

PROPOSAL FOR THE LORD MAYOR OF THE CITY OF SYDNEY

SUPPORTED BY  
THE OFFICE OF THE PREMIER OF NSW

**A SAFE AND VIBRANT NIGHTLIFE FOR SYDNEY**

PROCESS DESIGN OVERVIEW:  
IDENTIFYING THE VIEW OF AN INFORMED PUBLIC

Overview

The following process design is deliberately identical to a process currently being delivered for the Premier's Office in South Australia with the same topic, same authority and same operational design.

Commissioning of the project has been advocated by a non-government organisation (The Thomas Kelly Youth Foundation), which is a departure from newDemocracy's normal path of working solely with governments. To avoid perception of bias or influence on the Jury's work, the design from South Australia (where no other NGO was involved) has thus been retained without amendment to avoid perception of influence on possible outcomes.

For newDemocracy, it is intended to deliver a public proof of concept demonstrating the capacity of everyday citizens working together in a facilitated Citizens Jury to deliberate and come to an informed consensus decision.

For Council and NSW Government, it is expected that the provision of a non-partisan, deliberated and informed consensus view from everyday citizens will free them from some of the constraints which exist in all adversarial democratic structures. The authority provided by the Premier committing to table the resulting recommendations verbatim in Parliament will be coupled with a formal commissioning role by the City of Sydney and personal response from the Lord Mayor.

The Citizens Jury will operate in a challenging area of policy which the public perceives is subject to activist interest groups, powerful lobbyists and superficial media comment: most changes reported as being "tough on crime" or "soft on crime" and fuelling simplistic partisan debate. The project seeks to prove that decision making can be done strikingly differently and in so doing earn much greater public support and generate more innovative solutions.

Background and Context

"Alcohol fuelled violence" has fallen into the modern lexicon as a label covering a range of incidents – one which government should "do something about". It affects a wide range of jurisdictions

worldwide, and is one which has evaded traditional approaches to identify and apply the general will of the community.

The challenge to ensure a healthy, safe and vibrant night-time economy is one of trade-offs that necessarily and by definition affects personal freedoms. Council and Government finds itself in a no-win position of applying “nanny state” laws or “failing to protect our children”: adversarialism, lobbying and perceptions of influence on judgment cloud paths of action.

Anti-social behaviour and its causes is an extensively researched and statistically-rich environment, meaning that the availability of expert insight and factual grounding is comparatively easily available as long as a process is created which gives citizens a reason to read, consider and deliberate upon that information.

### Project Objective

The objective of this deliberative process is to explore whether common ground can be found as to reform options which balance community safety and personal freedom to achieve a safe and vibrant nightlife in Sydney.

The related questions to be researched are whether there is greater public trust in the recommendations and any subsequent decision taken by elected representatives, and whether there is media acknowledgement of the community’s capacity to solve their own challenges.

The process serves to empower elected representatives who are otherwise subject to the non-deliberative response of ‘vox pop democracy’. However, the trade-off is an “uncontrolled” result – the community selects experts of their own choosing and the Foundation will fiercely protect the neutrality of information provision. 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, the City of Sydney or NSW Government.

The panel process depoliticises the decision. This process can deliver a policy improvement in its own right, as well as setting a template for widespread adoption across all levels of government.

The values to focus a deliberative process upon are fairness, long term viability 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.

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 which 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 thinktank 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 43 of their fellow citizens would work to reach consensus for change 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 recommendations* delivered by the Lord Mayor, the Premier, a Minister, a Department 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 Theorum).

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 policy jury so that these panels are heard without having a disproportionate influence.

#### *Legacy: Embedding the Approach*

The City of Sydney has become an icon for maximising community involvement in decisions which affect them and this continued innovation fits naturally in an organisation accustomed to a highly integrated community role. Equally, NSW2021 identifies a desire for a transformational change to 'how we do government' and how the community can be part of decisions. This is also a central aim of newDemocracy.

Firstly, a visible public project is an essential first step in this transformation: the goal is to demonstrate in a non-partisan fashion that there is civic capability which can surface through a change in structural approach as to how the community is brought into the decision – showing how

a community can actually *own* the decision. This topic (which will be categorised as a law and order issue) is sufficiently substantive and high profile to achieve this goal.

### Methodology

It is proposed that a **Citizens' Policy Jury** (CPJ) of 43 participants will be convened for approximately three months for six 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 'descriptive match' to the community 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> )

The jury will be complemented by an exponentially scalable online process. This encourages self-selected groups to discuss and share with a view to making a submission to be considered by the jury of their peers. The online platform thus serves a dual role as a gathering place for finished ideas, or as the forum space for disparate groups to work within.

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 and location. Representation by income and ethnic identity is achieved naturally by the randomisation element.

ABS data (Report 3235.0, August 2012) indicates that the population distribution for citizens designated in SA4 Sydney is 17% aged 15-24 (589,527), 20% aged 25-34 (701,916), 18% aged 35-44 (637,526), 17% aged 45-54 (575,259), 13% aged 55-64 (457,281) and 15% aged 65+ (524,779).

Invitations to participate in the CPJ will be extended to a randomly selected sample of 20,000 citizens ideally taken from the commercially available Australia Post address database. They will be invited to register electronically with nDF to indicate that they are available for the final selection. Based on those available, a further stratified random draw is conducted. A security code on each invitation deters registration by those outside the sample, and the response list is checked against the original invitation list.

Just as in juries per diems and/or reimbursement of transport costs is advised so as to avoid excluding participants who may find this a hardship – provision of transport tickets to each participant is an effective way of delivering this in part.

### Selection of Participants

This section is based on an estimated population for metropolitan Sydney of 3.48m (ABS Report 3235.0) with Sydney designated as suburbs falling within the SA4 region.

Invitations for the Citizens' Policy Jury would be issued to 20,000 citizens randomly drawn from across metropolitan Sydney, complemented by an additional random draw from university and TAFE populations to maximise the response rate in the 18-24 category which is the most challenging to secure.

Invitations should be non-partisan: they will come from the Lord Mayor of the City of Sydney and note the commitment of the Premier to have the final report tabled in Parliament. They will explain the process and ask the citizen to decide to confirm eligibility for selection in the Policy Panel. (5% response rate required, around 10% expected)

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.

The sample (which incorporates a number of reserves) will be sent a comprehensive schedule and explanatory kit of pre-reading (generally an online private forum with a library of documents and submissions), with a request of the citizen to provide a final acceptance allowing nDF to finalise the panels.

The group is convened solely for this process: any future Policy Jury would recommence a fresh selection process.

### 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 policy jury does not erode that trust.

Information selection can be a very time consuming process. A portion of this work comes from the self-interested willingness of advocacy groups and interested parties to engage via submissions of their own independent work. A public call for submissions is thus factored into the design, and the operation of the jury allows it to ask to hear more from the author of any submission. The support of City of Sydney in notifying known advocacy groups is valued.

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”.

With the issue disproportionately affecting citizens under the age of 35, the Foundation recommends communicating the opportunity to make a submission through appropriate channels and locations (venues, universities, online) frequented by this otherwise low-response demographic.

Prior to the Policy Jury's first meetings, a set of background documents based on the above will be circulated to the jurors. This is the baseline content for deliberation.

It is recommended that an online discussion forum (for the use of the Panel) be operated as part of the process. NDF currently works with BangTheTable, who are a donor of in-kind services to nDF. A separate public forum can also be operated.

#### What Does the Citizens' Policy 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 ensure we have a vibrant and safe Sydney nightlife?**

**The jury is asked for a minimum of five specific reform recommendations.**

In terms of authority, it is proposed that:

**The Lord Mayor of the City of Sydney commits to respond to each recommendation of the Jury on behalf of Council.**

**The Premier commits to table the recommendations in Parliament.**

#### 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' panels 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

A skilled facilitator will be required for the process and should ideally be recognised by the International Association of Public Participation (IAP2).

nDF will operate 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.

Meetings would ideally take place within Council or university facilities available at negligible cost. Official buildings are preferred and convey the right message (regarding authority) to participants.

NDF utilises an integrated print and distribution service capable of very fast turnaround production for invitations.

### 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. Uniquely (when compared with other deliberative processes) the Lord Mayor's and Premier's decisive commitment early will deliver this media response.

### Costing Outline

Key cost areas are outlined below.

- a. Dataset, printing and postage (24,000 invitations to print plus \$0.55 per piece to post) estimated at \$22,000.
- b. Catering of \$15,000 (6 days x 50pax @ \$50ph).
- c. Independent facilitators for a total cost of \$35,000.
- d. Participant per diems of \$17,200 (\$400 x 43)
- e. Provision should be made within the budget for a reasonable level of expenses for nDF representatives: estimated at \$3,000.
- f. It is assumed venues (including basic AV requirements) can be found at no cost. A budget allowance of \$12,000 (or equivalent in-kind value) is otherwise set aside for this purpose.
- g. it is requested that use of the 'HaveYourSay' web platform can be provided by City of Sydney.

Items a-e amount to **\$92,200.**

Process design and selection administration will be provided by the Foundation on the cost recovery basis included in point 'e' above.

As a research institute the Foundation requests:

- i. funding support of \$20,000 for an independent research project to capture what is learned through the innovation process. As part of our ATO compliance, the topic of research will be set by the Research Committee of The newDemocracy Foundation.
- ii. that a contribution of \$20,000 is made to the newDemocracy Fund which contributes to the operation of the Research Committee and to the future of improving democracy in Australia.

The expected total cash project cost is thus **\$132,200** (excluding the \$12,000 in-kind component noted above).

Primary funding for the project will be shared equally by the City of Sydney and the Premier's Office at \$60,000 for each party. The remaining funding is provided from a donation made to the Thomas Kelly Youth Foundation.

Key Issues to be managed:

- City of Sydney and NSW Government's agreement as to remit and authority.
- Interface with subject matter experts and contributors 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).

DRAFT TIMELINE FOR 2013/14 DELIBERATIVE PROCESS:

THE LORD MAYOR OF THE CITY OF SYDNEY  
**A SAFE AND VIBRANT NIGHTLIFE FOR SYDNEY**

IDENTIFYING THE VIEW OF AN INFORMED PUBLIC

Topic: **How can we ensure we have a vibrant and safe Sydney nightlife?**

**The jury is asked for a minimum of five specific reform recommendations.**

<p>End September 2013</p>	<p>NDF and City of Sydney preparatory planning session.</p> <p>Key topics:</p> <ul style="list-style-type: none"> <li>➤ Identify required background materials and expert/ contributor program for inclusion.</li> <li>➤ Identify communication targets for submissions and contributions (interest group involvement). Include media.</li> <li>➤ Revise/ amend/ review this program.</li> <li>➤ Agree media and communications protocols – how we work together.</li> <li>➤ Final budget approval by each party.</li> <li>➤ Finalise date specifics – check for major event clashes.</li> <li>➤ Finalise venues.</li> <li>➤ Agree Academic Oversight Representatives &amp; Research Partner.</li> </ul>
<p>October 2013</p>	<p>Printed invitation sent to a random sample of 20,000 citizens, plus approx. 4000 from a student data set.          (Sample extract secured as .xls by week 4 Sept, posted early Oct)</p> <p>Agree <i>RSVP deadline + 3 weeks</i>. (approx. Thurs Nov 7<sup>th</sup>)</p> <p>Deadline for recruitment and briefing of independent, skilled lead facilitator. NDF to work with City of Sydney’s preferred provider.</p> <p>Selection of online platform services (including moderators).</p> <p>Call for submissions commences Oct 10<sup>th</sup> and runs til mid-Dec. Briefing sessions conducted for identified interest groups.</p> <p>Option to trial online engagement/ feedback products where feedback will be synthesised by Jury for response.</p>
<p>Mid Nov 2013</p>	<p>First round selection to secure representatives.</p> <ul style="list-style-type: none"> <li>➤ Seeking approx. 45-47 citizens (43 + reserves).</li> <li>➤ Explanation of commitment required: attendance at all elements of process, including potential online discussion presence.</li> <li>➤ Stratified random sample to deliver descriptive match to community (nDF to provide technology/ expertise and contact with each selected participant).</li> </ul>

	<i>N.B. List will not be provided to Council/ Government.</i>
End Nov 2013	Finalisation of Panels. Provision of welcome kit of materials. Potential to open up online discussion environment for participants with a focus on agreeing early expert speakers. Online environment provides document sharing and consideration of received submissions.
TBC	Media briefing to explain process.
Day 1 Saturday Feb 1 <sup>st</sup> <i>(Full day required)</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 produces.</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>➤ Panel sessions with 2-3 expert speakers driven by each group’s online discussions prior to meeting. Includes open Q&amp;A.</li> <li>➤ Group to identify speakers sought for future assemblies.</li> <li>➤ Ensure familiarity with and acceptability of online tools</li> </ul> <p>Welcome from Lord Mayor strongly recommended if possible. (9-10am).</p>
Saturday Feb 22 <sup>nd</sup> <i>(Full day required)</i>	<p><b>The Second Deliberation – Understanding</b></p> <p>Jury will still be exploring content from background materials and ‘learning what they don’t know’ to generate further requests for information and expertise.</p> <p>It is envisaged that a panel of expert speakers will appear in-person or via video conference link.</p> <p>Ongoing online discourse among the panellists is encouraged during the “away” period.</p>
Saturday March 8 <sup>th</sup> <i>(Full day required)</i>	<p><b>The Third Deliberation – Focus</b></p> <p>The Jury will be asked to agree a structure for their report/ presentation to the Lord Mayor and the Premier. No templates or pre-written content is provided – it is important they start from a blank sheet of paper rather than endorsing a Draft document produced by Government.</p> <p>Two or three further speakers, and potentially a technical session, are likely at this meeting.</p>
Monday following	<i>Convenors’ Review: do the participants need more time or assistance to come to a full understanding of their choices? Potential to extend meeting schedule at this point while still meeting final date requirement.</i>
Saturday March 22	<b>The Fourth Deliberation – Reflect. Discuss. Deliberate.</b>

	There is no fixed output from the session: the goal is to provide a face-to-face forum for the representatives to reconvene to discuss their views in small groups. The facilitator should encourage groups to move toward commencing the prioritisation task and end the day with a “long list” of priorities and possible funding structures. The draft report has form but may still have “rough edges”.
Saturday April 5 <sup>th</sup> <i>(Full day schedule)</i>	<b>The Fifth Deliberation – Shared Goals</b> Consensus session which may incorporate new information to reinforce the recommendations. A read-through session to finalise the draft report.  Recommendation(s) must be Specific, Measurable, Actionable, Realistic and with a Time horizon.
Saturday April 12 <sup>th</sup> <i>(2 hr session)</i>	<b>The Final Deliberation – Discourse with the Lord Mayor</b> Delivery of a prioritised list of reform recommendations by the Jury to the Lord Mayor and Premier. The Lord Mayor has a discussion with the Jury having had a chance to review the report.
Monday April 13 <sup>th</sup>	Process debrief and agreement on Action Items.