
newDEMOCRACY

*Victorian Government – Gender Equality Bill
Citizens’ Jury*

Process Oversight Outline

** newDemocracy is an independent, non-partisan research and development organisation. We aim to discover, develop, demonstrate, and promote complementary alternatives which will restore trust in public decision making.*

About The newDemocracy Foundation

newDemocracy is a not-for-profit research group, with a particular focus on best-practice citizen engagement and innovations in democratic structures.

newDemocracy explores and tests engagement methods that include a substantial role for a representative sample of the community to deliberate and seek **common ground**.

By combining the three elements of *random selection*, the *provision of time* and *access to a diverse range of information*, and *independently facilitated* forums for dialogue, newDemocracy believes that a much more robust and **publicly-trusted outcome** can be obtained which can assist governments in achieving public acceptance of **hard trade-offs**.

newDemocracy's research and advocacy is focussed on identifying less adversarial, more deliberative and more inclusive public decision-making processes. The goal of democracy is social cohesion, not division, so we need to design a democratic process that better delivers that.

newDemocracy is not a think tank and holds no policy views. newDemocracy also commissions 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.

1. What is politically hard?

There are few, if any, “right” decisions for a government; instead, the ideal decision is simply one which reflects a position of informed support from a wide cross-section of the community.

Making difficult decisions with the support of the community is politically tough. It requires a government to make themselves electorally vulnerable in order to solve a hard problem.

Such an example is the Victorian Government’s proposed *Gender Equality Bill*. While gender equality itself might often be taken as a given principle of our community. The specific actions we take to improve or adjust gender equality are not themselves self-evident.

This requires nuanced, informed and patient debate between all sides to assess the pros and cons of various strategies and their outcomes.

In order for the Citizens’ Jury on the Gender Equality Bill to be successful, it must consider the current political climate around political correctness, public scepticism about biases in government engagement being skewed to a pre-ordained result, and the specific nuances of contextual Citizens’ Jury design.

Care must be taken to not approach this engagement in a manner could be seen to be (or is) ‘*selling a solution*’. Not only will this hurt the long-term sustainability of any decision made by the Citizens’ Jury but it will fundamentally undermine the work of the participants themselves.

Care must also be taken in bringing in all sides of the discussion. Broad cross-sections of the community should be involved as participants and as speakers to inform the process. Ensuring all sides are given equal platforms magnifies the power and value in the recommendations that emerge.

2. What considerations need to be taken in to account?

Designing and operating Citizens' Juries revolves around the dynamic between deliberative principles and local context. Context determines what can and cannot be done, often in terms of time pressures, political pressures and budgets.

With context in mind, varying applications of deliberative principles make for different types and shapes of Citizens' Juries.

The Victorian Gender Equality Citizens' Jury has significant time and political pressures.

These mean that clear decisions must be made to best enable the deliberative principles.

There are three specific aspects of the Gender Equality Bill Citizens' Jury that require care:

1. The Remit
2. The Information Kit and Pre-reading Materials
3. The Speakers

Each of these areas require decisions that alleviate the stress or account for the potential impact of time and political pressures. Without the appropriate amount of care, these areas can impede the project significantly.

With the appropriate amount of the care, this process will showcase the nuance and strength found in quality deliberative democracy projects when they reach community consent and give actionable recommendations to the Victorian Government.

3. The Remit

A good remit saves time, a poor remit can be saved with extra time. The Gender Equality Bill Citizens' Jury has a specific time limit that necessitates a perfect remit.

Remits should be; in plain English; a clear sharing of the problem at hand; precise and specific about what answers are needed; and they must not lead the participants.

We believe that remits specifically benefit from contextual statements that help in framing the discussion for the group. In this case, clearly stating that the Victorian Government has made the decision that a Gender Equality Bill is being developed draws the discussion away from 'should we have a Gender Equality Bill?' This focuses the discussion and take political heat away from the Citizens' Jury and its participants.

Our recommended contextual statement is simply:

The Victorian Government is drafting a *Gender Equality Bill*. We need your advice on quotas and how they can apply to the public sector.

The statement clearly explains where the edges of the discussion are, i.e. that there is a non-negotiable around the drafting of the Bill. However, it shares the problem in that the contents of the Bill are not concrete and community advice is needed.

The remit must be clear in what the Victorian Government requires an answer on. However, it must also limit the scope of the conversation because of the time pressure on the Citizens' Jury. For this reason, newDemocracy has draft three different remits that each approach different parts of the specific topic of Gender Equality Quotas.

Option 1: When or what circumstances (open question gives room for conditional statements but is heavily dependent on the quality and number of options presented in pre-reading).

Under what circumstances are Gender Equality quotas fair? Where are they most needed?

Option 2: Which ones (specific question that relies on the information in the pre-reading and the pre-polling of the group – but gives specific feedback).

What Gender Equality quotas are fair and where are they most needed?

Option 3: How question (gets specific feedback and then opens up for advice on complementary methods).

What Gender Equality quotas are fair? How can they be best implemented?

These options each have different benefits:

- Option 1 leaves room for the participants to provide recommendations on the conditional elements of quotas, without needing to make specific recommendations on sets of numbers. This relies on information provided to the participants in their pre-reading that sets out the different ways of structuring and implementing quotas as well as different approaches to gender equality.
- Option 2 focuses the conversation on specific quotas and where then should be applied. This has the benefit of narrowing the conversation on a single topic that gives the Government actionable advice. For this to work, the pre-reading material **must** outline no less than four different quota-structures. These pull the participants up and out of the hard work of picking numbers and into the trade-off conversation around which quotas and where or who they should apply to.
- Option 3 again focuses the conversation on specific quotas and the approach to enacting them. This has the benefit of narrowing the conversation on a single topic that gives the Government actionable advice. For this to work, the pre-reading material **must** outline no less than four different quota-structures. These pull the participants up and out of the fraught work of picking numbers and into the trade-off conversation around which quotas are appropriate and how they should be implemented.

A decision must be made on how to structure the group's conversation. This is reflected in the remit as it is the question the group will continue to return to throughout the process.

4. The Information Kit and Pre-reading Materials

The information that the Citizens' Jury has access to heavily impacts the quality of their deliberation. It also has a large political impact in terms of the public perception of the process.

The more information and pre-reading the participants have access to, the better the potential for their in-room deliberation. Information provides the baseline knowledge for informed and considered group discussion.

It is vital that this information is both diverse and deep. It improves their questioning of sources and ultimately saves the group time otherwise spent asking questions that could have been clarified in the pre-reading.

In a short process such as this one, it is important that the advantages of a strong and diverse information kit are utilised.

More importantly, in a short-form deliberative polling process such as this one. **The depth of options presented to the participants to gauge their support before and after is crucial.** Presenting options that outline several different approaches gives the participants room to find the nuance in the discussion. It also goes a considerable way to avoiding the public perception of the government selling their own position on the topic to the participants.

If there are **insufficient options** presented to the participants to test against, the process will **risk becoming a binary choice between 'yes' or 'no' on the general topic of quotas** and miss the depth of the conversation about which ones and where are they best suited. This risks devaluing the entire process and making it **politically hard** to demonstrate the quality of the final recommendations.

Diversity of sources and perspectives is crucial for the processes' political credibility. Presenting all sides of the topic and openly sharing the problem alleviates any public perception of the Government selling a result.

In the political context that this process is operating in, it is vital that all efforts are made to be clear, open and effective in giving voice to counter-balance any views the Government might have or might be perceived to have.

5. The Speakers

Speaker selection draws on all of the same principles mentioned in the above section on Information.

A diversity of speakers is a **must** within the current political context around Gender Equality. This means that all views and perspectives on a topic must be seen to have been heard in the room.

Counter-balancing any views the Government might have or **might be perceived to have** will prevent lazy critiques of the process and ultimately the outcomes produced by participants.

newDemocracy recommends that we assist in sourcing contrasting perspectives on the topic at an early stage in the process to secure availability of a diversity of voices in the room.