Social media, community engagement and perceptions of parliament: a case study from the NSW Legislative Council

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Introduction

A virtual 'smorgasbord' of reforms to increase public participation in the parliamentary process were proposed in the wake of the 2009 parliamentary expenses scandal in the United Kingdom. It was envisaged that initiatives, such as citizens' referenda and forums, would improve public confidence in the Parliament and its members that had been significantly shaken by this unseemly episode in British parliamentary history.[1]

Even before the expenses scandal unfolded, the new Information Communication Technologies (ICTs)[2] were being heralded as a valuable way to re-engage public interest in democratic institutions and to strengthen representation.[3] Social media, in particular, has been presented as a highly effective way for citizens to influence political decisions compared with traditional consultation methods.

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1 Fox R, 'Engagement and participation: What the Public Want and How our Politicians Need to Respond,' *Parliamentary Affairs*, 62(4), 673–85, 2009.

2 According to John Baczynski , the 'new' ICT technology, also known as 'Web 2.0', is internet communication technology that allows online discussion and collaboration, such as Facebook and YouTube. See Baczynski J, 'Opportunities for Greater Consultation? House Committees use of information and communication technologies,' Parliamentary Studies Paper 8, Crawford School of Economics & Government, ANU, Canberra, 2009 p1

3 Lusoli W, Ward S, Gibson R '(Re)connecting Politics? Parliament, the Public and the Internet,' *Parliamentary Affairs*, 59(1)24, 2006, accessed 20 July 2010, <http://pa.oxfordjournals.org/cgi/content/full/59/1/24>

Those who are interested in generating political engagement, however, should consider research by the Hansard Society over the past decade, including its annual *Audit of Political Engagement.* This body of work suggests that most people are not very interested in participating in political decision-making: they want their representatives to do this for them. While they want a voice in the process, they do not expect or desire a greater level of involvement. If they do get involved, they prefer options that demand little by way of sustained time and commitment.[4] With this in mind, the new ICTs would appear to hold much promise as a means of delivering the limited engagement desired by cynical, time-poor citizens.

Drawing on our experience of an online survey of young people conducted in 2009 for an inquiry into bullying, this paper argues that social media provides a potentially valuable avenue for community engagement in the parliamentary process. Online consultation, in particular, offers an appealing way for people to express their views without making unreasonable demands on their time. Also, as our case study suggests, the use of such methods may also help to improve public perceptions of parliaments.

While social media can play a valuable role in committee inquiries, our case study, along with an examination of other parliaments' experience in this domain, demonstrates that the deliberative potential of social media will always be constrained in the parliamentary context. These constraints include the uncertainty surrounding the application of parliamentary privilege to online communication and the need to protect vulnerable participants from the possible negative consequences of involvement in a committee inquiry. Parliaments are also constrained by the need to ensure their reputations are not damaged by the use of such methods.

We begin with an overview of recent research by the Hansard Society on political engagement, followed by an outline of the use of new technologies by parliamentary committees in Australia and the United Kingdom. We then focus specifically on the online consultation conducted in 2009 by a committee of the NSW Legislative Council. The final part of the paper examines briefly the privilege issues generated by parliaments' use of social media.

Public interest in political engagement

In a recent article in *Parliamentary Affairs*, Dr Ruth Fox, the Director of the Hansard Society's Parliament and Government Programme, discusses the plethora of reforms mooted in the wake of the Westminster expenses scandal. Many of these initiatives were designed to provide opportunities for public participation in political decision-making and thus re-establish public confidence in elected representatives and the parliament. The initiatives include allowing constituents to have a role in selecting parliamentary candidates and the establishment of citizen forums and panels.

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[4] Fox (2009) p 676. There is no evidence to suggest that such attitudes are dramatically different among Australian citizens.

Fox questions the ultimate success of many of these proposed initiatives because she believes they are not based on a realistic assessment of citizens' desired level of political activity. She argues that a decade of research by the Hansard Society, including the past six annual *Audits of Political Engagement*, suggests that:

- the greatest barrier to participation in political decisions is a lack of time
- most people prefer to seek influence over, rather than active involvement in, policy decisions
- self interest is a powerful motivating factor for many people to become politically engaged.[5]

Nor does Fox believe that there has been a surge in desire for political engagement post the expenses scandal:

> … there is no evidence before or since the expenses scandal broke that a huge swathe of the public have been newly politicised and stand ready and waiting to get involved in the political process in their stead.[6]

Well before the events of 2009, the internet was heralded as a critical means to address declining levels of trust in political institutions and to strengthen representation.[7] In 2004, the House of Commons Modernisation Select Committee noted that recent experiments with on-line consultation had been generally successful in 'giving a voice to those who would otherwise be excluded' and urged committees to make online consultation a less ad hoc aspect of their work.[8] In 2006 a House of Representatives committee also noted the ad hoc nature of committees' use of emerging technologies and called for a more strategic response: 'The House must drive change and manage the adoption of interactive technologies, particularly as they are used to engage with, and seek input from, the community.'[9]

Even if social media technologies are successful in engaging time-poor citizens in the political process, it is not clear whether this will strengthen representation. While an emerging body of research demonstrates the positive impact of social media on citizens' political engagement, more research is needed to establish whether the new media genuinely deepens or widens political engagement or merely amplifies those voices that are already prominent in the parliamentary system.[10] This could easily be the subject of another paper.

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[5] Fox (2009) p 676. This is not to suggest that Fox does not support any proposal to increase participation in parliamentary processes. For example, Fox supports the introduction of a new House of Commons Petitions committee as an effective (and not too time consuming) way to sustain public engagement in the long term.

[6] Fox (2009) p 675

[7] Lusoli et al. (2006) p 1

[8] House of Commons Modernisation Select Committee, *Connecting Parliament with the Public: First Report of Session 2003–04*, HC 368, accessed 9 July 2010 <www.publications.parliament.uk/pa/cm200304/cmselect/cmmodern/368/36802.htm>

[9] House of Representatives Standing Committee on Procedure, *Building a modern committee system — An Inquiry into the effectiveness of the House Committee System*, June 2010

[10] Lusoli et al. (2006) p 14

Our limited foray into online consultation demonstrates that such methods may be particularly appealing to many citizens who want to engage in political decisions of particular concern to them, without spending an inordinate amount of time in the process. Before proceeding to our case study, we will briefly discuss the term 'social media' and the use of online technologies by parliamentary committees over the past decade.

Committees' use of online technologies

Social media is 'any form of online publication or presence that allows end users to engage in multi-directional conversations in or around the content on the website.'[11] Most definitions of social media emphasise its interactivity: unlike the passive nature of the 'old' media such as newspapers and television, social media is a 'two-way street,'[12] which allows individuals to shift 'fluidly and flexibly between the role of audience and author.'[13] Social media can take many different forms, including internet forums, weblogs, social blogs, microblogging, wikis and podcasts.[14]

The House of Commons pioneered the use of online consultations in parliamentary committees in 1998 and has incorporated online consultations in several inquiries since that time. These consultations have been hosted either by the Hansard Society on its *Tell Parliament* website or via the Parliament's own *eConsultations* website. Both sites require participants to follow prescribed rules, and postings are moderated **before** becoming publicly viewable.[15]

According to John Baczynski, the Information Technology Advisor for the Australian Senate, the type of consultations in which information undergoes a formal authorisation process **prior** to publication (such as the online surveys discussed above) exemplify a 'top-down' communication model.[16]

A recent post on the Australian and New Zealand Clerks at the Table (ANZACATT) List Server suggests that very few Australian legislatures have conducted online consultations.[17]

Several committees in the House of Representatives have conducted online surveys to inform their inquiries, including one committee that advertised a survey on Google and Facebook.[18] With one exception, which is discussed below, these can

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[11] <www.onlinematters.com/glossary.htm> accessed 13 July 2010
[12] <http://webtrends.about.com/od/web20/a/social-media.htm> accessed 10 July 2010
[13] <http://propr.ca/2008/what-is-social-media/>accessed 10 July 2010
[14] <http://en.wikipedia.org/wiki/Social_media> accessed 13 July 2010
[15] Baczynski (2009) p 5
[16] Baczynski (2009) p 5
[17] ANZACATT post May 2010
[18] ANZACATT post, Joanne Towner, House of Representatives, 6 May 2010.

be placed in the 'top down' category of online communication as referred to by Baczynski because the responses were mediated **prior** to publication.

In 2007, the House of Representatives' Committee on Health and Ageing conducted a unique 'experiment' in relation to an inquiry into breastfeeding. The Committee promoted the inquiry on several parenting websites with online forums, inviting people to make a submission directly to the Committee. One of the sites conducted its own online poll to gather information from its members and included the postings in a submission to the Committee. Even after the submission was accepted, the forum remained open and further comments were made to the discussion online. As far as we are aware, this is the only known Australian example of a committee employing what Baczynski refers to as a 'bottom up' communication model.

In 2009 a committee of the NSW Legislative Council conducted an online consultation as part of its inquiry into bullying, our first experience of this methodology. The risks and benefits of this consultation are discussed below.

Online survey into bullying of children and young people – GPSC no. 2

In 2009 the NSW Legislative Council General Purpose Standing Committee No. 2 (GPSC2) conducted an Inquiry into bullying of children and young people.[19] The Committee considered that an online survey would be a useful way to encourage the participation of children and young people who had been reluctant to engage in more traditional participatory processes such as making submissions. As the Inquiry terms of reference covered cyber-bullying, the Committee also thought that it was appropriate to reach out to users of social networking sites.

The Committee contracted a consulting company with expertise in youth consultation and social media to design and conduct the online survey. The purpose of the survey was to generate qualitative data to illustrate the issues raised in the report (rather than conducting a quantitative survey, for example, to show how many people had experienced bullying). The survey contained a number of open questions requesting written responses, as well as multiple-choice questions with tick-box answers.

The survey was advertised on Facebook and targeted young people under 20 years of age. If a Facebook user clicked on the link in the advertisement, they were directed to the survey which was hosted on a website established by the consulting company. The website clearly stated that the survey was being conducted on the Committee's behalf and displayed the Parliament's logo.

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[19] NSW Legislative Council, General Purpose Standing Committee No. 2, *Bullying of children and young people*, Report 31, November 2009

The site was designed to appeal to young people, and therefore departed slightly from Parliament's usual corporate image. The survey generated over 300 responses during a two-week period from 14 to 31 August 2009. The survey design, implementation and consultant's report cost approximately $7,000.

Respondents were advised that they would not be identified in the material provided to the Committee, but that de-identified quotes would be published in the Committee's report. The consultant's report included extensive quotes from survey participants subject to the deletion of identifying details or potentially defamatory remarks. The consultant's report was treated as a tabled document and published by the Committee.

Risks and benefits of online consultation

While mindful of the potential benefits of the online consultation, the Committee was also aware of the risks generated by using an unfamiliar methodology, particularly given some Committee members questioned the need to conduct an online survey at all, thus raising the political stakes if the survey was not a success. One of the major challenges posed by this exercise was that this methodology is still relatively uncommon among Australian legislatures and there is not a clearly identifiable source of guidance on such matters.

Risks

One of the risks of the online survey was that we would receive a small number of responses. This raised the spectre of the survey being ridiculed in the media and portrayed as a wasteful use of taxpayers' money, thus possibly bringing Parliament into disrepute. As noted earlier, some Committee members were not supportive of the online survey, and there could have been tension between Committee members if the survey was not seen to be a success.

The Committee faced the challenge of making its processes more accessible and engaging while preserving the appropriate image of Parliament. For example, the consultant suggested offering an iPod as an incentive to participate in the survey. While this may have significantly increased the number of responses received, the Clerk of the Parliament's view was that it would not have been appropriate for the Parliament to offer a reward for public participation in a parliamentary proceeding. It was also suggested that the Chair post a clip on YouTube to publicise the survey, but this idea was quickly dismissed due to the possibility for the clip to be ridiculed as an example of how *not* to use online communication.

Another challenge arose concerning the survey design and survey advertisements: the consultant needed to balance the more informal language and branding that would appeal to young people, with a more formal approach in keeping with a proceeding of parliament.

The committee was also concerned that the survey would raise emotional issues for vulnerable young people who had been the victims of bullying. The committee was particularly cautious given the evidence it had received regarding the possibility of self-harm or suicide among children and young people who experience bullying. The Committee took certain steps to address this risk. For example, the front page of the survey advised respondents to contact the Kids Helpline if they were worried about bullying and needed support. The committee also sent a follow-up email to survey respondents, again advising respondents that they could contact the Kids Helpline.

The survey raised a number of procedural unknowns, including whether the responses would be covered by parliamentary privilege (as discussed in the next section of this paper). Another issue was whether respondents should be required to provide address and contact details to authenticate responses. The consultant advised that young people would be deterred from completing the survey if it was compulsory to provide their addresses or phone numbers. Instead, respondents were required to provide an email address to authenticate their responses. This also meant that the committee had a means to contact vulnerable respondents, if it was felt to be necessary.

Finally, the survey posed several security-related risks. In 2010 web users were able to bypass the security mechanisms on the NSW Government's *Transport Blueprint* website and access the *Blueprint* before it was released, resulting in embarrassing publicity for the NSW Government. While unlikely, if our survey site had been 'hacked,' individual responses could have been published on the web, including defamatory statements as well as highly personal comments from respondents to whom we had guaranteed anonymity.

The possibility that the survey might be manipulated by a single user submitting multiple responses was also considered. To address this risk, the consultant used technology to prevent multiple responses being submitted from the same Internet Service Provider. While the survey targeted young people in New South Wales, as far as we are aware, it is not possible to guarantee that responses were not received from other jurisdictions.

Benefits

Perhaps the greatest benefit of this exercise was that the committee received a large number of responses (over 300) from a typically elusive target group: children and young people. These responses generated valuable qualitative evidence for the report and brought the issue of bullying to life for committee members. Given that the cost of the consultation was approximately $7,000 this approach could be considered to be cost-effective.

The survey had the added, and not to be under-rated, benefit of introducing hundreds of young people to the work of the NSW Parliament. The survey

responses made clear that young people welcomed the committee's attempt at online consultation. A number of respondents commended the NSW Parliament on its willingness to use new technologies and embrace the online environment, contributing to positive perceptions of the NSW Parliament:

> I'm really glad that the parliament is doing something about it {bullying}

> advertising on facebook is the best desicion. i never would of found out about this if you hadn't.

> I think that using the Internet to get people to take part in surveys is an excellent way to get in touch with society … On the internet it's easily accessible and can be done at each individuals own pace. Congratulations for moving with technology.

Privilege issues generated by online consultations

The privilege issues generated by online methodologies where information is mediated by a committee **prior** to publication, as was the case with our online survey, are minimal. Nonetheless, given the relative 'novelty' of this method, and the sensitive nature of the inquiry, our Clerk advised that we should exercise 'abundant caution' in undertaking the online consultation.

So, for example, in our contract with the survey consultant we reserved the right to **access raw survey responses** to remove any doubt that these responses should be considered to be a proceeding of parliament.

The privilege issues are more challenging and uncertain if material is published in real time (which is what occurs on social media sites such as Facebook and what occurred in the House of Representatives' Breastfeeding Inquiry discussed earlier in this paper). In a recent ANZACATT workshop paper, Mary Harris, the Clerk of the New Zealand House of Representatives and Robyn McClelland, Clerk Assistant (Table) Australian House of Representatives, raised several important questions regarding the privilege issues associated with online methodologies:

- Should parliamentary privilege apply to these comments at all;
- If so, how will this be achieved;
    - should all comments be vetted by the secretariat first
    - should a blanket protection of parliamentary privilege be applied to all comments; or
- If not, should the website contain a clear warning that these comments will not attract parliamentary privilege and as such potential commentators should ensure they're not making defamatory statements.[20]

In our view, parliamentary privilege is likely to apply to comments generated by a 'static' online consultation, as with other forms of consultation conducted by a committee. There is however, considerable uncertainty as to whether privilege would apply to 'live' or 'bottom up' online consultations. It is therefore difficult to

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[20] Harris M and McClelland R, ANZACATT Workshop 3A: *Parliamentary Privilege and modern information and communication technologies*, Norfolk Island, January 2009

envisage whether it would ever be desirable to invite people to express their views in a completely live forum, due to the uncertainty regarding whether their comments will be privileged. As Baczynski suggested:

> … the requirement for committees to follow parliamentary procedures when collecting formal evidence, and the difficulty of applying these rules to online consultations, cannot be dismissed … If information provided online is to be protected by parliamentary privilege … a controlled environment is essential.[21]

Conclusion

With nine million Australians interacting through social networking sites[22] parliaments cannot ignore the social media revolution. Greater communication among parliaments within and outside of Australia about online initiatives is an important first step in the developing a more strategic and less ad hoc approach to using social media. This will necessarily include addressing the not inconsiderable practical and procedural challenges posed by these methods. Perhaps these challenges could be considered as part of a broader discussion on parliaments' use of social media at a future ASPG conference.

The hopes held by some commentators that the new ICTs will allow for a fundamentally different or 'deeper' level of engagement in political decisions may be overly optimistic. While the new media offers an opportunity for greater dialogue between committees and the public, 'rather than the one-way communication' that typically characterises the collection of evidence by a committee,[23] there are a number of factors that will constrain parliaments' ability to fully realise the deliberative potential of social media. These include the possibility that parliamentary privilege would not apply to 'bottom up' online communication, and the need to protect vulnerable inquiry participants. Parliaments are also expected to protect their reputations and thus avoid undermining public trust and confidence in ways that perhaps other agencies are not.

While these factors may hinder parliaments from fully embracing the interactive potential of social media, it is not all bad news: as the research by the Hansard Society shows, the public may not be interested in deeper and more extensive participation but welcome targeted engagement on specific issues of self interest. If this is the case, ICTs are well placed to assist parliaments to deliver the limited engagement and policy influence desired by time-poor citizens.   ▲

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[21] Baczynski (2009) p 6

[22] <www.nielsen-online.com/pr/social_media_report-mar10.pdf> accessed 9 July 2010

[23] Standing Committee on Procedure, 2010, p 58