

**PROPOSALS TO INCREASE VOTER ENGAGEMENT, PARTICIPATION AND
CONFIDENCE**

Organisation: The newDemocracy Foundation

Date Received: 14 August 2024

Note: We thank the Joint Standing Committee on Electoral Matters for this opportunity to contribute to the inquiry into proposals to increase voter engagement, participation and confidence.

We note that [our previous submission to JSCEM](#) on the 2023 election has addressed issues related to political donations and the poacher-gamekeeper dilemma elected leaders find themselves in when it comes to making the rules they must obey. We have also [developed a proposal for innovations in parliamentary committees](#) that could be trialled within this inquiry on these topics (Option A, Page 16 – A is the trial that could be done for this committee). We are not duplicating this content in this submission.

Proposal: Establish a Democracy Defenders Office focused on combating disinformation and maintaining the integrity of our democracy

Abstract: We can address cases of extremely harmful contested media through a citizens’ jury on disinformation that combines technical expertise with the legitimacy and broad public trust in the jury system. We use juries to establish truth (in the criminal justice system) and recommend applying this to the disinformation problem. Government agencies and electoral bodies (especially) are not well placed to be ‘arbiters of truth’ – while juries are.

Problem

Safeguarding the independence and reputation of the NSWEC: Our independent electoral bodies depend on broad public trust when delivering our elections. Without it, their legitimacy is questioned and the mechanisms for making our democratic decisions become fragile. Worryingly, we’re increasingly seeing people falsely accuse the New South Wales Electoral Commission and its staff of electoral manipulation—taking inspiration from events overseas—which undermines our democracy. For this reason, they should *not* be handed the task of resolving disinformation as this will only fuel these fringe voices.

Combating disinformation is essential: Disinformation poses a key risk and is propelled by motivated reasoning that reaches its high-water mark during election campaigns. It contributes to attacks on the electoral commission and undermines the validity of the basic information that people use to make informed voting decisions. Recent rapid advances in AI technology have made it far easier to fake or manipulate recordings of politicians and politically relevant people such as the NSW Electoral

NSW JSCEM Submission – Inquiry into proposals to increase voter engagement, participation and confidence.

Commissioner. We are unprepared to address this risk and are already seeing overseas jurisdictions failing.^{1,2}

Rebuild public trust in our politics: At the same time and more generally, people are less and less trusting of our political institutions, translating into broad political disaffection and the belief that our political system and its politicians aren't working for everyone. This makes people more susceptible to disinformation and raises the challenge of who should be responsible for tackling disinformation.

Opportunity

Information, media and recordings have a ground truth: Unlike many other polarising elements of political discourse, there are underlying factual features of whether or not a recording is real or not, and the author or creator of a piece of content.

Analysis of recordings is primarily technical: Also, unlike other polarising elements of political discourse, the expertise relevant to determining what is authentic is technical and can be done independent of ideology or political party.

The primary barrier is trust: If a public body is responsible for adjudicating or verifying disinformation it must be trusted. Political polarisation risks compromising existing institutions with high public trust. The public demonstrates high levels of trust in people like themselves, as evidenced by trust in the jury system.

Proposal

Hypothesis: We need new ways to combat disinformation that addresses emerging concerns by combining vetted technical expertise with a publicly trust mechanism, but must do so without infecting well-earned reputation and trust in our existing independent electoral bodies.

Bad-faith and malign actors will be able to fabricate their own expert analysis, but an authoritative public body will decrease the return on investment for seeding doubt and disinformation (there is less to gain and more at risk if you are going to be found out). This would support everyday voters in knowing what to believe.

¹ South Korea's Presidential Election: <https://www.mk.co.kr/en/politics/10948904>

² New Hampshire GOP primary election: <https://theconversation.com/fake-biden-robocall-to-new-hampshire-voters-highlights-how-easy-it-is-to-make-deepfakes-and-how-hard-it-is-to-defend-against-ai-generated-disinformation-221744>

NSW JSCEM Submission – Inquiry into proposals to increase voter engagement, participation and confidence.

The NSW electoral commission has responsibility over maintaining the record on electoral processes but in the face of an incoming wave of AI-powered disinformation someone will need to take on the task of maintaining something akin to the [AEC's disinformation register](#) for deepfakes and sham articles that do not fall under the legislative powers of the commission (i.e. for policy content, not just content related to the conduct of elections).

To tackle disinformation and distrust we need to place regular people at the centre of our politics in a visible way and allow them to play a role sorting fact from fiction.

Proposal:

1. Establish a Democracy Defenders Office to evaluate disinformation and provide authenticity judgements to the public, news organisations, courts, etc.
2. The Jury's core activities:
 - Source disinformation through public submissions and referrals from political parties/MPs.
 - Prioritise and select cases to evaluate that fulfill criteria (such as scale, impact, etc.)
 - Analyse sources with the support of technical and forensic expertise.
 - Publish analyses of authenticity with confidence levels, context and original sourcing.
 - Provide details for key information actors such as journalists, civil society, courts and political parties.
3. The Jury would have no formal power to order the removal of content, but it would aim to:
 - Be viewed as a trusted and neutral arbiter of information.
 - Be housed within a new government institution with its own significant legitimacy.
 - Have access to powerful detection technology. Ideally, this technology is non-public and would require the collaboration of leading companies to combat the "arms-race" nature of disinformation creation (fakers use detection technology to create more convincing fakes).
 - Provide mechanisms for independent third parties to observe and verify conclusions to facilitate trust.
 - Act as a deterrent, making bad actors less likely to publish disinformation.
4. The Jury would be made up of regular people chosen by democratic lottery by age, gender, location, education and living situation.
5. The Jury would be provided with time and information to learn about disinformation. They would learn from Members of Parliament, political party officials, unions, stakeholders, academics, researchers, and the wider community, before determining criteria for prioritising the evaluation of submissions.

Related questions:

1. **How is this different from a fact-checking organisation?** This does share elements with fact-checking organisations, but it also has elements of a media forensics body, a court, and a research organisation. It is far more technical in approach and has the luxury of focusing on questions which have an underlying question of fact (in contrast to many fact-checking questions which can be more subjective and political).
2. **How is this different from something like the Facebook Oversight Board?** The Facebook Oversight Board is focused on determining if content violates Facebook’s community guidelines. The Jury evaluates if a recording or article is authentic or fabricated.

Conclusion: Around the world, Parliaments are making use of deliberative innovations like citizens’ assemblies to assist them in addressing complex public policy issues. French President Emmanuel Macron has held both The Citizens’ Convention on the End of Life and the Citizens’ Convention for the Climate. The German Bundestag President Bärbel Bas recently announced intentions to establish multiple citizens’ assemblies and the Irish Oireachtas just received the recommendations from their Citizens’ Assembly on Drug Use.

These processes are appealing to elected leaders because they reach reasonable conclusions and do not operate within the constraints of electoral politics, sharing the burden of governing. This is something that can benefit the public and our elected leaders.

We are happy to respond to your questions and appear before the Committee if requested. We appreciate your time considering this submission.

Iain Walker
Executive Director

[newDemocracy](https://newdemocracy.com.au)

Pier 8/9, Lot 1, 23 Hickson Rd.
Walsh Bay, Sydney 2000

Iain.walker@newdemocracy.com.au

Kyle Redman
Design and Research Director

[newDemocracy](https://newdemocracy.com.au)

Pier 8/9, Lot 1, 23 Hickson Rd.
Walsh Bay, Sydney 2000

[REDACTED]

Appendix. A. Key Principles of Deliberative Democracy

It is naturally difficult for large groups of people to find agreement on complex decisions. The OECD recommends a set of *principles* that make group decision-making easier. These principles improve the deliberative quality of group work by creating an environment for the consideration of the broadest range of sources while giving participants time, and an equal share of voice and authority.

These seven principles underpin the growing wave of deliberative democracy processes around the globe:

1. **A clear remit:** A clear, plain-language challenge or question should be asked of the group. It should be a neutrally phrased question that explains the task, shares the problem, and provides a strong platform for discussion about priorities and trade-offs. The question will determine the scope of the process, setting the boundaries for what the group is considering.
2. **Diverse information:** Participants should have access to a wide range of transparently sourced, relevant, and accessible evidence and expertise, and can request additional information. Citizens should spend extensive time asking questions and identifying sources they trust for the information they need.
3. **Democratic lottery:** A stratified random sample of the community should be recruited through a democratic lottery. Simple demographic filters (age, gender, education, location) can be used to help stratify this sample to reflect the entire population. Most engagement by governments does not enable a representative cross-section of the community to be heard, instead, incentives to participate are often geared toward those with the most acute interest. The combination of random selection and a meaningful opportunity to influence a decision attracts people from all walks of life.
4. **Adequate time:** These processes develop participants' thinking on a complex issue by giving them multiple opportunities to question experts, learn from one another and find agreement on trusted sources of information. As deliberation requires adequate time for participants to learn, weigh evidence, and develop collective recommendations, the more time they are provided, the more thorough their consideration of the issue.
5. **Influence:** It is important to be clear about what impact the work of everyday citizens will have. The convening authority should publicly commit to responding to or acting on recommendations promptly. A meaningful opportunity to influence a decision must be demonstrated to participants before they commit their time.
6. **Dialogue and deliberation, not debate:** Group deliberation entails finding common ground; this requires careful and active listening, weighing, and considering multiple perspectives, every participant having an opportunity to speak, a mix of formats, and *skilled facilitation*. The task for the group is to find common ground on answers to the question, this emphasises the avoidance of simple majorities and challenges them with finding where they can agree.
7. **A free response:** A group should not be asked merely to (critically) review a government or parliamentary reform proposal. Instead, group members should be given a 'blank page' to provide their own set of recommendations with a rationale and supporting evidence that emerges from their shared learning.

Appendix. B. Why consider deliberative democracy?

Across the globe, public authorities are increasingly using these representative deliberative processes to involve citizens more directly in solving some of the most pressing policy challenges. These processes give enough time and information to a group of randomly selected everyday people and facilitate their deliberation on an issue that leads to finding common ground on a set of recommendations.

Australia has been a pioneering, global leader in the development of this practice. OECD research³ documents more than 48 examples of deliberative engagement practice here in Australia matched only by Germany. This suggests a national capacity to learn from experience and institutionalise these processes. The Victorian Government recently included mandatory deliberative engagement practice for local councils in its [Local Government Act 2020](#) (s55, g). The Western Australian Government's Local Government Act Review Panel also recommended in its [final report](#) the “mandate [of] deliberative community engagement in the preparation of both Community Strategies and Council Plans.” (s37, d, iv).

[Evidence collected by the OECD](#)⁴ and existing research in the field of deliberative democracy points to five key reasons why representative deliberative processes can help lead to better public decisions and enhance trust:

1. **Better policy outcomes because deliberation results in considered public judgements rather than off-the-cuff public opinions.** Most public participation exercises are *not* designed to be representative or collaborative. Consequently, they can be adversarial – a chance to air grievances rather than find solutions or common ground. Deliberative processes create spaces for learning, deliberation, and the development of informed recommendations, which are of greater use to policy and decision-makers.
2. **Greater legitimacy to make hard choices.** These processes help policymakers to better understand public priorities, and the values and reasons behind them, and to identify where consensus is and is not feasible. Evidence suggests that they are particularly useful in situations where there is a need to overcome political deadlock or make difficult trade-off decisions.
3. **Enhance public trust in government and democratic institutions by giving citizens an effective role in public decision-making.** People are more likely to trust a decision that has been influenced by the considered judgement of everyday people than one made solely by elected MPs.
4. **Make governance more inclusive by opening the door to a much more diverse group of people.** Deliberative processes, with their use of democratic lotteries and stratified sampling, bring in people proportionate to their presence in society, making the group visibly representative in terms of age, gender, disability, education, and job type.
5. **Help counteract polarisation and disinformation.** Empirical research has shown that echo chambers that focus on culture, identity reaffirmation, and polarisation do not survive in deliberative conditions, even in groups of like-minded people.

³ OECD (2020), *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, OECD Publishing, Paris, <https://doi.org/10.1787/339306da-en>.

⁴ Ibid.