

PROPOSAL FOR MARRICKVILLE COUNCIL

AGREEING OUR LOCAL PRIORITIES FOR WHAT WE MAINTAIN

PROCESS DESIGN OVERVIEW:
IDENTIFYING THE VIEW OF AN INFORMED PUBLIC

Overview

The following process design attempts to address a question facing many local governments: how good is “good enough” when it comes to public infrastructure such as pavements, parks, local roads, stormwater drains and other elements of built infrastructure?

Every council has a shortfall or a backlog – but what is the view of a well informed group of everyday citizens about how to fix it, and more pertinently, which aspects of any shortfall to fix *first*.

Commonly accepted standards (the National Asset Management Strategy, developed by the Institute of Public Works Engineering Australia) identify a significant shortfall for most councils: on their five point rating scale, anything that fails to achieve a ‘3’ rating is deemed overdue for repair. However, local tastes and opinions are not factored into this, nor is the trade-off of what else could be done with the funding required to reach that level.

That is the purpose of this exercise: take a descriptively representative sample of the community and provide the incentive for them to understand the challenge in detail then seeing whether consensus can be found as to what they prioritise.

This is not a binary question, nor one skewed toward encouraging the community to accept lower standards. However, it does attempt to make the prioritisation task explicit: much of our democracy asks voters “what do you want”. A deliberative process also asks them *how* they wish to achieve this, as this makes for a more actionable and considered set of recommendations to inform and empower the elected representatives who have final responsibility.

The challenge of prioritisation, and implicitly who and what you say ‘no’ to, is the most vexing question in an electoral situation. If 30 citizens can explore the topic in depth and find agreement, it is the core of this process that this will enable a more trusted public decision to be made, and for it to be freer from shallow back and forth campaigning.

Background and Context

Marrickville Council has over \$945m in physical assets comprising public buildings, local roads, footpaths, parks, stormwater drains, libraries, car parks and cycleways.

To reach the level which meets accepted standards would require an additional \$5.06m p.a. When planned new infrastructure and desired servicing is included this figure increases to a shortfall of \$11.99m p.a. (the latter figure includes upgrades, new work Council wants to undertake such as cycleways, and operational costs providing for better servicing such as refreshing gardens, repainting and increasing cleaning schedules.)

Council's residential rates are 18% below the median and up to 40% lower than one neighbouring council (Leichhardt) for example. This sees Council with annual rates revenues of \$43.5m: the shortfall figures above thus represent between 11.7% and 27.6% increases over today's revenue.

Traditional forms of community engagement Council could use would not be able to explore the tradeoffs required: surveys (and indeed voting behaviour) tend to show we all want better assets and lower rates at the same time!

Marrickville Council do not hold a position on whether the assets *should* all be improved to the State Government's standard: this is the question to be tested. Conversely, should the community want a *higher* standard and can agree how they wish to fund this then this is an equally valid result.

The newDemocracy Foundation has been asked to identify an informed, deliberated public view as to the community's priorities for public infrastructure using the most representative possible process and one which moves beyond immediate vox pop responses.

Project Objective

The objective of this deliberative process is to provide council with **clarity of intent** as to the community's priorities.

It does not intend to make the residents experts in infrastructure provision and find ways to do things better.

Success would involve a **clear consensus emerging from a visually representative group immersed in the issue** across several months, and that group clearly involving the broadest possible demographic range in proportion to their presence in the community.

Success would also see active interests from the community group sector, local businesses and disadvantaged/minority communities actively engaged in making their views known to the jury of citizens randomly chosen to participate.

Finally, success would involve State Government (from the Department of Local Government through to IPART) recognising that Council has undertaken a highly representative, considered and widely trusted process of engaging with local community.

The related research question for newDemocracy is to measure public confidence in the approach being taken, and thus quantify its practical use.

The process serves to empower elected representatives who are otherwise subject to the non-deliberative response of 'vox pop democracy'. However, the trade-off is an "uncontrolled" result –

the community selects experts of their own choosing and the Foundation will fiercely protect the neutrality of information provision. Expert groups, interest groups, community groups and lobbyists will be invited to make their case, but the extent of the role is in the hands of the randomly selected citizens, not organisers, facilitators or the Council.

A deliberative process must be focused on fairness, long term viability and public trust.

About The newDemocracy Foundation

The newDemocracy Foundation (NDF) is a not-for-profit research group, with a particular focus on best practice citizen engagement and innovations in democratic structures. NDF believes that many consultation processes consist of feedback forum events largely attended by interest groups and hyper-interested individuals.

Such processes do not result in communities feeling they have had a say. In contrast, NDF's proposal is to provide a jury-style process which enables a more representative section of the community to deliberate and find a consensus response. By combining the three elements of random selection, the provision of time and access to all information, and independently facilitated forums for dialogue, a much more robust and publicly trusted outcome can be obtained which can assist governments in achieving public acceptance of hard tradeoffs.

NDF provides design frameworks for public deliberation and overall innovation in democratic models. Our research and advocacy is focussed on identifying less adversarial and more inclusive public decision-making processes. Our services are provided on a cost recovery basis - consistent with our structure as a not-for-profit research Foundation, with services provided pro bono on occasion. We are not a think tank and hold no policy views. We also commission independent third-party research which occurs in parallel to the process in order to ensure robustness and to capture the potential for improvements to existing democratic processes.

Rationale: Growing Trust through Public Accountability and Transparency

The newDemocracy Foundation contends that if the public was told that 30 of their fellow citizens had reached consensus around a given solution after studying detailed information and hearing from subject-matter experts of their own choosing, then the community is more likely to trust this process over the announcement of the *exact same outcomes* delivered by a Premier, a Minister, a Mayor, a Councillor or an individual expert.

In a murder trial, public trust is placed in a jury's verdict, without looking at each piece of evidence, because a trusted group of citizens was given sufficient time and access to information – and was free from outside influences (or even the perception of such influences). There is ample research evidence that supports that this same model can be applied to public decisions in general. More than 1100 case studies have shown that, by giving a representative panel time and information upon which to deliberate, stronger public engagement is achieved – as well as higher quality decisions (Diversity Theorem).

It should be noted that traditional models of community engagement do not contribute substantially to acceptance of the final decision: those with a specific interest and the loudest voices tend to dominate. The newDemocracy Foundation will encourage all these interest groups to make their cases to the jury so that these groups can be heard without having a disproportionate influence.

Methodology

It is proposed that a **Marrickville Infrastructure Jury** (MIJ) of 30 participants will be convened for approximately three months for five to six face-to-face meetings (five will be scheduled, but provision made for extra time at the jury's discretion). The participant count is slightly fluid to allow for the statistical profile match to the Census to be maintained even if there is a shortfall in a single category. There is negligible statistical impact (in confidence level and confidence interval) on representation within that range. It is notable that recent research from Princeton on the 'wisdom of crowds' highlights the greater capacity of small groups rather than large in complex situations (read more: <http://rsps.royalsocietypublishing.org/content/281/1784/20133305>)

The participant number is based on relying on a 95% confidence level and a 15% confidence interval. These statistical labels simply mean that, firstly, we can be 95% sure that the 'descriptive match' to the community would be repeated on any random sample. The confidence interval figure is large as we work on consensus, generally unanimous but occasionally with a noted minority report made: with a simple majority an interval of +-2% would change a 51-49 decision. However this process relies on supermajority decisions with a floor of 80% of participants agreeing to a recommendation: as a result the +-15% interval still represents a compelling supermajority even at the extreme end of the error margin. (Statistical tools and definitions are available here: <http://www.surveysystem.com/sscalc.htm>)

The jury's deliberations will be complemented by a range of traditional engagement techniques (surveys, websites, forums, interviews, Advisory Committees etc.) to build on the passion and knowledge found in the actively engaged community. This encourages self-selected groups to discuss and share with a view to making a submission to be considered by the jury of their peers. An online platform can thus serve a dual role as a gathering place for finished ideas, and as a forum space for disparate groups to work within.

Random selection is a key tool used to identify participants as a means of securing a descriptively representative sample of the community. NDF will use land titles database address records (not simply name/ biller records) to ensure tenants are reached. Stratification will be used to ensure a mix (matched to Census data) by age, gender and ratepayer status. Representation by self-identified ethnic identity is achieved naturally by the randomisation element (with some limited exceptions where cultures have firm traditions of not talking to government and populations are relatively new – however they can be included through other consultative techniques which funnel results into the jury's deliberations) and assisted by using ratepayer status as a surrogate indicator of income and education. This is not claimed as a "perfect" method, but it delivers more representative sample than any other community process.

The key descriptive mix NDF will seek to achieve is one that is visually representative of who you see walking the streets in Marrickville. Commercial addresses will be included in the sample but will not be explicitly included in stratification, but can be expected to be represented in normal proportion through basic sampling, and will also have the chance to make a specific case through the submissions process. In a comparatively small sample, the goal is to each key contributor of revenues to the Council simply see “people like me” in the sample.

NDF will rigidly adhere to the Census profile data below in drawing a stratified selection by age, gender and ratepayer/ tenant status.

ABS data (Census 2011) indicates that the voting age population in Marrickville LGA is 9.2% in the 18-24 bracket, 21.5% 25-34, 19.4% 35-44, 13.5% 45-54, 9.3% 55-64 and 10.6% over 65.

Invitations to participate in the MIJ will be extended to a randomly selected sample of **3,000** general addresses taken from Council’s GIS system (capturing both owners and tenants) in the same proportion they occur in the community. If possible, the notable and significant presence of young people in the Census profile means that any local TAFE or community college in the area should be solicited for a **300** name dataset (mailed directly by them to ensure no sharing of personal data) – the co-operation of universities has proven difficult to forecast and ranges from the supportive and pragmatic to the highly risk averse.

Recipients of the invitation will be invited to register electronically with NDF to indicate that they are available for the final selection. Based on those available, a further stratified random draw is then conducted which seeks to randomly match to the stratification detail set out above.

The response list is then checked against the original invitation list. NDF has previously used unique security codes on each invitation to prevent the invitations being passed on (defeating the random element), but in practice the simple measure of automatically ensuring addresses registered match to one where we sent an invitation has proven sufficient – it is very easy to call to confirm a registration and ask where they received it if we can see we didn’t post one. (We make these calls as occasionally a business owner will receive one at a work address and register from a home address.)

Just as in juries payment of per diems is strongly advised so as to avoid excluding participants who may find this a hardship.

Selection of Participants

Invitations for the MIJ would be issued to around 3,000 addresses in total, ideally being complemented by the additional random draw from a TAFE population to maximise the response rate in the 18-24 category which is highly challenging to secure.

Invitations should come from the Mayor on behalf of the entire Council, while using the newDemocracy name to note the independence of a selection process which is outside the control of Council. They will explain the process and ask the recipient to decide to confirm availability for selection in the MIJ. (5% response rate required)

From the positive responses, a sample is drawn electronically based on the pre-agreed stratification goals referred to above. The aim is to achieve a group descriptively representative of the community even if one subset of the community responds disproportionately to the initial invitation. The key measure of success is partly subjective: do councillors (and the media) see a group that looks like who they see walking through the streets of Marrickville?

The sample drawn is contacted by email seeking a confirmation in writing from the participant, and NDF also contacts each participant 2-3 times by phone prior to the first meeting to build a personal commitment to participating: once underway we can't backfill for non-attendees so those selected need to feel sufficiently engaged to attend on the first day regardless of other circumstances.

The sample (which incorporates a number of reserves) will be provided a comprehensive schedule, code of conduct and explanatory kit of pre-reading (generally an online private forum with a library of documents and submissions), with a request of the recipient to provide a final acceptance allowing NDF to finalise the panel.

The group is convened solely for this process: any future deliberative process requires recommencing a fresh selection process.

Preparation and Information Process

Information and judgement are required in equal parts to reach decisions. newDemocracy advocates these processes because the judgement of random samples (or mini-publics) has been shown to achieve very high levels of public trust because they are non-partisan. It is thus imperative that the method of provision of information to the policy jury does not erode that trust.

Council will be asked to "open the books" and respond to information requests of the jury. A detailed summary of Council's current infrastructure assessment and costings will be provided as a baseline.

Information selection can be a very time consuming process. A portion of this work comes from the self-interested willingness of advocacy groups and interested third parties to engage via submissions of their own independent work. A public call for submissions is thus factored into the design, and the operation of the jury allows it to ask to hear more from the author of any submission.

A series of stakeholder briefings will also be held, and while this is done in every process it is particularly notable given the skew in rates income to a small group of landholders who must have a chance to interrogate our methodology and feel comfortable that it passes a fairness test.

It is recommended that an online discussion forum (for the use of the Panel and visible to the public) be operated as part of the process. We generally use any existing platform licensed by Council and continue to seek out new platforms given the difficulty of eliciting considered views in an online environment.

What Does the Marrickville Infrastructure Jury Decide?

It is of central importance that the limit of the group's decision-making authority is pre-agreed and clearly conveyed. This must be expressed simply, broadly and openly so as not to be interpreted as directing a particular decision. For example, there cannot be an implicit preference to raising rates by ring-fencing large areas requiring asset renewal (such as local roads) as 'off limits' hence the very broad question posed. If there is a specific area of Council operations which is off limits (and is small enough not compromise the broad nature of the task), then this needs to be declared at the outset.

It is proposed that the remit of the panel is to reach agreement on:

What level of infrastructure quality do we want to pay for in Marrickville: what are our local priorities for investment?

In terms of authority, it is proposed that:

The Jury's recommendations will shape Council's submission to the Independent Pricing and Regulatory Tribunal (IPART) who regulate Council rates.

The Jury will be notified of and invited to the February Council session where action on local infrastructure spending will be discussed and voted upon.

The Jury's recommendations will be published in full and unedited in Council's community communications. Council thus agree not to cherry-pick favoured recommendations.

The Jury's recommendations will be responded to in-person by the Mayor, a representative from each party and an independent councillor within 2 months of the conclusion of the process.

In short, this needs to pass the test of being the single best offer to participate that a citizen can ever expect to receive and this is central to the very high positive response rates we get for jury invitations of this type.

What Constitutes a Decision?

In order to shift the public mindset from adversarial, two-party, either/or contests and convey a message of broad-based support for the recommendations, nDF recommends an 80% supermajority be required for a final decision from the jury. In practice, citizens' panels tend to reach consensus (or group consent) positions with minority voices included in any report; they rarely need to go to a vote. Decisions are frequently unanimous.

Operations

A skilled facilitator will be required for the process and should ideally be recognised by the International Association of Public Participation (IAP2).

The newDemocracy Foundation will operate the jury selection process to ensure there is the highest public confidence in the rigour and independence of the randomisation of invitations (and by extension as to why a given individual was not selected). As we have experienced in other processes, the public will accept our 'rejection' far more easily than if this is required to come from government, as principal.

Meetings would ideally take place within council facilities available at negligible cost. Council buildings are preferred and convey the right message (regarding authority) to participants.

The newDemocracy Foundation recommends an integrated print and distribution service capable of very fast turnaround production for invitations while ensuring no data is actually provided to the Foundation.

Media Role

The role of the media in supplying information about the exercise is crucial. We have noted in other processes that the community should have the chance to see and identify with the people involved: an evoked response of *"people like me made the decision"* will see the recommendation earn widespread trust.

For this to be achieved in a communications environment where the community believe much of what they see in the news is "staged", it is imperative we introduce the jury who will be deliberating as early as possible in the deliberative process (ideally just after the first meeting) and well before any direction (of their recommendations) is known. If the community trust the participants, they will trust the recommendations. For this to occur you cannot be seeing the participants for the first time when you read of their recommendations or the benefit is largely lost. Uniquely (when compared with other deliberative processes) the Council's decisive commitment early will deliver this media response.

Secondly, it is important to break through the cynicism that "government won't listen" and "the decision is already made": to achieve this we would seek to have councillors from a mix of political backgrounds brought together in media opportunities.

Costing Outline

Key cost areas are outlined below. The Foundation can provide these on a cost recovery basis with original invoices provided or Council can choose to procure services directly (preferred).

- a. Printing and postage (3,000 invitations to print plus \$0.62 per piece to post) estimated at \$4,500.
- b. Catering of \$6,000 (5 days x 30pax @ \$40ph).

c. Independent facilitators for a total cost of \$40,000.

d. Participant per diems of \$12,000 (\$400 x 30)

e. Provision should be made within the budget for a reasonable level of operational expenses and executive time for nDF representatives: estimated at \$2,000.

Items a-e amount to **\$64,500.**

These service providers may be retained by the Council directly, or on a cost-recovery basis only by the Foundation (original invoices supplied). Process design and selection administration will be provided by the Foundation on the cost recovery basis included in point 'e' above.

As a research institute the Foundation requests:

i. that Marrickville Council funds a research project to capture what is learned through the innovation process up to the value of \$10,000. As part of our ATO compliance, a topic of research will be set by the Research Committee of The newDemocracy Foundation, while the research project will be conducted by a local university. Council's evaluation needs can be included within the project specification and this can be integrated to an existing partnership agreement held by Council.

ii. that a research contribution of **\$20,000** is made to the newDemocracy Fund which contributes to the operation of the Research Committee and to the future of improving democracy in Australia.

Key Issues to be managed:

- Council's formal agreement as to remit and authority.
- Interface with internal subject matter experts and contributors to ensure accessibility and availability for participation as well as capacity for preparation of baseline information.
- Interest group buy-in and focus on breadth of submissions, and communication of the opportunity to make a submission.
- Early recruitment of process facilitator.

DRAFT TIMELINE FOR H2 2014 DELIBERATIVE PROCESS:

MARRICKVILLE COUNCIL
WHAT'S WORTH FIXING?

IDENTIFYING THE VIEW OF AN INFORMED PUBLIC

Topic: **What level of infrastructure quality do we want to pay for in Marrickville?**

The jury is asked for a specific, **prioritised** actionable set of recommendations that provides Council with **clarity of their intent**.

<p>Week 1 July 2014 "Kickoff"</p>	<p>MC and nDF preparatory planning session. Key topics:</p> <ul style="list-style-type: none"> ➤ Identify required background materials and expert/ contributor program for inclusion. ➤ Identify communication targets for submissions and contributions (interest group involvement). Include media. ➤ Revise/ amend/ review program dates and goals. ➤ Agree media and communications protocols – how we work together. ➤ Final budget approval by each party. ➤ Finalise date specifics – check for major event clashes. ➤ Finalise venues. ➤ Agree Academic Oversight Representatives & Research Partner.
<p>early August 2014</p>	<p>Printed invitation sent to a random sample of 3,000 citizens, plus approx. possible additional 300 from a student data set. (Sample extract secured as .xls by last week June, sent by Thurs 10th July)</p> <p>Agree <i>RSVP deadline + 3 weeks</i>. (approx. 15 August)</p> <p><u>Deadline</u> for recruitment and briefing of independent, skilled lead facilitator.</p> <p>Selection of online platform services (including moderators).</p> <p>Call for submissions and stakeholder briefings commence late July.</p>
<p>Mid August 2014</p>	<p>First round selection to secure representatives. (<u>Complete</u> early September)</p> <ul style="list-style-type: none"> ➤ Seeking approx. 30 citizens (32 + reserves). ➤ Explanation of commitment required: attendance at all elements of process, including potential online discussion presence. ➤ Stratified random sample to deliver descriptive match to community (NDF to provide technology/ expertise and to call each selected participant). <p><i>N.B. List of attendees will not be provided to Council.</i></p>

Mid August 2013	Finalisation of Panels. Provision of welcome kit of materials with detailed background reading. Live online discussion environment for participants with a focus on agreeing early expert speakers. Active third party content available as well as Council material
July/ August (timing tbc)	Media briefing to explain process. Mayor and Councillor support and active endorsement required.
Day 1 Saturday Sept 20 th <i>(Full day required)</i>	<p>Opening day: The First Deliberation– The Learning Phase</p> <ul style="list-style-type: none"> ➤ Introduction of the topic upon which they will deliberate: understanding remit and authority. Explanation of influence and context: what will be done with the results the Jury produces. ➤ Introduction of the process, and its precedents; understanding the inevitability of bias & importance of constructive, critical thinking/doing. ➤ Agreement on Jury guidelines for participation. ➤ Panel sessions with 2-3 expert speakers driven by each group’s online discussions prior to meeting. Includes open Q&A. Likely to be Council Financial staff providing initial educational briefing sessions ➤ Group to identify speakers sought for future assemblies. ➤ Ensure familiarity with and acceptability of online tools <p>Welcome from Mayor strongly recommended if possible. (9-10am).</p> <p>Informal morning tea attendance by councillors highly valued.</p>
Day 2 Wednesday Oct 1st <i>(6:00-9:00pm)</i>	<p>The Second Deliberation – Understanding</p> <p>Jury will still be exploring content from background materials and ‘learning what they don’t know’ to generate further requests for information and expertise.</p> <p>Anticipate mixed Q&A with council exec staff.</p> <p>Ongoing online discourse among the panellists is encouraged during the “away” period.</p>
Day 3 Saturday Oct 11 th <i>(Full day required)</i>	<p>The Third Deliberation – Focus</p> <p>Subject to scheduling a speed dialogue session with Councillors should be included at this meeting.</p> <p>Key meeting for integration of wider community feedback, presentations and submissions. Allow 2hrs for interactive dialogue.</p> <p>The Jury will be asked to formulate a structure for their report/ presentation to the Council. No templates or pre-written content is provided – it is important they start from a blank sheet of paper rather than endorsing a Draft document produced by Government.</p> <p>Two or three further speakers, and potentially a technical session, are likely at this meeting. A ‘key stakeholder’ panel discussion may be scheduled to</p>

	<p>maximise knowledge/ perspective sharing opportunity.</p> <p>Jurors will be encouraged to start to rough draft possible reports to be circulated among the group: this is a starting point for form and philosophy.</p>
Monday following	<i>Convenors' Review: do the participants need more time or assistance to come to a full understanding of their choices? Potential to extend meeting schedule at this point while still meeting final date requirement.</i>
Day 4 Wednesday Oct 22 nd	<p>The Fourth Deliberation – Reflect. Discuss. Deliberate.</p> <p>The goal is to provide a face-to-face forum for the jurors to reconvene to discuss their views in small groups. The facilitator should encourage groups to move toward commencing the prioritisation task and end the day with a “long list” of priorities and possible funding structures.</p> <p>The draft report has form but will still have “rough edges”. An Executive Summary of 5-7 top priorities should be agreed but specific action items within those areas may still be amended.</p>
Day 5 Saturday Oct 25 th	<p>The Fifth Deliberation – Shared Goals</p> <p>Consensus session which may incorporate new information to reinforce or support the recommendations. A read-through session to finalise the draft report.</p> <p>Recommendation(s) must be Specific, Measurable, Actionable, Realistic and with a Time horizon.</p>
Spare Day Saturday October 25 th	Ensure venue held in the event MIJ requests extra time to complete the task and reach consensus.
Wednesday October 29 th (time tbc)	<p>Shared Decisions – Discourse with the Mayor and Councillors</p> <p>Delivery of a prioritised list of reform recommendations by the Jury to the Mayor and Council.</p> <p>Acts as a ‘sanity check session’ but report will be 95% completed: session allows breathing space for any final amendments.</p>
Tuesday Nov 4th	<p>Final report with Council.</p> <p>Process debrief and agreement on Action Items.</p>
Tuesday Nov 18th	Council meeting to discuss and vote on recommendations for infrastructure spending, with visible proportion of jurors in attendance