

PROPOSAL FOR MOOREBANK INTERMODAL

**THE VIEW FROM THE WIDER COMMUNITY**

PROCESS DESIGN OVERVIEW:  
IDENTIFYING THE VIEW OF AN INFORMED PUBLIC

Overview

The following process design will deliver a public proof of concept demonstrating the capacity of everyday citizens to deliberate and come to an informed consensus decision on the topic of how a major infrastructure project can be best integrated with the local community.

While a great deal of community engagement activism focuses on seeking to halt contentious projects, the approach taken here is to delegate an agreed measure of authority to a community on the basis that the project *is* happening – how can the benefits of the project be shared with the local community.

Moorebank Intermodal Company Ltd is being asked to set aside a portion of their budget for a local benefits package and to place this in the hands of the community.

Background and Context

The Moorebank Intermodal Terminal is a Federal Government project that aims to improve the distribution of freight arriving in Sydney through Port Botany and on the interstate rail network. This involves transferring a large volume of containerised freight on rail to the terminal site where it will be unpacked and moved in by truck around the city.

Ultimately the question to be resolved is one of fairness and balance: the benefits accrue to people across the city and the nation (particularly to those near the port who will enjoy reduced growth in traffic volumes) while some downsides will accrue to those living in the immediate vicinity (Casula and Wattle Grove). Traditionally it has been expected that proponents and neighbours can find peace through negotiation or a back and forth discussion.

The hypothesis of this project is that a jury of everyday people drawn from Sydney's southwest is better placed to be trusted by all parties in identifying how to spend funding on a local benefits package so that everyone can live together.

The challenge is therefore to have a conversation with the community which is not a protest against a project which *will* happen: it is simply an exercise in eliciting a *considered* view of what additional benefits can be delivered for the local community.

While a Federal project, the project is also timely to inform the proposed changes to planning laws in NSW.

### Project Objective

The MICL recognises that the terminal's benefits (e.g. for the economy and traffic on the M5 East) are shared beyond the local area. \$1million has been allocated to a 'local benefits package' to increase the benefits for locals. Local citizens are best placed to identify the benefits the community values.

The terminal must meet government environmental guidelines (e.g. on air quality, noise and traffic) so the terminal will include a host of measures to reduce its environmental impacts. An environmental impact statement is expected to be released just prior to the conclusion of the Citizens' Jury process. The results of the technical studies that underpin the environmental impact statement will be made available to the jury members.

The objective of this deliberative process for NDF is to explore the applicability of deliberative process to a single major infrastructure project.

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, Council or Government.

The values to focus a deliberative process upon are fairness, community benefit 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's experience with many consultation processes is that they consist of feedback forum events largely attended by interest groups and hyper-interested individuals. This feedback needs to occur, but it is best heard and trusted by being provided to a jury of citizens that is more trusted than an individual proponent.

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 that 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.

The newDemocracy Foundation (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 only - 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

This proposal contends that if the public was told that 30 of their fellow citizens had reached consensus for a path of action after studying detailed information and hearing from subject-matter experts of their own choosing, then the community is more likely to trust this process than the announcement of the *exact same outcomes* delivered by a Minister, a Mayor, a CEO 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. nDF will encourage all these interest groups to make their cases to the jury so that these voices are heard without their being the sole 'community' voice of influence.

### Methodology

It is proposed that a **Citizens' Jury** (CPJ) of 30 participants (with 6 reserves) will be convened for approximately two months for an estimated five face-to-face meetings. The participant count is fluid to allow for the statistical profile match to 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.

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 recommendations reached would be repeated on any random sample. The latter 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. With a consensus process with 95% of people agreeing to recommendations, +-15% still represents a compelling supermajority. (Statistical tools and definitions are available here: <http://www.surveysystem.com/sscalc.htm> )

Random selection is a key tool used to identify participants as a means of securing a descriptively representative sample of the community. Stratification will be used to ensure a mix (matched to

Census data) by **age, gender, ratepayer status (ratepayer or tenant) and location**. Representation by income and ethnic identity is achieved naturally by the randomisation element.

Invitations to participate in the CPJ will be extended to a randomly selected sample of 4,000 citizens ideally taken from the commercially available Australia Post address database. Half of participants will be drawn from each of the following areas:

- within 2 kilometre radius of the terminal; and
- within a 10 kilometre radius of the terminal.

It is noted that if the above process does not generate sufficient participants in particular categories (e.g. the younger demographic) an additional phone based recruitment process may be required.

Potential participants will be invited to register electronically with nDF to indicate that they are available for the final selection. 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.

Just as for juries used in the court system, per diems and/or reimbursement of transport costs is advised so as to avoid excluding participants who may find this a hardship. This is suggested at \$400 per participant for attendance at all meetings.

#### 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 planning jury does not erode that trust.

Information selection can be a very time consuming process, but in this instance is comparatively straightforward. Jurors will be provided with information about the terminal, including it's design and anticipated impacts and proposed mitigation measures.

This baseline is then complemented by the self-interested willingness of advocacy groups and interested parties to engage via submissions of their own independent work. The operation of the jury allows it to ask to hear more from the author of any submission, but they are not limited to this.

Beyond this starting point, the jury will work independently to identify subject matter experts whom they wish to learn from and question – and allowing this independence in expert selection underpins the transparency of the exercise and counters a widely held community view that you can “find an expert to say anything”. MICL are asked to make available a reasonable budget for additional speakers chosen by the jury in the event payment is required (around \$1,500).

More than Twitter or Facebook, technology is used to allow low cost connections with experts regardless of physical location. In each instance the aim is to encourage information provision and deliberation on the content rather than simply campaigning for a simplistic objective.

It is recommended that an online discussion forum for the use of the Panel be operated as part of the process.

#### What Does the Citizens' 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.

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

***How can we spend \$1million to benefit the local community?***

**The jury is asked for specific, measurable and actionable recommendations that deliver a clear benefit to the local community.**

In terms of authority, it is proposed that:

**The Moorebank Intermodal Company allocates a budget of \$1million for a local benefits package that will be allocated by the jury.**

#### 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' juries 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

The Foundation has worked successfully with MICL's selected community engagement expert on previous projects, which aids in ease of operations. In practice, we see the facilitator as owning the process "in the room" while NDF takes a lead on advocacy and explanation of the innovative elements of the approach to stakeholders and media.

nDF will lead 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.

### Media Role

The role of the media in supplying information about the exercise is critical. 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.

NDF will conduct briefings for media well prior to announcement.

### Costing Outline

Key cost areas for MICL are outlined below.

- a. Dataset, printing and postage (4,500 invitations to print plus \$0.55 per piece to post) estimated at \$9,000.
- b. Catering and room hire of \$9,000 (based on quotations from the Catholic Club).
- c. Independent facilitators as separately agreed.
- d. Participant per diems of \$12,000 (\$400 per juror)

These service providers may be retained by MICL 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 at no cost.

As a research institute the Foundation will make the following request of MICL or alternatively the Federal Department of Transport to whom the learnings are of the greatest value:

- i. funding of a research project to capture what is learned through the innovation process to the value of \$15,000. As part of our ATO compliance, the topic of research will be set by the Research Committee of The newDemocracy Foundation. The research will be undertaken by independent researchers and overseen by the Foundation.
- ii. that a matching contribution of \$15,000 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:

- Agreement as to remit and authority.
- Interface with subject matter experts and contributors (directly related to EIS) to ensure accessibility and availability for participation.
- Interest group buy-in and focus on breadth of submissions, and communication of the opportunity to make a submission.
- Allocation of responsibilities for communications task (this is also an education campaign for the broader community for a new concept, and needs to be approached as such).

TIMELINE FOR 2014 DELIBERATIVE PROCESS:

MOOREBANK INTERMODAL COMPANY LIMITED

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<p>June</p>	<p>Moorebank Intermodal Company Ltd (MIC) and the newDemocracy Foundation (nDF) planning and preparations:</p> <ul style="list-style-type: none"> <li>➤ Approve invitation, 17 June</li> <li>➤ Identify required background materials and expert/ contributor program for inclusion, 20 June (provided to nDF by 9 July)</li> <li>➤ Identify communication targets for submissions and contributions (interest group involvement), including media, 25 June</li> <li>➤ Revise/ amend/ review this program, 17 June</li> <li>➤ Agree media and communications protocols – how we work together</li> <li>➤ Final budget approval</li> <li>➤ Finalise date specifics – check for major event clashes, 16 June</li> <li>➤ Finalise venues, 17 June</li> <li>➤ Contact with Council regarding participation, 20 June</li> <li>➤ Agree Academic Oversight Representatives &amp; Research Partner</li> </ul>
<p>June - July</p>	<p>Jury recruitment</p> <ul style="list-style-type: none"> <li>➤ Invitation process commences to secure 30 participants- <ul style="list-style-type: none"> <li>19 June – registration tool live</li> <li>20 June - mail out of invitations</li> <li>11 July - RSVP due date</li> </ul> </li> <li>➤ First round selection to secure representatives <ul style="list-style-type: none"> <li>14 July – confirmation sent to 36 citizens <ul style="list-style-type: none"> <li>▪ Stratified random sample to deliver descriptive match to community (nDF to provide technology/ expertise and to call each selected participant).</li> <li>▪ Explanation of commitment required: attendance at all elements of process, including potential online discussion presence.</li> </ul> </li> <li>18 July – finalise Jury (minimum 30 citizens) <ul style="list-style-type: none"> <li>▪ Distribute welcome kit of background material</li> <li>▪ Potential to open up online discussion environment for participants with a focus on agreeing early expert speakers</li> </ul> </li> </ul> </li> </ul>
<p>July</p>	<p>Commence public engagement</p> <ul style="list-style-type: none"> <li>➤ Selection of online platform services (including moderators).</li> <li>➤ Call for submissions commences via MIC newsletter (14 July) and potential involvement of Liverpool Leader</li> <li>➤ Media briefing to explain process (TBC)</li> </ul>



Meeting 1 Wed. 30 July <i>evening</i>	<p><b>Opening day: The First Deliberation– The Learning Phase</b></p> <ul style="list-style-type: none"> <li>➤ 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 produce.</li> <li>➤ Introduction of the process, and its precedents; understanding the inevitability of bias &amp; importance of constructive, critical thinking/doing.</li> <li>➤ Agreement on Jury guidelines for participation.</li> <li>➤ Group to identify speakers sought for future sessions</li> <li>➤ Ensure familiarity with and acceptability of online tools</li> </ul>
Meeting 2 <i>Sat. 9 August all day session</i>	<p><b>The Second Deliberation – Understanding</b></p> <ul style="list-style-type: none"> <li>➤ Site and location visit.</li> <li>➤ Introduction to Environmental Impact Study (PB expert required at morning session).</li> <li>➤ Consideration of what is public benefit and who is the public.</li> <li>➤ Further consideration of information needs: what information do they need, who do they want to hear from.</li> </ul>
Meeting 3 <i>Wed. 20 Aug evening</i>	<p><b>The Third Deliberation – continue to build understanding</b></p> <ul style="list-style-type: none"> <li>➤ Presentations from selected experts and / or community as identified by jury.</li> <li>➤ Reflection on site visit and information provided.</li> <li>➤ Revisit public benefit.</li> <li>➤ Identify any further information or speakers e.g. from submissions.</li> </ul>
Meeting 4 <i>Wed 3 Sept evening</i>	<p><b>The Fourth Deliberation</b></p> <ul style="list-style-type: none"> <li>➤ Further presentations from community as identified by jury.</li> <li>➤ Reflection on information received.</li> <li>➤ Commence work on recommendations.</li> </ul>
Meeting 5 <i>Sat 13 Sept all day session</i>	<p><b>The Fifth Deliberation – Shared Goals</b></p> <ul style="list-style-type: none"> <li>➤ Consensus session to finalise recommendations and draft report.</li> <li>➤ Recommendation(s) must be Specific, Measurable, Actionable, Realistic and with a Time horizon</li> <li>➤ <i>Consider whether participants need more time or assistance to develop recommendations or draft report</i></li> </ul>
Meeting 6 <i>Wed 17 Sept evening</i>	<p><b>Reserve meeting, should this be required</b> OR <b>Event to present recommendations to MICL</b></p>
Following week	Process debrief and agreement on Action Items.