

Learnings from the Byron Shire Community Solutions Panel

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This paper draws lessons from newDemocracy's experiences operating various citizens' juries in Australia including, the South Australia Nuclear Fuel Cycle, Democracy in Geelong, and Infrastructure Victoria's 30 Year Plan.

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** 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. These R&D notes are discoveries and reflections that we are documenting in order to share what we learn and stimulate further research and development.*

Learnings from the Byron Shire Community Solutions Panel

What was the challenge?

The Byron shire includes Australia's most-easterly point, Byron Bay. It's renowned for its beauty and its many visitors. It is well known as both a domestic and international tourist destination, with over two million annual visitors. Local residents and tourists alike place significant value on the unique character of the area and its lifestyle. The conundrum before Council is how to balance protection of that character with demands for more (and higher quality) infrastructure, within an increasingly constrained budget (a common situation for local governments in Australia, though few have the massive tourist influx that Byron has).

Byron Shire is also known for its passionate community activists. Many resident action groups and vocal critics have emerged from its diverse villages, which include Mullumbimby, Bangalow, Ocean Shores and Brunswick Heads. Some of these activists appear regularly at [Byron Shire Council](#) (BSC) meetings or volunteer for BSC's working committees. However, the Council was keen to hear from other voices who had not previously involved themselves as heavily in BSC's activities, in order to discern a Shire-wide perspective when making difficult choices that require community input.

Further, BSC wanted eventually to grow a genuinely-new ethos of democracy, consistent with the values of its residents—a uniquely-Byron model that is likely to have relevance elsewhere in the world.

How was the challenge addressed?

No one is ever completely happy with a local council, and far too many people (especially active groups) think they could do a better job. newDemocracy was asked to take some first steps in a very limited time scenario, with the goal being that these steps would show the potential workability of a bigger transformation down the track. At the core of this was newDemocracy's recommendation to stop having groups respond to council plans after their creation, and instead share the problems and let everyday citizens be a counter-balance within the process of policy creation to judge if the proposals should be recommended to councillors for adoption.

newDemocracy was asked to oversee a project that would go beyond online surveys and formal committees, to collaborate with BSC to create an entire democratic system that included participation opportunities for all residents—a democratic system that was equitable and reflected the values of the shire.

The new system also needed to be cost-effective, so that ongoing efforts would be affordable for this financially constrained council. The local government area has 30,000+ residents but many times that number of visitors (2,000,000+) per annum, the latter being good for local businesses but not necessarily revenue raising for BSC.

BSC had convened a citizens' jury in the past to look at tourist management, and some elected representatives were familiar with this method. Most councillors were enthusiastic about the potential for embedding deliberative methods into existing engagement practices. BSC's councillors decided on this occasion to support a citizens' jury on infrastructure priorities. Further they agreed in advance to enact the jury's recommendations. This is unusual, but

essential, to extract a guarantee to act, and councillors are to be commended for their faith in the process.

The remit for the Byron Community Solutions Panel, following an increase in rates, was expressed as follows:

How should the money generated through the rate increase and earmarked for expenditure on infrastructure be prioritised, and how should those priorities be funded if rates alone are not enough?

Council wanted to engage thoroughly with the community—going deeper in talking about how resources should be allocated over coming years, embarking on the hard conversations about priorities, growth, development and service levels. Like many other small, regional councils, they needed to do this within limited means, and to build a role for residents as a complementary voice and input in making public decisions.

BSC also saw this as a way to test whether it could effectively quell any disquiet among active stakeholders (community groups, business chambers and youth groups) by bringing them into the process. If successful, it was hoped that a larger democratic framework could be created that the Shire could be proud of, and that might be exported.

What happened?

The Byron Community Solutions Panel (BCSP) was made up of 32 participants who were randomly selected, mostly using BSC's database. An invitation was extended to thousands of residents who were asked to provide demographic information—age, gender, location, their status as either property owner or renter. In order to include as wide a range as possible, BSC also put out an open call via Facebook and various forms of promotion. All invitations directed respondents to a newDemocracy registration site. This wider invitation allowed people only to register with a certain (randomly chosen) digit in their telephone number. They also provided the same demographic information. Both the email and open call yielded a pool of 400+ interested residents from which 32 were selected based on their demographics in order to match the make-up of the entire area.

Given the dissatisfaction previously expressed by active stakeholders, newDemocracy set out to hear their solutions. This was at the core of the design of the BCSP. Four stakeholder briefing sessions were conducted (in Byron Bay, Bangalow, Ocean Shores and Mullumbimby). A briefing session for stakeholders is not unusual for newDemocracy. However, the multiple ways that newDemocracy endeavoured to engage with active stakeholders was new. These sessions were a conscious attempt to draw activists, a group that can feel excluded from citizens' juries, into the process. It was thought that if activists understood the process and had confidence in it, and were prepared to offer their solutions, it would go some way toward ownership of any recommendations that emerged from the BCSP.

The BCSP met on four occasions. This meant that 27.5 hours were dedicated to deliberation, less than is typical for a mini-public overseen by newDemocracy (usually 35-40 hours). newDemocracy was trialling a truncated method to reduce costs in order to make the deliberation feasible for jurisdictions with modest budgets.

Participants were offered an honorarium of AUD300 for their attendance. They were sent a briefing booklet—prepared by Council staff, in advance. This had to be a coherent summary,

based on the combined input from staff from many departments because of the overlapping nature of infrastructure responsibilities. It also had to be accessible for laypersons. The BSCP found this document invaluable and it was later widely distributed.

The local media was briefed in advance and one representative attended several meetings. Despite this, the coverage was generally disappointing. Many inaccuracies appeared in order to criticise BSC but the coverage was consistent with the particular slant of that outlet. This was definitely anticipated, and perhaps unavoidable.

Community members were encouraged to contribute to the BSCP by making a submission. A template was made available. It was designed to give submitters a simple framework that would enable participants to read many documents quickly. When interviewed, stakeholders felt there was insufficient time to place a submission, and that the template caused them more work than was necessary. However, they also mentioned that despite that feeling, they would still put in a submission. Two said they would ignore the template. 49 submissions were received in total, many being copy-and-paste text submissions on a specific issue. This was a sobering lesson.

BSC was true to its word. It accepted the BSCP's recommendations at a meeting to debrief on participants' efforts, documented in its final report. Their recommendations were incorporated into BSC's Delivery Plan and Operational Plan (2018-2019) as promised and have since been used to guide actions within BSC (See, further information).

What did we learn?

Consistent with newDemocracy's focus on research, a pre- and post-panel survey was completed by participants. Interviews were also conducted with stakeholders who had attended the stakeholder briefing sessions—this being important because of our attention to this often-neglected cohort when a mini-public is convened.

The pre-workshop interviews with stakeholders also uncovered considerable antagonism to BSC. A common complaint prior to the BSCP was that Council had given away its decision-making powers. Throughout the interviews it was impossible not to note some of the colourful language that was used to describe how they saw the current situation—*I've noticed a toxic relationship between community and Council—certain individuals have a feral approach to the whole matter - both against councillors & staff – the abuse is awful – huge dummy spits – totally juvenile.*

Here are some examples of the comments that reflected stakeholder doubts about the participants of the BSCP and the process itself: [everyday citizens] *can't even manage their credit cards, they don't have the training; we elect councillors to make these decisions; this is passing the buck.* This is reflective of a common apprehension toward deliberative mini-publics before they are convened, namely that everyday citizens are perceived as ill-equipped to deal with problems at the council level. However, newDemocracy has seen that, in practice, a group of initially uninformed people can come together with diverse sources of information to make judgements that are broadly popular, legitimate, and in the interests of the community.

However, in terms of expected success, one interviewee stated: *I believe in the will of people & they will bring their best intentions to the table.* Even the most sceptical expressed hope that it would work: *they will come up with range of recommendations – balanced across the Shire.*

Despite their reservations, interviewees reflected an overwhelming sense of hopefulness. Even though there was occasional disquiet about participants' abilities and the size of the task, they remained optimistic:

- *I hope it's not a waste of time – yet another report gathering dust – despite fantastic people giving their time & expertise*
- *it would be terrible if their report is not acted upon – an agreement is good – short sharp turnaround – glad it's not called a jury;*
- *I really hope it proceeds with a huge amount of support—I'm so over Council bashing.*

This optimism was rewarded. Following the BSCP workshops, stakeholders were satisfied with what had occurred, although this statement is based on fewer interviews. Here is one example from the only community member who completed the second interview.

I think the exercise was very valid. It's led to a higher level of cooperation between Council and community. Again, a catalyst. Seems to have been a bit of a turning point in my area. We are now on the same side – feels like an absolute partnership.

This sort of comment reflects a **dramatic shift** for some from the initial interviews during which doubt was often expressed **regarding citizens' limited capacities**.

Further learnings

The **briefing book** had an unexpected impact beyond the BSCP. There is always a requirement for the organiser of a mini-public to provide baseline material in a readable form for participants. Often, in a local government area, this has never been assembled into one document in quite this way and it is always helpful, especially at the start of a deliberation. In this instance, stakeholders and community members in general found the briefing book interesting and useful for understanding BSC's efforts and challenges. It was a pleasant surprise for councillors, later, when previously-cynical active groups members expressed this publicly in committee meetings they attended. newDemocracy, too, was heartened to hear of this spin-off benefit.

Decisions have to be made about demographics when randomly recruiting for a mini-public. For the BSCP, recruitment was based on several variables including **owner/renter**. This is usually an appropriate **demographic variable** in a metropolitan area city, because it can act as a surrogate for wealth and education, but it may fail in 'sea change' areas, where renters still own property in a previous location. In Byron, this resulted in a slightly higher-educated group in an already highly-educated population (i.e. higher than the national average).

newDemocracy provided a **template for participants' submissions**, but it seemed to cause an unnecessary impediment for volunteers whose available time was already constrained. They did not wish to take the time to make their existing information fit a template and, instead, submitted lengthy documents or ones that were not focused directly on the remit. This template needs rethinking in order to be useful in the future.

One participant suggested that a **report template** might be useful for a mini public. Participants can feel overwhelmed when starting to write a report to be handed to the decision-making authority and a template, or examples of previous reports, can allay their concerns. This would give participants a modicum of guidance, showing a likely end point.

newDemocracy found that stakeholder responses and participant responses were low in both the second telephone interview and the final participant survey. We can only speculate on why this was so, and this is worthy of further investigation.

Finally, one participant refused the **honorarium**—others said they would have participated even if no honorarium had been offered. However, newDemocracy continues to believe that an honorarium is an important way to value the time and effort of everyday citizens and necessary to avoid making participation a hardship for those on a low income.

Next steps

In itself, the Byron Community Solutions Panel was not fundamentally different from similar projects that newDemocracy has conducted in other local government areas. The main differences were these: the smaller, less expensive format, and the attention paid to bringing active stakeholders into the process. However, having citizens design a whole-of-shire approach to democracy is unprecedented and this is BSC's next step (for 2019): a design that BSC hopes will have the potential to re-shape the way it engages with its citizens. A Byron Model for Local Democracy will be a collaboration to embed deliberative community-led governance in Byron Shire Council's processes and practices.

Further information

Byron Shire Council

<https://www.byron.nsw.gov.au/Home>

Byron Shire Council—Trialling a Community Solutions Panel

<https://www.newdemocracy.com.au/our-work/447-byron-shire-council-trialling-a-community-solutions-panel>

Byron Shire Community Solutions Panel—Final Report

<https://www.newdemocracy.com.au/docs/activeprojects/byronshire2018/Byron%20Shire%20Community%20Solutions%20Panel%20-%20final%20report.pdf>

Byron Shire's Operational Plan (2018-2019)

<https://www.newdemocracy.com.au/docs/activeprojects/byronshire2018/DRAFT%20Delivery%20Program%202017-2021%20Revised%20and%20Operational%20Plan%202018-2019.pdf>