



Verdicts on the Jury

Views of jurors, bureaucrats and experts on
South Australia's first Citizens' Jury

tacsi

THE AUSTRALIAN
CENTRE FOR SOCIAL
INNOVATION

“*We often assume citizens are incapable and we’re the experts. And we tell them what the problem is and then we tell them the solution, and if they don’t like it that’s just tough.*”

Government bureaucrat

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Executive Summary

The purpose of this research was to investigate to what extent the broader aims of the citizens' jury¹ were met, to provide a summary of the experiences and shifts in perception of four key stakeholder groups involved in the process (namely citizen jurors, bureaucrats, experts and special interest groups, and facilitators), and from these findings to identify opportunities for improvement of future juries going forward.

What follows is an overview of the key findings as a response to this.

1. Did the citizens' jury demonstrate the capacity of citizens to deliberate and come to informed consensus decisions?

Across the stakeholders interviewed, one of the most universally impressive features of the citizen's jury experience was the recognition of the value of the intelligence and experiences of everyday people.

In particular, those bureaucrats, experts, and special interest groups who took the opportunity to observe the jury process were most surprised and supportive of this view. They reported learning to see citizens differently, as knowledgeable and capable, with the ability to inform themselves, make decisions, and learn to think in new ways.

Similarly, the majority of jurors reported acting differently as the result of interacting with people who were not just like them. They felt empowered by the charge and by the opportunity to engage directly with those in power. Many shared feeling more affinity to the political system, of having a sustained interest around the issue they tackled, and feeling more likely to be become involved in future engagement.

2. Did the citizens' jury prove that government decision making can be done strikingly differently and as a result, can earn much greater public support and generate more innovative solutions?

In some respects this was seen as being the case. The jury attracted people who had not previously been engaged by government decision-making. It employed different means such as giving more time and access to jurors acquiring knowledge to deliberate. Some bureaucrats recognised it was a very different approach to their usual practice.

1 The inaugural South Australian citizens' jury, commissioned by Premier Jay Weatherill in South Australia in May 2013 and administered by the newDemocracy Foundation (nDF).

However, interviews revealed that many across our sample were uncertain if the jury added value to the policy areas. Some bureaucrats would have liked to have seen more innovative ideas from the jury, and others felt there was a missed opportunity in building stronger public awareness for the process. Some of the criticisms we heard point to a misunderstanding around how the citizens' jury was intended to create change.

3. Did the citizens' jury assist with a broader shift in agency mindset as to how public decision making is best undertaken, with elected representatives setting the agenda and empowering communities to weigh up expert views and contribute their own insight?

On this the jury remains out. More than half of the bureaucrats (representing agency mindsets) we spoke to saw the value that citizen driven judgement could bring to public decision making. However for the rest, it reinforced existing views that the public should not be involved in decision-making and that this is the role of bureaucrats and elected members.

Many bureaucrats and special interest groups shared feeling excluded from the process because of the way the jury was set up and delivered. It is our view that innovation into a system requires stepping away from established ways of co-ordinating action and is likely to be met with resistance. More careful thought into the engagement of bureaucratic and special interest stakeholders into future juries could mitigate this challenge. Engagement which focuses first and foremost on the concerns of the existing members and works to generate constructive emotional shifts in moving people forward could have a lasting value.

Introduction

The inaugural citizens' jury, the first for an Australian state government, was commissioned by Premier Jay Weatherill in South Australia in May 2013. It was administered by the newDemocracy Foundation (nDF).

About newDemocracy Foundation

nDF are an independent, non-partisan research organisation whose focus is on best practice community engagement and innovations in democratic structures. The citizens' jury is one method they use to test and demonstrate the capacity of everyday citizens to deliberate and come to an informed consensus decision.

The goal of this citizens' jury, in the Premier's words, was to ***'trial an alternative and innovative approach to empowering community voice'***. For this, 43 participants were randomly selected and convened for approximately three months for six face-to-face meetings to tackle the topic of:

How can we ensure we have a vibrant and safe Adelaide nightlife?

It is the practice of nDF that as part of the delivery of a citizens' jury, they specify that an independent research project be funded to capture what was learned and identify possible improvements. For this jury, The Australian Centre for Social Innovation (TACSI) were engaged for this review.

About TACSI

TACSI exists to help find new ways to tackle Australia's stuck social problems. An independent non-profit organisation, TACSI was established in 2009 with seed funding from the South Australian Government, with the vision of creating a national centre of excellence in social innovation.

In addition to creating its own social solutions, like Family by Family², which is now spreading around the country, TACSI also works with organisations to build their internal innovation capacity and increase their impact. TACSI has provided innovation support to multiple agencies in the Australian Government, State Government in multiple States, and numerous local organisations. TACSI aims to bring rigour to insights building and social problem solving, and uses a wide range of tools from design, business and social science to create a tangible, repeatable process for innovation and impact.

² Family by Family was co-designed with families in South Australia and is now spreading across the country. The program has won a NAPCAN award for innovation in child protection and an Australian International Design Award for Service Design. Cost benefit analysis suggests that every dollar invested in Family by Family saves \$7 by keeping children from entering long-term care.

Throughout this report we'll share the experience and perception shifts of four key stakeholders in this process, namely citizen jurors, bureaucrats, experts and special interest group and facilitators.

From these different perspectives, we will distill the responses in relation to the broader aims of the process, and give what we found to be the considerations and opportunities for improvement with regards the delivery of future juries.

Research Approach

This research set out to explore to what extent the broader aims of this citizens' jury were met, as identified in the nDF project description³. These are as follows:

1. To demonstrate the capacity of everyday citizens to deliberate and come to an informed consensus decision
2. To prove that government decision making can be done strikingly differently and in so doing earn much greater public support and generate more innovative solutions
3. To assist with a broader shift in agency mindset as to how public decision making is best undertaken, with elected representatives setting the agenda and empowering communities to weigh up expert views and contribute their own insight

To answer these questions, TACSI used a contextual research approach, conducting semi-structured interviews with individuals from four key stakeholder groups, who had experienced the process during this specific citizens' jury in South Australia.

Stakeholder groups

Citizen jurors

Jurors were the citizens randomly selected to take part in the jury process. We met with eight jurors from this jury in cafes, parks, their workplaces, and our workplace.

Bureaucrats

Bureaucrats play a number of significant roles in relation to the citizens' jury - the jury covers policy areas they are working in, they are responsible for implementing recommendations, and part of their remit is community engagement. We interviewed six bureaucrats from five different agencies within the SA government, and received a written response to our questions from the Premier. We also met with a representative from Adelaide City Council, and had a telephone conversation with a representative from the Leader of the Opposition.

This research was also influenced by two meetings with an independent researcher who was simultaneously undertaking an review of the impact of the jury on the internal culture within the government (this analysis involved 38 responses to an online survey and 12 interviews with senior public servants).

³ As set out in the newDemocracy Foundation Process Design Overview - page 1

Experts and special interest groups

In the context of citizens' jury, experts are chosen and called to the jury to be questioned about their area of expertise. This research report interviewed four participant experts over the telephone, over Skype, and in their workplaces.

Special interest groups are organisations with a vested interest in the policy area who gave a written response following a call for submissions. Three special interest groups were involved in semi-structured interviews for this research project.

Facilitators

The role of the facilitator is to guide the jurors through the process during the sessions. This research project interviewed one of the two facilitators. The summary of this interview can be found in Appendix A



Recruitment

To attract jurors, we canvassed outside of one of the jury sessions to obtain a random sample of participants who were willing to participate in this research. We obtained the names and contact details of 20 jurors and randomly selected eight from these. The goal was to ensure we got a mix of ages and could learn from some of the different focus areas as detailed in the recommendation report.

In order to learn from bureaucrats, we obtained the names of representatives from the Department of Premier and Cabinet who had been directly involved in the process - from attendance at an information briefing, as an observer of the jury process, as an author of a submission, as part of the team responsible for its organisation, to a member of an agency responsible for actioning specific recommendations which the jury cited in their report.

We requested the names and contact details of experts who had taken part in the process, and reviewed the juror website for all content relating to written submissions from special interest groups, who we contacted directly.

To understand the perspective of the facilitators, we requested the contact details and contacted them directly.

TACSI's research methods

Starting with a question: Our projects always start with a question that sets out what we are trying to improve and for whom. Starting with a question avoids pre-supposing solutions before fully understanding the context.

For this report we identified three key questions to frame the research:

1. What was the experience of being involved with the citizens' jury?
2. Has involvement changed perceptions of democratic decision making?
3. What are the opportunities to improve the citizens' jury to be more effective and efficient?

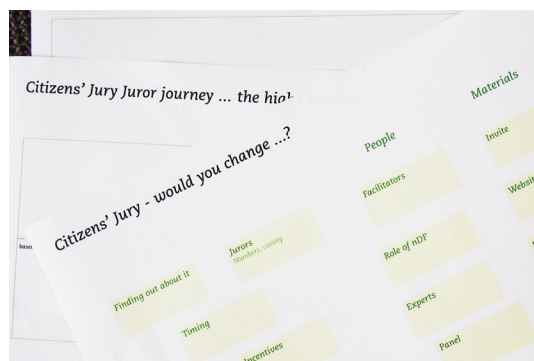
Semi-structured interviews: Our chosen way to learn from and extract insights from the stakeholders we interviewed. They are framed by a set of carefully crafted open ended questions. We find them an effective way for people to be able to articulate their needs, preferences and ideas.

Co-design tools: TACSI use tools, such as card sorting and journey maps, as ways to quickly focus conversations to explore what worked, what didn't and what could be better. In this instance we devised a mapping tool to chart the highs and lows of the process and to act as a visual aid to remind people of the different stages of the experience.

Analysis: After completing the interviews, we transcribed our interviews notes, synthesised the learnings and consolidated these into themes during a team analysis comprising of designers, learning practitioners and social scientists.

Opportunities: At the end of the analysis, we drew together opportunities to improve the efficacy and impact of future juries. From the findings, we sought to articulate how future citizens' juries might:

- be easier to understand and participate in
- produce higher quality decisions
- create recommendations that are more likely to be acted on
- be more effective in building trust in citizens as decision makers
- increase the likelihood of engagement of people in democratic decision making



Key Findings





Insights from the participant jurors

Commonalities in jurors

We found no such thing as the ‘average’ juror. They ranged in ages from teenagers to participants in their 70’s. They included brain researchers, educators, ceramicists, op-shop volunteers, parents, and grandparents. Within the diversity, we found it interesting to note four commonly shared features. These features are detailed below.

- *Political indifference / ambivalence:* Most of the jurors talked about a lack of political inclination or alignment. Just two out of the eight described themselves as politically active; one as a self proclaimed ‘armchair politician’, and the other through previous work in community activism. All but one professed no involvement in any previous kind of community engagement process., and particularly not politics. As one juror reported: “I don’t have much faith. Too many politicians are

in it for power, not the responsibility.

That’s the problem with the government system”.

- *Introverts:* The majority of jurors interviewed self-identified as being introverted. They weren’t driven by the prospect of meeting new people or working with others to take part.
- *Meaningfully motivated:* All of the jurors we spoke with identified that being part of the jury was a significant undertaking. Five jurors told us they were curious about the process and were drawn to the prospect of being part of an experiment in democracy. The rest felt it was an important topic and wanted to contribute meaningfully to, as one juror put it, “making Adelaide better”.
- *Educated:* A high number of jurors in our sample had involvement with a university or education establishment, either as a student, member of staff or academic. Only one of the jurors was not educated to degree level.

What was the experience like for jurors?

Overwhelmingly the jurors were very positive about the experience of being part of the jury, with most still avidly following the progress of the recommendations through the media and other sources. Jurors were able to name only a few isolated interactions that they felt could improve the experience. These can be found in the Opportunities section from page 34.

What the jurors found positive

1. Feeling more competent from exposure to diversity.

The jurors unanimously spoke about the positive impact of collaborating with a diverse range of people. Many were surprised in finding the composition of the jury didn't match their expectations. One juror stated they thought it would attract a particular type of person - few young people attending was a commonly held misconception within our sample. Another juror shared:

"I was expecting the blue rinse set from the Eastern suburbs. I was delighted to find that wasn't the case".



In this instance, the random selection process ensured exposure to different perspectives, which many found 'enlightening'. As one juror told us:

“It was encouraging to see random people from the community. Even if you have open forum you get the polar views there, you don’t get people in the middle who don’t necessarily care in the sense that they have to have their way. Here you get the average person and that’s really good”.

Key to this learning was learning the ability to put oneself in another’s shoes. One juror shared: “One of the things I found enlightening is obviously I’m a man, I’m six foot two, I have no considerations for my safety in Adelaide. And then being in a group of a wide variety of different other people: older, smaller, females, you learn that their experiences are very different to mine”.

All the jurors shared the belief that stepping outside of self interests, and considering ideas from multiple angles added further depth and a degree of influence to their deliberations, which in turn they felt enabled more informed decision making: “At times everyone wanted their opinion in, but it’s not about your opinion, it’s about what you think Adelaide and South Australian’s would want”.

Diversity was also highlighted from the experience of hearing and interpreting the broad range of expert knowledge they identified and chose to learn from during the process.



2. Feeling that self selection demonstrated commitment

All of the jurors told us that self-selection was important for them. The fact they were volunteering emphasised their collective commitment, and they felt this was evident through the high levels of participation and positive attitudes people brought to the sessions. As one juror shared: “40 odd people selected themselves and have committed to a number of weekends, there’s no point in bringing a bad attitude”.

3. Having choice and control

Another drawcard jurors noted was the variety of methods and tools used in the process to support different communication styles. Setting group norms, the ‘vote of nods’, the question ‘can you live with it?’, clustering ideas into key themes, consideration around ‘clarity of intent’ and having a number of feedback mechanisms were highlighted as useful in supporting the group to reach agreement. The jurors felt these tools were key in ensuring respect, contribution and building a sense of ownership.

4. Rich support both inside and outside the sessions

All of the jurors wanted to acknowledge and speak of their appreciation of the support they received both ‘inside the room’ through the facilitators moving the process along with ‘respect’, ‘humour’ and ‘care’, and ‘outside the room’ by nDF in supporting their involvement, securing experts, and fostering collaboration in-between sessions, and even sharing progress post-jury. The fact they were not managed or led, and that support was skilfully neutral was viewed favourably by all jurors interviewed.

5. The sense of occasion

Again, all of the jurors could give examples of how participation in the citizen’s jury captured their interest. When asked why, the jurors talked about the invitation being ‘prestigious’, and of feeling special at being ‘chosen’ (randomly selected) to take part. Other factors such as meeting with the Premier and the fact meetings were held in historical buildings helped embody a rich sense of occasion. One juror shared:

“If you receive an invitation from the Premier it’s a rare thing to pick out of your postbox. Nobody gets asked these things. It’s a gift. You’ve been asked, you’ve been invited. Something about you was chosen. Even though it’s randomly selected, you feel ‘oh wow, I feel so lucky’”.



How did involvement change perceptions for jurors?

Seven out of the eight jurors told us they now thought differently about the challenges of democratic decision making. Three jurors shared it had reduced the cynicism and suspicion they had felt towards the government. Two more shared how participation had given them a more empathetic view.

All of the jurors were able to articulate a deeper awareness of how to reach collective judgement. One juror saw their shift like this: “My political views haven’t changed. But my opinion about how you move things forward, yes. But to be in the process of really having something that you want, and having to allow it to not come out in exactly the way you want, but nevertheless having some contribution to it, I suppose that’s the essence of democracy”.

Six of the jurors now shared feeling differently about the issue as a result of the process. Through the process, and specifically access to experts and the tools to deliberate, they each shared significant changes in the perspective around being more aware of the complexities involved in government decision making. One juror noted:

“I know more how it is now - I have a broader perspective of it and there is a lot more happening than I realised. The average person doesn’t know what’s going on unless they can have access to 20, 30, 40 submissions from people telling us what’s going on”.

Six jurors shared an marked increase in their interest in wanting to learn about policy issues. All of the jurors we interviewed shared a desire to take part in something like this again, were open to other engagement opportunities, and wanted to recommend the experience to others. This included sustaining contact with the group. Five of the jurors expressed a willingness to stay in touch with the other jury members, and two of these were actively looking for a way to sustain these personal ties.

Seven out of the eight jurors shared they now had a more negative perception of the media. Having been exposed to the full spectrum of arguments around the topic, it had made them aware to a perception that the media rarely provides a balanced view. One juror told us: “It was eye opening. Because you had your opinions about things, and you would hear something completely opposite and you’d think ‘Why did I ever think that in the first place?’, and then you realise that you never really get the full story through the media”.

This was experienced first hand when the recommendations were reported on. Six out of the eight jurors described feeling ‘angry’, ‘annoyed’ and ‘appalled’ when they perceived a number of local journalists took one line from the report (on the car parking tax) and extrapolated a bias story with an adversarial standpoint around it, which they complained had been taken out of context.

“I think I have a lot more respect for politicians. People give them a lot of flack but it’s so hard when you have so many conflicting voices coming at you. The Jury was good for getting the informed voice of the people, without everyone’s opinion”.

What are the opportunities for change from the juror’s perspective?

Interviews with jurors offered perspectives on small specific changes to different parts of the process, namely issues with collaborative writing, reading the submissions and the jury website. A breakdown of these can be found in the Opportunities section from page 34.



A photograph of a man with light brown hair, smiling and holding a yellow mug. He is wearing a blue and white patterned button-down shirt. The background shows a cafe interior with a woman in a pink shirt sitting at a table, and a window looking out onto a street with trees and a car. The image has a warm, orange-toned overlay.

Insights from the participant bureaucrats

The nine bureaucrats interviewed for this research report had mixed responses to the jury process and its efficacy. Improving how bureaucrats are engaged in the process is the primary recommendation from this research report.

What bureaucrats found positive

1. New types of citizen engagement

Many of the bureaucrats we spoke to were intrigued by idea of a citizens' jury and curious about how it would unfold. Words like 'refreshing' and 'exciting' were used to describe the idea. As one participant told us:

"We as government need to be open to using all kinds of techniques and open to the fact that we're not there yet and that we very much need to be considering new engagement alternatives".

Overall it was felt that something like a jury had the potential to strengthen relationships between the government and community. Eight out of the nine bureaucrats interviewed agreed that the community becoming more involved in government decision making was a positive result in principle.

Some saw the jury as a new way of learning what people in the community think and feel are important to them. Others highlighted it gave citizens the opportunity to become more informed into the practices of government, and a greater understanding of how challenging they can be to navigate.

2. Shared belief in a citizen's jury attracting the silent majority

Broadly the citizens' jury was seen as reaching a wider demographic than other citizen engagement methods. A common viewpoint was that traditional methods such as surveys, focus groups, information sessions or polls were not typically

representative of the whole community and tended to be defined by the loudest voices and uninformed opinion: “I’m very cynical about opinion polls. We take it so seriously because we’re told ‘the majority of the public supported this’, but that’s opinion given with very little understanding of the process, reasoning, or the arguments that are part of it. It can’t be relied on”.

All interviewees commented on the challenge of trying to hear from and connect with the ‘80%’ or ‘the silent majority’ of citizens who traditionally didn’t speak up. As one shared: “We’ve got lots of people we never engage with or hear from. We always hear from the same and they usually don’t like what we do”.

When asked about the points of difference from other citizen engagement processes, it was highlighted that the jury starts with a question, rather than presenting a solution. Six of the bureaucrats interviewed felt that by inviting people to take part in a more meaningful process, it wasn’t seen as ‘tokenistic’ engagement. A call for real responsibility and not the more typical “vox pop response” was perceived as being more genuine and a key factor in greater participation.

Other points of difference identified by interviewees included giving more time and access to acquiring knowledge. For one, the fact that the results were ‘uncontrolled and not sanitised’ led to greater trust in the process.

Some were also excited by what was described by one as the ‘ripple effect’ - of 43 people sharing the experience and ideas with their family and friends, who in turn could then share with their networks.

3. Seeing value in impartial partners

For four of the interviewed bureaucrats, there was great value perceived in partnering with a non-government agency: the nDF. It was felt this strengthened the message this was a genuinely impartial process. As one participant bureaucrat stated:

“No matter what side of politics is in, if it’s run by government, there’s always that danger of being sanitised or protected, even when you want to be genuine. It’s just the nature of the system. Having newDemocracy as a partner gave it independence and credibility”.

Having a neutral facilitator to guide the process was seen as adding further credibility to the jury.

4. Actively witnessing capability & empowerment

Seven of the nine bureaucrats interviewed were impressed by the sense of empowerment that taking part in the jury fostered in the juror participants. What stood out to them was seeing how people quickly and capably took on the responsibility of committing time to this issue, and doing so not just from their perspective, but on behalf of their fellow citizens. It was evident to all these bureaucrats that this group took their remit seriously. As one told us: “All of them [jurors] in the room had a real sense of responsibility. I don’t know whether that was usual, but I was blown away by it”.

Some told us of their surprise in the level of knowledge and capability demonstrated: I realised there’s way more capability in the community than we give credit for. And from a learning perspective, how do I somehow tap into that so we can start to engage quite differently?”

How did involvement change perceptions for bureaucrats?

More than half of those we spoke to shifted their view of the community. Most were surprised by the diversity the jury attracted. Others told us they saw the public as more capable, as a result of observing their ability to weigh up expert enquiry and come to agreement. As experts in their own lives and with a capacity for judgement, the community was seen with fresh eyes and as a valuable resource. It was felt by half of the bureaucrats that the recommendations had credibility because they came from citizens.

We learnt observing the jury had enabled some to more clearly see and articulate the problems they saw with more traditional engagement approaches:

“We often assume citizens are incapable and we’re the experts. And we tell them what the problem is and then we tell them the solution, and if they don’t like it that’s just tough”.

Along with recognising the constraints of the ‘we’re the expert’ mindset, the majority of interviewed bureaucrats could pinpoint how problems in their past engagement practice came from asking the wrong questions, or just providing a solution with no real involvement. Some talked of over-complicating topics, or not giving enough time or space to get a depth of input. Two bureaucrats interviewed felt that learning from

the citizen’s jury had given them ideas and the impetus to start fresh in trying to build sustained engagement.

For others, it solidified their belief that the government was genuine in their commitment to be more collaborative and wanted to connect and learn from different voices and perspectives.

A minority of bureaucrats interviewed were sceptical about the value of the jury. They felt that the results of the process didn’t equal the investment and they questioned the impact and the value. Three out of the nine bureaucrats interviewed focused on governance and the idea that trust should lie with elected or employed ‘officials’ for decision making. As one bureaucrat told us:

“At the end of the day you become a senior public servant for a reason and you’re appointed into that role, because you can research and then make decisions for the public”.

Another said: “Some people were very sceptical of the value of it. They feel quite strongly that the elected body are the voice of the community and therefore they make decisions on behalf of the community”.

This school of thought had been shared in the local Adelaide media who wrote about the jury: “43 supposedly randomly selected South Australians were picked so they could gather together and discuss how to improve the place. I always kind of thought that’s what Parliament was for ... Leadership has become another commodity that political parties can now outsource”.

Three of the interviewees shared their frustration that internal government expertise wasn't recognised, acknowledged or able to participate in the jury model, and this led to more entrenched negative thinking about the process.

Six of the interviewees also shared feeling neutral about the topic recommendations. Again this appeared to stem from wanting more of a role to play, and a lack of clarity as to why they hadn't been included to help shape the direction.

What are the opportunities for change from the bureaucrat's perspective?

From interviews conducted with bureaucrats, there are some clear opportunities for improvement in the citizens' jury process.

1. Feeling disengaged and uninformed

Concerns around how the citizens' jury process was communicated were expressed by many of the bureaucrats.

The majority of interviewees felt there was a lack of transparency with the process. For some, this came from the impression that to maintain the integrity of the process, bureaucrats were not allowed input. Some felt that this drive for protection acted as a barrier and prevented both internal stakeholders and the general public becoming more informed about the process. As one bureaucrat said: "We were told to be very cautious about promoting the jury: 'Don't talk about X, don't get into specifics about the jury's ideas'".

Despite a range of communication channels, (including briefings, website content, brochures and youtube videos), key messages around the premises and principles of deliberative democracy were not widely understood. For some the jury was seen as just another engagement process, rather than a deeper exercise about innovation in democracy itself.

One interviewed bureaucrat perceived the introduction of the jury as a snub to their existing engagement efforts, despite being able to point to past successes in acting on behalf of the 'voice of the community': "One thing that frustrated me is the perception of

government that we don't engage and that's shows a lack of understanding of what the agencies do around engagement. Yet we do engage and we deliver". Another shared their negative introduction was compounded by it also being a request to pay for part of it.

Finally, four bureaucrats felt that there had been little in the way of communication once the process had been completed. Some felt this had cut short possibilities for further dialogue about the process.

2. Feeling uncertain around the value for money

Two bureaucrats called the jury too resource heavy and expensive. They questioned whether such a small sample of only 43 participants and the outcome (which they saw as solely producing the recommendations) justified the amount of time, resources and effort.

3. Resistance with the process

All of the bureaucrats interviewed for this report offered ideas for improving the jury process:

i. Problems with people selection

While most bureaucrats interviewed saw the value in connecting with citizens, two interviewees felt that random selection was not the best approach.

One person felt it made the process too open and the danger of which would lead to clear conflicts of interest. They felt this was demonstrated during this jury, and said: "Having a Liberal Party staffer on the jury didn't help. He was a difficult influence at times from my observations and had an agenda of Liberal Party policies to push".

Another felt it was too difficult for ‘someone off the street’ to become sufficiently well informed in the time allocated: “It’s a big ask to expect a group of people who know nothing about the topic to become experts and come up with a load of ideas”.

If the goal of a jury is gaining a breadth of perspectives, it was pointed out the process was not yet sufficient in engaging with traditionally quieter pockets of the community. It was felt by one interviewee that migrants, for example, might see receiving official government documentation as a form of interrogation and something to be feared. They described the jury as a very ‘western format’ and suggested that it could be completely unfamiliar and subsequently disregarded by certain cultures. It was also felt it could exclude people with low literacy.

Others had questions around the background of how and why nDF (and the facilitators) had been engaged. One person told us they had been asked: “Why has a Sydney mob had been brought over to do this if it’s about supporting SA’s capabilities and ideas?”.

ii. Problem with the starting question

The consensus from the bureaucrat’s perspective was the jury focussed on a challenging topic question:

- > Some felt that it was too broad, and that this made it difficult for the jury to get to grips with all the evidence
- > Others described it as too complex, and that it was ‘impossible’ to research adequately all the influencing issues in the time available
- > We also heard from from two people who felt it was too safe. It was offered that this issue had already been analysed and consulted on to a substantial degree, and that

something less evolved would have provided a more interesting challenge to respond to

- > One person thought it was too solution focused, and not generative enough

iii. Problem with experts

There was a lack of understanding around the process of choosing experts to serve the jury process. Some didn’t understand why certain individuals got picked and others didn’t. Assumptions were incorrectly made that the full spectrum of arguments would be heard from. One bureaucrat told us they believed one of the experts gave incorrect information. Another interviewed felt that it was ‘pointless’ using experts from interstate as their practices wouldn’t necessarily work in the Adelaide context.

Generally it was felt that more experts should have been heard from, particularly those with knowledge around the workings of government. It was thought that because the jurors didn’t have this input, they were unable to come up with more rigorous conclusions around what would be best for the state: “Some of the report was duplication, because we were already working on this, it was almost like wasting their time. If certain legislators had spoken to the jury at the beginning, they would have said ‘these things are being dealt with, let’s focus elsewhere’”.

The question ‘Who do you trust?’ raised the hackles for one bureaucrat. They felt this belittled their role and implicitly stated that there wasn’t trust in those who were not called as experts: “We were kind of put off because when you get told that the citizens’ jury has only asked the people that they can ‘trust’ to present to them, it’s a smack in the face. You think ‘I’m putting in 15 hour days on this issue and I’m not trusted to present?’”.

iv. The problem with consensus

The notion of consensus building was seen as blocking good ideas by some. In one instance it was interpreted as compromise or merely consenting to the will of the majority, rather than as a path to informed judgement and shared ownership:

“Lots of good ideas get thrown out because consensus is narrower in its vision. Because they’ve all got to have input into it, are you all attempting to please everyone? In the end you get watered down ideas”.

v. Problem with the recommendations

Seven of the nine bureaucrats expressed disappointment with the recommendations generated by the jury. The strongest criticism was they were ‘predictable’ and ‘unsurprising.’ Many said they were hoping for more radical ideas, or different options they hadn’t thought of themselves.

One interviewee felt that recommendations were badly written and hard to understand. They felt they needed to be translated into ‘government speak’ in order to make them more actionable: “Most of the recommendations were off the mark. And that a lot of things had already been done. That they would logically come up with, and that was very sensible - well we’ve done them all. I thought it was difficult for them and difficult for government to then respond”.

... can we ensure we have a vibrant and

AGENDA

Day 1

20 July 2013

9.30 am – 4.30 pm

1

WELCOME

- Who are we all?
- Why did you come to the jury?

2

WHAT IS A CITIZENS' JURY?

- What are we asking you to do to help us
- What will happen to the results?

3

HOW WILL WE WORK TOGETHER?

- What is the process for the day?
- Who is here to help you?

4

WHAT DO WE THINK THIS TOPIC IS ABOUT?

MEET AN EXPERT

- Talk about what you heard the expert say

WHAT DO YOU NEED FOR THE NEXT MEETING?

aks during the day
a around 11 am
nd 1 pm

at around



Insights from experts and special interest groups

Broadly experts and special interest groups who experienced the jury process found it rewarding and inspiring. Many of the concerns expressed by experts and special interest groups echo that of the bureaucrats in that they did not feel appropriately engaged and informed throughout the process.

What the experts and special interest groups found positive

1. Feeling a sense of excitement

Many interviewed experts were hopeful that the jury model would be able to shift public discourse and perceptions which were stuck. They felt optimistic that the jury could offer new ideas at both the policy and community level. One expert told us: “I was hopeful that big things would come of it”. Some experts expressed that the fact the jury was apolitical was a key factor in them wanting to contribute.

2. Feeling there was clarity of information

Nearly all presenting experts positively noted receiving useful instructions to guide their presentations to the jury. One stated:

“They were very clear about what they wanted from me, they were very clear about what they didn’t want. They didn’t want a 40 minute lecture. They wanted material provided beforehand, a few key points that were evidence based to stimulate discussion, and people to be able to ‘cross examine’ me”.

3. Seeing value in participating

Overwhelmingly experts spoke positively once they had opportunity to observe the process. One shared finding the experience very positive: “It was good to go along and watch that it was independent”. It was also noted: “I sat in on the wider group session at the start. That was illuminating to me”.

How did involvement change perceptions for experts and special interest groups?

Like interviewed bureaucrats, a clear shift for four out of the seven interviewees for these groups (who all got to witness a session in progress) was seeing citizens as more capable: “When I was first invited I was unsure, I thought who goes to these sorts of things sometimes? People with axes to grind. And those sort of things can be not pleasant. And my experience this jury was very balanced. I got interesting questions, it was good humoured”.

Again this came through acknowledging diversity. As one said: “On the whole I thought they were a more well informed group than I had expected, and that was a pleasant thing to discover. Interesting group of people, very diverse backgrounds”. For another this came from awareness of the difference across all the different groups of stakeholders present: “If you do community stuff, you don’t necessarily have professionals there. You don’t have law enforcement, the local researcher, the next door neighbour and the alcohol industry in the room, they tend to go to different things”.

Experts and special interest groups felt this capability was demonstrated through the juror’s eagerness to participate and that they came across as well informed, well read, and offered thoughtful questions. As one expert

said: “It was clear from the questions some people were relating it to what I’d said, and some people were relating it to what they’d read. People said ‘oh you said this, and I read that, can you clarify this point for me?’. They were consolidating the various sources of information”.

Others interviewed felt the recommendations had credibility because they were delivered from the community rather than a government agency:

“Politicians can talk to blue in the face, but it’s hard for them to get credibility at the best of times in Australia. If you get a group from the community coming out and they’re all saying the same thing as a politician, there’s a better resonance”.

Two of the special interest groups interviewed did not experience a significant shift in their perceptions. Their involvement in the process was limited to making a submission, and they felt they had no role after this point. Perhaps it is unsurprising that these experts did not change their perceptions given their limited involvement.

What are the opportunities for change from the expert's perspective?

Some of the issues experienced by experts were similar to the concerns of the bureaucrats, namely a lack of communication throughout the process, a desire to have been more involved in the process, and disappointment with the recommendations.

1. Uncertainty

Submitting experts told us they were well informed, initially, when they were asked to make a submission. However, experts reported a lack of follow up post submission. As one shared: "I put in the submission, I sent an email (to question progress) and nobody got back to me".

Another expert stated: "I didn't get a tailing, I didn't get the end. That left me sort of hanging. Good initial contact but the follow up could have been more. Not a lot, just 'thanks very much, here's the report'".

Some experts shared they didn't understand why they hadn't been called to present to the jury. There was some confusion around their role after making a submission:

"I would have liked feedback, to know why I hadn't been invited to speak to the Jurors, to receive the recommendations".

Likewise one of the presenting experts shared feeling confused around the impact of their presentation and disappointed that they weren't called back after the jury had heard from other arguments: "I expected I might get called back after they'd heard others, and asked to clarify some areas, after they'd had a chance to think about it".

2. Wanting more from the recommendations

The majority of experts interviewed felt the recommendations were not as strong as they had hoped. Again the thought that the process would produce more radical ideas was brought up. As one pointed out: "A great way to get consensus on an issue... yet to get consensus they have to flatten out innovation".

The factual accuracy of the recommendations was a concern to some of the experts. Two participant experts felt the recommendations contained information that was incorrect and this served to undermine the impact of the whole report.

Some of the experts also commented that many of the recommendations were already in train. While some saw this as a positive: "If I was in government I'd have thought that this was great! Tick, tick, tick we are already doing these things"; others felt it was a missed opportunity. As one told us: "I went through it (the recommendations) and said 'OK where do we fit in this?' and then said 'well nothing'. We were expecting more impact. We do all these different things anyway. I wouldn't call it a disappointment, we expected more".

3. Suspicions and scepticism

The timing of the jury was brought up by three of the experts who were concerned about why the government decided to run the jury before the state election.

One expert said: “We were questioning why the government wanted to do this (now) and what they wanted to do with it”. For them, this negatively impacted how they perceived the value of the jury.

Another factor with the timing was concerned about how any recommendations would be acted on given the proximity to the election. As one expert put it: “This has been done and then tabled in Parliament, then what? We go into caretaker on Friday, what is going to happen before then?”.

Finally there was commentary that the jury process was just part of the government’s agenda to get re-elected, and therefore it was felt it was not a genuine exercise in innovating democracy.

Opportunities

Before the process

Do ‘with’, not ‘to’ with stakeholder engagement

Some of bureaucrats we spoke with felt disengaged and uninformed during the process which then shaped their attitudes to the jury in general. Despite a number of briefings, key messages weren’t heard. There seems to be opportunities to explore alternative ways of starting a citizens’ jury that would mitigate the possibilities of resistance or the perception of operating from an ‘announce and defend’ position.

What if ...

Future juries create a start up pack to support sponsors to engage their key stakeholders?

This could include ...

- Stakeholder mapping activities
- An invitation to engage submission authors and key partners
- Guidelines around how to meet with different stakeholders and the risks of not doing so
- Thoughts and ideas for effective communication
- Ways to build in feedback mechanisms to capture suggestions and concerns

What if ...

This was supported by online content specifically aimed at bureaucrats?

This could include ...

Clear articulation of ways bureaucrats can be involved and the value they bring
Stories or video of the experience of bureaucrats from other jurisdictions from previous juries

What if ...

Each citizens’ jury included an exit process in which jurors elected a group of those most respected from the process to help inform the next jury process and pass on what they have learned from their previous experience.

“A lot of what the government did was try to defend the whole aspect of this being random selection. They played and played and played on that. They could have communicated a bit more (particularly during it) more about the process. Especially now they have run one, you would probably talk more about the benefits of the actual process, the idea around how it changes democracy. I would like to see more ‘this is the process’, ‘this is what we learnt last time’”.

Clearer communication to bureaucrats and experts

Some of bureaucrats shared a narrow view of the jury. It would seem there is additional opportunity to better communicate the intent and the specific benefits to different groups within the system and help to spread the word of its purpose. It would be important for this to acknowledge existing contributions to any identified topics and what is important for agencies.

Ideas around what to communicate ...

- The need to make progress against the selected topic
- The need to explore alternative ways of engaging citizens
- The bigger idea of this being an experiment in democracy
- The benefit of decisions being driven by public judgement
- Acknowledgement of existing engagement efforts
- Points of difference of how the jury is different from other engagement models
- What is not the purpose of the jury
- Support for this idea from the public (if there is any)

A more collaborative question process

The general consensus from the bureaucrat's perspective was this was the wrong topic question for a number of reasons: too broad, too complex and too safe. The general opportunity seems to be to focus the question on something more specific.

What if ...

Prior to a jury starting, bureaucrats were canvased on questions that would be useful to tackle?

This could potentially help engage them in the process and create topics of interest for future juries. When a topic is chosen, it seems it would be important to communicate why that topic is good for a citizens' jury, and what the jury will add beyond existing exploration of the question and initiatives related to the question.

There also seems to be an opportunity to focus in the question on targeted areas the government are struggling with. For example, rather than a vibrant and safe nightlife, would it have worked better to narrow the scope to reducing binge drinking or increasing diversity of age groups participating in nightlife?

The postal invite

Many jurors described the invite as prestigious, yet it's a fact that a lot of information was crammed into the small size of the invite. Our hunch is that this only made it interesting to people that were up for reading that level of detail. People with low levels of literacy certainly would have struggled. We heard from one person who didn't respond to the invite and one of the reasons was they thought 'newDemocracy' sounded like a cult!

What if ...

The invitation was bigger giving more space for key information, or contained more of the details online? We believe stories and testimonials of people who had been involved in other juries would help in generating interest. We also noted that the envelope, whilst prestigious, was addressed 'to the householder' as is much junk mail. Could this be addressed to a named individual - or more visually different from junk mail in some way - perhaps with a government stamp on the envelope?

Reaching wider

Education institutions appear to offer a rich bed of possibility for attracting and recruiting jurors.

To broaden the scope further, what new opportunities are there to engage those who might not come with a high level of educational (or even employment) attainment?

What if ...

There were other strategies to engage different kinds of people who traditionally wouldn't respond to an invite from authority. What different approaches would be more effective for attracting migrants for example? Could future jurors be found through job agencies, volunteer or cultural organisations?

Is there an opportunity to design how people might share key messages and talk about the process or democracy when sharing their experience with their friends and families?

During and post process

Expert engagement

Jurors we spoke to saw little value in hearing from the panel of experts. While they acknowledged it provided a useful breadth, it didn't allow them enough time and space for in-depth questioning. Learning from an individual expert coming to each table was identified as most useful.

What if ...

nDF specially briefed facilitators to explore facilitation models that provide an appropriate balance between breadth and depth?

Collaborative writing

Jurors we spoke to told us collaborative writing was a challenge. In contrast to the rest of the jury, this exercise appeared to be particularly unstructured.

What if ...

Facilitators shared proven tips and ways of doing collaborative writing? There would appear to be a large amount of research, strategies and processes that could be explored and incorporated.

nDF explore some different processes to trial and test alternative ways of doing collaborative writing. That would not need to happen during a jury.

nDF explored different approaches than writing for the recommendations.

Language

Jurors also shared feeling frustrated by the time and energy spent defining key language used in the question. Some felt this language remained open different interpretations throughout the process.

What if ...

This language was defined upfront by the sponsor of the process?

Offer the observers space for commentary

Some observers (bureaucrats and special interest groups) felt they had knowledge that could have contributed immediately to some of the questions or queries raised by the jurors and therefore could have saved them time in their research. Many bureaucrats also felt that the jury wasn't across what the government was currently doing and that this was important for the jury to understand.

What if ...

There was a space for observers of the process to post comments, questions or leave suggestions for jurors?

Another alternative could be to have a role as part of the jury that can be called on to share insight on how government works, either as part of the facilitation team or as a rolling 'expert'. They could verify facts and gather information from legislators on what initiatives are currently being actioned. They could also help translate report language into more 'government speak' if this was helpful.

Jurors also thought a role of a researcher could be helpful. As one juror told us: "It was often said 'I think they might do this already, but we'll just make it a recommendation'. So if we could get rid of all the stuff out of the report that is redundant, even if you're just left with 3 things, I feel that's a much better report. It could use a professional person

to come in and say: 'you asked if they are doing this, well they are doing something like this. So do you think that answers what you were asking for?'. Then the Jury can make a decision about whether we were talking about that or not".

In this jury when jurors were asked 'who do you trust?' to inform them, it led some bureaucrats to not feel trusted (because they weren't chosen) which in turn diminished their trust.

What if ...

Future juries consider adding in a 'what we're working on' discussion to the process?

This could give departmental heads an opportunity to talk through what they are currently working on and what's in the pipeline so jurors get an overview and avoid duplication of ideas.

Communicating the process

There appears to be a clear link with those who took time to observe the process and the value that was then placed on its effectiveness. In short, those who observed the process thought it was more valuable. However for some, the weekend timing meant it was impossible to be there in person.

What if ...

There were ways to share the process with people who couldn't attend?

This could include live streaming, or even a newsletter sharing progress during the process.

Difficulties with reading and online materials

Many jurors said it was difficult to navigate the website and felt it was ugly. Others felt some submissions were hard to read and too complex.

What if ...

Future juries explore or build more user friendly software?

What about loaning people iPads either during the sessions or for the duration of the jury - both to offer internet access and as an interactive way to enlarge text?

Could all submission come with a 'cheat sheet' - an overview on the front detailing the key argument points and evidence it cites?

Could future submissions be presented in other formats? - epub. files, visual, video and audio were all suggested.

A chance to iterate the recommendations

Bureaucrats felt that some of the recommendations suggested actions that were already in progress. These particular policies or initiatives were not mentioned in the report. There seems an opportunity where the findings of the jury match existing policy, for explicit endorsement of those policies on the part of the jurors.

What if ...

Bureaucrats were able to see an early draft of the report and could put forward existing policies and initiatives that sit under the recommendations. In the final session, the jurors could then choose to provide their endorsement (or not) of these policies.

Many bureaucrats and experts came with expectations that the recommendation would bring new thinking and felt this was not delivered on. If the point of the jury is more about judgement than creativity, our hunch is this needs to be clearly communicated. From what we heard there was a clear value in wanting to learn from any lateral examples or ideas researched or created by the jury which may not have made it into the report.

What if ...

There was a separate document detailing the more lateral ideas developed by the jurors in the small groups where it's made explicit they are not the judgement of the whole jury?

Reutilising the recruitment of random selection

There was real interest from bureaucrats in engaging with a wider pool of people. More than one of our interviews talked about the possibility of building relationships with the jurors for more ongoing engagement - in this and other policy areas. The jurors also expressed an enthusiasm for engagement activities, around the topic, for other juries, and engaging more generally with government.

What if ...

There a way that the recruitment for juries could also be used for recruitment for other engagement purposes?

Conclusion

The findings of this report indicate that across all the stakeholders, the majority saw extraordinary value in engaging citizens in democratic decision making. We also identified an emerging consensus around the philosophy supporting ‘shared’ government decision-making, but one that is subject to political debate and cynicism, and therefore has a way to travel.

This research has also been able to identify that processes such as citizens’ juries can add significant value, both as an alternative engagement model that attracts the ‘unusual suspects’ and fosters sustained interest across citizens. Standing alone, however, it must be acknowledged that they will never be the panacea to the challenges government faces in becoming more collaborative. Within this sphere, deeply entrenched attitudes that can serve to inhibit change need to be considered.

In order to maximise the acceptance of future citizen’s juries, and other deliberative democratic processes, our primary recommendation is that those running juries explore how to better engage bureaucrats, before, during and after the jury process – to better communicate the limitations of conventional democratic approaches and the opportunities presented by deliberative democracy to build on their current practices.

To do this effectively will mean striking a balance between integrating into existing ways of working and creating a new space for

discussion and reflection. This was a citizens’ jury and citizens by and large had a positive experience; bureaucrats views, however, appear to remain mixed, and this is likely to present an ongoing barrier to the spread of deliberative democratic decision making. The fact that this experiment in democracy happened is the most significant step that could be taken to shift these perceptions, the recommendations here are only to amplify impact.

In a written response to our research questions, Premier Weatherill stated:

“The greatest resource we have in South Australia is the common sense judgement of everyday people. People in our community are in the best position to understand how the issues that affect them can be solved”.

The South Australian Premier has made an election commitment to host at least two more juries to ‘consider important matters of concern’. We hope the improvements suggested by citizens in this report, alongside those suggested by bureaucrats, experts and special interest groups, will be considered in the planning of South Australia’s second and third citizen’s juries. We think adopting the recommendations here present the next practical step towards a richer and mutually beneficial engagement between the Government and citizens.

Appendix A: Insights from the facilitator

How do you begin to support 43 random strangers to make informed judgements for five full days, over 4 months? For the facilitators at Oz Train, preparation started two years previously, attending a course offered by the University in Western Sydney in citizen engagement. They were already incorporating new ways of maximising participation into their work, and it highlighted a shared value set to do work in building democracy. It also made them a preferred partner for this jury.

It requires a certain kind of energy and skill to facilitate a jury, in Oz Train's view, a certain amount of courage. It's rare for a facilitator to have such a large group of people where nobody knows each other - usually there's history. They found this exhilarating and requiring of all their energies.

The jury process also goes against the traditional perception of facilitation as 'telling'. Here the purpose is to be hands off and empower the jurors with decision making. Handing over control to the group, and listening rather than speaking isn't to everyone's style, even among facilitators. Yet here it's critical.

Deliberation was the key theme throughout the process, and something that needed to be explicitly designed. Selecting a random sample means not everyone will be practised in the kind of rigorous thinking that informed judgement requires. It is therefore necessary to use a range of methods and approaches to bring people along and up to a certain level of understanding.

For Oz Train, methods ranged from table swapping in discussions, affinity processes, presentations of findings and arguments, and using a set of cards to critique and give feedback. It was important to consider those who may not be comfortable with speaking in groups, and those not comfortable with writing. Conversations with peers and social networks outside the jury were also encouraged.

A clear way of delineating the roles of the facilitators with that of the process champion from nDF was the notion: the facilitators manage everything in the room, nDF manage everything outside the room.

For the facilitators, this meant establishing group norms around how the group should behave together, talking through hopes and fears (from the pragmatic to the aspirational), allowing plenty of space and time for discussion, and ensuring everyone was heard and had the opportunity to contribute. For nDF, this meant managing the relationships with the media, government agencies, lobbyists, communication with the jurors outside the time, and linking up with the experts. They could also share knowledge of the process during the sessions if invited to do so.

For these relationships to work well together, Oz Train felt they needed open communication from the outset, and the ability to establish trust quickly. They found preliminary conversations with nDF to gain mutual understanding on key distinctions such as 'deliberative democracy' to be useful.

An unforeseen challenge was the role of managing the 'other' stakeholders in the room - the observers who were interested in

the process from government agencies, city councils and special interest groups. It was thought because the process created such a buzz, it led to whispering and sometimes distracting conversations which in turn unduly impacted the thinking space for the jurors, leading to complaints. This needed to be addressed.

Opportunities for future facilitators

Recommendations from Oz Train:

- Doing some research on what is happening around the world with deliberative democracy might be helpful. Oz Train found good examples in Canada they could draw from.
- Make requests of new Democracy Foundation or other facilitators about how to plan and manage the series of juries. Have conversations for clarity around mutual understanding on language
- Supporting 40+ people with high expectations and who really wish to contribute is going to require all your energy (perhaps more than you think!)
- The role is to hand over decision making - you'll be saying things like: 'no, we're not recommending who you should speak with', 'no we don't have a view on that particular opinion', 'no we won't be leading your thinking in this direction'.
- Being hands off and letting the Jury control everything isn't everyone's style. Empower the power - when you hand it over, they will take it and you'll need to think how to manage that.
- Anything can happen! Expect the unexpected, angst, ego's, emotional journeys, a soapbox, the squeaky wheels, maybe plots to bring down the government, or like Oz Train did,

the media sneaking in at the start and pretending to be jurors, along with people telling you it's a privilege to be part of it.

- Time flies - use it wisely!
- One possibility could have been to identify one or two experts ready in place to call forward ready for session 1.
- Guidelines could be in place for observers of the process - a way to share expectations and any rules with them.
- Adequate planning time with the relevant sponsor agency to organise roles and responsibilities to prepare and complete tasks. This would include conversation around what will happen with the recommendations post jury in order to communicate this to jury members.

Thank you to the people who were forthright and passionate in what they shared with us.

The TACSI team for this project was:

Jess de Campo, Margaret Fraser, Sebastian Geers, Nicholas Gruen, Adele Liddle and Chris Vanstone.

“ I took part in something that might even go down in history. It'll be written somewhere where it says they had the first democratic Jury in Adelaide in July 2013. I was part of bringing ideas forward to create a safer, more vibrant nightlife in Adelaide. ”

Juror