for the study

10.3.1 Empirical contribution

Whilst the empirical literature on deliberative processes and its outcomes is extensive, research focused on the institutionalisation of democratic innovations and how they are integrated into the governance processes of existing systems is not. As a case study, the *Victorian Local Government Act 2020* provided a unique opportunity to explore this subject for a variety of reasons.

Given the research was positioned at a state-wide level, the study was able to consider how all 79 local government organisations responded to the legislation from a breadth of different organisational contexts and authorising environments. This ranged from those who engaged more enthusiastically with the new requirements to those who were quite resistant. This meant that the research could obtain a relatively comprehensive understanding of the multitude of organisational drivers and constraints policy actors contend with when operationalising practices. In addition to the breadth of organisations included in the study, the research was also able to achieve depth with the three councils that were embedded units of analysis. Following these councils over a two-year period meant that data was able to generate ‘thick descriptions’ and a nuanced understanding of the factors which influenced decisions or courses of action. Combined, the research scope was considerable.

Added to the scope, the case study also provided a distinctive opportunity to examine how democratic innovations might be institutionalised through legislative reforms. As noted in the early chapters, there has been increasing interest in embedding democratic innovations more formally in the functions of government. The *Victorian Local Government Act 2020* is one such attempt and was expressly championed as a means to improve democracy and bring

citizens closer to local government decision-making. As a case study, it was an opportunity to explore how the normative assumptions around democratic innovations, and reform efforts based on those assumptions, are applied in an empirical setting.

In terms of the specific focus of the empirical research, analysis centred on the role of public administration, which is rarely explored in scholarship on democratic innovations, with a handful notable exceptions (e.g., Blanco et al., 2022; Bua & Bussu, 2021; Bynner et al., 2023; Montambeault, 2019; Nabatchi, 2010). The thesis provided an in-depth understanding and analysis of how public managers perceived the practices and justified their choices and actions. In some ways, the empirical results confirm those of previous studies and of theoretical understandings; they also extend the extant knowledge and provide a more nuanced and complex picture of the dynamics public managers navigate when operationalising deliberative engagement practices.

Finally, another empirical contribution is that the thesis provides research in a local government context. As established in Chapter 2, despite the fact that many democratic innovations are implemented at a local government level (e.g., in the OECD 2020 review of 289 world-wide cases of deliberative engagement practices, 52% had been at the local government level), there is limited research that focuses on this context. This is particularly pertinent for several reasons. Perhaps stemming from the need to be efficient and effective, public participation at a local government level tends to be couched more in terms of its instrumental utility than its emancipatory benefits (McDonnell, 2021). The research demonstrates how this pragmatic orientation had a consequential effect on how the practices were interpreted and applied. Furthermore, the relationship between executive and elected representatives can be quite distinct at a local government level compared to other levels of government. Whilst the positional power afforded by the executive in the Victorian local government context may be particularly heightened, it is reasonable to say that a research contribution is highlighting the importance of interrogating this dynamic further.

10.3.2 Theoretical contribution

The thesis applied both public value theory and institutionalism as theoretical frames of reference for the research design. The benefits and challenges of this approach, which were examined in detail in Chapter 9, can also be considered a contribution of the thesis. The combination of public value theory and institutionalism is not only unusual in and of itself but also relatively uncommon within the study of democratic innovations. Through these two lenses, a better appreciation of why certain courses of action seemed more compelling than others and how decisions were legitimised and justified in the authorising environments was achieved. As such, these two theoretical approaches provided multiple entry points for the interpretation of the research findings and brought new insights into the complexities of institutionalising democratic innovations.

In addition, this epistemological orientation meant that the research was firmly positioned within a public administration context, focusing on local governments and how they responded to legislative changes. As noted in Chapter 2, few scholars have explored democratic innovations from this perspective; as such, public value theory and institutionalism offered a distinct perspective to current empirical understandings.

10.3.3 Policy implications

As research that was situated in a case study of legislative reform, the thesis has some policy implications that can also be considered a contribution.

The thesis demonstrates that the principles-based nature of the legislation, and therefore, an absence of clear guidelines around what deliberative engagement entailed, meant that implementation was influenced significantly by organisational dispositions and pragmatic constraints. This could be considered especially problematic for reform efforts that attempt to renew democracy as the premise of democratic innovations tends to be based on normative assumptions of their perceived value, which the research found were not necessarily resonant with how public managers interpreted and applied the practices. As

examined in Chapter 9, this may have been the unintended consequence of the way the legislation was developed and the growth mindset that was advanced by the Victorian State Government. The research suggests that future legislative reform would benefit from a clearer set of standards to guide practices.

In addition, given that existing norms can crowd out efforts at reform and even co-opt or subvert them, a reform agenda that aims to institutionalise democratic innovations needs to be cognisant of these constraints. That is, embedding democratic innovations into the rules of government does not necessarily change the practice. The research suggests that, beyond legislative reform and clearer guidelines, to integrate democratic innovations into the operations of government, a focus on deinstitutionalising the existing practices, dominant narratives, and organisational cultures is required.

Furthermore, the research demonstrates the influence of communities of practice on how deliberative engagement practices were understood and designed by local governments in Victoria. As stated previously, policy actors looked to their colleagues when identifying appropriate courses of action, and these peer-to-peer relationships proved to be more powerful than the influence of experts such as consultants. In terms of reform efforts, these findings suggest that, in addition to greater attention to organisational norms and constraints, sector-based champions of the practices are needed. Over time, these champions may generate a critical mass and catalyse mimetic behaviours, shifting the standards of practice and ambitions of the sector as a whole.

10.4 Research limitations

As described in Chapter 9, the research question '*How does the authorising environment influence the design and implementation of deliberative engagement practices, including their perceived legitimacy?'* made assumptions about the influence of elected representatives on the deliberative engagement practices, which, in some ways, was contradicted by the data collected. This

limitation could have occurred for two key reasons. Firstly, the research question was informed by the extant literature, which suggests that elected representatives have decisive influence over how democratic innovations are legitimised. However, this did not take into consideration one of the premises of the research, which is that there has been limited examination of how public managers might also impact practices. In retrospect, a less presumptive question would have been more appropriate. In addition, far less data regarding how councillors were engaged with the deliberative engagement practices was collected. There were only six interviews with councillors, and while there were 102 councillor responses to the survey that provided more wide-ranging data, more interviews with elected representatives would have been beneficial and may have drawn out other findings about how they impacted the realisation of deliberative engagement practices, or how they conferred legitimacy on them.

Linked to this, the research was predominantly focused on organisational conditions and therefore, a deeper understanding of how elected representatives engaged with the processes was not achieved. Although there were some indications in Chapter 7, the possible dichotomy or 'turf war' between elected representatives and democratic innovations was not explored. This again was probably a result of the data collection, which, in addition to having interviewed only a limited number of councillors, did not interrogate different perspectives as much as it could have. In addition to interviewing more councillors, the interviews and survey could have included questions about perceptions of representation (e.g., whether they were a traditionalist who saw themself as having delegated authority or were more consultative in their approach), and how they perceived democratic innovations in relation to their role. As Wright (2011) notes, each researcher must make strategic decisions about where to position themselves within the field, knowing that this chosen site opens a window onto certain phenomena and not others. The window chosen in this thesis was organisations and public administration, which inevitably meant other outlooks, like elected representation, were examined less.

In terms of the research design, positioning the research within one case study has implications for the generalisability of the findings. This is a criticism that is commonly levelled at single case studies (Yin, 2014); however, the research goal was to expand understandings and provide a more nuanced and comprehensive account of how the practices were institutionalised, not extrapolate definitive answers. To this end, the research achieved its intention of providing in-depth understandings in a real-world context through a case study approach (Yin, 2012). Added to this, notwithstanding that there are different political systems and cultures, the research also demonstrates consistencies with some international research, and therefore, demonstrates that it was, to some degree, generalisable.

Regarding the embedded units of analysis, the councils involved in the study had relatively amenable and conflict-free experiences within their organisations, with only minimal glimpses of disruption. Therefore, the research relied on interviews from consultants and some survey responses to understand positions that were strongly antagonistic towards the practices. In addition, the fact that all three councils had mostly constructive relationships with councillors meant there was limited interview data exploring some of the tensions in authorising environments that were reported by consultants. Again, analysis relied on what was expressed by consultants and fragments of more combative councillor-administration relationships that were noted through the survey. Had the research sought out councils with these more contentious environments the findings may have been more comprehensive. However, it is unlikely that those councils would have participated as embedded units of analysis, therefore other data collection approaches would have been required.

10.5 Further research suggestions

Although much of the thesis focused on how deliberative engagement practices were adapted to suit the organisational norms and constraints of local government, it would be inaccurate to suggest there has not been some change. The legislation may not have achieved the ambitious objective of ‘improving democracy’; however, it has created a more enabling authorising

environment and generated greater investment in community engagement. In line with the Victorian State Government's growth mindset, a longitudinal study of the *Victorian Local Government Act 2020* would be valuable. This type of study would be able to explore how the practices evolve, become normalised, and create new path dependencies. Over time, this research could reveal whether the legislation is transformative, or whether its trajectory begins to amount to what Fung (2003, p. 339) describes as 'reformist tinkering' and the gradual de-legitimisation of democratic innovations.

A longitudinal study of the *Victorian Local Government Act 2020* would also allow for the practices to be examined against changing authorising environments. This includes a new cohort of councillors that will be elected in 2024 and any changes that may occur within executive groups of councils. In addition, it allows for changes with regard to the Victorian State Government's approach. While the Victorian Auditor-General's Office has not yet indicated that they are planning to audit any of the legislated practices, it is feasible that this will occur given it was flagged in the 2015 *Public Participation in Government Decision-making: Better Practice Guide.* In addition, as noted in Chapter 9, it remains unclear whether the extent of deviation from standard deliberative engagement practices was foreseen or considered acceptable by the authors of the legislation. It would be worthwhile to examine how the Victorian State Government responds to what has occurred and whether they begin to impose more prescriptive guidelines.

10.6 Conclusion

In a research area that is eminently subscribed, this thesis could be considered ambitious in aiming to make a valued contribution. Democratic innovations have been studied broadly and with increasing interest in theory and practical applications. Albeit a prolific area of scholarship, research that examines how democratic innovations are institutionalised and how they are integrated with existing modes of democratic representation and public participation remains relatively sparse. The legislative changes of the *Victorian Local Government Act 2020*, which introduced mandatory deliberative engagement practices for

council strategic planning, offered a unique opportunity to explore this less subscribed area of research.

Interpretivist in nature, the research was not designed to find absolute or causal inferences; equally, it was not intended as an evaluation of the deliberative engagement practices that occurred in Victoria, nor a judgement on their achievements. Instead, it used the legislative changes as an opportunity to explore their actualisation and provide an enhanced, or expanded, understanding of institutionalising democratic innovations.

Furthermore, the research was designed with the organisation, or public administration, firmly at its core. The use of public value theory and investigation through the spheres of public value, authorising environments, and organisational capacity allowed for a more complete and layered understanding of how democratic innovations were interpreted and realised by public sector managers. In addition, an institutionalist lens provided a window into examining the intrinsic motivations and constraints that influenced policy actors' decisions regarding courses of action.

Ultimately, the research highlights the critical role public managers played in framing deliberative engagement practices, and the varied organisational norms and constraints that, whether intentionally or not, hindered reform efforts around democratic ideals. It found that in the process of sense-making, how the legislation was interpreted was shaped considerably by existing networks, systems, cultures, and norms. This was identified as particularly problematic for democratic innovations because much of their ascendancy has been premised on normative ideals and hegemonic discourses about their outcomes. As such, the research suggested that, beyond legislative reform, to embed democratic innovations into the operations of government, a focus on deinstitutionalising the existing practices, dominant narratives, and organisational cultures is required. In other words, the research has established that the emancipatory and empowering potential of democratic innovations is not a given; rather, it must be rigorously pursued. Furthermore, greater attention should be given to

the institutional constraints that democratic innovations are enacted and embedded within.

However, caution must be taken to not simply critique the legislation as this would fail to appreciate that advances were made through creating a more enabling authorising environment and greater investment in these practices. Given the study focused on the first iteration of the legislation's requirements, it is a reasonable assumption that transformation may occur in the future as local governments become more accustomed to the practices and perhaps more confident in their approach. Referring to Scotland's *Community Empowerment Act 2015*, a recent article stated that 'the "new" legislation has helped to advance the public participation agenda in Scotland, but it is perhaps *too early to see its full impact'* (Bynner et al., 2023, p. 15, emphasis added). This suggests that it may be many years before the impact of the *Victorian Local Government Act 2020* is realised. Certainly, how the practices evolve, and whether they indeed reach the aspirations of 'improving democracy' will be interesting to observe over the coming decade.

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Amz-Credential=AKIA4KKNQAKIOR7VAOP4%2F20230322%2Fap-southeast-2%2Fs3%2Faws4_request&X-Amz-Date=20230322T083108Z&X-Amz-Expires=300&X-Amz-SignedHeaders=host&X-Amz-Signature=01c4d0ffcb3df38c1f04fd166c1e8d26dc9cd4d71f52eff34dd7db7e8fb5156c

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Appendices

Appendix 1 Interviews overview

Appendix 1.1 Interviews with councils

Metro Council	CEO Interview 1	March 2021
	Director A Interview 1	March 2021
	Director B Interview 1	March 2021
	Corporate Planner Interview 1	March 2021
	Community Engagement Officer Interview 1	March 2021
	Mayor Interview 1	March 2021
	CEO Interview 2	September 2021
	Director B Interview 2	October 2021
	Corporate Planner Interview 2	October 2021
	Community Engagement Officer Interview 2	April 2021
	Mayor Interview 2	September 2021
Interface Council	CEO Interview 1	March 2021
	Manager A Interview 1	March 2021
	Manager B Interview 1	March 2021
	Manager C Interview 1	March 2021
	Community Engagement Officer Interview 1	March 2021
	Mayor Interview 1	March 2021
	CEO Interview 2	October 2021
	Manager A Interview 2	October 2021
	Manager B Interview 2	October 2021
	Manager C Interview 2	October 2021
	Community Engagement Officer Interview 2	November 2021
	Mayor Interview 2	October 2021
	Corporate Planner Interview 1	October 2021
Rural Council	CEO Interview 1	March 2021
	Director Interview 1	March 2021
	Manager A Interview 1	March 2021
	Manager B Interview 1	March 2021
	Community Engagement Officer Interview 1	March 2021
	Mayor Interview 1	March 2021
	CEO Interview 2	October 2021
	Director Interview 2	October 2021
	Manager A Interview 2	October 2021
	Community Engagement Officer Interview 2	October 2021
	Mayor Interview 2	October 2021

Appendix 1.2 Interviews with consultants

Consultant 1	August 2021
Consultant 2	August 2021
Consultant 3	August 2021
Consultant 4	September 2021
Consultant 5	September 2021
Consultant 6	September 2021
Consultant 7	September 2021
Consultant 8	September 2021
Consultant 9	September 2021
Consultant 10	September 2021
Consultant 11	November 2021

Appendix 2 Interview questions

Appendix 2.1 Councils first round interview questions

There were three slightly different versions of interview questions depending on the individuals: Organisation, CEOs and Directors, and Mayors.

Interview Question	Research Question alignment
1. *(All)* I'd like to start with the legislative changes. What were your initial thoughts when you found out about the legislative changes around community engagement and in particular, the deliberative engagement requirements?	How are deliberative engagement practices understood and interpreted by local government organisations? (Value)
2. *(Organisation)* Can you talk me through how you were involved in planning Council's approach to deliberative engagement? What aspects were you involved in and where was your input needed? *(CEOs and Directors)* Can you talk me through the process of deciding how your Council will approach deliberative engagement? How did you go about deciding who would have responsibility for the implementation and where your own input would be required? *(Mayors)* Can you talk me through how you were involved in planning Council's approach to deliberative engagement? Which aspects were you a part of or did you oversee?	How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented? (Operational Capacity)
3. *(Organisation, CEOs and Directors)* What internal drivers or considerations do you think were most influential to the deliberative engagement process Council ended up deciding on? *(Mayors)* What kind of considerations do you think were most influential to the deliberative engagement process you ended up deciding on?	How are deliberative engagement practices understood and interpreted by local government organisations? (Value)
4. (*Organisation)* Thinking about your Executive Group and Councillors, from your interactions with them, were there aspects of the engagement they were enthusiastic about, or they found challenging or were unsure about?	How does the authorising environment influence the design and implementation of

(CEOs and Directors) I'd like to talk a little about how councillors have engaged with the process, how did you approach involving them? Were there aspects of the engagement they were enthusiastic about, or the found challenging or were unsure about? *(Mayors)* I'd like to talk a little about how you and your fellow councillors have engaged with the process. What aspects of deliberative engagement do you think have been positive? Are there aspects that you or your fellow Councillors have been a little unsure about?	deliberative engagement practices, including their perceived legitimacy? (Authorising Environment)
5. *(All)* Were there people or organisations (other than Council and Councillors) that you think had an influence over the way the process was designed? If so, how did they influence the process?	
6. *(All)* Reflecting on the engagement process so far, do you think there has been any significant shift in how Council approaches community engagement?	How are deliberative engagement practices understood and interpreted by local government organisations? (Value)
7. *(All)* Looking back on the process to date, is there something you think should be done differently in planning for the deliberative engagement processes? What do you think prevented Council from doing it this time around?	How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented? (Operational Capacity)

Appendix 2.2 Councils second round interview questions

There were three slightly different versions of interview questions depending on the individuals: Organisation, CEOs and Directors, and Mayors.

Interview Question	Research Question alignment
1. *(Organisation, CEOs and Directors)* I'd like to start with reflecting on the process you undertook, how would you compare how it went to the way you had planned it originally? Were there adaptations you had to make along the way? If it went to plan, what do you think contributed to this? If you had to make changes, could you talk me through what happened and how you decided the best way forward? *(Mayors)* In terms of the process, how would you compare how the process went to the way it was planned from your understanding? Were there adaptations that you and your fellow councillors made or would have liked to see along the way?	How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented? (Operational Capacity)
2. *(Organisation, CEOs and Directors)* If you had a chance to press pause at any stage of the process, where would you have done this and why? *Question not asked to Mayors*	
3. *(Organisation)* What input and role did your Executive Group and Councillors have in the deliberative engagement process? From your perspective, what were the benefits or drawbacks of this approach? *(CEO and Directors)* How did you decide what the role of the Mayor and Councillors was going to be? From your perspective, what were the benefits or drawbacks of this approach? *(Mayors)* How did your Council decide what the role of the Mayor and Councillors was going to be? From your perspective, what were the benefits or drawbacks of this approach?	How does the authorising environment influence the design and implementation of deliberative engagement practices, including their perceived legitimacy? (Authorising Environment)

4.	*(Organisation)* Thinking about your Executive Group and Councillors, from your interactions with them during and after the process, were there aspects that were 'sticking points'? What do you think was behind this? *(CEO and Directors)* Thinking about your deliberative engagement process, were there aspects that were 'sticking points' for the executive group or councillors? What do you think was behind this? *(Mayors)* Were there aspects that were 'sticking points' for you or your fellow councillors? What were they and how were they resolved?	
5.	*(All)* I'd like to talk about the consultants you engaged but this isn't to evaluate how they did their task or whether you were satisfied with them, instead, I'd like to know about the skills you think they brought to the process that you wouldn't have been able to provide internally through council staff and why?	How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented? (Operational Capacity)
6.	*(Organisation, CEOs and Directors)* In your opinion, what types of organisational structures and processes support implementing deliberative engagement at council? Were there points at which things stalled or became complicated? Why do you think this happened? *Question not asked to Mayors*	
7.	*(Organisation, CEOs and Directors)* What organisational capabilities do you think were most important for delivering the deliberative engagement process? This can be skills, resources, leadership, organisational culture – anything you think is tied to the ability of the organisation to implement the deliberative engagement process. Why do you think they were important? *(Mayors)* From your perspective working with the CEO and staff, what organisational capabilities do you think were most important for delivering the deliberative engagement process? This can be skills, resources, processes, leadership, organisational culture – anything you think is tied to the ability of the	

	organisation to implement the deliberative engagement process. Why do you think they were important?	
	(Only asked to Mayors) What would you recommend in order to prepare councillors for any future deliberative engagement process?	How does the authorising environment influence the design and implementation of deliberative engagement practices, including their perceived legitimacy? (Authorising Environment)
8.	*(All)* In your opinion, has the legislation improved the way council engages with its community in strategic planning around Council Plan? If so, how? If not, why not?	How are deliberative engagement practices understood and interpreted by local government organisations? (Value)

Appendix 2.3 Consultants interview questions

Interview Question	Research Question alignment
1. I'd like to start with the legislative changes. What were your initial thoughts when you found out about the legislative changes around community engagement and in particular, the deliberative engagement requirements?	How are deliberative engagement practices understood and interpreted by local government organisations? (Value)
2. Can you talk me through how you have been involved in planning deliberative engagement approaches for the Councils you have been engaged by? Where do you think your input and knowledge was particularly required?	How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented? (Operational Capacity)
3. What considerations (or limitations) do you think were most influential to the deliberative engagement process and approach the Councils ended up deciding on?	
4. What kinds of capabilities, approaches, authority or even general attitudes, did you find were most needed from the council staff members that you were working with?	
5. I'd like to talk a little about how councillors and executive group engaged with the process. What aspects of deliberative engagement do you think they paid particular attention to or needed more clarification around? Were there aspects they had particular interest in or influence around?	How does the authorising environment influence the design and implementation of deliberative engagement practices, including their perceived legitimacy? (Authorising Environment)
6. How do you think Councillors have responded to the deliberative engagement requirements?	
7. From your perspective, did the expectations of the broader community have much influence over the way the process was designed or delivered? If so, how did this influence the process?	
8. Looking back on the process to date, is there something you think should be done differently in planning and delivering a deliberative engagement process with local government next time? What do you think prevented you or Council from doing it this time around? (Please note: this is a question around how you might engage differently with council staff or frame the practice differently etc. not your actual engagement design or process with community members).	How do organisational cultures and constraints inform how deliberative engagement practices are designed and implemented? (Operational Capacity)

Appendix 3 Observations overview

Appendix 3.1 Observations Councils

Dates of meetings are not provided to protect confidentiality

Metro
Two Council Plan Planning Sessions with Internal Staff
Council Meeting where deliberative engagement discussed
Councillor Induction
Community information session on deliberative engagement
Internal meeting with consultants to discuss deliberative engagement workshops
Council Meeting regarding Community Engagement Policy
Council Meetings regarding deliberative engagement outcomes
Special Council Meeting regarding deliberative engagement outcomes
Council Meeting regarding draft Council Plan
Council Meeting endorse Council Plan

Interface
Internal workshop with council staff and consultants to design deliberative engagement
Two internal debrief meetings following workshops with consultants
Internal debrief meeting following first session with deliberative engagement panel
Internal debrief meeting at completion of deliberative engagement panel
First Council Plan Planning Session with Internal Staff facilitated by consultant
Second Council Plan Planning Session with Internal Staff facilitated by consultant
Council Plan Planning Session with Executive and Managers facilitated by consultant
Council Plan Session with Councillors facilitated by staff
Internal Committee meeting which discussed deliberative engagement practices

Rural
Council meeting to endorse Community Engagement Policy
Internal Deliberative Engagement Project Group meeting
Council Plan Executive Workshop facilitated by consultant
Council Plan Leadership Group meeting facilitated by consultant
Special Council Meeting regarding deliberative engagement outcomes
Presentation of deliberative engagement outcomes to stakeholders
Internal debrief meeting of Leadership Group on Council Plan development

Appendix 3.2 Observations Sector-wide

Local Government Victoria	
Local Government Act Co-Design Conversation - Community Engagement Policy	16 July 2020
LGV Connects Webinar on Integrated Strategic Planning Reporting Framework (ISPRF) facilitated by MosaicLab	7 August 2020
LGV Connects Webinar Co-Design Update on ISPRF facilitated by MosaicLab	30 October 2020
LGV Connects Webinar Community Engagement Policy Updates	18 February 2021

Peak Industry Bodies	
LGPro Victoria - Future Local Government Workshop: Deliberative Engagement and the new Act: Addressing the Challenges with Max Hardy and Todd Beavis.	November 24 2020
IAP2 Webinar Demystifying Deliberative Engagement Part 1	11 August 2020
IAP2 Webinar Demystifying Deliberative Engagement Part 2	27 August 2020
IAP2 Webinar Deliberative Engagement Learnings from councils	10 December 2021
VLGA Local Government Act 2020 Explained - Embracing Community Engagement	25 November 2020
VLGA Connect Summer Series: Episode 134, Governance Update (with focus on community engagement)	28 January 2021
Mosaic Lab Launch Report - 'Deliberation and Democratic Trust - Measuring participant change across 10 Victorian councils'	18 November 2021

Appendix 4 Sector-wide surveys

Appendix 4.1 Deliberative Engagement at Victorian Councils Survey – Organisational

Question 1	What category best describes your Council? • Metro • Interface • Regional/Rural
Question 2	Which best describes your role in the organisation? • Member of Executive • Manager • Coordinator/Team Leader • Officer
Question 3	Which of these statements describes your Council's usual engagement practices and approach? Choose all that describe your Council: • We tend to go beyond what is required and often try innovative approaches to community engagement. • We have a continuous improvement approach and are slowly trying to develop our capacity in this area. • We tend to only deliver the minimum requirements when it comes to community engagement. • We tend to stick to the 'tried and tested' methods. • We have had engagement activities result in conflict or negative publicity. • We have had engagement activities result in very positive community outcomes and publicity. • Our engagement activities have tended to fly under the radar in the past with very little interest from our community. • None of the above – please add:
Question 4	What did you do to find out about what 'deliberative engagement' is, and to understand what it might involve for your Council? Choose all that apply: • Participated in meetings where Council staff or consultants gave presentations • Attended webinars run by Local Government Victoria • Attended webinars run by industry professionals such as VLGA, IAP2 and consultancies • Talked about it with my networks • Looked at what other local government organisations were doing or other case study examples • Read about it online or in publications • Talked about it with people who had experience with deliberative engagement • I already had some understanding of 'deliberative engagement' • I already had extensive experience with 'deliberative engagement' • Other – please add

Question 5	Now that you have been through the process at least once, to what degree do you think deliberative engagement achieves the following: (Not at all, very little, not sure, a fair degree, a lot) • Involves community members that are more reflective of the general community compared to standard engagement activities. • Ensures that final recommendations are more focused on collective priorities for the whole community rather than singular interests. • Provides Council with better informed recommendations for its strategic plans. • Provides Council with an opportunity to explore different options and understand which might be more acceptable to our community. • Builds community's trust in Council. • Builds community's understanding of Council. • Increases levels of civic engagement and political participation.
Question 6	How involved were the councillors in the design of the deliberative engagement process? Choose one: • Councillors were very involved in designing the deliberative engagement activities – e.g. deciding the remit or how community members would be engaged. • Councillors were somewhat involved – e.g. had the opportunity to ask questions and make changes to the deliberative engagement activities before they occurred. • The design of the deliberative engagement activities occurred mostly without Councillors – e.g. they were informed about deliberative engagement activities but did not have an opportunity to make changes. • Not sure – I didn't have much involvement with the Councillors around the deliberative engagement process. • Other (please specify):
Question 7	From your perspective, what would you say was the main reason for the level of involvement councillors had? Choose one: • Level of interest from Councillors • In line with our understanding of deliberative engagement practice and expectations of legislation • Process was decided by Executive Leadership Group and organisation • Unsure • Other (please specify):
Question 8	What level of influence do you think the deliberative engagement process had on the Council Plan? Choose the option that is most aligned to your Council's approach: • The recommendations were presented to Council, but they didn't change the strategies in the final Council Plan either at all or very much.

	• The recommendations were considered, and some changes were made. Council provided feedback to community about how their input influenced the decision. • Council worked with community members involved in the deliberative engagement to ensure that their priorities and recommendations were reflected in the strategies that were developed. • Council provided the community members involved in the deliberative engagement the opportunity to come up with their own solutions to issues that were discussed during deliberation and then incorporated these to the maximum extent possible. • Council committed to implementing whatever the community decided through the deliberative engagement process.
Question 9	Why do you think Council decided on this level of influence for the Council Plan? Please choose the main reason from your perspective: • This was considered the most appropriate level of influence by councillors. • It was in line with our understanding of deliberative engagement practice and the expectations of legislation • It was what the consultant recommended as appropriate • This was the level of influence suggested by the Executive Leadership Group and organisation • It was in line with what we would usually do for the development of the Council Plan • Other (please specify):
Question 10	From your perspective, if Council had more time or resources for the deliberative engagement process, how would you use these? Choose as many as relevant: • Spend more time or resources to better understand what deliberative engagement is and how it can be used effectively for our strategic plans • Spend more time working with Councillors on the deliberative engagement process and how it would inform our strategic plans • Spend more time on developing a remit and collating information so that the deliberation links directly to useful information for our strategic documents. • Improve the processes for recruiting community members to the deliberative engagement activities • Increase the number or scope of broader community engagement activities either before, during or after the deliberative engagement process • Increase the number or scope of the deliberative engagement activities • Improve our engagement with key community stakeholders so they understand and support the process • Space out the deliberative engagement activities more so that there is more time to reflect and prepare between sessions • Increase the scope of the Consultants' brief so they can be more involved

	• Improve the evaluation of our deliberative engagement process for continuous improvement • Spend more time building buy-in and greater input across different areas of the organisation • None of the above – please comment
Question 11	Which area of council was the lead for your deliberative engagement process? Choose one: • Community Engagement • Communications • Corporate Planning • Governance • A Project Team was created with a mix of people from different areas • I'm not sure • Other
Question 12	What would you say are the key capabilities the organisation needs for effectively delivering deliberative engagement activities? Please choose 3 that you think are most important: • Good working relationship between councillors and organisation • Constructive relationship with community stakeholders • Good communication skills – particularly developing materials for different stakeholders (Councillors, community, organisation) • Good processes for developing strategic documents (e.g. Council Plan) • Skill and experience in community engagement. • Ability to attract and work with quality consultants • Other – please add;
Question 13	Optional: Is there anything you would like to add about building capacity for deliberative engagement practices in local government?

Appendix 4.2 Deliberative Engagement at Victorian Councils Survey – Councillors

Question 1	What category best describes your Council? • Metro • Interface • Regional/Rural
Question 2	Were you the Mayor in 2021? • Yes • No
Question 3	Which of these statements describes your Council's engagement practices and approach? Choose all that describe your Council: • We tend to go beyond what is required and often try innovative approaches to community engagement. • We have a continuous improvement approach and are slowly trying to develop our capacity in this area. • We tend to only deliver the minimum requirements when it comes to community engagement. • We tend to stick to the 'tried and tested' methods. • We have had engagement activities result in conflict or negative publicity. • We have had engagement activities result in very positive community outcomes and publicity. • Our engagement activities have tended to fly under the radar in the past with very little interest from our community. • None of the above – please add:
Question 4	What did you do to find out about what 'deliberative engagement' is, and to understand what it might involve for your Council? Choose all that apply: • Participated in meetings where Council staff or consultants gave presentations • Attended webinars run by Local Government Victoria. • Attended webinars run by industry professionals such as VLGA, IAP2 and consultancies. • Talked about it with my networks. • Looked at what other local government organisations were doing or other case study examples. • Read about it online or in publications. • Talked about it with people who had experience with deliberative engagement. • I already had some understanding of 'deliberative engagement'. • I already had extensive experience with 'deliberative engagement'. • Other – please add

Question 5	Now that you have been through the process at least once, to what degree do you think deliberative engagement achieves the following: (Not at all, very little, not sure, a fair degree, a lot) • Involves community members that are more reflective of the general community compared to standard engagement activities. • Ensures that final recommendations are more focused on collective priorities for the whole community rather than singular interests. • Provides Council with better informed recommendations for its strategic plans. • Provides Council with an opportunity to explore different options and understand which might be more acceptable to our community. • Builds community's trust in Council. • Builds community's understanding of Council. • Increases levels of civic engagement and political participation.
Question 6	As a Councillor or Mayor, how involved were you in the design of the deliberative engagement process? Choose one: • I was very involved in designing the deliberative engagement activities – e.g. deciding the remit or how a community panel would be selected. • I was somewhat involved – e.g. I had the opportunity to ask questions and make changes to the deliberative engagement activities before they occurred. • I wasn't involved in the design of the deliberative engagement activities – e.g. I was informed about deliberative engagement activities but did not have an opportunity to make changes. • Not at all – I don't remember being informed about the deliberative engagement activities. • Other (please specify):
Question 7	From your perspective, what would you say was the main reason for the Councillor or Mayoral level of involvement in deliberative engagement activities? Please choose one: • Level of interest from Councillors • In line with our understanding of deliberative engagement practice and expectations of legislation • Process was decided by Executive Leadership Group and organisation • Other (please specify):
Question 8	What level of influence do you think the deliberative engagement process had on the Council Plan? Choose the option that is most aligned to your Council's approach: • The recommendations were presented to Council, but they didn't change the strategies in the final Council Plan either at all or very much. • The recommendations were considered, and some changes were made. Council provided feedback to community about how their input influenced the decision.

	• Council worked with community members involved in the deliberative engagement to ensure that their priorities and recommendations were reflected in the strategies that were developed. • Council provided the community members involved in the deliberative engagement the opportunity to come up with their own solutions to issues that were discussed during deliberation and then incorporated these to the maximum extent possible. • Council committed to implementing whatever the community decided through the deliberative engagement process.
Question 9	Why do you think your Council decided on this level of influence for the Council Plan? Choose the main reason from your perspective: • This was considered the most appropriate level of influence by Councillors. • It was in line with our understanding of deliberative engagement practice and expectations of legislation. • This was what the consultant recommended as appropriate. • This was the level of influence suggested by the Executive Leadership Group. • It was in line with what we would usually do for the development of the Council Plan • Other (please specify):
Question 10	From your perspective, if Council had more time or resources for the deliberative engagement process, what do you think would be the best use for these? Choose as many as relevant: • Spend more time or resources to better understand what deliberative engagement is and how it can be used effectively for our strategic plans. • Spend more time as a Councillor group working on the deliberative engagement process and how it would inform our strategic plans. • Spend more time on developing a remit and collating information so that the deliberation links directly to useful information for our strategic documents. • Improve the processes for recruiting community members to the deliberative engagement activities. • Increase the number or scope of broader community engagement activities either before, during or after the deliberative engagement process. • Increase the number or scope of the deliberative engagement activities. • Improve our engagement with key community stakeholders so they understand and support the process. • Space out the deliberative engagement activities more so that there is more time to reflect and prepare between sessions. • Increase the scope of the Consultants' brief so they can be more involved. • Improve the evaluation of our deliberative engagement process for continuous improvement. • None of the above – please add

Question 11	What would you say are the key capabilities the organisation needs for effectively delivering deliberative engagement activities? Please choose 3 that you think are most important: • Good working relationship between Councillors and Organisation • Constructive relationship with community stakeholders • Good Communication skills – particularly developing materials for different stakeholders (Councillors, community, organisation) • Good processes for developing strategic documents (e.g. Council Plan) • Skill and experience in community engagement. • Ability to attract and work with quality consultants. • Other (please specify)
Question 12	Optional: Is there anything you would like to add about building capacity for deliberative engagement practices in local government?