

Learnings from *Democracy in Geelong*

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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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Critical reflections

newDemocracy spends time after the completion of each project to critically reflect on any weaknesses and strengths. With this in mind, the project known as the Geelong Citizens' Jury is examined here (See, [Democracy in Geelong](#)).

Brief description of the project

In April 2016, the Victorian State Government acted on the recommendation of an independent Commission of Inquiry and dismissed the Greater Geelong City Council and committed to consult the community about its local governance model before the next council election.

newDemocracy was asked to design a deliberative process and to randomly select the 100 jurors. The jurors met on five occasions (one evening, three full days and an additional full-day session; 35 hours in total, spanning a four-month period). The group's deliberations were facilitated by Mosaic Lab. The jurors heard from experts of their own choosing, read submissions, and made suggestions for electoral change in their Final Report dated January 2017 (See, [Final Report](#)).

Why did newDemocracy do it?

This created a unique opportunity to explore how citizens would design their own local system of representation if given the chance and a blank slate. As far as we know **this is a world first** and newDemocracy was enthusiastic about its potential to strengthen democratic practice at the local government level, especially if recommendations were taken up by the State Government (which controls local government in Australia).

At any level of government, the basic "rules of the game" (the constitution, procedural rules, etc.) are crucially important. They frame the limits of what is possible in terms of democratic governance. In Australia, Councils tend to be dismissed on a fairly regular basis, for behaviour and governance failures that are widely reported and well known. However, a Minister seeking to 'clean up' a council has an impossible task – small tight local networks and low levels of voter engagement mean that change is difficult. The method proposed for Geelong shows a way to make a more meaningful fix while sharing ownership with the wider community.

Why is it so difficult to change the basic rules?

It is problematic to "have the competing players write the rules of the game". Geelong shows that there is a better way. Citizens rewrote the rules themselves and their recommendations were taken seriously.

What was learned about the process?

Consistent with our action learning approach, various people were asked to critically reflect on this project: the independent facilitator, multiple jurors, newDemocracy organisers, and a state government analyst who was directly involved. The reflections have been grouped below.

Recruitment and retention of jurors

newDemocracy most often recruits 30-40 participants for a mini-public, although the final South Australian nuclear jury recruited over 300 (See, [Learnings from South Australia Nuclear](#)). For Geelong 100 participants were randomly selected, spanning all parts of Greater Geelong. Like the nuclear jury, it was thought that it needed to be big enough to make a convincing, visible impact. No matter the size, with good small-group activity, effective deliberation is still possible. However, there is always the danger that commitment may decline, the larger the group.

This was evident in Geelong, the first project overseen by newDemocracy that had a substantial drop-off rate in the last (and extra) meeting. There was a contributing factor: a sustained assault by the local media (see below). Quite rationally, everyday people are not political actors who “enjoy the fight” as the protagonists do. Instead, conflict-averse citizens who are focused on solutions, make an entirely rational choice not to participate. Public deliberations work because they are “not politics”. People tune out if they interpret conflict as pointless or fact-free.

Additional, unplanned meetings present further challenges for retention. An additional meeting occurred in January, a summer holiday period in Australia when activity slows down dramatically. Unfortunately, newDemocracy must work to accommodate government time-frames and this can have inevitable downsides.

A key insight from Geelong is that people who don’t like the process drop out after the first meeting. Here they stayed through four, even though many did not come to the fifth – pointing to something external being the cause.

Framing the remit

An important stage with any mini-public [LINK to mini-publics], is designing the best question (usually called the *remit* or *charge*) for the group to deliberate upon. It needs to be sufficiently open to allow the group to explore anywhere it would wish but at the same time to have workable boundaries so that the group can maintain focus—in other words, to ensure absolute clarity of the scope underpinning the question. Any confusion or disagreement about this delays the task and casts doubt on the process and/or the commissioning agency's intent.

Participants were asked to consider this question:

Our council was dismissed. How do we want to be democratically represented by a future council?

The remit worked extremely well, especially since the subject matter was potentially confusing because citizens often conflate the responsibilities of council staff and council representatives. But the clarity of the remit made it easy for the facilitator to maintain group focus.

Nevertheless, a government analyst speculated on different ways to approach this, such as a sense-making task at the start of jury meetings where the jury gets to see the commissioning agency working through the scope and has an opportunity at that early stage to question the agency about scope decisions.

Facilitation and group process

Excellent facilitation is absolutely key to the success of the jury model [LINK Importance of facilitation] because the jurors have to trust the facilitators in order to be able to fully and confidently engage in the process. This worked well in Geelong.

Facilitators learn from each mini-public and this one was no exception. One practice which has now changed for the facilitators arose during the Geelong jury. Instead of heading into the final stage by asking individuals how comfortable they each are with a recommendation and what resistance there is in the room, they tried a different approach which has become standard practice. They now work in small groups at this crucial, final stage and each group collectively discusses support and resistance; if the whole small group cannot live with it they negotiate an outcome among themselves and the entire room can be easily assessed to see if there is 80% support for a given recommendation. This somewhat mirrors the findings of Sigman and Ariely demonstrating the capacity of small groups to outstrip individual thinking (See, [here](#)).

An independent debrief was undertaken by Kismet Forward. This quote comes from its [report](#):

“Jurors also described the excitement and challenge they felt on the jury days. Although these days were seen by some jurors as difficult and long, the spirit of collaboration and the outcomes outweighed the negatives. Overwhelmingly, looking at the timeline and what had been achieved engendered a feeling of real pride and accomplishment in many jurors.”

Stakeholders and the submission process

When convening a mini-public in a local area, it will have its own unique history: its influential people, existing networks and knowledge. Stakeholders may be confident about their political influence and will pay only lip-service to a gathering of randomly-selected community members. This was evident in Greater Geelong.

To ensure maximum coverage of ideas and information, external submissions were requested from academics and interested parties. Written submissions were received but many were not. Active stakeholders have strong voices but are not always inclined to put their views on paper and back those views with evidence. Of those authors who submitted ideas, very few were able to attend in person. This had an inevitable impact on jurors’ interest in their content.

This provided a rich opportunity for learning at newDemocracy. We know that stakeholders with strong-held views may struggle to express those views clearly and convincingly. Since Geelong, newDemocracy has been experimenting with templates for submissions in order to simplify this task.

When the topic is democratic reform, those who hold or have held political influence are usually disinclined to relinquish it. However, those Opposition members who did take the time to attend saw no bias and were complimentary of the approach taken. We are realistic that “Opposition’s oppose for the sake of opposing” and that any democratic reform topic will draw more heavy fire than anything.

Critical thinking

MosaicLab and newDemocracy have been experimenting with critical thinking exercises (See, [Critical Thinking](#) and [Video](#)). The Geelong jury, during the debrief, confirmed the power of

getting the group to use their critical thinking skills. They became aware of their own and others' thinking and biases. The critical thinking task was an important turning point in building juror trust in the process, as they had a lightbulb moment when they realised that information doesn't have to be unbiased (and rarely is) for them to make clear and informed decisions.

As a topic, citizens demonstrated well that they can handle the nuance of electoral systems without going for simplistic and populist reactions or solutions. They discussed a ban on all donations and found a midpoint; they discussed direct democracy models and saw the flaws.

Inevitably when considering ways to improve current practice there is an implicit bias toward the jury model, given that they are positively experiencing just that. Jurors see enough of it that they recommend its use in a substantive way, but act in a way that makes recommendations they think the whole community will want, accept and respect (i.e., including all those who haven't had their experience).

Once more, we see people solve problems their way without simplistically picking from someone else's pre-packaged idea. A stark example of this was the group's original idea for a donation disclosure regime on the ballot paper. A randomly-selected group overcomes with ease any bias toward submissions or given information, and orients its decision making toward the community it reflects.

The Geelong jury again demonstrated a randomly-selected group's originality and reluctance to be led. Like all mini-publics these participants understood the difference between having experts on tap, but not on top.

Local context

A simultaneous online survey (using VoteCompass) was an element of this project and drew over 1,000 responses. The survey asked for values responses ("What do you see as the most important characteristic in an elected representative?") rather than a decision response ("Do you want to retain single member wards?"). This was important: to understand community values but to give the mini-public the decision-making task.

Jurors inevitably keep their local context in mind, no matter how abstract or broad the content is. When dealing with the academic submissions and some of the conceptual work around representation and democracy, jurors would always return to their local context – keeping the local issue in mind. This meant they could tackle the big issues because they kept framing them in such a way that were salient for them.

Local media

The decline in staffing and budgets for local newspapers means the remaining journalists become highly dependent on others for a steady stream of stories. Investigative journalism is declining both nationally but also, for this project, locally. There are efficiencies in reporting if one writes stories before the event, anticipating challenges, as it saves time attending. Despite dozens of stories, representatives of local media never attended any sessions. There is a link here to juror dissatisfaction and frustration with reporting of an experience that they understood intimately but was being portrayed inaccurately.

Any public deliberation can still be vulnerable to powerful interests who choose not to participate and criticise from afar. The Geelong experience was no exception. A political

stoush took place in the local media which has a dominant presence and considerable influence. The 'loudest voices' continued to be heard there and remained critical of the jury process.

Again, from Kismet Forward's debrief:

"Among the most telling insights was the impact that negative media coverage had on jurors who felt frustrated that the media did not understand the process."

newDemocracy takes away from this experience, the importance of briefing local media well—something we already knew—but we need to pay attention to clear and agreed roles and resources. Along with that, we need to prepare jurors better for the potential impact of media coverage.

Allocated time

newDemocracy knows that we can never underestimate the time needed for discussions around polarised questions. A mini-public is heavily time-dependent. The jurors had the passion and ability to take on the topic, but they needed a lot of time to examine the issue at a granular level and then to build their knowledge back up. The pressure of the time constraint toward the end created some friction in the group. Although we know it is always a good idea to have an extra day available, it is not always realistic.

Face with a three-day event with an extra day possible, newDemocracy considers now that we should err on the side of a scheduled four-day mini-public. An unpublicised three-hour evening event that involves a 'final read of the report' would be the only exception to this commitment. Jurors can be advised of this on the first day. This gives them notice, but without having them factor it into the time available. We would not wish to lose the value of a pressure-cooker environment.

Scary for commissioning authority

The process requires a real shift in the 'usual' approach to community engagement: a willingness to 'let go of control', listen for the purpose of understanding intent, focusing on the perspectives and needs of participants first, and finally, providing advice intended to give effect to the intent of the jury rather than to dismiss proposed solutions that might not be feasible from a pure policy perspective. This makes it a scary first-time proposition but also an exhilarating and very worthwhile experience.

Bringing commissioning agency staff (policy advisers and decision makers) together with the jury to assist them with their task is invaluable - being at every jury meeting helped us understand the jury's intent, built trust between the jury and LGV and also built commitment in LGV to do our best to deliver on the jury's intent.

Prepare your Minister from the outset: explain the benefits, be realistic and frank about the risks and involve the Minister in the action - participating in the process has a sort of 'conversion' effect but also gives the Minister first-hand experience (and recognition) of the energy, enthusiasm and positive experiences of the jury.

Jurors' recommendations

Jurors made many practical and aspirational recommendations, including how the mayor should be elected, and the configuration of wards. Of particular note was an idea about

rethinking the ballot paper. In the interest of transparency and accountability, jurors wanted to see answers to questions for candidates made available with electoral ballot forms.

The State government implemented 12 of the 13 jury recommendations (See, [Government Response](#)).

Finally, advice from the jurors

From participants:

Participants during the debrief were asked what advice they would give future jurors. First, they recommended accepting the invitation—“just do it!”, then offered this advice:

- Develop a thick skin in regard to media reporting.
- Have an open mind.
- Be prepared to express your opinion.
- Be committed and do your homework.
- Do it for the learning experience.
- It’s enjoyable and rewarding.
- Do it for the common good.

These jurors wanted to have repeated for future juries:

- Variety of guest speakers.
- The jury selection process, especially the diversity of jurors selected.
- The Love It/Like It/Live With It process.
- Clickers for voting.
- Informational and material provided both pre- and during the jury process.

These jurors wanted reviewed:

- Ensuring adequate timing for activities.
- Potentially reducing the introductory exercises.
- Consideration of noise and space especially for jurors with hearing difficulties.
- Ensuring there is a genuine commitment from jurors.

(See, [Debrief Report](#))

Concluding remarks

The project broadly worked. The approx. 27 jurors meeting the Upper House MPs before the legislation went to a vote is a massive indicator of their personal investment and willingness to stand behind the decision: this is the killer marker of quality, as if there are any corners cut people simply aren’t prepared to do this.

Despite criticisms that one-off mini-publics are of “limited” value or a “democratic veneer” (Walker et al 2015), experiences like this one in Geelong point to an alternative view. For jurors this experience was not only personally powerful, they saw the immediate change that they were able to make to institutional, decision-making arrangements in their community.

Of course, it could become routine to review and revise the rules of government. But this project demonstrated an effective way of dealing with a dismissed Council and how governance might work better for a community if it can design its own changes.

The Geelong project changes the entrenched “rules of the game”, in collaboration with the state government. This method could become standard practice and newDemocracy is confident that version 2 of this procedure will be even better than our successful first attempt.

References

Sigman, Mariano (2017) *The Secret Life of the Mind: How Our Brain Thinks*, William Collins

Sigman, Mariano & Ariely, Dan (n.d.) TED talk, ‘How can groups make good decisions’, https://www.ted.com/talks/mariano_sigman_and_dan_ariely_how_can_groups_make_good_decisions Accessed 16 April 2018

Walker, Edward T., Macquarie, Michael, and Lee, Caroline W (2015) “Rising participation and declining democracy”, Chapter 1, in Caroline W. Lee et al (eds) *Democratizing Inequalities: Dilemmas of the new public participation*, New York University Press. Accessed 6 April 2018
<https://dspace.lafayette.edu/bitstream/handle/10385/2027/Lee-DemocratizingInequalities-2015-pp3.pdf?sequence=1>