

# How can citizens make a meaningful and fulfilling contribution to public decisions?

## Community Panel Response Document

The newDemocracy Foundation



## Introduction

Around Australia, there is growing demand and momentum for deliberative engagement practice. This includes changes to the Victorian Local Government Act to mandate deliberative engagement practice, the NSW Government producing a deliberative democracy toolkit, and the increasing number of local councils and utilities making use of citizens' panels or juries in their long-term strategic planning.

We've partnered with the Melbourne-based team of facilitators and engagement practitioners, MosaicLab to deliver a facilitation masterclass and immersive event that is the first of its kind in the world. Our aim is to cultivate a wave of leading facilitators who can meet this growing demand and potential for democratic innovation in Australia.

The 2-day immersive was for community engagement practitioners, parliamentary staff and decision-makers who want to find out how deliberative democracy works. It took the form of an intensive citizens' jury experience. Participants experienced small group work, information interrogation, and group decision making all while tackling the question:

*"How can citizens make a meaningful and fulfilling contribution to public decisions?"*

On February 6th and 7th, 26 community engagement managers, professionals, advocates and more, met in Melbourne for a 2-day immersive experience. Together with MosaicLab, we ran a mock citizens' jury process that condensed the usual 6-day process into a truncated 2-day format to give the participants all the essential emotional and physical experiences of being a typical participant.

They were provided with a briefing book, had access to a round of expert speakers, considered the scope of the problem presented to them by newDemocracy Executive Director Iain Walker, and developed their own recommendations.

In our response, we have taken into account that, as a training process, participants had limited scope for deeper questioning and evidence gathering, extended deliberation and opportunities to gradually refine written recommendations with evidence. However, your underlying intent was clearly understood.

*\*Throughout this document, these blue outline boxes denote text written by newDemocracy*

## Our Commitment

The newDemocracy Foundation has considered the Recommendation Report and the recommendations of the citizens' panel as promised at the beginning of the engagement process.

In responding to the panel, the Foundation is demonstrating where and how it will work to give effect to as many of the panel's recommendations as possible while being transparent where implementation is beyond our capability.

The response also acknowledges the capabilities and mission statement of the Foundation and its impact on our ability to implement any recommendations requiring significant change, as well as the broad nature of some of the aspirational recommendations made by the panel.

This response reflects The newDemocracy Foundation's:

- understanding of the intent expressed by the panel in each of its recommendations;
- level of support for each of the panel's recommendations;
- actions to address the panel's recommendations; and
- existing initiatives that support recommendations.

## How did you define ‘meaningful’ and ‘fulfilling’?

There are three components to a meaningful and fulfilling public decision-making process.

These are:

1. The design of the process itself:
  - a. The process needs to :
    - i. Be Resourced and informed
    - ii. Set clear expectations for all involved
    - iii. Allow for depth and breadth of discussion, and
    - iv. Be respectful and based on common purpose.
2. Participant experience:
  - a. Participants should feel:
    - i. that the decision or process is about something that matters to them
    - ii. empowered and heard in the process and that their feedback is considered
    - iii. Included and respected
    - iv. Like they have made a contribution
    - v. Inspired & hopeful as a result of the process
    - vi. That their contribution and involvement is valued, and
    - vii. That the process is satisfying, worthwhile, and uniquely rewarding.
3. Outcomes of the process:
  - a. the process should result in:
    - i. Outcomes that are genuine, tangible and which will be considered/taken on board by the sponsor- not just a tick box exercise
    - ii. Outcomes that have impact on the remit
    - iii. Outcomes that will be followed through & have an ongoing results

*\*Throughout this document, these blue shaded boxes denote text written by the panel*

We understand your definition of meaningful and fulfilling to include three important components to consider when designing a public decision-making process.

First, the process itself needs to be well-designed, resourced, informed, and respectful, with clear expectations set for everyone involved. The process should also allow for depth and breadth of discussion and be based on a common purpose.

Second, the participants' experience is also crucial. Participants should feel that the decision or process matters to them, be empowered, and heard, be included, and respected, and feel like they have made a contribution. They should also be inspired and hopeful as a result of the process, feel that their contributions and involvement are valued and that the process is satisfying, worthwhile, and uniquely rewarding.

Third, the outcomes of the process should be genuine, tangible, and taken on board by the sponsor, not just a tick-the-box exercise. The outcomes should have an impact on the remit, be followed through, and have ongoing results.

We agree with your work here. This outlines key design principles and experience objectives for participants in engagement and members of the wider community. We would see you and raise your expectations for impact and want to emphasise specific, measurable, and actionable recommendations that draw a response from governments.

# Our Detailed Responses to Your Recommendations

Your recommendations are reprinted here in the shaded boxes unedited.

## Recommendation 1:

### Fostering public participation that is more representative and accessible

Public participation should genuinely represent the demographics in a relevant community, where possible. For example, by using a representative sample of that community by reference to factors including income, home ownership status, education, and professional, religious, or cultural background.

It should strive to include historically underrepresented groups. Engagement processes should be made more accessible by removing barriers to participation. For example, engagement activities should be designed with a diverse audience in mind, with careful consideration given to the time, date, mode and location of activities, and possible remuneration of participants.

## NDF Response: Support

**Action:** Continue advocacy for democratic lottery models. Commit to ongoing work developing recruit tools for public use.

**Comment:** We agree with your desire for genuinely representative engagement processes. This features heavily in our existing advocacy for the use of democratic lotteries (stratified random selection).

However, these lottery processes can be expensive and it's important that tools are made available to all levels of government that are accessible and easy to use.

More work can be done to explore different options for local, state, and federal governments to support the representative inclusion of people in public decisions.

## Recommendation 2:

### Include public into decision-making processes early

Make the most of the rich base of community knowledge and information, by accessing it early enough in the decision-making process for it to make a difference to the outcome.

Take into account the wishes of the community by engaging early (pre-project design) and throughout the project's lifecycle.

Help everyone to understand the full picture from the start.

## NDF Response: Support

**Action:** Continue advocacy for “sharing the problem” and early engagement. Advocate for more agenda-setting processes and pre-project design.

**Comment:** We agree with your presentation of the benefits of early engagement and project co-design processes. We will continue our advocacy for projects that focus on “sharing the problem” early-on in the decision-making timeline.

This recommendation prompts a greater focus on agenda-setting processes that combine deliberative methods with prioritisation and design tasks. For example, the internationally recognised “Ostbelgien Model” includes a standing deliberative panel that makes recommendations to the Ostbelgien Regional Parliament on topics for future citizens’ panels. This inclusion of a representative mix of people captures their local knowledge, allows for a greater understanding of context, mitigates missed opportunity risk, helps avoid delayed or unpopular decisions and supports trusted public decision-making.

Reference: <https://oidp.net/en/practice.php?id=1237>

### **Recommendation 3:**

#### **Create a fair, consistent and transparent mechanism to assess ideal levels of and opportunities for public consultation**

An assessment tool should be developed for use by implementers and authorisers, and should be independently reviewed and overseen.

The assessment tool should include factors such as financial, social and physical impact, size, community interests and needs, length of project, possible negative impacts and trade-offs, time and resources required, as well as being scalable to a range of issues and contexts.

It should address risks of over-consultation and excessive bureaucratisation.

### **NDF Response: Support**

**Action:** Develop a Research Note that addresses the question: *“What is the best timing and engagement approach for the 10 most regular topics of community engagement by governments?”*

**Comment:** The top handful of topics will make up 80% of engagement; we should prioritise our time there rather than trying to have criteria for the remaining long tail of topics.

We will publish this research note by May 2023.

A recommendation similar to this one was produced by a citizens’ panel in Byron Shire Council. They develop a questionnaire for council that asked questions of cost, scale, urgency and interest which determined the timing and size of community engagement. A similar tool could be made widely available, with a local citizens’ panel assisting decision-makers in determining the weighing for each aspect.

Reference: <https://www.newdemocracy.com.au/2019/01/13/byron-shire-council-the-byron-model-of-democracy/>



**Recommendation 4:****Governments commit to greater, ongoing investment in community participation**

We need commitment from all levels of government to enhance community participation in public decisions. This commitment must:

- Be embedded as an ongoing practice
- Include sufficient financial investment
- Be monitored and evaluated for impact on an ongoing basis to ensure the commitment remains fit-for-purpose

**NDF Response: Partially support**

**Action:** Develop resources and advocate for more structural support for ongoing and innovative forms of community engagement but in a measured and strategic way.

**Comment:** We agree with the need to increase commitment from governments and the Victorian Local Government Act 2020 highlights both successes and shortfalls. Success in that we secured commitments to ongoing deliberative engagement at the local government level, but shortfall as insufficient advice and training was made available. We will work with governments to offer solutions.

We do not fully support the recommendation for “greater” investment. Our view is that advocacy should focus on redirecting funding from low-value tick-the-box consultation to higher-value approaches that solve a problem with a representative sample of the community. Securing additional funding faces much higher barriers as compared with the ‘quick win’ that can be achieved by diverting funds away from ‘painting by numbers’ tick-a-box engagement activities.

## Recommendation 5:

### Design public participation processes for measurable success.

Build on a review of what exists to develop practice guidance and evaluation parameters for designing public participation processes which could include the below:

- People affected by the decision are engaged and included when designing public participation processes.
- The scope is clearly defined and articulates everyone's level of influence (participant and decision-makers).
- Participants are at the centre of a participation design that is transparent and aligns with the proposed scope.
- Evaluation is incorporated in the design from both participant and decision-maker perspectives.

## NDF Response: Support

**Action:** We actively seek out opinion leaders and institutions to take a lead in further developing and promoting these ideas.

**Comment:** This recommendation asks for work that has been published by the OECD specifically on deliberation and what they've termed the "Deliberative Wave". Their work summarises the best practice principles as derived from the existing database of deliberative engagement projects around the world. It includes work on evaluation techniques and guidelines that assist organisations and institutions in refining and learning from their experiences. This work can continue locally and internationally but requires support from others to progress.

We also note that we are seeing requests from Departments of Premier and Cabinet and the new Home Affairs' Strengthening Democracy Taskforce for Handbooks to distribute widely across agencies which can deliver on this request.

In a non-deliberative setting, governments could produce reference designs that are based on best practice principles for community engagement along with points for evaluation and comparison between local areas. This work could be made available on a public website. We will advocate for such a toolkit where it is open to innovative ideas.

**Recommendation 6:**

**Increase people's understanding of how to effectively contribute to public decisions (i.e where and how)**

Educate and train people on how to effectively contribute to public decisions by providing access to clear, relevant and sufficient information and resources which increases people's understanding of how they can contribute.

**NDF Response: Outside of our capability**

**Action: Deliver on commitment to Recommendation 3.**

**Comment:** This recommendation is beyond our ability and resources. However, our view is that successful engagement earns awareness and trust from the community and so our contribution to engagement through the response to Recommendation 3 will assist decision-makers by providing them with appropriate tools and timings to meaningfully include people in public decisions.

## Recommendation 7:

### Supporting people-led decision making

In order for communities to be empowered to initiate, influence and lead decision making that affects them, they need to be supported. This could look like:

- Training and capacity building (in community decision making, facilitation)
- Mentoring (in community building, in advocacy, in conflict management)
- Funding (funding opportunities, government partnerships, grant application writing)
- Education (critical thinking, data gathering, understanding bias)
- Practical tools (technology and ways to capture and validate insights, data used for evidence)
- Adequate communications for awareness raising and planning)
- Network (access to other community organisers/leaders doing this work to learn/share, members of community with experience)

## NDF Response: Conditional Support

**Action:** Continue providing training, mentoring, education, tools, and support for communities seeking to initiate and influence decision makers – on the condition that these advocacy aims are process focused, not issue specific.

**Comment:** newDemocracy is a non-partisan research foundation whose aim is to develop and test innovative approaches to public decision-making. Where we provide support and advice to community advocates, it is strictly limited to supporting their advocacy for a methodology and not an outcome. A core part of our advocacy is to highlight that community groups and ‘the community’ are very different entities – the former very rarely being representative of the wider community.

Our focus is to continue to design and deploy processes that give the greatest role to a representative random sample of the community, with the opportunity for active community groups to make their case to this group.

## Recommendation 8:

### Enable independent bodies to drive continuous improvement.

To continuously evaluate and refine the effectiveness of structural enablers, tools and processes that encourage people’s contributions to public decisions.

Functions of these bodies may also include complaints, keeping practitioners accountable, defining what successful engagement looks like, celebration & recognition of well run engagement, education of the public, professional development for practitioners, encouraging community-led decision making.

To build credibility and trust, the body will commission public deliberative processes to inform the work.

Develop and release an annual ‘State of meaningful contribution to public decisions report’ (like State of Environment Report). This report scope includes the current state of public contribution to decision making at the community, local and government levels across Australia.

## NDF Response: Support

**Action:** Continue publishing research notes on this theme. Encourage practitioners to also publish their “learnings from” processes. Advocate for a Democracy Commission.

**Comment:** While this is a large task. It broadly aligns with the mission of newDemocracy. To meet the scale of the recommendation we see this role being met by a “Democracy Commission” whose role would be independent and responsible for overseeing the maintenance, resilience, and improvement of democracy in the country, including the functions outlined in the recommendation and some more.

References: <https://www.newdemocracy.com.au/research-and-development-notes/>

<https://www.newdemocracy.com.au/wp-content/uploads/2022/04/RD-Note-%E2%80%93-Democracy-Commission.pdf>

**Recommendation 9:****Collate evidence to determine the value of public involvement in decision making.**

An evidence-informed case is required to determine how public involvement is improving decision making outcomes for the participant, community and decision makers.

Strong evidence (short, medium and longer term) is necessary to advocate for change. Evidence is needed both at an overarching systems level, as well as at the level of each specific participation activity.

Communicating and sharing the findings of evidence synthesis provides a platform for further discussion on the value of these decision making approaches.

**NDF Response: Support**

**Action:** Continue to share story-based and anecdotal case studies for advocacy. We will begin to track markers with specific data points to measure results from projects.

**Comment:** We have focused on markers like participant support, public trust and changing decisions to measure success. There are other examples of measuring changing attitudes to public decision-making, personal involvement in engagement etc. We will begin to document these data points to present a more rounded case.

References: <https://www.mosaiclab.com.au/news-all-posts/2021/11/25/case-study-11-transformative-council-deliberations>

## Recommendation 10:

### Closing the loop

Establish what feedback from the sponsor looks like when feedback is done well . This may include:

- who needs to receive it (may include both those involved directly and those not involved directly)
- how it is delivered
- whom it is delivered by
- a summary of outputs from engagement
- changes made as a result of the engagement etc.

Opportunities for feedback will form one part of the design of the decision process as will establishing who is responsible.

Updates may be provided at multiple points in a decision / project lifecycle. This may be informational or prompt new engagement opportunities, and that's ok.

## NDF Response: Support

**Action:** Continue to require this feature of engagement.

**Comment:** It is a core feature of our process that governments respond publicly and in person to close the loop on our engagement processes. Governments find great value in a representative mix of everyday people who are informed and have found common ground on recommendations. This means they often return to them for feedback and ongoing advice on implementation. This work will be continued.

References: [https://www.newdemocracy.com.au/wp-content/uploads/2016/07/Geelong\\_Govt\\_Response.pdf](https://www.newdemocracy.com.au/wp-content/uploads/2016/07/Geelong_Govt_Response.pdf)

## Minority report:

### Change decision-making culture and systems

Trial new approaches for placing community members in decision-making and/or significant advisory roles

For example:

Engage with a local council to trial a entirely randomly selected (but demographically representative) committee within a local government to review [a defined, selected number of] Council decisions, advise on Council vision and engagement approaches for the full term of a Council (if Victoria: starting in 2024).

Regardless of which approach is chosen, the initiative should have a focus on identifying barriers and opportunities to involve community members more directly in decision-making roles.

Practical wisdom and community needs are reflected in agenda-setting, resource allocation and decisions.

Reduce the current power imbalance between citizens and government decision makers to so that community needs are better understood and drive change.

## NDF Response: Support

**Action:** We will continue to advocate for these projects.

**Comment:** The example almost perfectly describes advocacy we've previously made to several local councils in Victoria and elsewhere. We have completed a process design that can deliver on this; Covid meant the process was paused. At the end of the Covid period, the Council moved to an election that produced new councillors, so the process was never published. Our intent and interest is to find a council that wishes to pursue this as a key demonstration project.

Similar processes have been developed and are underway in Mornington Peninsula Shire and Moonee Valley Shire.

References: <https://www.mornpen.vic.gov.au/About-Us/News-Media-Publications/News-Media/Citizens-Panel-Golden-tickets-on-their-way-to-randomly-selected-homes>



## Implementation of your recommendations

You can find out more about this process and the progress on implementing our responses to your recommendations through the [dedicated website](#).