



# Systemic Impacts of Mini-publics

**PREPARED FOR:**  
newDemocracy Foundation

by

Professor Chris Riedy  
Dr Jenny Kent



# ABOUT ISF

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# SUMMARY

## Introduction

A mini-public is a democratic innovation that brings together a small, representative group of citizens to deliberate and advise on a decision, or sometimes make a decision. Members of mini-publics are often randomly selected from the community. Mini-publics include such innovations as citizen juries, deliberative polls, consensus conferences, and citizen assemblies.

Mini-publics are one expression of the theory of deliberative democracy. Deliberative democracy puts ‘communication and reflection at the centre of democracy’ so that democracy ‘is not just about the making of decisions through the aggregation of preferences’ but ‘also about processes of judgment and preference formation and transformation within informed, respectful, and competent dialogue’ (Dryzek 2011, p.3). Thus, deliberative democracy puts talking, rather than voting, at the heart of democracy (Chambers 2003). Anybody can engage in deliberation, which is recognisable by a ‘deliberative stance’: ‘a relation to others as equals engaged in the mutual exchange of reasons oriented as if to reaching a shared practical judgment’ (Owen & Smith 2015, p.16).

While mini-publics have been very successful at facilitating deliberation amongst participants, they often lack influence and authority, which means their recommendations are too rarely implemented. Recognising the limitations of discrete deliberative experiments such as mini-publics, democratic theorists have recently turned to a systemic view of deliberative democracy in which the goal is to advance the deliberative capacity of entire political systems (Chambers 2009; Curato & Böker 2016; Elstub, Ercan & Mendonça 2016; Owen & Smith 2015; Parkinson & Mansbridge 2012; Stevenson & Dryzek 2014). A deliberative system is one in which the institutions and networks of governance support a deliberative approach to political conflict and problem-solving at a whole-system scale (Mansbridge et al. 2012).

The systemic view of deliberative democracy brings questions about the relationship of the mini-public to broader political systems to the fore. It invites assessment of how mini-publics fit into democratic systems, and how they can be run in such a way as to promote a deliberative stance, thinking beyond the boundaries of the event. This research project asks what mini-publics contribute to democracy from a systemic perspective, and how that contribution might be strengthened. For evidence, we draw on three mini-publics supported by the newDemocracy Foundation during 2015 and 2016: the Penrith Community Panel; the Noosa Community Jury (on management of the Noosa River); and Infrastructure Victoria’s citizen juries.

## Research design

The research project has three overarching aims:

1. To explore the ways in which mini-publics interact with and connect to other elements of political systems, and their overall impact on deliberation at a system-scale
2. To identify practical measures that organisers and facilitators of mini-publics can take to enhance the potential for a positive impact on system-scale deliberation
3. To contribute to the theoretical development of the deliberative systems perspective by integrating existing approaches with soft systems methodology.

To pursue these aims, we started by using the deliberative system elements defined by Stevenson and Dryzek (2014) to describe the deliberative system in each case. We then drew on Curato &

Böker (2016) to make a distinction between internal and external deliberative quality. With respect to internal deliberative quality, we asked:

- Does the mini-public have a high degree of internal deliberativeness (authentic, ethical and inclusive)?

With respect to external deliberative quality, we asked:

- What has the mini-public done to encourage public deliberation?
- What has the mini-public done to seek and establish legitimacy?
- What has the mini-public done to build capacity for deliberation, including mutual respect (i.e. promotion of a deliberative stance)?

These high-level questions provided the framing for a series of more specific research questions:

- What evidence is there that mini-publics achieve influence and impact on the topics they address, beyond their boundaries? What are the mechanisms by which influence and impact is achieved?
- How do participants and other stakeholders experience mini-publics? How do their experiences influence their likelihood to share the event through their networks?
- How are mini-publics portrayed in traditional and new media?
- In what ways do the responses to the above questions vary with the scale of the event?
- What can the organisers of mini-publics do to facilitate deliberation and impact beyond the boundaries of the event?
- Can we productively integrate diverse deliberative systems frameworks with soft systems methodology?

We used semi-structured interviews with mini-public organisers, participants and issue stakeholders as our primary data collection method, as we wanted to understand the experiences and motivations of these actors during their engagement with the mini-public. Secondary methods included analysis of documents associated with the mini-public, analysis of print and social media related to the mini-public and application of system analysis frameworks.

## Penrith Community Panel

### Mapping the system

The Penrith Community Panel was convened by Penrith City Council (PCC) under the guidance of nDF in 2015. It was the first time PCC had used a mini-public process. Staff were enthusiastic about the concept, not only in terms of what it offered in achieving PCC's community consultation objectives but also because it offered a pathway for better local democracy and governance.

35 citizens were invited to participate from a pool of 5,000 randomly selected Penrith City residents to advise Council on the following questions:

- What local services and infrastructure do we need in Penrith?
- What should we do, to what level of quality, and how should we pay for it?

The task of the political system here is to decide how PCC's financial resources should be distributed within the local government area and it sought to give the community deliberative input



into that system. To a large extent, PCC is the owner and controller of this system and had direct authority to act on the outcomes of the mini-public. The important political context to be aware of is that the NSW Government had reviewed the financial capacity of NSW Councils and was forcing unpopular mergers of Councils that were judged not 'fit for the future'. PCC had been judged fit for the future, but its proposal to the NSW Government assumed approval of an increase in rates from 1 July 2016. This existing proposal for a rate increase was one of things the Panel needed to consider in relation to desired levels of service and ways to pay for those services.

The Community Panel was conducted over 6 full-day Saturday sessions from September to December 2015. Each meeting was facilitated by an independent facilitator engaged by PCC and other members of the public, the media, and Councillors were free to attend and observe sessions. Stakeholders were invited to make submissions to the Panel and Panel members were able to request information from PCC. The Panel received relatively little media attention and most coverage was in local newspapers that have low readership, dominated by an older demographic.

The Panel's report contained numerous recommendations in seven topic areas:

- Getting around the city
- Health and community spirit
- Income and expenditure
- Jobs close to home
- Our environment
- Planning for future growth
- Safe and vibrant places.

Recommendations were divided into advocacy actions, where PCC did not have direct jurisdiction, and actions that PCC could take. Actions for PCC were prioritised by timeframe (e.g. immediate, 0-10 years, 15 years) and linked to ideas for funding. PCC received the recommendations at a full Council meeting on 8 February 2016. At this point the report's recommendations were made public. At the time we spoke to them, panellists largely felt that their recommendations would not result in significant changes to PCC's direction in services and infrastructure development. This was not because PCC was seen as not listening, but because the recommendations largely endorsed PCC's existing direction. Our participants indicated that the Panel effectively transmitted the message to PCC that they should keep doing what they were doing, with some minor changes and better public communication about their achievements.

We found no evidence of a prior commitment to act on the recommendations and no detailed response to the recommendations has been released, although PCC advises that it does intend to release a response. After acceptance of the Panel's report by the Council and a media release from the Mayor, there was little public communication about the Panel and how its outcomes were being used. However, behind the scenes, the Panel's recommendations were considered in development of a new Community Plan and Delivery Program, released for public exhibition on 10<sup>th</sup> May 2017. The Community Plan includes specific actions to improve PCC's communication, which was a key recommendation of the Panel. The Panel's report was also used to brief incoming Councillors elected in September 2016 at workshops in November 2016 and February 2017.

## Internal quality

Based on our interviews, the internal deliberative quality of the Penrith Community Panel was high. Participants were generally satisfied with the representativeness, the facilitation, the information



they received from PCC and the quality of the deliberations. They raised minor concerns and opportunities for improvement on all of these points, but they did not detract from an overall positive experience. There was, however, a sense that the deliberation could have gone deeper into trade-offs and financing of priorities but the broad scope meant that there was not sufficient time to get into these complexities.

## External quality

Consistent with the systemic critique of mini-publics, there is little evidence that the Penrith Community Panel achieved external deliberative quality. Despite efforts to cultivate media attention, and some limited engagement through social media, the wider public knew little about the process and largely left the panellists to deliberate behind closed doors. The recommendations of the Panel received little media coverage and have prompted little public deliberation other than the deliberation that happened within the mini-public itself.

## Noosa Community Jury on River Management

### Mapping the system

Noosa is a popular holiday and retirement destination in Queensland, located on the Noosa River where it joins the sea. In 2007, the Queensland Government established a Local Government Reform Commission, which recommended amalgamation of many smaller local government areas across Queensland. Despite strong opposition from the local governments and residents, the Shire of Noosa merged with the City of Caloundra and the Shire of Maroochy to form a new Sunshine Coast Council in 2008. A grassroots campaign for de-amalgamation emerged and eventually led to the re-establishment of Noosa Shire Council (NSC) on 1 January 2014.

This history led directly to NSC's decision to hold two community juries – its first experience with mini-publics. Through seven years of grassroots campaigning, Noosa residents had argued for a local government that is closely connected to and responsive to local needs. The CEO of NSC described the de-amalgamation campaign succinctly as 'local people wanted a local say on local issues'. In response, in 2015, NSC partnered with nDF to hold two Community Juries: on local waste management; and on management of the Noosa River. Our focus here is specifically on the second Community Jury, which addressed the topic: "How can we manage the Noosa River better? What role should Council play and what resources should Council apply?"

The governance system of interest here is the system that decides how the Noosa River should be managed, and implements those decisions. Unlike the Penrith case, where the relevant governance system was primarily under control of the local government, governance of the Noosa River is a messy affair, involving multiple Queensland Government agencies and, to a lesser extent, NSC. Indeed, where PCC had full jurisdiction to act on the recommendations of its mini-public, NSC has little direct jurisdiction and can only implement the recommendations of its mini-public by persuading the Queensland Government to act. As such, the mini-public in this case occupies both local and state governance systems.

While river management is potentially a large topic, NSC defined a more limited scope for the jurors' deliberations, focusing on:

- Anchoring, mooring and living on board watercraft in the Noosa River
- Commercial use of the river and commercial Jetty Leases occupying the Noosaville foreshore.

The jury was specifically asked not to consider other issues such as fishing, riverbank erosion and riverbank restoration.

While the normative commitment of key NSC figures to local democracy was apparent, there were also more instrumental motivations for the community juries. Senior figures in the re-established NSC were well aware of the potential for a community backlash if NSC did not build credibility by prominently demonstrating its commitment to continuing to listen to its residents. In this reading, the community juries became a symbolic tool to establish the legitimacy and authority of the reformed institution. Further, the community jury on river management gave the NSC an authoritative story they could use to argue the case for institutional change on river management with the Queensland Government.

The Noosa Community Jury comprised 26 citizens, selected to approximate the demographic profile of the Noosa area. nDF sent out 3,000 invitations to randomly selected Noosa residents, and chose the final jury from the 223 residents that responded. The jury met five times between August and December 2015 to consider the question listed above. The first meeting ran for seven hours, with subsequent meetings running for three hours. Prior to commencement of the jury, NSC staff and elected representatives made strong statements to the jury about their intention to adopt whatever recommendations were made.

The Noosa Community Jury made 12 recommendations to NSC, and also presented a majority (but not consensus) view that:

Council should take over the authority and finances from the State Government for managing anchoring, mooring, living on board and commercial use of the river on the basis it would be a user pays system funded through alternative means to rates.

Our interview participants felt that this lack of consensus accurately reflected the views of the wider community.

At its January 2016 Ordinary meeting, NSC decided to pursue the community jury recommendation to take over some of the Queensland Government's management responsibility for the Noosa River and to use the other recommendations to develop an updated version of the Noosa River Plan. It has since entered into negotiations with the Queensland Government over the management of the Noosa River. The ability to act on the majority view rests with the Queensland Government.

Our participants felt that the juries attracted significant media attention. Noosa has several local newspapers and readership is high in a relatively engaged and politically active community. Media outlets were supportive and NSC put significant effort into cultivating media attention. There is certainly a greater sense for this case than the others that there was a lively public debate going on in public space, prompted by the juries.

## Internal quality

The internal quality of the Noosa River Community Jury appears only moderate. While the group was representative of the Noosa community and most involved were positive about the process, there were scope restrictions, facilitation choices and structural issues that reduced the deliberativeness of the jury. In particular, the decision to hold only five meetings (four of which were only three hours long), the exclusion of factual information available from NSC staff, the rushed final meeting and the use of additional small-group processes outside the jury raise questions over whether the final outcome accurately captures the views of the participants.

## External quality

The Noosa case demonstrated the greatest external deliberative quality of the three cases, although we would only assess that quality as moderate. The jury contributed to significant deliberation-making about river management in Noosa, and there was evidence that the decision to hold two juries in rapid succession helped to establish the legitimacy of these processes and to build community capacity for public deliberation. The river management jury led to action on an issue that had been stalled. Further, the experience with the juries resulted in a more nuanced perspective on their role in local decision-making, as a tool that is appropriate for particular kinds of decisions.

## Infrastructure Victoria Citizen Juries

### Mapping the system

In 2015, the Victorian Parliament passed legislation to establish Infrastructure Victoria (IV), with the objective to provide independent and expert advice to government about Victoria's current and future infrastructure needs. IV was tasked with preparation of a 30-year infrastructure strategy for Victoria, to be provided to Parliament before the end of 2016. The legislation required IV to consult with the public during development of the strategy, and to update the strategy every three to five years. The Victorian Government must respond to any recommendations made by IV within one year of submission of the strategy, and must prepare a 5-year infrastructure plan that considers the 30-year strategy. In this case, the Victorian Government owns the larger democratic system that makes decisions on infrastructure provision for Victoria. IV is a relatively independent sub-system within this larger system, able to operate autonomously, but ultimately without direct decision-making power over infrastructure implementation.

Infrastructure is a topic that affects everyone during their daily life, for example through experiences of traffic, housing affordability, access to public transport and hospitals, utility bills and policing. There is a rich conversation about infrastructure happening in the private sphere, around kitchen tables and office water coolers. There is also constant media discussion taking place about infrastructure needs and priorities, protest and advocacy for particular infrastructure items, and diverse other consultation processes going on. IV conducted what they described as 'a year-long conversation' with Victorians during 2016 to develop the 30-year strategy (Infrastructure Victoria 2016b). IV received over 590 formal submissions, almost 1,500 online survey responses and interaction, and held roundtables, workshops and meetings with stakeholders and community groups across Victoria (Infrastructure Victoria 2016a).

Of most interest for this research, IV also convened two citizen juries to respond to the question: 'What should we do to meet Victoria's infrastructure needs?' One jury met in Melbourne and the other met in regional Victoria (in Shepparton). Both juries met for six full-day sessions from April to July and provided separate reports to IV with recommendations on infrastructure priorities. Given the governance arrangements described above, the mini-publics were in the position of advising the advisor to the Victorian Government. Interview participants at IV argued that running the citizen juries was a necessary move to appropriately consult the community on a topic as complex and diverse as the long-term future of infrastructure in Victoria. Staff at IV, and indeed most stakeholders interviewed, were impressed by the quality of the reports from the juries, which provided the 'voice of common sense' (Chief Executive Officer, IV).

IV prepared a response to the jury reports alongside the first draft of the 30-year infrastructure strategy. IV went on to accept 192 of the juror's recommendations and rejected only 13. The final 30-year Infrastructure Strategy was published in December 2016 (Infrastructure Victoria 2016a).

The IV process is somewhat unusual in having built-in accountability mechanisms, established through legislation. IV's establishing legislation requires that it consult with the community, requires it to produce a strategy (and updates) by particular dates and requires a response from the Victorian Government within 12 months. Thus, the Victorian Government has no choice but to 'give an account' of its response to the strategy. While there is nothing then preventing the government from rejecting IV's recommendations, such a move could be politically damaging. IV's independence from government gives it an opportunity to scrutinise the response and further ensure accountability.

On the other hand, there is no formal accountability mechanism existing between the citizen juries and IV. IV had to build trust with the juries by continually giving an account of how it would use the recommendations. The jurors we interviewed indicated they were satisfied that IV's report appropriately represented the views of the jury and that departures from their recommendations were well justified. They were particularly heartened to see options moving up the agenda based on their recommendations. However, participants were much more cynical about the likelihood that IV's report would lead to real change in government policy.

## Internal quality

Overall, while there are always opportunities for improvement, the views expressed by the interview participants indicate that the internal quality of the citizen juries was fairly high. The groups were reasonably representative, they found ways to grapple with a broad and complex task, facilitation largely worked well and the quality of the deliberation felt high to those involved. On the other hand, there was some sense that the juries dodged some of the big issues where there was disagreement, and could have made better use of the opportunity to hear from a broad range of subject matter experts.

## External quality

Consistent with existing system-based critiques of mini-publics, there is much less evidence that the IV juries achieved high external quality than there is of high internal quality. As the scale of issues considered by a jury, and the jurisdictional scale, increases, the challenges for deliberation-making, legitimacy and capacity building increase. It is much more difficult to get community and media attention at the scale of a state than it is for a local government. Nevertheless, there were certain aspects of the IV approach that effectively promoted external quality, such as embedding the juries in an independent process with strong transmission and accountability mechanisms.

## Discussion and conclusions

### A systems perspective on mini-publics

The mini-publics we have studied in this project were interventions in existing democratic systems. The motivations for these interventions were complex. nDF aims to 'discover, develop, demonstrate, and popularise complementary alternatives which will restore trust in public decision making', using a jury model characterised by random selection and deliberation. The initiating organisations shared these normative motivations to some extent, but also had more instrumental reasons for establishing mini-publics. PCC needed a community mandate for increasing rates,

NSC wanted to find a way forward on an issue that had been stalled, and IV felt that a jury process was the only effective way to engage the Victorian community on a topic as large and complex as a 30-year infrastructure strategy. Each of the initiating organisations argued that their mini-publics had been effective in meeting these instrumental needs. In this final discussion section, we hold the cases up to a different standard. We are less interested in whether short-term instrumental goals were achieved and more interested in how each mini-public contributed to the spread of a deliberative stance in democratic systems.

We find it most fruitful to think of the mini-publics we have studied as transmission mechanisms between public space and empowered space. A mini-public captures the public will on a topic and passes it on to empowered space in the form of recommendations on how to proceed. Of course, this is not a simple transmission of existing public will as might be gathered by a survey or opinion poll. Instead, a mini-public is intended to approximate what the public will would be if the public had the time, resources and capacity to authentically deliberate on the topic. In this sense, transmission as used by Stevenson and Dryzek (2014) is perhaps the wrong word – translation would be more apt. Mini-publics aim to translate private talk into public will through deliberation, and then transmit it to empowered space.

- What evidence is there that mini-publics achieve influence and impact on the topics they address, beyond their boundaries? What are the mechanisms by which influence and impact is achieved?

We anticipated that the mini-publics we assessed would move more rapidly to a final decision, allowing us to respond to this question. In practice, our cases turned out to have longer gaps between the mini-public reporting and a final decision being taken than expected. Interim decisions were taken by NSC and IV that reflect the mini-public recommendations, but the final decision sits elsewhere in the democratic system and will take time to emerge. PCC considered the Panel's recommendations in developing its new Community Plan and Delivery Program, released for consultation in May 2017, but has not yet released a detailed public response to the recommendations.

## Improving internal quality

The internal deliberative quality of our cases varied, often due to departures from nDF's preferred process. The Penrith and Victorian juries tackled large infrastructure prioritisation tasks and provided valuable input to the initiating organisations, but perhaps avoided some of the big issues where there was disagreement. The Noosa jury focused on what seems like a much narrower topic but found it hard to stick to scope, struggled for time and failed to reach consensus. In hindsight, our interview participants identified ways to improve the internal quality of the mini-publics and our synthesis across the cases identified other possible improvements.

## Recruitment and representation

The nDF recruitment process is based on random selection to meet the demographic profile of the community that the mini-public is representing. There are excellent reasons for taking this approach: it ensures anyone in the community has the potential to participate; it allays concerns about the initiating organisation rigging the membership; and it delivers a group that is demographically like the community. However, this recruitment approach has limitations due to the limited demographic categories used for selection and possible biases resulting from self-selection. The current recruitment process could be improved through more actively recruiting representatives of appropriate attitudinal or lifestyle categories and discourses.

## The charge

Coming up with the topic and scope for a mini-public deliberation is challenging and generic advice is not necessarily helpful. Topics vary widely and we saw different issues across our three cases. Interview participants argued that the topics for the Penrith and Victorian juries were too broad, whereas in Noosa the topic was too narrow. Our findings pointed to the need for transparency about the underlying political question that is at stake, for avoiding constraints on the topic that go against common sense, and for framing topics to address an observed deliberative gap in the democratic system.

## Facilitation and governance

Participants were largely positive about the quality of the facilitation and the role of the initiating organisation in the process. Through experience, nDF has established a process that works well to facilitate deliberation and produce a final report. Criticisms from interview participants were about the timing of moving from diverging discussion into convergent discussion aimed at generating recommendations. Many participants felt that this was left too late, making the process feel rushed for time in the final meetings. Some felt that the facilitators erred on the side of letting participants express themselves, at the expense of getting into the difficult deliberations on what to say in the report. It is probably inevitable that a jury will feel rushed at the end when a deadline is approaching but some participants felt that more support for the jurors, such as stronger structuring by facilitators, assistance with writing, or provision of report templates, could have eased the pressure.

## Expert and stakeholder input

How to manage expert and stakeholder input into a mini-public is a vexatious question. Mini-publics are, in one view, an attempt to wrest decision-making power away from stakeholders and vested interests and give it to the public. This supports a more common sense view of the public good that is not clouded by having a long-running stake in an issue. On the other hand, making a decision without knowledge is unwise, and experts and stakeholders bring deep familiarity with a topic that can be valuable to decision-making. This deep engagement with a topic gives experts and stakeholders authority, which can easily sway jurors who know little about a topic. Common wisdom is therefore to involve experts with different perspectives so that the jury gets a balanced view.

The approach taken by nDF to involving stakeholders and experts during our cases was to allow initial presentations from the initiating organisation but then put the power to choose who they want to hear from in the hands of the jury. While giving mini-public participants control over expert input is an excellent normative ideal, those participants may be ill-equipped to make good decisions about who to hear from. Lacking knowledge on a topic, and coming from a public space that is not necessarily deliberative, jurors are likely to choose presenters they are more familiar with and to miss perspectives that they are not aware of. We found evidence of this in the interviews, particularly for the Victorian case, and to some extent for the Noosa case. It did not come up for Penrith, where all presenters were from PCC.

nDF has already taken steps to address this issue in subsequent mini-publics by providing participants with critical thinking training to improve their capacity to spot bias in the choice of expert witnesses, or the statements made by those witnesses. Subsequent mini-publics have also used a diverse Stakeholder Reference Group to provide initial suggestions on expert witnesses, which mini-public participants have then supplemented by identifying information gaps. Participants then chose their witnesses from the combined list. Further, mini-public participants were able to ask for a 'fact check' at any time if they had concerns about the veracity of statements by expert



witnesses. These innovations seem sufficient to address limitations related to expert and stakeholder input observed in our cases.

## Deliberation

Our interviews provided plenty of evidence of deliberation occurring during the mini-publics. Participants were exposed to different views, they learned a lot about the topic, and they often changed their mind or shifted their views in some way. Despite any limitations discussed in the sections above, the mini-publics largely succeeded in creating a deliberative environment, characterised by respectful dialogue. Where deliberation was compromised, it was generally due to the factors already discussed in the sections above.

- How do participants and other stakeholders experience mini-publics? How do their experiences influence their likelihood to share the event through their networks?

We found mixed experiences. Jurors were largely positive about their experience and told us about their pride in being selected, the things they learned during the process, and what they are now doing differently in their lives. While almost all could suggest ways in which the process could be improved, this did not detract from their generally positive experience.

A minority of jurors were negative about their experience, either due to cynicism about the political outcomes, concerns about the way the process was facilitated, or doubt that a mini-public was the right way to decide on the topic. Some of their concerns could have been allayed through process changes, but some were generally cynical about government and unlikely to shift their views.

Stakeholders were overall more negative about the mini-publics than jurors. They were concerned at the lack of expertise in the room, the lack of guidance and structure around their presentations and the legitimacy of having citizens decide on complex topics. Finding ways to include stakeholders more authentically in mini-public deliberations emerged as an important priority.

## Improving external quality

As anticipated by the systemic critique of mini-publics, evidence that the mini-publics delivered external deliberative quality was relatively scarce. The Noosa case did make a moderate contribution to external deliberative quality but there was less evidence for the other two cases. Overall, the mini-public organisers and participants did little to pursue deliberation-making, seek legitimacy and build the capacity to adopt a deliberative stance. Jurors mostly did not see their role as including advocacy or gathering of views in the broader public sphere. Organisers did pursue media coverage for the mini-publics but only NSC was particularly successful in this goal.

- How do participants and other stakeholders experience mini-publics? How do their experiences influence their likelihood to share the event through their networks?

We found that most jurors did share their experiences with friends and family in their immediate private sphere. The topic came up socially and people generally expressed an interest in hearing more about the jury. Sometimes they would express their views about what the jury should decide. There was much less evidence of jurors actively seeking out these conversations as a way of gathering views, perspectives and discourses from the public sphere. Some jurors did interpret their role more broadly and made efforts to discuss the jury topics with others in their community, but these jurors were in the minority. A few jurors posted in social media about their experiences, wrote blog posts or spoke up in public forums and media in defence of the jury process. Again, these jurors were in the minority. The evidence indicates that most jurors saw their role as attending the jury meetings and providing their personal views. It was not the nature of their experiences with the jury but the way they interpreted their role that influenced their likelihood to

share the event through their networks. There is no evidence that nDF or the initiating organisations actively encouraged or discouraged jurors to engage in external deliberation-making and related actions. nDF's preference is for jurors not to promote the method or issues during the life of the mini-public but to focus on their decision-making role.

We found no evidence of stakeholders sharing their experiences with the mini-publics beyond their immediate private sphere.

- What can the organisers of mini-publics do to facilitate deliberation and impact beyond the boundaries of the event?

Our response to this question is that organisers, but also participants and stakeholders, could more actively engage in the kind of deliberation-making, legitimacy-seeking and capacity-building proposed by Curato and Böker (2016).

## **Deliberation-making**

Deliberation-making could be pursued by:

- Building on deliberative moments, i.e. choosing a topic where there are already signs that public deliberation is happening and the mini-public can play a contributory role.
- Briefing jurors to be discourse-gatherers and issue advocates. This is a more active role than the current juror role and needs to be made clear in the initial invitation and subsequent interactions.
- Cultivating media attention beyond novelty value by giving access to human interest stories as well as the details of the decision and argument.
- Integrating mini-publics with other democratic practices in hybrid engagement processes
- Ensuring that mini-public reports document reasons and arguments alongside recommendations and decisions.

## **Legitimacy**

Despite all the efforts at explanation and maintaining independence, many are still cynical about any process involving government and assume that the mini-public is rigged. The stakeholders we interviewed were particularly negative about the legitimacy of mini-publics, which is not surprising since their privileged position in the political system is under threat from such processes.

We saw some genuine legitimacy concerns in our cases. In Penrith and Noosa, mini-public members and stakeholders questioned whether the real political question motivating the choice to use a mini-public was adequately expressed in the brief provided to participants.

There was little evidence of the mini-public participants taking steps to establish the legitimacy of their mini-publics. We heard stories of participants defending the process through the media, particularly for the Noosa case, but the jurors that took on this role seemed to be the exception rather than the norm. Many of the deliberation-making responses listed above would also help to build the legitimacy of mini-publics, particularly hybrid engagement processes and stronger media coverage. Making draft reports available to the wider public for consultation would also be helpful.

## **Capacity building**

The responses we discussed above under deliberation-making and legitimacy are all likely to help with building deliberative capacity in the polity. In addition, capacity building can be improved by:

- Creating learning environments so that the public, bureaucrats, elected representatives and stakeholders can learn about mini-publics and deliberative democracy.
- Developing ‘deliberation kits’ that could be downloaded by members of the public to run their own deliberative discussions in their homes, clubs or workplaces, in parallel with those of the mini-public.
- Institutionalising mini-publics so that they are no longer so novel.

## Using systems thinking to design mini-publics

- In what ways do the responses to the above questions vary with the scale of the event?

We did not obtain as much scale variation in our cases as we had hoped, as no national cases were available during the period of our research. We did not see evidence for variations in influence and impact with scale. The specifics of the democratic system in each case were much more important. For example, the pathways to influence and impact in the Noosa and Victorian cases were similar, despite their different scales, because of the distinction between the initiating organisation and the ultimate empowered space.

We also did not see evidence that the experiences of participants and stakeholders were markedly different across scales. Participants and stakeholders in the different cases were fairly consistent in their views, and variations were related to the specifics of the mini-public process rather than scale *per se*. For example, jurors in Penrith and Victoria were equally overwhelmed by the size of their task, despite one group focusing on an entire state and one on a single local government area.

We did see differences in media coverage of the mini-publics according to scale. It was much easier for the two local governments to work with local media partners and get targeted media coverage in the local press, than for IV to get media coverage in state-wide media outlets. At a state level, the media environment is much more crowded and getting attention is more difficult. The media environment is also arguably more hostile. The media was quick to jump on leaks and problematic recommendations in the Victorian case and report on the controversy, whereas the local media was generally more supportive and educational in its focus.

These findings indicate that it is more important to pay close attention to the context of the democratic system that is relevant to a topic than to scale *per se*.

- Can we productively integrate diverse deliberative systems frameworks with soft systems methodology?

For us, a key finding from this research is that organisations need to get better at meta-deliberation. When grappling with a decision-making challenge, there is a need to assess the state of the relevant democratic system, identify democratic deficits, and find ways to address those deficits. Mini-publics may be a useful strategy for addressing such deficits, but other strategies may also be appropriate.

We note Warren’s (2017) problem-based approach to democratic theory. Rather than thinking about how to create a deliberative system, Warren asks how to best meet three democratic needs: to empower inclusion; form collective agendas and wills; and organise collective decision capacity. He argues that there are seven democratic practices that can contribute to meeting these needs: recognising; resisting; deliberating; representing; voting; joining; and exiting. This is a timely reminder that deliberation is only one democratic practice and that a systems perspective should be drawing our attention to what the system needs to make it more democratic. Mini-publics may have a role in making a political system more democratic, but many other practices may also be important. We do remain convinced that mini-publics have a valuable role to play in facilitating

system-wide public deliberation and a stronger democracy but, as our interview participants pointed out, they are not the right response to all challenges. Mini-publics can be used for public relations or as a delaying tactic, and they can have a negative impact on system-wide deliberation by reaching a decision without sufficiently involving the wider public and their discourses. The responses discussed above can improve the internal and external deliberative quality of mini-publics, however they should be only 'one tool in the toolbox' and we encourage nDF to maintain a broad toolbox of democratic innovations that align with its vision of a healthy democratic system.

# 1 INTRODUCTION

Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time....

- Winston S Churchill, 11 November 1947

Much has been written in recent years about a crisis in Western democracy (Ercan & Gagnon 2014). The writing on this topic is diverse but draws attention to high levels of citizen disaffection and cynicism with politics, low levels of satisfaction and trust in governments and politicians, declining membership of political parties, low voter turnout, ineffective representation and increasingly complex governance arrangements (Ercan & Gagnon 2014; Rosenberg 2007). Recent developments such as the Brexit vote in the United Kingdom and the election of Donald Trump in the United States have fuelled the sense of democracy in crisis.

Yet, as expressed by Churchill above, few argue that we should abandon democracy. Rather, interest has turned to the role of democratic innovation in improving the state of democracy (Smith 2009). While democratic innovation can take many forms, our focus in this research is on one kind of innovation – discrete deliberative events known as mini-publics:

A mini-public is a deliberative forum typically consisting of 20–500 participants, focused on a particular issue, selected as a reasonably representative sample of the public affected by the issue, and convened for a period of time sufficient for participants to form considered opinions and judgments (Mackenzie & Warren 2012).

These deliberative forums include citizen juries, deliberative polls, consensus conferences, and citizen assemblies (Fung 2003; Goodin & Dryzek 2006; Mackenzie & Warren 2012).

Mini-publics are one attempt to put the theory of deliberative democracy into practice. Deliberative democracy is often positioned as an alternative, or complement, to aggregative or representative forms of democracy. Deliberative democracy puts ‘communication and reflection at the centre of democracy’ so that democracy ‘is not just about the making of decisions through the aggregation of preferences’ but ‘also about processes of judgment and preference formation and transformation within informed, respectful, and competent dialogue’ (Dryzek 2011, p.3). Thus, deliberative democracy puts talking, rather than voting, at the heart of democracy (Chambers 2003). Anybody can engage in deliberation, which is recognisable by a ‘deliberative stance’: ‘a relation to others as equals engaged in the mutual exchange of reasons oriented as if to reaching a shared practical judgment’ (Owen & Smith 2015, p.16). Interest in deliberative democracy has risen, in part, as a response to the sense of political crisis discussed above.

Since its emergence in the 1990s, deliberative democracy has developed through some recognisable stages or generations (Elstub, Ercan & Mendonça 2016). Early work was **normative**, outlining reasons for incorporating deliberation into democratic governance systems. Deliberative democracy was positioned as a possible response to the distrust of existing democratic institutions, and a way of achieving more widespread public participation in decision making (Fung 2003; Mackenzie & Warren 2012). A second generation of critical theoretical contributions sharpened the critical edge of deliberative democracy (Elstub, Ercan & Mendonça 2016). Subsequent **institutional** and **empirical** work experimented with institutional design and empirical testing,

including facilitating deliberation in mini-publics and observing the outcomes. These temporary deliberative experiments have revealed a great deal about how citizens deliberate and what conditions can facilitate deliberation (Dryzek & Lo 2015; Niemeyer 2011). However, they often lack influence and authority, which means mini-public recommendations are too rarely implemented. Recognising the limitations of discrete deliberative experiments such as mini-publics, democratic theorists have most recently turned to a **systemic** view of deliberative democracy in which the goal is to advance the deliberative capacity of entire governance systems (Chambers 2009; Curato & Böker 2016; Elstub, Ercan & Mendonça 2016; Owen & Smith 2015; Parkinson & Mansbridge 2012; Stevenson & Dryzek 2014). While the theoretical basis of a systemic perspective on deliberative democracy is still contested (Owen & Smith 2015), a common definition of a deliberative system is one in which the institutions and networks of governance support a deliberative approach to political conflict and problem-solving at a whole-system scale (Mansbridge et al. 2012). More recent work points out that deliberation is only one form of democratic practice and that it is not suitable for all democratic purposes (Owen & Smith 2015). As such, a systemic perspective could focus less on the overall deliberativeness of a system and more on the appropriate role of deliberation within a functional democratic system.

The systemic turn in deliberative democracy can be read as a critique of the role and value of mini-publics (Curato & Böker 2016; Lafont 2015). While the organisers of mini-publics usually succeed in creating a deliberative environment for participants, they have been less successful in achieving sufficient influence and authority to change the way decisions are made in larger governance systems. Goodin and Dryzek (2006) identify numerous ways in which mini-publics may fall short of achieving macro-political uptake. Mini-publics might also reduce net deliberation in governance systems by displacing other useful deliberative institutions, such as social movements or partisan bodies (Mansbridge et al. 2012) and can distract from the broader goal of institutionalising deliberation throughout governance systems (Chambers 2009; Curato & Böker 2016; Lafont 2015). While these are not new observations, the systemic view of deliberative democracy brings questions about the relationship of the mini-public to broader governance systems to the fore.

More constructively, a systemic view of deliberative democracy invites assessment of how mini-publics fit into democratic systems, and how they can be run in such a way as to promote a deliberative stance, thinking beyond the boundaries of the event. As Curato and Böker (2016, p.176) put it, a systemic perspective on mini-publics is 'ambivalent' as to their value:

Mini-publics, depending on how meaningfully connected they are to other components of the deliberative system, can serve to promote or hinder deliberative democratisation at the wider systemic level.

The value of mini-publics to a democratic system, and the way their value can be maximised, then becomes an empirical question. This research project pursues these questions by examining three mini-publics supported by the newDemocracy Foundation during 2015 and 2016: the Penrith Community Panel; the Noosa Community Jury (on management of the Noosa River); and Infrastructure Victoria's citizen juries.

The remainder of this report is structured as follows:

- Section 2 summarises the research design, including the theoretical framework, research questions and methods
- Sections 3, 4 and 5 summarise the findings for each of the three cases
- Section 6 is a synthesising discussion, drawing out both theoretical and practical implications of the research.



## 2 RESEARCH DESIGN

This section provides further background on the deliberative systems framework that provides the theoretical framing for our research, summarises the research aims and questions, and describes the methods used in the research.

### 2.1 The deliberative systems framework

Mansbridge (1999) introduced the idea of a deliberative system that stretches beyond any single deliberative event, and later developed this idea further with several colleagues (Parkinson & Mansbridge 2012). Mansbridge et al. (2012, p.4) provide the following definitions:

A *system* here means a set of distinguishable, differentiated, but to some degree interdependent parts, often with distributed functions and a division of labour, connected in such a way as to form a complex whole.

A *deliberative* system is one that encompasses a talk-based approach to political conflict and problem-solving – through arguing, demonstrating, expressing, and persuading. In a good deliberative system, persuasion that raises relevant considerations should replace suppression, oppression, and thoughtless neglect. Normatively, a systemic approach means that the system should be judged as a whole in addition to the parts being judged independently.

Mansbridge et al. (2012, p.7) see deliberative systems as including ‘all governmental and non-governmental institutions, including governance networks and the informal friendship networks that link individuals and groups discursively on matters of common concern’. The system boundary may be defined institutionally, or based on the issue of interest, but it includes societal decisions as well as state decisions. This does not mean that all talk is included. Instead, discussions are included if they ‘involve matters of common concern and have a practical orientation’ (Mansbridge et al. 2012, p.8).

Owen and Smith (2015) critique this standard framing of a systemic perspective on deliberative democracy, arguing that the focus on outcomes at a system scale risks losing sight of the normative objective of promoting a more deliberative stance throughout democratic systems. They offer a contrasting framing that focuses on the cultivation of a ‘deliberative stance among citizens in their formal and informal civic interactions’ and that analyses the role of deliberation within a democratic, rather than a deliberative, system (Owen & Smith 2015, p.21). Our conceptual framework aims to respond to this critique, while retaining much that is valuable about the deliberative systems perspective.

### The elements of a democratic system

There are two ways in which we apply a systems approach in this research. The first is to break down a democratic system into its elements (or subsystems) to gain a better understanding of what is going on in the system. Here, we draw on Dryzek (2011) and Stevenson and Dryzek (2014), who proposed a generally applicable scheme for analysing deliberative systems. We argue that the scheme is equally applicable to all democratic systems, whether deliberative or not. Their scheme is outlined below with some initial comments on how these elements of a democratic system might relate to mini-publics:

- **Private sphere**, which is the realm of the conversations or ‘everyday talk’ (Mansbridge 1999) that occur in the household, amongst friends, or in workplaces (Stevenson & Dryzek 2014). Participants in mini-publics are informed by their private sphere discussions and may choose to divulge what happens in a mini-public to their friends, family or colleagues.
- **Public space**, ideally allowing free face-to-face or virtual communication with few barriers or legal restrictions on what can be said. Public space may contain a gamut of public and private, formal and informal actors, including: ‘journalists, bloggers, social movements, activists and advocates for different causes, politicians, public relations professionals, corporate spokespersons, and citizens’ (Stevenson & Dryzek 2014, p.28). Media and community discussion about a mini-public clearly occurs in public space. It is less clear whether a mini-public occupies public space, empowered space, or straddles the two. To some extent, this will depend on the level of decision making power granted to the mini-public and the degree of transparency and accessibility of its deliberations.
- **Empowered space**, ‘home to deliberation among actors in institutions clearly producing collective decisions’ (Dryzek 2011, p.11) and exercising some public authority (Stevenson & Dryzek 2014). These institutions can be formal or informal and include legislatures, cabinets, courts, international negotiations, or informal governance networks. As noted above, mini-publics can be more or less empowered, but final decision making power usually sits with the organisations who have convened the mini-public.
- **Transmission** refers to ‘some means through which deliberation in public space can influence that in empowered space’ (Dryzek 2011, p.11). Transmission can occur through advocacy, the provision of information, criticism, questioning, personal example, support, or other means. A mini-public is essentially a form of transmission between the public sphere and empowered space, carrying the views of the public to decision makers. Whether mini-publics also act as form of transmission within public space is an empirical question.
- **Accountability**, whereby empowered space answers to, or is responsible to, public space (Stevenson & Dryzek 2014). Elections are one form of accountability, and others can occur through public consultation processes or simply giving a public account that justifies decisions. This element of a deliberative system focuses attention on how empowered space responds to the recommendations of mini-publics and whether they have influence over decisions.
- **Meta-deliberation**, ‘or deliberation about how the deliberative system itself should be organized’ (Dryzek 2011, p.12). Dryzek argues that a healthy deliberative system should have the capacity for self-examination and potentially self-transformation. We can imagine that the decision to hold a mini-public could emerge from a process of meta-deliberation, in which participants in the system recognise the need for innovation to improve deliberativeness.
- **Decisiveness** captures the idea that a functioning deliberative system should be able to make collective decisions that are responsive to the other five elements. Here, the contribution of mini-publics to decision making is of interest.

The analytical approach proposed by Stevenson and Dryzek (2014) is helpful for identifying the component parts of a democratic system and where mini-publics fit within such a system. It is primarily a descriptive framework, useful for ‘mapping’ a democratic system, and is valuable for describing both democratic and deliberative systems. We used this framework to guide the questions we asked of participants, and to structure descriptions of each mini-public in the context of a broader democratic system.

One of the things we wanted to test with this research was whether more general systems thinking frameworks could add anything to frameworks like the one developed by Stevenson and Dryzek (2014). Specifically, we drew on Soft Systems Methodology (Checkland & Poulter 2006) to check whether a broader systems perspective could add any conceptual value to existing formulations of deliberative systems. Soft Systems Methodology (SSM) provides a way of describing complex human systems, such as governance systems. Several concepts are relevant.

First, a system has a root definition that clarifies what the system does, how it does it and why it is being done. This is written in a specific format, known as the PQR format:

Do P (what) ... ..by Q (how)... ..in order to achieve R (why)

Or

A system to do <what> by means of <how> in order to achieve <why>

In these terms, deliberation is really the 'how' of a governance system. When defining governance systems of interest, we also need to pay attention to the 'what' and 'why' of that system. It turns out that the purpose of democratic systems has received recent attention from Niemeyer (2014) and Dryzek (2016) who identify the purpose of a political system as producing legitimate political outcomes (Niemeyer 2014). In a deliberative democratic system, 'legitimation is maximised to the extent that citizens get to decide, in light of reasons, what should be done' (Niemeyer 2014, p.182).

Second, Checkland and Poulter (2006) break down soft systems into components, represented by the mnemonic TWO CAGE, where:

- T = Transformation: What is the change the system is trying to achieve? What is the starting point and desired end point?
- W = Worldview: What 'worldview' informs this transformation?
- O = Owner: Which group/person could stop this from happening?
- C = Customers: Which groups/individuals would benefit from the change occurring? Which groups/individuals could be victims of the change?
- A = Actors: Who is responsible for doing the activities that will deliver the transformation?
- G = Guardians: Who will keep an eye on the process and raise the alarm if there are unintended consequences?
- E = Environment: What are the external constraints and assumptions?

Compared to the elements proposed by Stevenson and Dryzek (2014), this view of a system places much more emphasis on the role of actors and their worldviews in shaping the way a system functions. This perspective complements the more structural approach of Stevenson and Dryzek, and we return to it in Section 6.

## The deliberativeness of a system

The second way in which we apply a systems approach is to step back and assess the overall deliberativeness of a governance system that includes a mini-public. There have been several attempts to arrive at criteria for assessing the deliberativeness of a system (Curato & Böker 2016; e.g. Dryzek 2011; Mansbridge et al. 2012). Dryzek (2011) focused his approach on the 'deliberative capacity' of a system, arguing that a system has deliberative capacity to the extent

that it can accommodate deliberation that is authentic, inclusive, and consequential. Deliberation is **authentic** if it is ‘able to induce reflection upon preferences in noncoercive fashion and involve communicating in terms that those who do not share one’s point of view can find meaningful and accept’ (Dryzek 2011, p.10). It is **inclusive** when it is ‘representative of the affected population and their diverse discourses and provide[s] equal opportunity for all to participate’ (Riedy & Herriman 2011, p.6). It is **consequential** when it has ‘the communicative power to make a difference, whether by influencing policy and decision-making or facilitating broader sociocultural change (e.g. new discourses or networks)’ (Riedy & Herriman 2011, p.7).

Mansbridge et al. (2012, p.10) take a different tack by identifying three normative functions of a deliberative system. The **epistemic** function of a deliberative system is ‘to produce preferences, opinions and decisions that are appropriately informed by facts and logic and are the outcome of substantive and meaningful consideration of relevant reasons’ (Mansbridge et al. 2012, p.10). This means that a healthy deliberative system should ensure all relevant considerations are brought forth and considered in some way. The **ethical** function of a deliberative system is ‘to promote mutual respect among citizens’ (Mansbridge et al. 2012, p.11), which keeps the system running and is a good in itself. Finally, the **democratic** function of a deliberative system is ‘to promote an inclusive political process on terms of equality’ (Mansbridge et al. 2012, p.11). This means not just avoiding systematic exclusion of citizens from deliberation but actively facilitating inclusion.

Finally, Curato & Böker (2016), in a highly relevant exploration of mini-publics from a deliberative systems perspective, argue for the need to attend to both internal and external deliberative quality of a mini-public. The **internal quality** of a mini-public refers to the degree of ‘deliberativeness’ achieved inside the boundaries of the mini-public. It can be assessed using well-established criteria for evaluating mini-publics, such as the representativeness of the mini-public, the quality of the deliberation and dialogue, and achievement of meta-consensus and enhanced civic virtues (Curato & Böker 2016). The **external quality** of a mini-public is a newer concept inspired by a systems perspective. According to Curato & Böker (2016, p.176):

A mini-public has external deliberative quality if it fulfils three ‘functional imperatives’ in the deliberative system: deliberation-making, seeking legitimacy and capacity-building.

**Deliberation-making** refers to ‘mini-publics distilling and synthesising relevant discourses to be transmitted to wider publics, as opposed to engaging in direct decision-making’ (Curato & Böker 2016, p.177). The idea here is that mini-publics have been given time and resources to explore an issue in detail and need to then play a role as knowledge brokers, transmitting their findings to non-participants. Whatever the quality of deliberation within the mini-public, it will not have been successful from a systems perspective unless it reaches out to larger publics to promote public deliberation.

Related to this point, Curato & Böker (2016, p.178) argue that a mini-public must **seek legitimacy**:

Irrespective of their internal quality, mini-publics have an ‘external’ obligation to persuade—a duty to justify, clarify, respond and change recommendations or collective decisions if need be.

The mini-public must convince the wider public that its recommendations are worth pursuing. Far from relying on public trust in mini-publics (Mackenzie & Warren 2012), mini-publics in this view must actively build legitimacy by creating connections to the wider deliberative system. Böker (2017, p.30) explores the grounds for legitimacy of mini-public in more detail, arguing that their legitimacy depends on their ability to take a critical stance:

To contribute to legitimacy...mini-publics would have to be an emancipatory instrument available to citizens rather than authorities, enabling them to interrupt rather than respond to rule, and to open up new debate in an independent manner through critical demands for justification. Curato & Böker (2016, p.178) further suggest ‘that a “good” mini-public in systemic terms must contribute to **build the capacity** of a polity to host inclusive and authentic deliberation’. The mini-public should act as an exemplar of deliberation and help non-participants to build their own capacity for deliberation.

There is clearly overlap between the criteria promoted by these authors. A system that is achieving its epistemic function is one with the capacity for authentic deliberation, and deliberation-making is essential to deliver these outcomes at a systemic level. Inclusive deliberation is likewise consistent with the democratic function of a deliberative system, both of which would require a mini-public to establish broader legitimacy and build wider capacity for deliberation. Ultimately, Curato & Böker’s (2016) distinction between internal and external quality is the most valuable for our purpose here, given their specific focus on mini-publics. However, we include the other criteria in our thinking when assessing the internal and external quality of the mini-publics. Table 1 draws on all of these sources to propose an integrated framework for assessing the role of mini-publics in a deliberative system, which we apply to our three cases.

**Table 1: Framework for assessing the role of mini-publics in a deliberative system.**

System elements	Internal quality	External quality
Private sphere	Does the mini-public have a high degree of internal deliberativeness (authentic, ethical and inclusive)?	What has the mini-public done to encourage public deliberation?
Public space		What has the mini-public done to seek and establish legitimacy?
Empowered space		What has the mini-public done to build capacity for deliberation, including mutual respect (i.e. promotion of a deliberative stance)?
Transmission		
Accountability		
Meta-deliberation		
Decisiveness (consequential)		

## 2.2 Research questions and aims

Drawing on the frameworks above, the research project has three overarching aims:

1. To explore the ways in which mini-publics interact with and connect to other elements of political systems, and their overall impact on deliberation at a system-scale
2. To identify practical measures that organisers and facilitators of mini-publics can take to enhance the potential for a positive impact on system-scale deliberation
3. To contribute to the theoretical development of the deliberative systems perspective by integrating existing approaches with soft systems methodology.

Understanding how mini-publics fit into broader democratic systems is important for the emerging field of deliberative system analysis. While it is possible that the research will reveal that mini-publics are counterproductive for the net deliberation in governance systems, our hypothesis is that mini-publics do have an important role to play in deliberative systems, but more work is needed to understand the ways in which mini-publics connect to other system elements and achieve

influence and impact. As such, we are interested in identifying ways that system mechanisms might be used to amplify the deliberative impact of mini-publics, for example through use of social media to connect broader online audiences with the face-to-face participants in mini-publics. We are particularly interested in the role of transmission and accountability mechanisms that can connect mini-publics with other elements of governance systems.

With the above aims in mind, we address the following research questions:

- What evidence is there that mini-publics achieve influence and impact on the topics they address, beyond their boundaries? What are the mechanisms by which influence and impact is achieved?
- How do participants and other stakeholders experience mini-publics? How do their experiences influence their likelihood to share the event through their networks?
- How are mini-publics portrayed in traditional and new media?
- In what ways do the responses to the above questions vary with the scale of the event?
- What can the organisers of mini-publics do to facilitate deliberation and impact beyond the boundaries of the event?
- Can we productively integrate diverse deliberative systems frameworks with soft systems methodology?

## 2.3 Research design and methodology

The research adopts a case study methodology, using mini-publics run by the newDemocracy Foundation (nDF) as the cases. A case study approach is appropriate for generating rich, qualitative insights into specific mini-publics and their surrounding governance systems. nDF is the leading proponent of mini-publics in Australia, having run numerous processes with state and local governments in recent years. The focus on mini-publics run by nDF is both a requirement of the research funding and a practical choice to facilitate access to mini-public organisers and participants.

### Case selection

Several additional factors influenced the choice of cases. First, we sought cases that coincided with the timeframe of this research project during 2015 and 2016. Reviewing historical cases would mean that participants and organisers would not be so easily able to recollect their experience, and would also make reconstruction of social media related to the mini-publics more difficult. This greatly limited our potential pool of cases. At the time of commencing the research, there were only three suitable nDF mini-publics from which to choose our first case, and over the period of the research there were eight possible cases from which to choose our final three cases.

Second, within these constraints, we sought diversity on three dimensions: governance scale, topic, and process. With respect to governance scale, we anticipated that the nature of the broader governance systems, and the pathways for transmission and accountability, would be different for local, state and national issues. As such, we aimed to include a local, state and national case in the research project to allow exploration of this diversity. Unfortunately, no national case study became available during the timeframe of the research, so we chose one state government case and two local government cases. Similarly, we anticipated that governance systems and pathways would vary by topic area; hence, cases on different topics were preferred. The three cases all have a distinctly different topic focus. Finally, we felt that diversity in process would also be valuable. For



example, governance systems might operate differently for purely face-to-face mini-publics versus those that incorporated an online component. In the end, our cases have some process diversity but perhaps less than initially anticipated – none had a substantial online component.

The three cases that best met the above criteria are as follows:

- The Penrith Community Panel, a citizen jury initiated by Penrith City Council to assist with identification of future budgeting priorities for the local government area
- The Noosa Community Jury on management of the Noosa River, initiated by Noosa Shire Council to assist with a decision on Council's role in future management of the Noosa River
- Infrastructure Victoria's metropolitan and regional citizen juries held to contribute to the development of Victoria's 30-year infrastructure strategy.

Further details on each case are provided in later sections.

## Summary of methods

We used semi-structured interviews with mini-public organisers, participants and issue stakeholders as our primary data collection method, as we wanted to understand the experiences and motivations of these actors during their engagement with the mini-public. Secondary methods included analysis of documents associated with the mini-public, analysis of print and social media related to the mini-public and application of the system analysis frameworks described in Section 2.1. Further details on the methods are provided below.

## 2.4 Interviews

In deciding who to interview, the systems frameworks described in Section 2.1 provided useful guidance. Drawing on Stevenson and Dryzek (2014), we wanted to hear from actors in both public space and empowered space. This meant interviewing mini-public participants and stakeholders on the issues considered by the mini-public (public space) as well as the organisers of the mini-public and final decision makers (empowered space). SSM pointed in similar directions by drawing attention to owners, customers, actors and guardians. The convenors and decision makers are the owners of the mini-public, mini-public participants are both customers and actors, and the general public are customers and guardians. Lacking the resources for substantial empirical research with the general public, we sought to access these views through media analysis and interviews with issue stakeholders. Thus the following categories emerged:

- Interview the organisers and convenors of the event to understand their aspirations for the event and intended pathways to influence and impact.
- Interview selected participants about their experiences and any actions they took during the event to spread influence, such as posts on social media.
- Interview selected stakeholders about their experiences of the event and any actions they took to spread influence. These stakeholders included decision-makers that the event was seeking to influence, representatives of businesses, industry associations or non-government organisations that had a stake in the topic that is being discussed (typically those invited to present to the mini-public), and journalists or social media influencers that had an interest in the topic.

We did not interview the independent facilitators of the mini-publics because our primary research questions were about the external impact of the mini-publics, not the internal process.

Table 2 summarises the breakdown of interview participants by category and case. We began with an intention to interview relatively more stakeholders than organisers and participants. This was because we expected local issue stakeholders to be most aware of how the issue considered by the mini-public was governed normally and the impact of the mini-public on that issue. In practice, our first case revealed that stakeholders knew a lot about the issue considered by the mini-public but often knew very little about the mini-public itself. We reduced the number of stakeholder interviews in subsequent cases in favour of hearing more from the organisers. The number of mini-public participants is higher for the Victorian case because that case comprised two mini-publics in different locations and we wanted good coverage of both mini-publics.

All jury members were invited to participate in an interview by nDF, on our behalf. From those who volunteered to participate, we sought gender balance and a range of ages, but were constrained by willingness and ability to participate. There was an even gender balance for the Noosa and Victoria cases, but in Penrith we interviewed three women and one man. For all cases, we spoke to participants across the age spectrum of the mini-publics. Given that interview participants were volunteers, it is likely that our sample is biased towards those who feel more strongly about the jury one way or another, and felt they had something to say.

The main gap in our interviews is with the ultimate decision-makers for two of our cases – the Noosa and Victorian cases. In both cases, the ultimate decision-maker was different to the organisation that ran the mini-public. In Noosa, the final decision-maker was the Queensland Government and in Victoria it was the Victorian Government. Queensland Government representatives declined interview requests and we did not seek an interview with a Victorian Government representative as the government had not received Infrastructure Victoria’s report at the time of our interviews.

**Table 2: Summary of interview participants.**

	Penrith	Noosa	Victoria	Total
Interview timing	December 2015 – February 2016	June – July 2016	November 2016 – January 2017	
Organisers / convenors	3	5	4	12
Mini-public participants	4	4	6	14
Stakeholders	6	4	4	14
<b>Total</b>	<b>13</b>	<b>13</b>	<b>14</b>	<b>40</b>

Interviews were mostly face-to-face, with a small number conducted by phone due to scheduling challenges. We aimed to keep interviews to no more than an hour and stopped the interview earlier if questions were exhausted. Sample interview guides used with organisers, stakeholders and participants are provided in Appendix A. Interview guides were tailored to the specific case and interviewee.

Interview audio was recorded and all interviews were transcribed, except in five cases where poor quality audio from busy interview locations made transcription impossible. In these cases, the interviewer listened back to the audio and made detailed notes on the content of the interview. Interview transcripts were coded to identify emergent themes, using Nvivo. Codes were

subsequently grouped according to the conceptual framework outlined in Section 2.1. For each case, these code groups were queried and reviewed to write ‘thick descriptions’ of each case, which are presented in Sections 3, 4 and 5. Finally, the thick descriptions were reviewed to arrive at the synthesis discussion and conclusions presented in Section 6.

## 2.5 Media analysis

The objective of the media analysis component of the research was to understand how the mini-public was portrayed in the media and to trace its movement through social networks. We used the following search approach to identify media relevant to each case:

- Factiva searches using the official title of the mini-public and alternative names for it, as well as searches using New Democracy Foundation as the organiser, covering 2015 and 2016
- Web searches (Google) to identify additional newspaper articles or blogs not identified through the Factiva search
- Facebook and Twitter searches to identify social media references to the event (distinct from the news articles identified above). We relied on the native search interfaces provided by Facebook and Twitter (advanced search) for post identification, recognising that this is likely to be an incomplete collection of posts but is sufficient for our purpose of identifying the way that the cases were portrayed in social media. Facebook searches were not limited by dates, except in the case of the IV juries, when we limited results to 2016 to manage the volume. Twitter searches were limited to a one-year period on either side of the mini-public.

In the case of the Noosa Community Jury, Noosa Shire Council also provided us with scans of newspaper articles they had saved about the event. Table 3 summarises the media references to the cases identified from each source.

**Table 3: Media references to the cases.**

Media source	Penrith	Noosa	Victoria
Factiva newspaper search	21	28	28
Additional sources	4	10	0
Facebook posts	13	36	88
Twitter posts	6	9	22

Given that the total number of media references was relatively low, we coded all identified references to each case to identify themes in the media coverage.

## 2.6 System analysis

The system analysis involved identifying and mapping the relevant governance system for each case to identify key system elements and connections to the mini-public. The mapping process employed the frameworks described in Section 2.1 and drew on the interviews and media analysis.

## 2.7 Research limitations

There are four limitations introduced by our research design that are important to consider when interpreting the results. First, our interviews were completed at a time when the final outcome of each mini-public was unclear. While all the mini-publics delivered their final report and received a response from the initiating organisation during the timeframe of our research, decisions and actions on the mini-public recommendations are incomplete in all cases. This limits our ability to assess the influence and impact of the mini-publics. However, waiting for the chain of impacts to run its course, perhaps over several years, was not feasible for this research. This limitation could have been addressed by studying past mini-publics rather than present mini-publics, but we placed greater value on the ability to interview participants with fresh recollections of the mini-publics and to assess a more up to date version of nDF's evolving approach to mini-publics.

Second, as noted above, we are missing the perspective of the ultimate decision-makers in two cases. This limitation relates to the first one. Interviews with these decision-makers would be of more value when final decisions on the jury recommendations have been made.

Third, our cases do not represent the diversity of mini-public arrangements. All were held in Australia, all use nDF's citizen jury format and are similar in size and format, despite variations in process and topic. We have not looked at mini-publics run by other organisations, in other countries, using other formats, such as consensus conferences. While we anticipate many of our findings will apply to other types of mini-public, variations in size, format and process may mean that other types of mini-public perform better or worse from a systemic perspective.

Finally, in hindsight, media content analysis is a blunt instrument for assessing external deliberative quality. The initiating organisations in our cases did not necessarily seek a high level of media coverage and the media coverage that there was revealed relatively little about the quality of external deliberation. Traditional media engages in broadcast rather than conversation. Social media is more conducive to dialogue but our resources did not permit deep analysis of the social media conversation. Fortunately, media analysis was not our only data source for assessing external deliberative quality. Nevertheless, it delivered less value than anticipated.

## 3 PENRITH COMMUNITY PANEL

### 3.1 Background

The Penrith Community Panel was convened by Penrith City Council (PCC) under the guidance of nDF in 2015. 35 citizens were invited to participate from a pool of 5,000 randomly selected Penrith City residents to advise Council on the following questions:

- What local services and infrastructure do we need in Penrith?
- What should we do, to what level of quality, and how should we pay for it?

PCC's objective was to determine the Panel's perspectives on how it should best distribute its limited budgetary resources on services and infrastructure within the Penrith City area.

The Community Panel was conducted over 6 full-day Saturday sessions from September to December 2015. Each meeting was facilitated by an independent facilitator engaged by PCC and other members of the public, the media, and Councillors were free to attend and observe sessions. Stakeholders were invited to make submissions to the Panel and Panel members were able to request information from PCC.

The Panel's report contained numerous recommendations in seven topic areas:

- Getting around the city
- Health and community spirit
- Income and expenditure
- Jobs close to home
- Our environment
- Planning for future growth
- Safe and vibrant places.

Recommendations were divided into advocacy actions, where PCC did not have jurisdiction, and actions that PCC could take. Actions for PCC were prioritised by timeframe (e.g. immediate, 0-10 years, 15 years) and linked to ideas for funding.

PCC received the recommendations at a full Council meeting on 8 February 2016.

### 3.2 Mapping the system

The democratic system of interest for this case is the system that decides how PCC's financial resources should be distributed within the local government area. To a large extent, PCC is the owner and controller of this democratic system and had direct authority to act on the outcomes of the mini-public. There are, however, some complications. Ultimately, the NSW Government has jurisdiction over local government. The NSW Government's Local Government reform process, Fit for the Future (FFTF), was established in September 2014 in response to a three year independent review of Local Government conducted by the Independent Pricing and Regulatory Tribunal (IPART). IPART recommended amalgamation of local government areas that did not meet a set of criteria for scale, financial independence and the like.

All Councils in NSW were required to respond to FFTF. PCC met the criteria established by IPART, which meant that it would not be forced to amalgamate with other local governments.

However, its proposal to IPART assumed income from rates would increase due to continuation of an existing Special Rate Variation (SRV) and the approval from 1<sup>st</sup> July 2016 of an additional SRV. These additional funds were needed for asset management and renewal in the large, diverse and highly populated Penrith City region. Although the questions for the Panel were not specifically about the existing and proposed SRVs, the question of how local services and infrastructure should be paid for could not be fully considered without taking into account this existing proposal. IPART, the independent regulator, approves SRVs. This means that IPART was another relevant empowered space and an audience for the jury findings on appropriate levels of service and funding strategies.

## Private sphere

Penrith City consists of a widely distributed and diverse community across an area that spans the rural to the urban. The City has one of the highest youth populations in greater Sydney along with an aging population. Panellists described their love for the local area, especially their relationship with the Nepean River which is close to the City centre:

I think Penrith is highly engaged. I've worked in other local papers in other areas...I guess it's more of a transient population, a lot of renters, people studying and things like that. Whereas here there's a lot of families that have lived here a very long time. They've gone to school here, their kids have gone to school here, they get upset about the fast pace of development and the loss of greenery. There's very strong community links in Penrith, very, very strong. It's not to be underestimated in Penrith, and people are quite passionate about it. They're very engaged (Local newspaper representative 1).

Penrith's got a pretty engaged community to be honest, on our Facebook. It doesn't matter what issue it is, there's always people commenting and saying, Council needs to do this or Council needs to do that. So people are quite invested in what happens around here. The area is undergoing quite a lot of change quite rapidly. People are quite aware of what's going on and very, very interested (Local newspaper representative 1).

Despite many of the panellists having lived in Penrith for many years, most were unfamiliar with the extent of Council's role:

One of the key themes that constantly came through was, we had no idea Council did so much. We had no idea that stuff that we take for granted every day is Council's responsibility, like the drainage, and the fact that a house doesn't come underwater every time we get a deluge of rain or whatever. It's because you put in the systems that we don't even necessarily see, you know, the drainage systems and the retention basins, and all that sort of stuff. That's something that I think every one of them would have said, pretty much, we just didn't get how much they do, yeah (Councillor, PCC).

...and he said "I had no idea of the extent of what council's doing, and so it's been a real education...I went around and gave this to my parents to read" (PCC staff 1).

Interest in sitting on the community panel was high though the majority of panellists did not know what a citizen panel entailed nor what was expected from them at the start:

I just thought it would be a bit out of my league, a bit above my head, because I've never done anything like that before (Panellist 1).



Initially I didn't know what it was. I didn't quite understand what it was, because it's something new, and I'm a bit of a sceptic I must say...and I nearly threw [the invitation] out to be honest, and then I thought, mmm, I'll keep that on the side for a bit and then I had another look at it and tried to understand what it might be about and then I thought to myself, you know what, if it means that I can understand the workings of the area I'm living in, then I think it's worth getting involved and I think I only applied on the last day. I actually wasn't expecting to get in, so I was happy that I did (Panellist 2).

First impression. I thought, this is good, but I want to see how it works. But like most of them that were there, they all had their own agendas...People had their own agendas. Me, I don't really have an agenda. I'm more interested in how other people are looking at the district (Panellist 4).

## Public space

From a systemic perspective, citizen juries occupy an interesting position. On the one hand, the jury is an event that takes place in public space, with relatively open and transparent access for media and the public to observe the process. On the other hand, the jury is a privileged transmission mechanism through which public space can speak to empowered space. The mini-public seeks to reproduce public space in miniature.

Taking the first perspective, the degree of media coverage received by a mini-public is a useful indicator of its prominence within public space. We identified 25 news articles about the Panel in traditional media. All were in local newspapers – the *Penrith Press*, the *Penrith City Gazette*, the *Western Weekender* and the *Mt Druitt-St Marys Standard*. This is a fairly low level of media coverage, and readership of the local newspapers is low and dominated by an older demographic. It is fair to say that PCC would have liked more media coverage. Social media coverage was stronger, as discussed in Section 3.4. PCC has a dedicated communications team and took a proactive approach to developing media interest in the Panel members and process. Council staff involved in generating media and social media coverage and exposure of the community panel to the wider community were enthusiastic about the process. This was seen as a good news story for Council:

Which is why it was important to get videos, and pictures of the community panel, and their pictures in the paper..... [nDF] did well to make sure that [they] had male, female, old, young, that kind of spread (PCC staff 2).

I'd like it to be a lot bigger than what it was, because personally I thought it was a great process. One of the projects that I was actually quite emotionally involved with. I thought it was a great thing, so I was really excited about doing it (PCC staff 2).

From memory, I think [there were] about 90 comments on [the Your Say Penrith website]..., which is quite high. For instance, the special rate variation got 160 submissions. That's always a big one. Others get two or three, if anything, so on the scale of things, I think it probably did better than most of the consultations we do (PCC staff 2).

The fact that there's community faces involved, and to hear their take on it, where they want the money spent in their communities is interesting (Local newspaper representative 1).

PCC has an established communications team which developed a strategy for communicating the Panel to the media and wider community:

Well, it had the key messages, which we all agreed on with newDemocracy and the officers facilitating the project at our end. It had the key messages, it had the different channels that we were going to use, the possible risks in communication, and the channels we used were print media, social media [Facebook, Twitter and Youtube], radio advertising, [and] our webpage (PCC staff 2).

We had a media briefing at the beginning, so we could explain to them everything, rather than them trying to work it out from the media release, and we could answer all their questions and whatnot. [The Penrith Press editor], I got the feeling from her that she was very interested in the process, and liked it, and wanted to run with it. They probably ran with it the most (PCC staff 2).

As is frequently the case however, media uptake and social media interest often lags around mini-public processes despite the significant investment of organisations such as PCC in developing and implementing a comprehensive communication strategy:

I think with us, it's just been a couple of stories. The first time we had a media briefing about it...we all just sat around the table and they just spoke about it. It wasn't a story or anything. After that, we got a few media releases through about it. Yeah, I think only a couple of stories. I haven't, actually, gone along. I think you can go along to them and listen to them (Local newspaper representative 2).

Basically, just through the media releases. Initially, I did a couple of stories, I think, but, as time went on, the media releases that we've gone through, haven't really been specific issues. It's just been an update on saying, "They're going to come to a conclusion soon," so I think we're waiting on that one (Local newspaper representative 2).

Media perception of the community panel was however positive as a whole:

I think there were stories in all 3 papers that week, after that. So it's been very good (Local newspaper representative 1).

Definitely, that it's an opportunity for people to have their say. Particularly, because we get a lot of response from people in the community who aren't happy with Council's decisions. This is a good opportunity for those people to see how you really need to prioritise different things. We have, so far, framed it in a positive light, as an opportunity to ... Yeah, for the community to understand and have their say (Local newspaper representative 2).

There were stories on the Community Panel on Facebook as well. That probably had a good representation of people's news, like how do you get on it? Who's chosen? Why don't they do this issue? I think we published a feedback column from that as well (Local newspaper representative 1).

Despite media coverage across three local papers the general impression from stakeholders and panellists was that there was little or no media generated by the community panel:

I didn't see any media attention. We made a video somewhere along the line, I don't know what that was for...It was in the paper from time to time (Panellist 1).

It appeared in some of the local papers and what have you but I didn't see it (Panellist 2).

I know there was a couple that got in the Penrith paper just to create a bit of community interest about what we were doing but I didn't really see much of that. Like I know it was in the paper and I saw a couple of little things about it but not a lot (Panellist 3).

We had a photographer from Penrith Press, he was there. But really I don't think there was much in the papers (Panellist 4).

I just recall there was a bit of press in the local media but it doesn't stick. I think that there should be more media coverage. A lot of media coverage. You just had snippets (Stakeholder submission-maker 1).

Well, no, because seriously, well from my perspective on the Board, we only got post information about the citizen panel to provide some feedback. So, I don't believe, it might have been in the...news or the Western Weekender but I can't ever remember reading about it and some of the Board members unfortunately can't either. We only got post communication at that point. But we provided feedback on what we wanted. We sent that email with relevant information for our submission (Stakeholder submission-maker 2).

The PCC Community Panel interviews were conducted prior to the final community report being tabled to Council. This is reflected in feedback from media stakeholders that more media and community interest was likely to be generated when the final outcomes and recommendations on service delivery were made:

It's not getting much response from the community on it, because it's one of those ... I think, maybe, wait and see what happens? It's still in the process and I think maybe, when something comes out of it at the end, there would be much more of a response. Especially, the community seeing that the community has made decisions like this and not just council, so it will be interesting (Local newspaper representative 2).

Well, it depends what they find. If they find something ... Yeah, it's hard to tell. I feel like, there would be many different angles for a positive light about the community making these decisions and things like that. It depends what were to come out of it. If there was something that the community found that they weren't happy with, that would be interesting. Yeah, because they'd say, "Hey. We found this and we don't like it." That would be a story that would get more response. That would get much more publicity. Not even more publicity. Same amount of publicity, but much higher response, I think from the community. Really, it just depends what they find. That's why nothing's really happened and there hasn't been much response until those recommendations come out, and we actually see what comes out (Local newspaper representative 2).

We're waiting for the report now because it gets to a point where, what else are you going to say...? There's nothing productive in that. There's no end result from that meeting so we'll wait for the report and see how their priorities differ from what the council wants, if they do, they may not. We'd want to know why they came to those conclusions. Was it based on the economics or people coming to them and highlighting certain issues? Things they felt were being neglected? I have no idea I'm just spit-balling (Local newspaper representative 1).

For PCC, the opportunity to communicate directly to a representative group of local residents was gratifying. Overall there was very positive feedback to Councillors and Council staff not only about the panel process but also in relation to Council services:

The highlights ... I think from the very limited exposure I had to the panel, I think just being able to sit down and listen to people's points of view...Such different backgrounds, and I really enjoyed that. I'm having a chat to some of those people, ... and was able to give, I think, a little more information, when they'd say ... I don't know if it was something about childcare, being able to say, "Our local government is the largest provider of childcare," you know? Very well-respected service within the community, people will go to a council service before they will go to anywhere else, because we are so good, at doing what we do, and have so many childcare services...I think there's something like 43 services out there. We're able to build upon some of that final detail, so that was good, to be able to talk to people about that (Councillor, PCC).

I think, again, because of the randomness of it, it wasn't politically motivated...I never heard anything negative at all (Councillor, PCC).

The highlights have been the commitment of the panel, their enthusiasm...They are so passionate about what's coming out of it and what they believe in (PCC staff 1).

I found that Penrith Council for me got a lot of kudos, got a lot of positive points, because regardless of what they are able to implement in the short term, I think their hearts and minds are in the right place. Their intentions are good and what they want for the city are in line with what the general public wants (Panellist 2).

**Likewise, panellists and community stakeholders were generally positive about PCC's responsiveness in providing information and conduct throughout the panel process:**

We were given access quite readily to people. I think we were allowed to publish their surnames, which is not an ordinary requirement...I put in my requests immediately to get photos of the community panel. They set out to see what they could do. I thought that was very good...It was good because it covered everything, it didn't make people wonder. I think we did fact boxes, and how it would work as a result of that. So, it was very good (Local newspaper representative 1).

I don't think we had any external people come in, it was all Council people, but it was like Councillors and staff...They were happy to give their time, they were willing to answer our questions, they were very forthcoming with information (Panellist 2).

When Council staff came you get an insight into what their passions are (Panellist 1).

We wanted more information from the community, Council members themselves, which they managed to provide that...A lot of the Council members they brought in to say, this is what the Council does, here it is. Which I thought was a pretty good process (Panellist 3).

The panel asked the managers and some of the executive managers to come in and speak at one of the meetings on the Saturday. Yeah, it was good. It was good to get buy in (PCC staff 1).

I think it's always good to include the community in any kind of solution and it's really heartening to see that they were putting that kind of focus on getting the consultation from people within the community...The thinking is now in any kind of community development, it has to come from the people or else it's not going to work. I guess when general citizens or the council or whatever see that this has come from consultation with the community then there's definitely going to be more good feeling towards that (Stakeholder submission-maker 3).

## Empowered space

Despite IPART's role in approving SRVs, PCC was clearly the relevant empowered space for this democratic system. It had the authority and jurisdiction to act on the Panel's recommendations. PCC set an ambitious objective for their community panel which involved the panel getting to grips over 6 sessions with a large amount of detailed information relating to Council's budget, current service delivery and infrastructure and anticipated future needs. For a first attempt at a mini-public process, PCC demonstrated considerable trust in the capability of both the process and participants to deliver meaningful outcomes that were reflective of community views across this large diverse city. For the community to contribute from the perspective of empowered space not only requires Council opening its operations to community critique but also requires participants to engage faithfully in the process. This required a lot of trust from PCC:

They were given exposure to a full range of documents, our strategic plans. They really, I suppose, were deliberating on, is Council on the right path in terms of things that we're doing in the community? On what we're spending our money on, should we cut back on some areas, should we spend more on some areas?... They looked right across our operations, so given access to all amounts of information (Councillor, PCC).

... that councillors won't agree to the recommendations is a risk (PCC staff 2).

We weren't leading them. We wanted to put the right information because the better and more accurate the information that you give them, the better decision can be made... They were surprised at how transparent and open council was about that... This is part of gaining community feedback, checking in are we on the right direction, are our priorities consistent with community's thinking of what our priorities should be. I mean, it's been a really good process for doing that (PCC staff 1).

I had positive feedback. People have said, oh, all Councils should do that or I wish our Council would do that (Panellist 2).

As revealed below, such an approach opens up risks for both Council and the community in areas of credibility and trust:

There seems to be two types of people, people who are trusting, and people who, their first reaction is not to trust anything. Of those that are trusting, I'd say they think this is great and Council has done a great job. The ones who have a bent on not being particularly trusting, they may have doubts about how independent it is, or if it's just been set up to have it say what we want it to say. I think, overall, I think people see it as a good thing, and they'd like to get more involved, or at least have their peers have more say in how things are done (PCC staff 2).

Panellists were divided in their views of how much the panel's contribution was being seriously considered by Council:

Also, the fact that they were so willing to share any information we wanted from them...demanded in some instances! I think that was very good, it shows goodwill on their part to see that they're willing to open up (Panellist 2).

I think it will give Council an idea of how some - some as in the group - community members are thinking. Whether they take any notice of it or not, I doubt it. Because Councillors in Council, they're elected, and they believe that once they're elected, the public

has given the OK to do what they think is right, and therefore it doesn't matter what the public think (Panellist 4).

External stakeholders were of the view that the community panel process made no difference to the power relations between the wider community and the council:

Nothing that we have suggested has been taken up (Stakeholder submission-maker 1).

If you...look at it broad scale, it's just a tick box (Stakeholder submission-maker 2).

And at least one elected Council member believed that the role of the community panel was to primarily legitimate Council's current performance and future direction. This was somewhat at odds with the intended purpose of the mini-public in the eyes of Council officers:

I don't know that there would be an ideal, because I think the whole intention behind it was to bring people together to generate ideas, to just brainstorm, almost. I don't know that I would be expecting an ideal, I suppose if you want to be a purist you'd go, "Well, telling us that we're doing a good job, and a big tick, of course, that's always a good thing". I wouldn't think that I would want to pre-suppose anything out of an exercise like that...But the timing of this one was really good in that we were going for a special rate variation this year and made a submission to IPART along those lines. I think the timing, particularly, of having this panel...really did, for us, as councillors, cement in our minds that we're doing the right thing by going for this. There was starting to be some agitation, a little bit of angst with some of the councillors not supporting a special rate variation (Councillor, PCC).

So what appealed to us with this is that it was a more intense consideration of...the issue. We thought let's do this as a bit of a first and let's see if we can get this approved to go forward and do it to get our community engaged and get the feedback on what we're doing and if we're heading in the right direction. Now I would say, originally, I was probably thinking it would be a bit more targeted (PCC staff 1).

It is clear that PCC had a number of motivations for running a community panel. There was certainly a normative commitment to genuine community engagement and to ensuring a deeper level of community awareness and input into the SRV than could be achieved through more traditional means. There was also a more instrumental need to gauge the level of community support for using an SRV to pay for increased levels of service. There are statutory requirements on Council to undertake community consultation and, increasingly, traditional modes of engaging the community (through local papers for example) are falling out of favour, requiring exploration of new approaches. Growing disengagement in the political process also challenges Council's communication strategies. PCC was already actively involved in engaging community views through other consultation processes. The Community Panel process provided an additional tool to their communication toolkit:

I think council pretty much said, "Look, it's not something that we would do every year, but we might do it once a council term." Especially when we're setting our strategic plan at the beginning of the 4-year term for the following 4 years (Councillor, PCC).

Councils need to consult with their community about what their vision is and their aspirations are and that needs to be reflected in your community strategic plan. Then councils need to align their program of works to deliver...what the communities' aspirations are for your city...Critical to my role is the engagement to inform what we're doing. There's



the reporting piece in that, which is also a legislative requirement, that you report back to community on how you're progressing...How the panel came about then was we are continuing looking at better ways to have that ongoing conversation with our community about what we're doing and know we're heading in the right direction, is it reflecting what our community wants... I saw this as potentially a way to get those voices that we don't usually have coming in to council and speaking (PCC staff 1)

## Transmission

As noted above, one perspective on the Community Panel is that it is a transmission mechanism between public space and empowered space, passing the views of the community on to PCC. The most visible form of that transmission is the report produced by the Panel, although transmission was also taking place when PCC staff and elected representatives attended Panel sessions.

The Panel report was received by Council shortly after the completion of our interviews. At this point the report's recommendations were made public and the effectiveness of transmission became clearer. At the time we spoke to them, interview participants were mostly of the opinion that the Panel's recommendations confirmed PCC's strategic direction and would therefore not lead to significant changes in PCC's direction in services and infrastructure development. The strongest recommendation was that PCC needed to better communicate what it was already doing:

I don't think it will give Council too much direction. We didn't talk about where Council should potentially cut funds. We did talk about that they should increase patrols to book people for staying in parking and get revenue that way, but most of it was the view of what we wanted in the city. So, I thought the report won't help council, but it won't allow them to point the finger at us either (Panellist 4).

I thought a lot of it was already happening though, which, I don't know if anyone else thought that, but I thought a lot of it was already started and happening...I thought we might have looked more for things that weren't happening. Why did we bring all that up when it's already happening?... Will the recommendations make a difference? "I'd like to think they will, I really don't know to be honest. I'd like to think they will somewhere" (Panellist 1)?

I feel like a lot of the recommendations we've put through, Council has already thought of themselves. And I think it would be a reinforcing thing for them, like that they're on the right track, at least. As far as, I don't know to what extent our recommendations will be implemented. It might be part of their considerations for longer term. And it obviously comes down to budget issues, because there's more things you want to get done than you have money for...I think it's good for Council to see that the community is in agreeance with a lot of their plans (Panellist 2).

A lot us hadn't done a lot of research into what the Council is doing at the moment, and that was another thing we suggested, that the Council promote more of what they are actually doing. A lot of the stuff, like greening the city, is part of their actual plan, and we sort of thought that's really great, here's our input on that plan that you're going to do later anyway. I don't think anything's out of reach, sort of thing, we're not saying let's put a space shuttle there. I think it's all pretty realistic and relevant. We didn't go too far out (Panellist 3).

I think it will give Council an idea of how some - some as in the group - community members are thinking. Whether they take any notice of it or not, I doubt it. Because Councillors in Council, they're elected, and they believe that once they're elected, the public has given the OK to do what they think is right, and therefore it doesn't matter what the public think (Panellist 4).

I think the report confirms our strategic direction...It's confirmed that what council's doing, the direction we're going is the right direction to go in and some of the key areas that we're looking and investing in, such as the activation of the river, the river masterplan, parking. It's confirmed those. It's made some suggestions on levels of service with a few things like street sweeping...And communication...how can we communicate what we're doing? (PCC staff 1).

One of the things that did come up for us in the Panel is that we realised that Council was doing so many things that nobody knew about... [We need] a little more information out there in the public eye (Panellist 2).

After our interviews, PCC received the recommendations formally at a Council meeting and considered them during development of its new Community Plan and Delivery Program, released for public exhibition in May 2017. As a transmission mechanism, the Panel effectively transmitted the message to PCC that they should keep doing what they were doing, with some minor changes and better public communication about their achievements.

## Accountability

Accountability mechanisms for the Penrith Community Panel were weak, relative to our other cases. We found no evidence of a prior commitment to act on the recommendations and very little communication after the Panel on how Council was responding. PCC did formally receive the Panel's recommendations at a Council meeting but there was no resolution on what would be done with the recommendations and our interviews indicate that there was not a very clear plan for this:

I suppose what we should do with that body of work is probably have the recommendations from that maybe tasked to the specific areas that they relate to for the managers to then do some, I suppose, accountability, like, "Okay, where is that up to? Are we doing that? If we're not doing it, why not, and what's the potential for the likely impact for funding?" I suppose that's something that I hadn't really thought about that until you asked the question (Councillor, PCC).

After acceptance of the Panel's report by the Council and a media release from the Mayor, there was little further communication about the Panel before a brief mention in the new Community Plan and Delivery Program, released for public exhibition in May 2017. No document has yet been released that responds in detail to the Panel's recommendation, although PCC advised in May 2017 that it does intend to release such a document. Although the Panel recommendations largely confirmed PCC's strategic direction, there were numerous recommendations and many differ in at least some way, perhaps on timing or changes to service level, from what PCC is already doing. The lack of a formal response to the recommendations is concerning from the perspective of public deliberation and has the potential to feed existing cynicism about consultation processes.

Stakeholders already had a perception that PCC had failed in the past to consult sufficiently with the wider community. Council's response to the panel therefore provides a further litmus test on how PCC measures up in terms of generating trust within the community and their willingness to devolve decision-making power to their community:

What I found, most of the ... not so much complaints, but the criticism and ... the responses that we do get, a lot of the time they're saying that there's a lack of consultation to the community from council when decisions are made...People complain a lot about the

decisions that council makes and they need to see how hard it is to make these decisions (Local newspaper representative 2).

You always get the odd comment about council being corrupt or having their own agendas...As I said before we did have some voices saying it's a setup. To get a result that council wants, and that type of thing (Local newspaper representative 1).

I think quite often council or local government has a charade of consultation and ... Well, for instance, as an example, the airport. Penrith Council hasn't given the opportunity for the local people to be exposed to the airport and its impact on the whole of the Penrith LGA. You become a bit cynical but I suppose understanding where this Democratic forum is coming from is worthwhile pursuing (Stakeholder submission-maker 1).

Oh well, yes, I suppose. My comment would be that I feel that we didn't really know what came out of it. We haven't seen anything or heard anything definite that may have affected the Council's attitude or decision making so ... I feel as so ... What did it actually achieve? Was it just my cynical thought was, 'Is this an exercise by Penrith Council to give the impression that they're involving the people but do they actually?' I think I'm very cynical, I know. We have had a lot of surveys, a lot of community consultation, meetings with people who have had their say, we've made so many submissions through our organisation, only for them to go ahead and do completely opposite to what we had hoped. You do get a bit worn down with it all (Stakeholder submission-maker 1).

They're just a process they are going through they already understood what they were achieving they were just going through a tick box process. It just comes across that way...I'm still sceptical of Council's motive..... Some things turn out well and you've got the councillors and the council and they are two different beasts (Stakeholder submission-maker 2).

Some Panel members also stated that they were and remain somewhat sceptical of PCC's motivations and whether the Council was interested in genuine participatory consultation that implies some degree of power-sharing with the Penrith City community (see also quote above):

Any kind of governments, people are a bit sceptical about their intentions, even something about the Panel, starting out, there was a lot of people more sceptical than me...I had a bit of a change of mindset but I saw that some people stayed just as sceptical...Even though the Council is trying to do something in terms of understanding what the community wants from them, which is how I see it, some people are sceptical about that, saying that they only want to know what the community wants as long as it suits their own agendas. And I'm a little bit of that mindset, and I think a lot of people are, just given the history of how things work...So that was my scepticism (Panellist 2).

However, for this Council staff member, it was gratifying that the Panel had recognised and indeed called for a greater role for Council in advocating on behalf of the community to the State Government:

I think it was good too that on the panel the recommendations called out the areas of advocacy where...council doesn't have responsibility. That was...one of the things through the process that got clarified because there's always that...[question of]...local government is responsible for what? State government is responsible with roads so I guess that became clearer to panel members (PCC staff 1).

## Meta-deliberation

We can observe meta-deliberation in PCC's thinking about the existing approach to community engagement and the role that a mini-public can play. The Panel was the first attempt by PCC to conduct a mini-public. PCC staff were enthusiastic about the concept, not only in terms of what it offered in achieving PCC's community consultation objectives but also because it offered a pathway for better local democracy and governance:

I've talked about people not being empathetic and not really interested in what's going on around them. I think part of that is because of the way democracy has worked so far. I think this sort of thing goes towards changing that, because if people do feel that they'll say something and it'll actually be acted on, then that changes the dynamic. That's probably why I was so excited about it, on a personal level, because it fits in with the aims of what I'm trying to do, to get more people interested in what government does for them, or organisations as a whole (PCC staff 2).

I think that we're quite mindful and conscious that it's just one in a suite of methods that we're going out to the community to get feedback but what appealed to me with this model was that .... I'm thinking of democracy...I remember before I started the panel I spoke to some people involved. I think it was a Noosa one. That was one of the things that they said was important, that you bring your broader community along with the panel. I mean, you can always look at how you can do things better. I think that is probably an area that we could look at on how to do that better... There's been a real commitment from the managers internally.... It's got that whole commitment from that level so I think that's a bit of a highlight (PCC staff 1).

Panel members and stakeholders were equally enthusiastic about the potential for the community panel to assist in engaging the public more closely in local democratic decisions:

I think if this sort of thing is more widely done, maybe more organisations would be a bit more in touch with people (Panellist 2).

Yeah, I think it's the way to go for any council or organisation, even community housing, we need to consult more with our tenants about what their priorities are rather than what are our priorities. Definitely I think it's the way of the future really. It shouldn't be a room full of people sitting around the table in suits making the decision about what's best for the community. These kind of panels I think it's definitely the way forward (Stakeholder submission-maker 3).

However, for Council itself there were reservations from some members on giving up Council power to public space:

They have got the thing, "What if they do come with recommendations that we don't like or that are ridiculous?" before they knew how it was going, and that's a real enough fear. I think maybe at first, but we made sure we'd got the mayor and deputy mayor on board, as far as communication strategy, and we talked to them about it. Other councillors may have been a little bit wait and see... Probably now they've seen the recommendations, they've gone "Oh, that's okay"... We've got a few others who [say] what's this all about? Maybe because they're, at least initially, a bit worried about handing over power (PCC staff 2).

Some councillors couldn't justify spending the money, and to be quite blunt with you, basically said, "That's what we're elected to do, to make these decisions, have this level of

information." It's almost like a quasi-council, if you like, within a council. There was one councillor, I remember, who was quite sceptical at the beginning, did come to that speed dating session, as I call it and really was turned around by the involvement with the process, then could see some support, which was quite interesting because this particular councillor had previously said that we should have citizens' referenda and all sorts of things...All manner of things to do with council decision-making...Some [are] very supportive, I'm very supportive. If we're engaging the community, I think, the more the better. It doesn't matter that we're elected, it doesn't preclude you (Councillor, PCC).

I think council would always want to keep their decision making power, given that they're elected, I'd say. That's why they run for election, and I think councillors personally would be a bit affronted if ... "Well, I've been elected, what have I been elected for if we've got other people over here making those decisions?" I suppose it would, or it could potentially open the question up to, "Well, okay, what if the people aren't so randomly selected?"...But I'm pretty sure we had a team of people that actually went through the selection process and made sure it was above board (Councillor, PCC).

## Decisiveness

At a strategic scale, the Panel made a strong contribution to the decisiveness of the democratic system. It confirmed PCC's strategic direction and provided a community mandate for its separate decision to pursue higher rates as a way of funding necessary infrastructure expenditure. At an operational scale, the Panel's recommendations were considered in the development of a new Community Plan and Delivery Strategy, both of which were released for public exhibition in May 2017. While there has not yet been a detailed line by line response to the Panel's recommendations, the influence of the Panel is evident in new actions within the Community Plan to improve PCC's communication of the good work it is doing. Nevertheless, the stakeholders we interviewed were cynical about the likelihood that the Panel would have a real impact:

Certainly not from the suggestions we made from our perspective... Nobody was interested in taking them on board.... Nothing that we have suggested has been taken up. (Stakeholder submission-maker 1).

It still comes down to what are the motives of the Council. If the information is eye opening enough to say that we need to change then that's the motive ... choosing different people is the greatness of it as you're not aligned to a political agenda... or someone who is instrumental in the town to make decisions...There's been no action plan or formulated recommendations that have grown larger than that, which would have been a great outcome. If not, then the community would be saying what's the point? (Stakeholder submission-maker 2).

This cynicism may be due to the relatively poor communication from PCC after the Panel. After acceptance of the Panel's recommendations and a media release, there was no ongoing communication until the release of the Community Plan and Delivery Strategy in May 2017, almost one and a half years after completion of the Panel.

## 3.3 Internal quality

Our guiding question for exploring internal quality of the mini-publics was: Does the mini-public have a high degree of internal deliberativeness? Here, the quality of the mini-public process and design, and the experience it creates for the participants is of interest. We focus on the recruitment process, representativeness, the charge, facilitation and governance, the nature of the expert

input, and the quality of deliberation. One indicator of internal quality is the experience of the participants. While some Panellists were cynical about the likelihood of action on their recommendations, all indicated that they would happily join a Panel again and would recommend it to others:

I'd recommend it to anyone. Because if you don't have an interest in your local community, you're not really part of the community (Panellist 4).

I'd do it again. I'm one of the quieter people. If I was to do it again, I'd probably speak up a little bit more. I definitely would recommend it to other people to do. It was quite an insight into how Penrith Council runs (Panellist 3).

This is an excellent indicator that the internal deliberative quality of the mini-public.

## Recruitment

newDemocracy Foundation was responsible for recruiting the 34 panel members from the broader Penrith City population of over 200,000. Panellists were generally unaware of the community panel process adopted by PCC, were surprised to receive their invitations but generally found the process legitimate:

I found that not many people knew about it. Even my next door neighbour, I said maybe you received the invitation - nope (Panellist 2).

There was only two people that knew each other, and that was it. So it was quite a wide range from the community. So it seems like a pretty good selection process to get such a wide selection (Panellist 3).

Whilst the legitimacy of the process was not questioned by panellists, stakeholders were more sceptical that the panel selection was completely random and unbiased:

I'm unaware of how the panel was chosen but on reading it, it was done by random. 5000 people were sent out emails and then they chose 34 well it says 35 but in the end there were 34... and they were paid 500 bucks or something. I don't think they should have paid them...I don't know what the choices were, how they chose them. There were so many submissions now if there was some ambiguity there, some bias that's a problem but I don't know (Stakeholder submission-maker 2).

NewDemocracy did say, right at the start in the briefing that, they were going to pick at random. It's good, getting picked at random, but then also, if you get random, you could randomly get a lot of the same demographic (Local newspaper representative 2).

I don't know who was chosen. I was quite interested. I just remember briefly looking and thinking, 'I wonder who these people represent. What bodies do they represent or are they really interested and they've gone along as an independent person?' I don't know (Stakeholder submission-maker 1).

What is clear from these quotes is that the selection process was very poorly understood even by stakeholders that had gone to the trouble of making a submission to the Panel, despite the fact that nDF does communicate the selection method to stakeholders through briefings. This points to either a need for better communication about the process with the community, or perhaps a



tendency of stakeholders to remain wilfully ignorant about the details of the process if they are not particularly supportive of it.

## Representativeness

Overall both Council and panel members felt that there was a diverse and representative range of people in the final panel mix:

It seemed to have from the young to the old (Panellist 1).

There was a broad range of community people there, both in age, and probably diversity around the area (Panellist 4).

Also, I think the fact that it's random people, so you get a good mix of different agendas, different ideas, different viewpoints. There's people like me that are new to the area, there's young people there, they suffer the young people's problems, there's the older people, they suffer the older people's problems (Panellist 2).

With the first meeting, there was 35 of us, seeing all the people...there was people from one end of the community to the other, like all around, it really was a cross section of the community. Lots of people from different ages, like, I think there was one gentleman there that was maybe in his 70s, and I'm in my 20s, so very big cross section and a lot from different cultures as well. There were some like me that had been born in Penrith, there were others that had migrated from different countries. So just the selection process, they said this is to get a cross section of the community, and I think they really managed to do that quite well (Panellist 3).

Yep. I thought it was really good actually...I was really impressed to see people from non-English speaking backgrounds, good mix of male and female, clearly people from other cultures, and different religious beliefs, which I thought was fantastic. I really, really like that, the fact that they pulled a whole lot of people together, and it seemed to work quite well (Councillor, PCC).

As noted previously, the Penrith City region has a high proportion of young people. For at least one panel member, younger people were not adequately reflected in the community panel make up:

I would have liked to have seen a few more younger people though. Yeah, I think the younger generation were not so well represented, and unfortunately some of the younger people we had were the quietest, least vocal participants. It would have been good to get their viewpoints a bit more...[There was] probably a bit of scepticism from younger people [that were invited to participate], but also hard to fit it in with working and social life and studying (Panellist 2).

A common criticism of mini-publics is whether they can achieve the goal of representativeness given only certain people will accept the invitation to participate. Despite the random selection process employed, suspicion is often cast on who gets to participate in the process:

We wanted to show community faces to show that they weren't faceless bureaucrats ..... I think that was important because there can be a level of suspicion about who gets selected on today's panels (Local newspaper representative 1).

For 35 people.... Again, we have to find out what actually was delivered. The whole thing is I think it was in one of the papers .... If they keep the media going it gives confidence to the locals that the councillors, who are coming up for election shortly, are listening to the folk but 35 is a bit small it's only 0000.1% of the one hundred and fifty(?) thousand people. It's a start (Stakeholder submission-maker 2).

Attrition of jury members can also lead to lowered representation on the panel:

Just in terms of the panel, one of the things that did surprise me too was the number of panel members that dropped out ....It is a big commitment but it's not a huge amount. What's the usual drop out? We would tell them, and I'm sure it's true, I think we've had maybe one occasionally or two but... I think there were about 6, so we started with 34 and we ended up with 20-something that were part of the final. A few of the younger dropped out who were really good. I can think of four who were really good and actually would have been good voices to have in the room (PCC staff 1).

## The charge

The Penrith Community Panel's focus was on an overall service review to determine whether community needs, expectations and willingness to pay were being met. The Panel was asked:

- What local services and infrastructure do we need in Penrith?
- What should we do, to what level of quality, and how should we pay for it?

This was a very broad remit. The breadth of the topic meant that treatment of the topic was necessarily shallow. Interview participants reported that the Panel was not able to get deep into discussions about financing and trade-offs, as it had so many options to cover. Nevertheless, PCC felt that the process was able to generate a greater depth of community insight and response than the more traditional consultation methods adopted by Council:

They've come back and they've aligned [their recommendations] with our community outcomes...If you had just gone in for a usual quick survey on the street or focus group thing I don't think you would've got the breadth (PCC staff 1).

## Facilitation and governance

Effective facilitation is crucial to the success of a mini-public as a deliberative democratic process. Amongst the four panellists interviewed, three were very satisfied with the facilitation provided:

Facilitation was very good..... Oh yes, everybody had a chance to have their say (Panellist 1).

The facilitators were great. I think the fact that we had a presence from the Council throughout, that was reassuring. Also, the fact that they were so willing to share any information we wanted from them...demanded in some instances! I think that was very good, it shows goodwill on their part to see that they're willing to open up...It didn't matter if your opinion wasn't the same as theirs..... They were very open in letting us have a say in how things were done (Panellist 2).

However, for one panel member, it felt like participants were being directed towards an outcome already preferred by Council:

I think that Sally<sup>1</sup> and the other girl led the group a lot, steered them in a direction. I thought it would be a more open format, where we the people would steer the group more. On one hand that would have been better, on the other hand it would have been worse, because you always get the leaders that step in...I think Council, during this whole process, were very certain in mind about what they were going to do, and it didn't really matter what the community panel says. There was a hard sell for us, I believe, to go for a special rate increase...Look, panels like this, are just so they can say they have consulted. Having worked in government, I know it goes on all the time (Panellist 4).

In the earlier phases of the community panel meetings, panellists were in the large part happy with the process. As the end neared however they felt the process could have been managed better by assisting the panel to refine their recommendations for the final report.:

They got people to move around tables and mix with other people...They tried (Panellist 1).

All the babble that we were spitting out, they were good at sort of refining that for us and putting that into perspective, so we thought oh that's what we were talking about. So they were good at guiding without actually changing your view...Good at collating all the things that we talked about...The only criticism I could give is that I started getting a bit concerned towards the end because I just thought that we were still very scattered and I thought that the second last meeting that we had, and even though there were still people in the Panel that wanted to do that, the idea of moving to different tables and having to input, or sheets written on, right up to that second last meeting. I think that we should have finished that at the previous meeting, and at the second last meeting we should have started just, as a collective, discussing all the points that we had and refining those. And then at the last meeting we could have finalized the report, and done the fine tuning, the finer details (Panellist 2).

Instead of changing tables and mixing us all around all the time, they should have let people stay together in groups based on their interests (Panellist 4).

With the six meetings that we did, in about the 4th and the 5th meeting, a lot of the content on how to get to our final decision was quite repetitive..... I think we sort of went over that about 3 times in 3 different ways (Panellist 3).

Overall though, participants were positive about the facilitation and succeeded in producing a high-quality report in their final meeting.

## Expert input

The Penrith case was unusual in mini-public terms in that external experts were not called in by the Panel. Panellists were satisfied with the information provided by Council staff:

I don't think we had any external people come in, it was all Council people, but it was like Councillors and staff...They were happy to give their time, they were willing to answer our questions, they were very forthcoming with information (Panellist 2).

<sup>1</sup> Not her real name.

Council staff came and talked about their job roles. Financial Advisor for the Council was really good, he stayed for a few days. He explained where the finances come from...A lot of the Council members they brought in to say, this is what the Council does, here it is. Which I thought was a pretty good process (Panellist 3).

Since the scope of the Panel was focused on PCC's priorities and finances, it makes some sense that the 'witnesses' to the Panel were all from PCC. The Panel did also have access to 14 community submissions, many from local stakeholders and issue experts. Nevertheless, there may have been value in hearing from some external experts to give the Panel a different perspective:

They could actually have a day, or half a day, when other people could come and talk to the Panel. That could give the Panel some better ideas about those areas (Panellist 4).

## Deliberation

For the most part the group appeared to deliberate well. Panellists were able to discuss and disagree on issues but maintain a respect for the diversity of views within the room:

Early on, we were good at agreeing to disagree. We had very strong ideas...I was happy to speak my mind and state my opinions. The good thing about it was that everyone was able to do the same, but in a respectful way, so we didn't ridicule or put down anybody else's ideas Most of the time it was constructive. If you were against something, or even if you were for something, you would say why you were for it (Panellist 2).

It was like a school class room, where you get the ones who will stand up and always talk, and then there's ones like me who will sit back and don't talk for a while. The diversity here worked quite well. People weren't all standing up and yelling...I think it was constructive. Some topics people would want for instance, a dog park or something, when some of us have dogs and some of us don't. It doesn't affect me directly, but we've got to put that aside. You've got to think not just for yourself, think of your whole community. Obviously when you first go in there you think, OK I want this, this and this, but then you've got to go he wants that but I don't need that, but it's relevant for the community. So you've got to put your own sort of personal values aside and go, OK, it's valid (Panellist 3).

Panellists criticisms related to members who dominated discussion or held narrow, single-issue views. For the most part though it appears that the group was able to deliberate to agreed conclusions successfully and agree on the recommendations included in the Panel's report:

There were a couple of individuals upfront that did dominate conversations. You were sitting there and going, are the other quieter voices being railroaded by these ... I can recall particularly this one panel member did plan to self-moderate and by the end he ... was conversing and was openly listening, so we did see that change (PCC staff 1).

There were people on the Panel that live in Penrith but they had never been to the River, or never been to Queen Street...So some weren't looking at the big picture, where I was looking at the big picture...We had one lady who was interested in dog parks, and that's all she was really interested in...There was another that was only interested in water play areas for the kids, which is fine, but I thought they needed to go and look at the bigger picture (Panellist 1).

But like most of them that were there, they all had their own agendas. People had their own agendas. Me, I don't really have an agenda. I'm more interested in how other people are looking at the district (Panellist 4).

There was one gentleman who was very vocal and so forth, but if he was asked to do something, no way...The majority of the Panel were good, but you had a few that just sat there and you wondered why they were there...You need people who are going to have the input. You don't have to say much but you can say something (Panellist 1).

Only two of the interviewed panellists mentioned utilising the online deliberation tools available to them:

And then the online forum was another outlet for that as well. We had some disagreeing views, but that's just the way it goes, and you respect that (Panellist 2).

I did go on the computer chat room thingy. There was only about five people on there. I was surprised. I thought more people would use it. They said it was a time thing...I got on it all the time (Panellist 1).

The diversity of the group opened people up who might not normally be very welcoming of other cultures. Panellist 3 told the story of a gentleman of Muslim culture who before putting his views felt that he had to validate his right to be there by talking about how he pays his rates and taxes etc:

From that moment on, everybody sort of thought, OK, put all your beliefs behind you, have a think about what we're here for, like even though I don't think he should have needed to say it, it was a very good thing that he did say it, because I suppose it was quite moving to hear him say that (Panellist 3).

There was certainly evidence that Panellists learned a lot and changed their perspective through their participation in the Panel:

I have a better appreciation and understanding of Council. I go around and I think, oh, that's a Council thing, that's not a Council thing...I think just in general I'm better informed. (Panellist 2).

For me personally I learnt heaps about Penrith that I didn't know...I'm a stickybeak, so I started looking around the other areas...I started to see more of the good things that the Council do to be honest, because they do do a lot of good stuff (Panellist 1).

I'm a bit more outgoing, I do know a bit more about Penrith and what's going on in the areas surrounding. It was a learning curve! Even though I'm an older person, I still learnt a lot. It wasn't a waste of time or anything. It was great! (Panellist 1).

I think that's what the Panel achieved, is that self-worth that motivates people. Even if Council doesn't take on anything, those people have had their say, and they feel like something has happened (Panellist 4).

## Summary

Based on our interviews, the internal deliberative quality of the Penrith Community Panel was high. Participants were generally satisfied with the representativeness, the facilitation, the information they received from PCC and the quality of the deliberations. They raised minor concerns and opportunities for improvement on all of these points, but they did not detract from an overall positive experience. There was, however, a sense that the deliberation could have gone deeper into trade-offs and financing of priorities but the broad scope meant that there was not sufficient time to get into these complexities.

## 3.4 External quality

### Deliberation-making

There is little evidence that the Penrith Community Panel made a significant contribution to deliberation-making in the community. Despite PCC developing a communication strategy around the community panel in addition to their traditional communication avenues, it found it difficult to generate interest in the wider Penrith community. One of the outcomes of the Panel was an acknowledgement that Council could promote their own activities and services much more effectively:

We put lots of things out, in lots of different channels, and people either don't know about it, or they don't take an interest in it...It's difficult to get people interested. An example of that is that everyone on this panel has gone, "Oh, I didn't know that council did so much! You've got to tell people!" It's like, we've got a team of seven that tell people. I got a bit of feedback from them talking to councillors, on Monday, that some of them said, "We don't get the paper in Jordan Springs." To which the councillor said, "Okay, we'll check into that, but would you read it anyway?" To which he said, "Probably not"...I thought, you've got people who read newspapers and people who don't, so if you stick that community newsletter in there [local newspaper], ...that information is going to the same people who would read it in the newspaper anyway. I'm looking at putting it back in an envelope and sending it out to every household, however we do that, but the cost is about four or five times as much (PCC staff 2).

That's right, getting the word out there.... That's the difficulty we have, because I'm generating press releases. I signed off about a half a dozen there, about good things we're doing in the city, one of them might get a run in the local paper (Councillor, PCC).

The local community and media were generally positive about the Panel, but this did not translate into substantial media coverage:

No, there wasn't any critical stuff about it at all. Probably not as much [media] as I would have liked for having 3 or 4 local papers, but as I said, we don't control that (Councillor, PCC).

It was not that they were uninterested but the Panel ran for three months and generating interesting human angles for stories proved difficult. All of the 25 articles we identified took a neutral stance on the Panel and almost all simply presented factual information about what the Panel was doing. There were a small number of juror profiles but no articles that discussed the



issues covered by the Panel in any detail. For the local press, it was the Panel itself that was of the greatest interest, not the topic PCC had asked the Panel to consider.

PCC found the most success in deliberation-making through social media and online spaces. PCC used its Your Say Penrith website to invite the community to comment on what they would like to see improved in their suburb, using an online mapping tool. This mapping tool was promoted in local newspapers and on social media. PCC received almost 90 comments from around 30 individuals and provided a summary of the comments to the Panel for their consideration.

While we did not identify a large volume of Facebook posts (13) and tweets (6), the main Facebook posts about the Panel by Penrith Press and PCC attracted more than 60 comments that were also passed on to the Panel for their consideration. Thus, social media provided at least a limited avenue for deliberation-making with the wider public.

Considering that people are more likely to give us brickbats for whatever reason, or if they're happy they don't say anything, there was quite some positive responses there [on social media] (PCC staff 2).

Beyond media engagement, the panellists interviewed did engage with family, friends and at times the wider community and became more interested in local community issues:

Panellist 3: I didn't go out on the weekends because we did it on a Saturday, so you'd go like oh no I can't go with you this weekend because I'm doing the Council meeting, and they'd go, oh yeah, what's that like. And they'd ask questions about it, like oh yeah, that's a good thing, that's interesting. But they wouldn't exactly have their own input like, in your meetings, can you say this, because that's what I want...Just talking to someone else in the community gave a different perspective on something. (Panellist 3).

I went and talked to a couple of the shopkeepers on the main street about the car parking...I went down to Bunnings and there was a woman doing the sausage sizzle...I talked to her about that. I've spoken to other people around, some of the RFS [Rural Fire Service] people (Panellist 4).

A couple of people have said to me, that's good for you to be doing, but nobody has even asked me what the outcome was (Panellist 1).

I was doing my own research, asking my boys their viewpoints on certain things (Panellist 2).

However, their efforts to spread deliberation into wider frontiers were limited, for some by their lack of literacy or confidence in social media, others felt that Council could have facilitated this process further:

Wasn't sure if we should post on Facebook. What do I say about it, how do I sort of explain it in a short way that people can understand? I haven't done that, no, I think I should have...The organisers didn't specifically encourage posting about the Panel or discussing it with community (although they didn't actively discourage it) (Panellist 2).

Interviewer: Did the organisers encourage Panel members to go out and talk about the process?

Panellist 3: They did, and they didn't. They said, you know, go out and chat to your neighbours, go out and chat to the community on things that they've seen, they've done,

those sort of things in the first instance. Just to get an idea of what other people are wanting. But then, in the end of the panel meetings, somebody suggested how about we go to Westfield and survey people on what they want and the point was made that that is council's job, not our job. "It's fine to go out into the community, but that's what we're here for. We're a cross section of the community. We're the people we're supposed to be surveying. Survey yourself".

## Legitimacy

There were mixed views amongst the interviewed stakeholders on how credible PCC's community panel process was. Media stakeholders indicated they had good relationships with Council. Local non-government organisations and community-based organisations were less positive. Historical issues played a significant role in predetermining each stakeholder's trust in PCC's management of local issues and sincerity in community consultation:

Yeah, we're always very open about what we're doing. They're quite transparent with us and they always try to get back to us in time for deadline. I think they have a similar relationship probably with other media organisations. They're very professional, and we're professional. There's no antipathy between people. They understand if we're doing a story criticizing them. There's a groundswell against a certain project or whatever, so it's professional...I thought it [community panel] was credible. We reported it had been carried out in Canada Bay and in Melbourne and places like that (Local newspaper representative 1).

Also, it's a little bit like, you know, if someone is doing an environmental impact study and the proponent is the developer, you get a bit cynical. If Council is employing these people [newDemocracy] because it looks good, and they get around the motions, but if it was an independent body advising Council, you'd feel it was more effective perhaps (Stakeholder submission-maker 1).

I think it's always good to include the community in any kind of solution and it's really heartening to see that they were putting that kind of focus on getting the consultation from people within the community and finding out what people who live and work in the community think (Stakeholder submission-maker 3).

What worked best was that they sent it out there and people could contribute but I haven't heard anything more so maybe that's something that didn't work so well (Stakeholder submission-maker 3).

Well, that's one thing I think we probably, they did say you will be getting feedback. We haven't.... That would be nice even if they had said the report is now complete. If wish you to look at it, go on this website or something. We would know what happened. That would have been good (Stakeholder submission-maker 1).

The majority of panellists interviewed felt that their input was valued by Council. They grew a greater appreciation of Council's role in managing such a large region and providing the range of services that they do:

Will the recommendations make a difference? "I'd like to think they will, I really don't know to be honest. I'd like to think they will somewhere" (Panellist 1).

I came around a little bit to the Panel, just through understanding what council has to do and what they have to comply with. The back end that the public doesn't see. They have to get these approvals, and work with that organisation etc. (Panellist 2).

However, there was very little evidence of PCC or the panellists engaging in the kind of public persuasion, justification and clarification that Curato and Böker (2016) argue is critical to the legitimacy of mini-publics. The legitimacy of the mini-public very much rested on the notion of trust in the random selection process and the deliberation of a representative group of residents.

## Capacity building

Mini-publics have the potential to build capacity for public deliberation at multiple scales, from the capacity of those directly involved with the mini-public, to the community, to broader governance systems. In this case, the only evidence we could find of capacity building was amongst the Panel members, many of whom developed new skills and interests relevant to public deliberation. For example, some began to explore local issues and get more engaged in local community activities:

Now with this Panel community thing, I've actually been getting out and going and looking at some of the activities around Penrith, like it's made me want to try some of the activities in the local area...I'm actually more interested in looking at what Penrith has to offer, so I've been going out more, having a look at what our community actually is. I suppose it gets you more involved in the community, makes you want to participate more in things. I suppose it makes you want to become more involved in the community...I've actually been looking at the paper more, looking at what Council is doing, because of this process (Panellist 3).

Being in a new area, you want to know the mechanisms and the community and the way it works... I'd be talking to neighbours and friends, and people in the area and not in the area, and just kind of like, there was a couple of hot topics, and I'd just open those topics up and ask what do you think of that, and get their feedback, and that just gives me a few other viewpoints. And just recently, after we finished, I got together with some friends of mine and I hadn't told them that I'd been involved in the Panel...it's very hard to explain what it is, people haven't heard of this kind of initiative...they asked me what does Council have planned for our city...? Even if it's just to have the knowledge. Have that better understanding as well. Also, you meet new people. I think it was interesting, something different (Panellist 2).

Since being on it, my husband and I have joined a volunteer group, down the river, for cleaning up the river...That quite amazed me, because this lady, she's a Council lady, she was calling for volunteers and everything, she got two people (Panellist 1).

Interviewer: Where do you look for local news, local papers? Panellist 1: "I do now, but I wouldn't have before the Panel. It used to just go in the recycling bin. Or under my plants. Now I read it".

It's consistent of the conversations with panellists. Not all of them found it necessarily a life changing experience but certainly they've got some very positive things out of it and at least a couple of them feel like they're much more engaged in the local community now doing things that they weren't doing before and how that flows on out into the community. If they become more active in the community is something that I'm really interested in (PCC staff 1).

Maybe I should go and stand for Council now (Panellist 1).

These are excellent outcomes for the panellists, who may well contribute to the spread of a deliberative stance in the public sphere as a result of their experiences. Nevertheless, other opportunities to build the capacity of the wider public, staff and stakeholders to deliberate were not pursued in this case.

## Summary

Consistent with the systemic critique of mini-publics, there is little evidence that the Penrith Community Panel achieved external deliberative quality. Despite efforts to cultivate media attention, and some limited engagement through social media, the wider public knew little about the process and largely left the panellists to deliberate behind closed doors. The recommendations of the Panel received little media coverage and have prompted little public deliberation other than the deliberation that happened within the mini-public itself.

# 4 NOOSA RIVER COMMUNITY JURY

## 4.1 Background

In 2015, Noosa Shire Council (NSC) in Queensland, Australia partnered with nDF to hold two Community Juries: on local waste management; and on management of the Noosa River. Our focus here is specifically on the second Community Jury, which addressed the topic: "How can we manage the Noosa River better? What role should Council play and what resources should Council apply?" Currently, various Queensland Government departments are primarily responsible for management of the Noosa River, with NSC playing a relatively minor role. While river management is potentially a large topic, NSC defined a more limited scope for the jurors' deliberations, focusing on:

- Anchoring, mooring and living on board watercraft in the Noosa River
- Commercial use of the river and commercial Jetty Leases occupying the Noosaville foreshore.

The jury was specifically asked not to consider other issues such as fishing, riverbank erosion and riverbank restoration.

The Noosa Community Jury comprised 26 citizens, selected to approximate the demographic profile of the Noosa area. nDF sent out 3,000 invitations to randomly selected Noosa residents, and chose the final jury from the 223 residents that responded. The jury met five times between August and December 2015 to consider the question listed above. The first meeting ran for seven hours, with subsequent meetings running for three hours. The jury published a report with 12 recommendations to NSC, however it did not reach consensus on whether NSC should take over management of the Noosa River from the Queensland Government.

## 4.2 Mapping the system

The governance system of interest here is the system that decides how the Noosa River should be managed, and implements those decisions. Unlike the Penrith case, where the relevant governance system was primarily under control of the local government, governance of the Noosa River is a messy affair, involving multiple Queensland Government agencies and, to a lesser extent, NSC. Indeed, where PCC had full jurisdiction to act on the recommendations of its mini-public, NSC has little direct jurisdiction and can only implement the recommendations of its mini-public by persuading the Queensland Government to act. As such, the mini-public in this case occupies both local and state governance systems, making it an interesting middle ground between the local Penrith case and the Victorian case to be discussed in Section 5.

### Private sphere

Noosa residents are proud of the Noosa River, which is a unique asset that sets them apart from other coastal communities in the region. Many people spend at least some of their recreation time on or near the river and it is a key element of Noosa's tourist appeal:

The Noosa River is the life blood of Noosa as a tourism destination...Noosa is not just Noosa main beach. The Noosa river system is absolutely integral to the tourist attraction of Noosa and for the commercial apparatus (Community Engagement Manager, NSC).

In addition to the recreational uses of the river itself, such as fishing and boating, there are popular walking paths along the river and a restaurant zone on Gympie Terrace that bring many Noosa residents to the river on a regular basis. As such, there is little doubt that the state of the river would be a popular topic of everyday talk in the private sphere:

Everybody has an opinion, and it's quite a hot topic in Noosa (Juror 4).

Issues of river management were also quite visible to Noosa residents, such as abandoned houseboats that were slowly sinking, detracting from visual amenity. Finding people that are willing to move from private talk to public deliberation on a popular topic like this is unlikely to be difficult.

Jurors did, however, bring other motivations with them from the private sphere into their public deliberation. Several indicated a pre-existing interest in political issues and the state of democracy that contributed to their decision to participate:

I was interested in understanding a bit more about how the new Democracy worked because I have some issues more generally about how the broader Australia democracy works. It's like, I am sure I am not alone in there (Juror 1).

I think I've always been sort of immersed in community. It's sort of the type of person that I am...It's part of my upbringing...I think I've always been interested in what makes community work and function...I wanted to find out more about the process and especially if councils were going to continue to use that as a means of democratically seeking advice from their workers or residents (Juror 2).

I do take a keen interest in current affairs and what goes on locally, and nationally, and globally (Juror 4).

This is a reminder that jurors are not necessarily typical in their 'private space' interests, which can cause problems of representativeness. This is discussed in more detail in Section 4.3.

## Public space

As noted previously, one perspective on mini-publics is that they are an event held in public space that tries to capture attention in a crowded media environment. We identified 38 newspaper articles referring to the Noosa Community Jury on river management. Almost all the articles were in the local Noosa News, with a handful in other local newspapers - Noosa Today and the Sunshine Coast Daily. As the jury on river management was the second Noosa Community Jury, these articles were part of a larger group that referred to at least one of the two juries. We identified 68 articles in our Factiva search, with another 10 provided by NSC. Our participants felt that the juries attracted significant media attention:

We were quite successful in getting information about the jury out through the press. Not only the information that we were putting out, but obviously, particularly jury one there, the community had questions or views on it that also were featured in the paper (Communications Officer, NSC).

I wouldn't say huge. I wouldn't say a lot, but it got local papers. It got, I guess, ample coverage for the Council to get out there that this is something that they're trying as a means of seeking support from community or seeking knowledge in how we should (Juror 2).



Local papers and local news were there, it was a fair bit, I thought it was pretty good (Expert presenter to the jury).

We have two local papers here... In most weeks there was a mention of where the jury had got to, which isn't necessarily a good thing because on week three there were a lot of misinformed suggestions as to what might happen, which didn't eventuate into the final public set of recommendations, but could have raised people's hackles a bit, especially as it didn't happen (Juror 4).

NSC's relative success in attracting media attention can be attributed to two factors. First, there is a good, supportive relationship between NSC and the local media outlets:

We've got a very compliant – that's the wrong word – a very supportive local media and they're very good to the Council, and they're very good to the community. They're very positive in the local media, which is a good thing, and they just produce a lot of what we put out which is nice, but they do encourage good community debate through letters to the editor, and they'll publish all the contrary views which is great (CEO, NSC).

Second, NSC put significant effort into cultivating media attention to engage residents with the jury process:

Before and after each jury, we made sure that we put out media releases... We used social media. We used Your Say Noosa, an online platform, to communicate what was going on, what the outcomes of each of the juries were. We also held, there were stakeholder briefings right at the beginning of the jury. We made sure that we brought those people in. We had packed rooms for Noosa River... We used online forums. What other tools did we use out there? Submissions, online forum, email, letters, we used all those methods (Community Engagement Manager, NSC).

These efforts included working closely with the local Noosa News:

Yeah... they had meetings with us and they said we would be kept up to date with, we were invited to all the public meetings. We couldn't get to all of them, went to a couple, but then after a while just too busy. It was good to get a feel for it, they were more than open and helpful, they wanted us to be engaged and to try and get the message across to people out there (Noosa News).

NSC learned from the experience of the first jury and adjusted their approach to media and communications for the second jury:

Initially when we began the first jury, we had to explain the jury process. We probably laboured on that too long and didn't get to explain the magnitude of the problem that they were discussing. With the second jury, the River jury, we certainly explained the magnitude of the problem, and why the jury was deliberating on it. We made sure that we established that from the outset. Because people have to have an understanding of why invest in this (Community Engagement Manager, NSC).

There is certainly a greater sense for this case than the others that there was a lively public debate going on in public space, prompted by the juries. In part, this may be due to the fairly unique character of the public space in Noosa, succinctly described by NSC's CEO:

It is an engaged community, we have a lot of people who move here because they've got a passion for the environment, and they've got a passion for Noosa, and they've got a lot of time on their hands because they're retired. That's a very dangerous concoction if you don't get them engaged, because otherwise they're out there, worried and got time on their hands so they're going to agitate (CEO, Noosa Shire Council).

Compared to other public spaces, Noosa's was arguably easier to activate. We will return to this point below.

## Empowered space

As noted above, empowered space for this governance system is complicated. The Queensland Government is primarily responsible for management of the Noosa River and would ultimately need to make the decision to shift management to NSC. The jury lacked a direct connection to this empowered space. It could only empower NSC to enter negotiations with the Queensland Government over a change in governance arrangements. NSC and the jury recognised this and the jury focused on what it could potentially influence, which was what action NSC should take. We will first discuss the NSC empowered space, followed by the Queensland Government empowered space.

NSC was an empowered space perfectly poised to reach out to public space due to a confluence of historical factors, the unique nature of the public space (noted above), the individuals involved and the history of the organisation. Some historical context is required. The Shire of Noosa was established in 1910. Noosa is a popular holiday and retirement destination, located on the Noosa River where it joins the sea. In 2007, the Queensland Government established a Local Government Reform Commission, which recommended amalgamation of many smaller local government areas across Queensland. Despite strong opposition from the local governments and residents, the Shire of Noosa merged with the City of Caloundra and the Shire of Maroochy to form a new Sunshine Coast Council in 2008. A grassroots campaign for de-amalgamation gathered momentum, with a former Mayor of NSC – Noel Playford – playing a key role through the Noosa Independence Alliance. This campaign led to the Queensland Government giving residents the opportunity to vote for de-amalgamation in 2013. More than 80% of Noosa residents voted for de-amalgamation, and the NSC recommenced on 1 January 2014, with Noel Playford elected as Mayor of the new council.

This history led directly to NSC's decision to hold community juries. Through seven years of grassroots campaigning, Noosa residents had argued for a local government that is closely connected to and responsive to local needs. The CEO of NSC described the de-amalgamation campaign succinctly as 'local people wanted a local say on local issues'. As Mayor Playford put it:

They've [Noosa residents] been used to having a say. They've been used to being listened to by Noosa Council because that's the way Noosa Council operated before it was amalgamated in 2008. When we de-amalgamated, I was determined that, and so were the whole Council, that we would do everything we possibly could to make sure the community felt they were listened to and they could have a say on any issue they want to. That was the background.

Thus, there was a newly formed empowered space tasked with representing a particularly active public space. At the same time, staff and elected representatives from NSC demonstrated a strong normative commitment to both local democracy and innovative methods for engaging the community:

We've got a bunch of organisational values, that they talk about, one of the ones we've got is "Be brave not stupid" and so it's about our appetite for risk, and trying things new, and innovations. Be brave not stupid, so have a go, but don't be silly about it.

It was probably in our DNA with most of the staff here anyway (CEO, NSC).

After our interview, the CEO of NSC took me into the Council chambers, where a timeline of NSC was displayed on the wall. He pointed out the significant community involvement in the Council over the years. There was a clear sense of this latest innovation being part of the natural progression for what has historically been a very engaged community.

While the normative commitment of key NSC figures to local democracy was apparent, there were also more instrumental motivations for the community juries. As noted above, senior figures in the re-established Council were well aware of the potential for a community backlash if Council did not build credibility by prominently demonstrating its commitment to continuing to listen to its residents. In this reading, the community juries became a symbolic tool to establish the legitimacy and authority of the reformed institution. Further, the community jury on river management gave the Council an authoritative story they could use to argue the case for institutional change on river management. As the Mayor put it, the jury gave:

the Council more authority. Not legal authority, but moral authority, in convincing the state that this is really a local issue, and the local community wants to look after it. The state knows that they're not looking after it properly, they know that. There are signs that they will be willing to go down this route. But they require really significant consultation with the community before they make a decision, and the community jury has been, I think, a really important element of that.

The CEO told a similar story:

It has an indirect value which should not be a reason for doing a jury. The indirect reason is that it gives a difficult council decision a bit of political capital. If you use that as a reason to do a jury, it's the wrong reason to do it, but it's reality. We can say, "Well, the community asked us to do this, we're going to do it, and not everyone will agree with it".

The jury became a resource that the Council could use to do political work.

Despite these strong motivations within empowered space to hold the community juries, proponents had to work to convince others within empowered space that the juries were a good strategy:

As soon as I heard about it, I got a bit excited, and the Mayor got a bit excited as well, and then we needed to convince other people. That wasn't as easy as I thought it would be... It was both at the administrative and the political level, so I had some staff going, "We're going to what? We're going to what? What are these people like, they're not the experts?" It was really a bit of a sell job internally... The Mayor was on board from day one, and probably almost all the councillors, but not all... A couple went, "Oh, hang on but we make the final decision don't we?" (CEO, NSC).

It's also confronting for internal officers by the way, who are not used to ... Like this council went from business as usual type of consultation to a community jury, which is quite

exposing and confronting for departments who haven't been used to that level of exposure on all of their processes and all of their work (Community Engagement Manager, NSC).

While NSC staff and elected representatives were ultimately convinced of the merits of the community jury, some external stakeholders that normally have easy or privileged access to empowered space felt threatened by the process:

Certainly the boating fraternity were very interested and [Noosa] Residents and Ratepayers Association were very interested in what was going on. Yachties. They were all very interested, because they've got used to a certain way. They perhaps felt a little bit threatened (Community Engagement Manager, NSC).

I don't think you throw out one system that works well and is achieving things...the jury seem to me that they make decisions, oh well we should do this. Then they could walk away because they don't have to implement anything. The implementation is often the most difficult thing (Expert presenter to the jury 2).

Well I think the jury set up was fairly select and fairly undemocratic in a way none of the major stakeholders were even invited on the jury, i.e.: us. We're the major stakeholder on the Noosa River and were not informed at all of anything that was going on. Or advised or invited to put a submission in. So there's the first failing (Noosa Marina representative).

As noted above, the Queensland Government was the ultimate empowered space for decisions on management of the Noosa River. Initially, NSC found it quite difficult to engage the Queensland Government in the process:

[Maritime Safety Queensland], the government agency were extremely defensive and wouldn't communicate with us initially. They wouldn't return our letters and things. It took them forever to come to the table, but I think now they've turned around and I think there's some good stuff going on (Community Engagement Manager, NSC).

We will pick up the discussion of how the Queensland Government has responded since in the section on Decisiveness below.

## Transmission

The community jury did not reach a unanimous decision on the key question of whether NSC should seek to take over management of the Noosa River from the Queensland Government. Our interview participants felt that this accurately reflected the views of the wider community, and therefore saw the community jury as an effective transmission mechanism between public space and the empowered space occupied by NSC:

I think the main thing the sponsor wanted to know was how the community felt about who should be managing the river, given that it is not being well managed at the moment. The jury was not unanimous, there were six people with entrenched positions who refused to agree to the recommendation that Council should take the prime role in the management. I think from that point of view, Council will have listened, and they may now be aware that maybe three quarters of the population of the shire think it's probably a good idea, but there are 25% who are very much against it. What they will do with that information, I don't know (Juror 4).

While our interview participants from NSC did not express surprise at the jury’s recommendations, there was evidence that they had learned new things from the jury’s report, which is an indicator that transmission was occurring:

One of the by-products that came out of that split decision – and I didn't appreciate it before we started that process...it was something that popped out at the end, and I thought, yeah, this is going to be useful – we now have a better understanding of what people who aren't happy about it think, and how do we then manage that as we go through the process. That wasn't an intended consequence for me, it was an unintended one, but it's actually a good result, because now we know if we're going to go down and do this implementation we've got to be able to manage these expectations, or deal with these issues (CEO, NSC).

When you actually have to roll out the thing, it gives you complete understanding of where all those trigger points are going to be in the community. It then tells you that you have to explain yourself in that area to the absolute n-th degree. Maybe you have to do other special things for certain segments to make sure your communications are effective (Community Engagement Manager, NSC).

However, there are some lingering questions over how well the jury’s final report accurately reflected the views of public space. First, some interview participants questioned how representative the jury was of the Noosa community, noting that it did not include any ‘boaties’ and neglected stakeholder views. Second, some interview participants felt that the minority of jurors that were against Council taking over management of the Noosa River would have been convinced to change their mind if they had been provided with more complete information from Council. These two points are picked up in Section 4.3. Finally, the original report produced by the jury was not seen as adequate by NSC because the recommendations were not sufficiently explained or justified. NSC convened a group of three jurors to produce a supporting document with explanations for the recommendations. It is unclear whether this smaller group accurately represented the views of the jury, let alone those of public space.

In addition to these challenges, transmission is further complicated because NSC ultimately needs to transmit the will of the jury, representing public space, to the Queensland Government.

Yes, we've got a quasi-mandate to go ahead and secure management of the river from the state. First thing you've got to do is write to the state. Of course they don't answer anything...Then you have to wait. You have to give them 3 months, and then they've got to do this. Then you've got to have these other meetings. It's going to be faster than [the previous jury], but it's still a long time (Community Engagement Manager, NSC).

Nevertheless, strong transmission mechanisms were established by NSC and lines of communication have been opened with the Queensland Government.

## Accountability

Accountability from empowered space to public space was evident in two quite different ways in this case. First, the establishment of the community juries was a way of demonstrating accountability to the community after the successful de-amalgamation campaign. There was a community expectation that the new NSC would continue to listen to residents and go out of its way to give them a say on local issues. There was a real risk of a backlash if NSC didn’t deliver on their promise to give the community a voice. They needed to show good faith by doing something

innovative and came up with the Community Jury as the natural culmination of the de-amalgamation narrative:

[The Community Jury] actually took that local people having a local say on local issues to its natural conclusion...The way we got it over the line was this whole context of the de-amalgamation journey. We've got a community that's engaged, we've got a community that demands engagement and this is the logical jump to the right<sup>2</sup> (CEO, NSC).

The community jury was a symbolic gesture towards the Noosa community that this council wants to engage (Current Mayor, NSC).

The juries can be seen as a symbolic act by NSC to demonstrate that they would continue to listen to residents after the de-amalgamation campaign, and would remain at the leading edge of methods for engaging the community. One additional way NSC demonstrated this accountability to the community was by making all the information provided to the jury available to the public through the Your Say Noosa website, so that the process was completely transparent:

We made sure everything that was said in the juries was put back out there. A lot of those comments and people's submissions, all of that were all made extremely public and it's still sitting there, available to the public (Community Engagement Manager, NSC).

Which made it sort of open and accountable like they could see exactly what's been considered by the jury (Communications Officer, NSC).

Second, NSC needed to demonstrate accountability to the jury itself. While legislation in Queensland does not allow Councils to devolve decision making to other bodies, NSC made strong statements to the jury about the intention to adopt the recommendations:

I think I said to the juries at the start, I believe so much in the process and I believe so much in the good sense of the community that you're a representative of, that if you have a unanimous recommendation I will vote for it, no matter what it is, because I know it will be what the whole community wants (Former Mayor, NSC).

NSC staff indicated the intention to act on the recommendations even if they did not agree with them:

The Council would have endorsed it, absolutely, and would have had no choice. You can't set up this process to ignore it, and that's what I said. The tricky bit is getting that political decision at the beginning to hand over the effective power, knowing that you're going to live with whatever decision comes out. If you can't do that you shouldn't have set one up (CEO, NSC).

I'm not sure what Council would be game to do that [go against the recommendations]. It would be a big risk (Planning and Environment Manager, NSC).

Accountability was made more difficult because the jury was held under one Council but a newly-elected Council needed to make the decision on whether to implement the recommendations:

<sup>2</sup> Here, the CEO is referring to the International Association of Public Participation's Public Participation Spectrum, where a shift to the right means giving the community a greater say and impact on decision making.



I mean, you could have waited to allow the new council to own that decision. Or to own that process and to be held accountable for it in a way (Juror 1).

While the new Council decided to accept the recommendations, this timing could have caused the process to break down. This change of elected Councillors contributed to what many interview participants perceived as poor communication after the process about how NSC was acting on the recommendations of the jury:

I guess looking at it now, it possibly could take quite a while to see some of the resolutions that we have made as a jury come to fruition, which I guess is a bit frustrating... People are still asking questions about, "What's happened with that? Are we going to be getting that?" Being able to answer, "Yes, we are," would be great. There's no necessary feedback thing given in terms of Council have said yes they're going to support the resolutions is the word. I guess then you're sort of at that point where you're like there was no timeline given in that support. That could be 10, 20 years down the line (Juror 2).

I think they've still got it there. It's on the books to start looking after ... I haven't heard from the Council's point of view. The letters to the editor obviously think nothing's going to happen, and they're not going to be impressed I think (Juror 3).

One juror also felt that NSC's acceptance of the recommendations was less than wholehearted:

They were quite ambiguous in the statement they made when they acknowledged the receipt of the recommendations. I think they said words along the lines, "Well we hear what the jury has said, and in the future Council will negotiate with the other interested or concerned parties to see whether this is a way forward." Words along those lines. They could have been doing that obviously previously, and I think they have already had discussions previously (Juror 4).

There is a sense here of the jury being used to support an existing decision. Another juror made a similar point:

The question of participation to me is, am I just being used in a process to get an outcome, and I am not saying that that was staged that way, but I am saying the outcome is what the majority of people wanted at the beginning (Juror 1).

While these views were rare, they are a reminder that accountability means more than just responding to the jury. It also requires that the jury has a genuine influence, which is discussed further below.

Overall, NSC took strong action to show accountability to the community and the jury. Where accountability starts to break down is in the next step of engaging with the Queensland Government. Here, NSC lacks the power to hold the Queensland Government accountable, and the Queensland Government has made no commitment directly to the Noosa community. All NSC can do is report on progress:

I don't have a problem with the process, but it's the same as anything. It's the next step, and that's dealing with politicians (Expert presenter to the jury 1).

## Meta-deliberation

Meta-deliberation was most evident in the Noosa case through the reflections of NSC staff and elected representatives on choosing the right kind of issue for consideration by a mini-public. All of the interviewed NSC representatives indicated that a mini-public was only one community engagement tool, which should be used for specific types of issues:

We've got a big tool box for community engagement. We can put out newsletters, we can have town hall meetings, we can have focus groups, all this sort of stuff...It's a tool in the toolbox and it's the ultimate tool in terms of community empowerment. We shouldn't use it because we think we have to have a jury every six months, it doesn't suit everything (CEO, NSC).

This long deliberative process over a period of 6 months lets you get to the nuances of what the community's thinking and why. I think that's been the best value internally for us (Community Engagement Manager, NSC).

NSC representatives had clearly reflected on what kinds of issue would be suitable for a jury. The CEO of NSC identified three criteria:

It's got to be big enough to warrant the jury process and that might be big in terms of budget, or impact, or in terms of affecting all the community...It had to be something that affected everyone and everyone was interested and not just a segment...The other one and this is a tricky one for the councillors, it had to be something that either they trusted that the community would make a good decision, or that they knew they would live with whatever decision the community came up with (CEO, NSC).

We went on, big issue, no clear answer, ethical considerations are also in there. It's something the council couldn't solve easily just by putting our collective brains together, figuring it out. Because there is an ethical component. Is it Noosa council's role to take up something that is traditionally the jurisdiction of the state?...Do we want to settle the community without responsibility from now into the next 20, 30 years or what it might be...I think it has to be a large financial thing too, because it's an investment. A community jury is an investment. It costs about \$40,000. For a small council that's a significant impost. We certainly copped flak over it...You have to really know, or at least have a good gut feeling that this will help you save money in the long term. Getting it right the first time by investing up front in understanding what the community thinks and feels and wants about this can save you money in the long term (Community Engagement Manager, NSC).

Management of the Noosa River was a topic that fitted these criteria. It was also a topic that was at an impasse and needed some sort of intervention to make progress. As noted previously, holding a jury was at least partly a strategic choice as a way of strengthening the negotiating hand for approaching the Queensland Government, and this is a type of meta-deliberation on how to influence the democratic system.

One further example of meta-deliberation was the way NSC moved from an initial commitment to institutionalise citizen juries as a new form of democracy, to their current view of citizen juries as 'one tool in the toolbox'. The original design document produced by nDF for the community juries in late 2014 aimed to 'make Noosa Council a national and international leader in sharing decision-making power with the community' (newDemocracy Foundation 2014). The ambition of the document is clear from its title: 'delivering Noosa Council a democratic process the envy of

Australia'. The proposal was to pilot a new approach to decision-making over an 18-month period with a view to institutionalising this new approach:

This paper outlines a structure, a set of principles and an outline of the first 18 months of operations which would constitute the pilot phase in order to assess its practicality. NDF is a research foundation and what is being pursued is new in the scale at which it is being considered: trial before embedding this as “how we do government” is entirely appropriate.

A September 2014 media release announcing the initiative was titled ‘Democracy – the Noosa way’ (Noosa Council 2014). In that media release, quotes from the Mayor included him describing the jury as ‘innovative, genuine democracy’ and confirming the relationship between this initiative and the de-amalgamation process: ‘In the de-amalgamation battle, our community was not just fighting for the return of their council, but also for a bigger say in local decision-making’. The Executive Director of nDF described the juries as ‘a first for Queensland, and of national importance because it brings the practical and trusted democracy of the jury system inside the local decision-making process to a greater degree than anyone has previously attempted’.

While the decision to establish the juries was initially propelled by a narrative of institutionalising local democratic reform, this narrative lost momentum as the juries progressed. As noted above, after holding two juries, the normative aspiration to institutionalise juries as a regular decision-making mechanism faded, replaced by a more instrumental narrative:

It's just one more tool in the toolbox (Mayor of NSC, 2014-2016).

In our interviews, the narrative around the community juries had shifted from one of leading Australian democratic reform and innovation to a more cautious story of using juries occasionally for particularly difficult problems where the Council is willing to accept the recommendations of the jury:

I would recommend a citizens jury for a topic which is complicated, which has broad ramifications for the community, and where whatever outcome the jury chose the Council could stomach the result (Current Mayor, NSC).

The final comment in this quote, on being able to ‘stomach the result’, suggests that NSC was less comfortable with opening up decision-making to juries in areas that are potentially contentious.

There is some evidence that the lack of community understanding and support for the processes was a factor in this shifting view of the role of mini-publics. In the design document, nDF indicated that they intended to ‘demonstrate to Council and your community that it is possible to create a complementary jury of citizens to whom Council decides to pass some decisions that will lead to greater public trust and understanding of the complex tradeoffs involved’ (newDemocracy Foundation 2014). However, the current Mayor (from 2016) made it clear that one of the key failures of the process from his perspective was: ‘I don't feel that the community jury took the overwhelming community, the broader community, along on the ride’. Here, meta-deliberation has resulted in mini-publics taking a less prominent position in Noosa's democratic system.

## Decisiveness

With all our cases, decisiveness is difficult to address due to timing. The Noosa Community Jury made 12 recommendations to NSC, and also presented a majority (but not consensus) view that:

Council should take over the authority and finances from the State Government for managing anchoring, mooring, living on board and commercial use of the river on the basis it would be a user pays system funded through alternative means to rates.

At its January 2016 Ordinary meeting, NSC decided to pursue the community jury recommendation to take over some of the Queensland Government's management responsibility for the Noosa River and to use the other recommendations to develop an updated version of the Noosa River Plan. It has since entered into negotiations with the Queensland Government over the management of the Noosa River. As such, the jury has contributed to a decision by NSC and therefore to a decisive democratic system. It can be argued that it has played an important role in the decisiveness of the system by breaking a decision-making impasse:

I think that it also prompted some action on doing something. It has been in a stalemate for so long and maybe had we not run a jury on it, it may not have got to where it got to, which is, "Okay, now I'm going to do something" (Community Engagement Manager, NSC).

On the other hand, interview participants would have liked the jury to be more decisive:

There's still a lot of unanswered questions about exactly how we manage the river. They didn't get to a level of detail on some things and we're going to have to, obviously still do more consultations, with the community and the users...[There's] a little bit of conflict there, so that might of been sorted out with having a bit more time. To get more clarity between them, because some of the statements are a bit at odds with each other. You can't achieve certain things unless we're manager of the river (Planning and Environment Manager, NSC).

Further, nothing has yet changed in the management of the Noosa River, as any shift in management is likely to be a slow process:

I guess I haven't fully concluded on that, because we're not at the end, we haven't implemented their recommendations (Planning and Environment Manager, NSC).

I haven't seen any outcomes from it. When you compare that to what was done previously through the sector board system, which there were lots and lots of good, positive outcomes and projects that came, nothing's happened (Expert presenter to the jury 2).

I guess we'll know in about five years time if anything's really come out of it, rather than it's just been a talk fest (Noosa News representative).

Views were mixed on the likelihood that the Queensland Government would support the changes sought by the jury:

We've had some positive signs lately at some high-level meetings that the CEO has been at where the indicators are looking that the state is viewing our request favourably (Community Engagement Manager, NSC).

No, there's been no change because they can't. They can't change because they don't have the authority, nor does the Council have the authority. The five departments that do have authority don't have the money or the resources to do anything (Noosa Marina representative).

Several of our interview participants noted that more time will be needed to assess the contribution of the jury towards decisiveness.

## 4.3 Internal quality

Our guiding question for exploring internal quality of the mini-publics was: Does the mini-public have a high degree of internal deliberativeness? Here, the quality of the mini-public process and design, and the experience it creates for the participants is of interest. We focus on the recruitment process, representativeness, the charge, facilitation and governance, the nature of the expert input, and the quality of deliberation. One indicator of internal quality is the experience of the participants. Our interview participants had mixed views about the jury experience. The organisers at NSC had the impression that the experience was largely positive for the jury:

I think one of the most rewarding things about the jury would be the reactions of the jurors themselves. I've had jury members come up to me in the street and say, "That's the best thing that's ever happened to me." They feel so honoured to be pulled into this ... They view this as the big house. Someone said, "This is where all the boffins are." To be invited to be a part of it was very special for some people (Community Engagement Manager, NSC).

Despite having criticisms of various aspects of the process, such as juror representativeness and facilitation, two of the four jurors we interviewed felt definite they would participate in a similar process again:

Yeah, I have learned. I have learned heaps out of it. It has challenged me. It has engaged me and I am interested in learning more, so absolutely (Juror 1).

Yeah, I think I would. I did like being part of the process and I guess I liked the thought that your opinion and your words are potentially being listened to. It might make a difference to the way the Council make a decision on a particular topic (Juror 2).

A third juror was more hesitant about participating again, citing concerns about facilitation that allowed the discussions to regularly go off topic. The fourth juror we interviewed made it clear that they would not participate again:

It probably disheartened me a little bit because there was like a small group of the jurists, and I'll probably put that at less than 25% of them, who really got into the issues, really did the research, did work between meetings, got a good handle on the legislation, the constraints, and whatever. The other three quarters spoke without any knowledge, and just opinions without having done any research, any work, even read the document that they were given. I think that reflects pretty much the population in general, and I wonder how we ever overcome the disinterest, if you like, of people, or the unwillingness to do any work to form an opinion. It is disheartening from that point of view. That's probably something I knew, but just had it confirmed (Juror 4).

This participant also raised concerns about the workload:

I didn't know I was taking on a job and that's what it turned out to be. I don't think a lot of people, if they realised that, would want to do it (Juror 4).

It is important to note here that nDF does not put any pressure on participants to take on a particular amount of work as part of their jury participation, but this participant clearly felt the need to take on a substantial workload.

These quotes point to possible issues with the internal quality of the jury deliberations that will be explored in more detail in the sections below.

## Recruitment

As outlined earlier, nDF sent out 3,000 invitations to participate in the jury to randomly selected Noosa residents. From the 223 residents that responded, 26 were selected for the final jury to approximate the demographic profile of the Noosa area. While this is a typical jury selection process, some in the community wondered why the whole population was not invited to participate:

We still hear, "Why did you only send out 3,000 invitations instead of asking the whole community whether or not they wanted to be on the jury?" They still think that somehow we rigged who those 3,000 were. Even though that was a random computer selection. We can't afford to send invitations to 55,000 people (Community Engagement Manager, NSC).

Other than this reaction from those who were disappointed not to be included, interview participants raised no real concerns about the jury recruitment process. Some of the jurors remained unclear about how they were selected, even though this is explained during the selection process, but it did not cause them to feel negative about the process.

## Representativeness

A strong majority of our interview participants felt that the jurors were broadly representative of the demographics of Noosa, and certainly a better representation than is typically seen in other parts of the democratic system:

What I do like about the community jury – it gets the people who don't have the time, the working mums who take the kids to footie after school and things like that. We have those people on the jury, we don't normally see those when you run community meetings. We'll run night community meetings or do this sort of stuff, and everyone who turns up is over 55, the same demographic, but the community jury had university students on it, it had working mums. Yeah, it's fantastic, it's a perfect mix (CEO, NSC).

I thought they were a fair representation of the community (Planning and Environment Manager, NSC).

Let's say they were reasonably representative of the adult population, leaving the kids out, of course, and yeah, I don't think it was a problem at all. It's close enough. They were all ages, male, female, obviously different socio-economic groups. From coastal or town and country and so on. You can't do much better than that, I don't think (Former Mayor, NSC).

There were critics out there who said why are you spending all this money, we elected you to make the decision, these people aren't representative, and I would say, well, how representative do you think your representatives are? If you have six councillors and a mayor, not a single one of them is under 50 years of age, and one female and six male, you think we are representative of the community, as a whole? When you talk about being representatives, certainly the jury was a lot more representative of the community, demographically and so on (Former Mayor, NSC).



The makeup of the group I didn't have any problems with (Expert presenter to the jury 1).

The voluntary aspect of recruitment opens up the possibility that some views will be over-represented in the jury:

It's only people that put their hands up to say, yes, I'd be interested in being on the jury, who are selected. You can't force it. They were volunteers. Some of them were there because they are really interested in the topic, and some of them were there, for example, because they wanted to be part of the decision making about something important in the community (Former Mayor, NSC).

I can understand the desire not to have lobbyists involved, because I think we had a couple (Juror 4).

However, there was no evidence that the jury participants were any more politically engaged or interested in the topic than the rest of the community.

Random selection also means that important perspectives might be missing. Several interview participants raised concerns about the relatively small number of jurors that actually lived on the Noosa River or used it on a regular basis:

For instance there was no-one there who was a boaty. Who was a member of the jury (Planning and Environment Manager, NSC).

Predominantly, they should have probably invited people that live on the river, have residences directly on the river. People that don't live on the river ... as soon as they get home, it's out of their mind, except of course, the fisherman. If you're a king fisherman, then you would have something to say about the river, but also the commercial entities that rely on their income on the river and also for the income for the town and the tourist activities of the town. The stakeholders that have an interest in the river are located on the river. They are the ones that kind of have valid opinions on it (Noosa Marina representative).

To the extent that views are missing from the jury itself, they can potentially be brought into deliberation by expert or stakeholder participation, as discussed below.

## The charge

The scope of the jury's deliberations emerged as one of the more problematic aspects of the jury on river management. The jury was asked to respond to the questions:

- How can we manage the Noosa River better?
- What role should Council play and what resources should Council apply?

In the information provided to the jury, there were clear statements about what issues were in scope and out of scope. Issues in scope were:

- Anchoring, mooring and living on board vessels
- Commercial jetty leases and commercial use of the river.

Issues out of scope were:

- Commercial and recreational fishing

- Riverbank erosion
- Riverbank restoration
- Pollution from runoff.

Interview participants made it clear that the real question NSC wanted a recommendation on was whether NSC should seek to take over management of the Noosa River:

Really it was whether or not the community wanted to take that next step. That was really the question. That's why they had to have the scope narrowed, because some aspects of river management were well out of the scope, and they tried to confine it to commercial leases, anchorings and moorings and jetties (Community Engagement Manager, NSC).

What was clear to me though, was the Council had an agenda. They had particular things in their sights that they wanted to address. It was things like visual clutter and having more control over commercial leases which extends from the land over the water. That was the thing. They weren't really interested in the other things like controlling speed limits and all that. There was just, it was a very limited thing. That was spelled out in the terms of reference for the jury (Expert presenter to the jury 2).

Jurors and NSC representatives found these restrictions on the topic challenging or problematic to work with:

Of course you get 25 people together. All know the history of the river plan and they want to bring in all those on-shore things, like catchment management and run-off, all those sorts of things. It was very difficult for the jury to be able to go, "That was the Noosa plan back now." We're talking about something new (Community Engagement Manager, NSC).

The process spent a lot of time talking about not our main topic. We were fairly clear in our information pack to try and identify the scope of the topic and what was out of scope. They spent a lot of time talking about things totally out of scope. There's a lot of things around the river, beyond what we were wanting a recommendation from the jury and they really got into that. They might want to spend a little bit time exploring it, but I don't think it really helped them (Planning and Environment Manager, NSC).

For me there was this sticking point that I'm like, "Really? All you could care for us to talk about is from the boat ramp to the river mouth and that's it," which is this small stretch of the river. That...is the question that was posed, from my understanding because I know the river, it doesn't just go from there to there, and have used the whole length of the river for years. It's not the only place where boats are, between the boat ramp and there, there's boats the other way as well and boat users (Juror 2).

The mission statement, for want of a better word, what we were asked to do, the two questions weren't kept ... If I was doing it, I would have thought they would say, "Here's your question, this is where we've got to end up. Keep that in mind, don't be ... We already know who's involved and stuff, don't be going out and saying we need to have more (Juror 3).

A lot of the jurors could see the sense of using what work had already been done and bringing it up to that. They tried to widen their deliberations. That was the thing. The jurors picked up on that straight away, they weren't silly. They said, "Well, hang on, why don't we do this, and why don't we do that?" They were asking those questions themselves. Which a

lot of ordinary people do. That's supposed to be what juries are about, but they did sort of constrain that, I think, with the way it was facilitated (Expert presenter to the jury 2).

One juror questioned whether the topic was an appropriate one for a jury to take on:

I also think that 24 people chosen at random couldn't solve that problem, because I think a lot of people weren't familiar with the process, and needed to do the analysis on that kind of an issue. It was quite complicated and needed quite a bit of researching and a systematic analytic approach in my view. I don't think a lot of people had the time, or the training, or the inclination to ever deal with a problem like that, other than to shoot from hip, and sort of say what they felt on day one and keep saying it...No. It was too complicated for most people to get their heads around. Especially in the time allowed. Especially as we were randomly chosen, some people's backgrounds I guess just didn't enable them to deal with such a complex issue in that structured way (Juror 4).

While narrowing the topic for consideration by a jury is typically considered to be good practice, to allow participants to get deeply into a topic in their limited time together, it can be problematic when the limitations placed on the topic go against the natural way that people think about the topic. That appears to have been the case here.

## Facilitation and governance

Linked to the scope challenges discussed above, views on the quality of the facilitation were quite mixed. Some participants really liked the facilitation approach:

I think [what] worked best was the style of the actual workshops themselves...The process and all that, the way it ran, is tightly run which is good. The timing was good. They start on time, and try to finish on time. That kind of thing is pretty important. Particularly to me. I was worried initially that it would just become a talk-fest, and they seemed to control that. They didn't have twenty-four people, with a whole load of different attitudes, predetermined ideas, chatting away for half an hour (Juror 3).

It's a skill of the facilitator and the methodologies used that allow respectful discussion around the tables. We had a great facilitator and we managed to deal with quite diverse groups of people (Community Engagement Manager, NSC).

Personally, as a teacher I think the varying methods that the hosts had in terms of communicating with the jury members, with instigating a variety of means of gathering information or instilling that conversation in them, giving them the opportunity to start asking the questions. I think there was a very good array of teaching methods of helping people get out what they want to say or ask. I think that worked quite well...I think it was pretty well facilitated generally...Very personable and made us feel like it was we're there for a purpose (Juror 2).

Others felt that the facilitation was too loose, given the time available, and allowed discussions to get off topic:

The jury topic lent itself to interpretation that went beyond the scope of what they should've been talking to. The facilitator allowed that to happen despite protestations from us...But of course she wanted to be inclusive, let everyone have their voice (Community Engagement Manager, NSC).

It was quite complicated, and for that reason it needed maybe longer than the six<sup>3</sup> meetings we've had, it certainly needed better facilitation than they had. Possibly a new approach to how the process was run... If I was looking at a problem like that, I would tend to form working groups to deal with the separate issues and then maybe make some presentation to the group and get feedback on that. Break it up, because it was just too big to get people's heads around (Juror 4).

I know they wanted to let everyone say their piece, and they were good at that. They made sure that everyone did get a say, but by doing that ... You've only got two hours, or whatever it was. Not a lot of time (Juror 3).

Time pressure was a considerable challenge for the jury. In the other two cases, juries met six times for full-day meetings. The river management jury met only five times, and four of the meetings were only three hours long. This meant that the normal nDF facilitation process was compressed and this contributed to the sense that the facilitation did not help the jury to reach a decision sufficiently rapidly.

One juror thought that the facilitator lacking topic knowledge contributed to scope problems:

What interested me also, was the facilitator has no knowledge of the issue. No history, no background on it particularly... I think it prevented them from understanding sometimes where stuff was clearly out of scope, and where we were going down a blind alley. It wasted an awful lot of time (Juror 4).

In contrast, most deliberative practitioners see a facilitator that does not have expertise on the topic as a strength, since this means they do not have a pre-existing position on the topic that could lead them to steer deliberation in a particular direction.

The most common concern relating to the facilitation was the way in which input from NSC was handled. This issue is discussed below under Expert Input.

## Expert input

The jury took a typical approach to expert input. After initial presentations to the jury from NSC staff, the jury could request information that it would like to receive, including experts that it would like to hear from. NSC staff then prepared requested material and experts were invited to present to the jury. To those expert presenters, it was clear that the jurors were starting with very little knowledge of the topic:

It was an interesting group of people, because a lot of them had no knowledge of the river system and the background of the river system, or the history and all that. They were really seeking knowledge, and they all seemed genuine people... They asked if I'd be interested to talk to the group, so I just presented the information of where we were from and what's been happening in the past, and answered any responses or questions... I think it was well-received, because it was information gathering. It wasn't that, "Oh, we disagree with you," it was just ... There wasn't any to-ing or fro-ing and that stuff... But some of the questions, you just realised, "Well they've got no idea, and that's why I'm there" (Expert presenter to the jury 1).

<sup>3</sup> This juror participated in the extra meeting held after the main jury deliberations, hence the reference to six meetings. Most jurors participated in five meetings.

The jurors we interviewed were largely happy with the information they received but conscious of limitations in the process:

We chose. We decided who we wanted to talk to. We're happy with who we got there. I think we got everyone we needed to get there. They were good at anything we requested information on. They were very good at getting the information. That's pretty impressive, because you think how are they going to get that information? The only problem with that is that once again you're asking people who are not experienced in that area to get us to get people in, so you start getting a lot of other people in that we didn't really ... We probably didn't mean to (Juror 3).

Well, I think that the briefing sessions were good. People came in and spoke on various subjects, there were some very knowledgeable people there with a lot of history, and able to read about quite a lot of good data. On the same token, there were other respondents who patently failed to assist, despite being invited to do so. Some of the stats that we sought right from the beginning just didn't become available even until the end of the process. Maybe because the data was difficult to get. Really one of the things that I was impressed with was a couple of the presentations that were given to us, they really did help give us an on the ground perspective of what the issues were (Juror 4).

One juror felt that the initial information provided to the jury tended to steer them in a particular direction:

I do think that the booklet was very prescriptive in terms of trying to make people think a certain way. In reading that, I just thought, "I don't agree with that. I don't agree with that. I don't agree with that. There's no way council can do that, that and that. Why is it being portrayed in this book that this is what council wants to do?" That was the very first thing that people read...I was thinking, "Hold on. They're kind of telling us what they want us to say" (Juror 2).

However, the most commonly mentioned concern about the internal quality of the community jury was not about these expert presenters, but about the way that potential input from NSC was handled during the process. To allay any concerns about NSC influencing the deliberations, NSC staff were not allowed to respond to questions from the jury during the deliberations. While all interview participants agreed that NSC should not be able to influence the process, they also felt that there were several occasions when an NSC staff member could have clarified a factual question and saved the jury a lot of time:

There were occasions where there would be a really significant issue, but they're pushed for time, the jury is pushed for time, and either I knew the answer to the question they were asking or a staff member did, and it was simply a matter of fact, not a matter of opinion, and they were not willing to ask us. That was really taking things too far when it was simply a matter of fact that nobody on the jury knew. There was one that occurred in the last meeting where one of the jury members who was a Councillor many many years ago, said, "The mayor will know. He's sitting there. Why can't we ask him?" They weren't allowed to. Some of them actually made their decision without that knowledge, and I'm absolutely positive that, at least, one of their recommendations...would have been different, had they been given the answer to that simple question. That was taking the process too far (Former Mayor, NSC).

We had a very zealous New Democracy person who wouldn't allow simple questions to be answered from the jury by Council officers present in the room, including the mayor...We

had this frustration with Council officers who knew by that stage that they weren't allowed to have an opinion. They could answer facts though. But they were prevented from doing that. They weren't given that opportunity to clarify key points that would have changed the direction of how that jury ended up. I think this slavish adherence to a process is not a good idea (Community Engagement Manager, NSC).

I was a little bit disappointed in it, because we were so focused on not trying to not steer the jury. The jury in my mind is almost discouraged from asking us questions. I thought some fairly simple matters could have been cleared up early if they were more able to ask us questions directly...In fact some of them would come over and try and sneak and ask questions...They weren't necessarily asking our opinions on things, they were more asking for factual things...If we start getting into influencing little things, maybe that's the facilitator's role to stop us and go, "Hang on" (Planning and Environment Manager, NSC).

At one point there was a process that we were discussing, like go to this agency and ask this question. She's already done it. Why could she not stand up and just tell us she's already written to him, here's the letter, this was the response she got given instead. We had to wait another six weeks to get the same bloody response from the same agency (Juror 2).

I was interested in the process whereby the sponsor, which was the Council, and their officers were present in the meetings, but were told not to participate because there was the view that we shouldn't be guided to a solution. I can understand that, but because of the complexity of the problem and a desire to know more about it, at times it would have been helpful possibly (Juror 4).

The NSC participants made it clear that they thought this inability to clarify factual points influenced the final outcome of the jury. A key point of clarification was how much rates would need to increase if NSC took over management of the Noosa River. Many of those who voted against the majority recommendation cited cost as a major concern. In fact, the rate increase would be quite small – in the order of \$5. Some NSC staff and jurors felt a consensus may have been possible if this information could have been provided earlier.

While it is important that NSC is not perceived as influencing the process, there is evidence that NSC tried to make it very clear that they were not the ones making the decision:

[An NSC staff member] says, "Look now all that advice and money constraints you can take any of that on board, you can take none of it on board. I'm here to tell you, you're not to be directed in any way, shape or form." That's what impressed me, it was spelled out to them, and I don't think they were being led. I think the council went out of their way to provide them with as many sources of information (Noosa News representative).

## Deliberation

Our interviews provided plenty of evidence of deliberation occurring during the jury meetings, in the form of people changing their minds in response to new information and perspectives:

It was a very good educational process. I didn't realise that there are so many people involved in what happens on the river, so I changed my view about the...When I went there I thought the river needs...we need to use the river more as a tourist destination to attract more people with yachts and maybe a marina. That changed. I wanted to keep the river clean and safer, and not developed really. A bit more green I suppose (Juror 3).



All the jurors I spoke to, one is things look a lot more complex than they first appear when they get given a topic, they have a particular view and then they get more information. They realise there's layers and they start to work it through, so I think they appreciate the complexity of the decisions that have to get made. The second is I think they appreciate the fact that group decision making is not as easy as it looks as well. They've got to work it through and listen to other points of view (CEO, NSC).

We have video of people saying exactly that, that they're coming with one idea. That wasn't their idea when they got to the end, and that they had moved from a fixed idea that they went in with, to something else that was more, what's the word, that adjusted their views in order to reach something that could be agreed on by everybody. They've compromised. That surprised some of them that they got to that (Community Engagement Manager, NSC).

I think that was good though in terms of in a democratic way of a process. Having to be in a space where you're listening to these people without being rude and actually being respectful of letting them speak, listening to what they've got to say. I guess in return they were doing the same. I did think that that was quite remarkable that everybody seemed to be very respectful of one another in the space which I, at the time, was wondering if that process would work (Juror 2).

On the other hand, interview participants raised several concerns about aspects of the process that affected the quality of deliberation and potentially contributed to the final outcome of not achieving a consensus view on the topic. nDF typically recommends that juries meet six times to give sufficient time for deliberation. The river management jury only met five times as NSC wanted to conclude the process before the Christmas holiday period, with Council elections due in the new year. The jury was offered the option of a final meeting close to Christmas but chose not to take up that option and to stay back late on the final day instead. With only five meetings, the jury struggled for time to make a decision and reach consensus:

I think you have to allow the time. We probably hurt on the second jury for trying to confine it to 5 meetings (Community Engagement Manager, NSC).

We rushed them, and they probably needed an extra meeting or two at the end, so they felt probably a little bit pushed, and couldn't have the final polish. Coming into Christmas, we wanted to finish that because we had elections three months after Christmas. Didn't want it to roll over into the New Year, and start to sully the election period, so it was timing simple as that. No way getting around it (CEO, NSC).

The time constraints had some important repercussions. First, nDF recognised at the penultimate meeting that the recommendations were in poor shape and some further work would be needed between sessions to reach a point where a final report would be possible. They convened a small group of volunteers to work on this:

We had a mish-mash of recommendations. Some of which were high level mission statement, strategy, and others were low level actions, and we ought to put them at least in some hierarchy because they were interdependent, and some dependent on others...Anyway, so some people volunteered and the other people said I should come along, so I did. I think about five of us, or six of us sat down. One of the ladies who took the facilitator role, one of the jurists, was very, very adept at spread-sheeting and whatever,

and she had the PC, and she put it into a fairly nice structure. That was what was the starting point for the last meeting (Juror 4).

This kept the process moving, but it excluded the rest of the jury from the deliberations:

That was only ever given to a little team of 3 or 4 people working group. It wasn't ever given to the whole group. I objected to that. I think it should have gone out to the whole group. Then that may have made the process a bit more streamlined towards the end (Community Engagement Manager, NSC).

They saved a lot of time, and they came back with a good documented piece of information, but...I didn't like that part of the process. I would have liked to have a bit of an input (Juror 3).

Second, the jury was under a lot of time pressure to reach a decision during the final meeting. At the start of the final meeting, jurors were split 50-50 on whether to recommend that NSC take over management of the Noosa River. By the close of the meeting, there was a majority for taking over river management. Some jurors were concerned that this majority was only achieved because people wanted to get out of there and changed their vote as a way of ending the process rather than being convinced through deliberation:

I think really the last part of the last meeting went to past 10 at night...It went for so long because we couldn't come to an agreeable resolution...Even at 9:00 when the vote was heard, there still was no resolution...Having them think that the whole room was supporting it is not accurate and in that regard I guess it tainted my opinion on the process, that last part. It was almost luck that the half of the room really, I don't know...A lot of people that were there are people that work and it was a Wednesday night. It's midweek and they've been at work all day and they're still talking at 10, 10:30 at night. They just want to go home because they got to get up and go to work at 7:30, 8:00 (Juror 2).

It was interesting because in the start of the final meeting, on a show of hands, because it was an issue that was raised as being the most important issue and it obviously was, it was a 50, 50 split at the beginning of the meeting...It may well have been wanting to go home at ten o'clock that persuaded people to go ... But it could have been the persuasive arguments that a few of us raised in favor of the council taking management control. I don't really know (Juror 4).

Third, the recommendations that were produced lacked clarity or conflicted:

It's a little bit of conflict there, so that might of been sorted out with having a bit more time. To get more clarity between them, because some of the statements are a bit at odds with each other (Planning and Environment Manager, NSC).

On the last meeting we were there, the time was extended for another hour and a bit while we tried to put together some recommendations. The recommendations we put together, when presented to council, weren't intelligible and they asked for clarification from the volunteers from the jury. It was very rushed, and very unstructured result (Juror 4).

As a result, NSC convened another small group of three jurors to produce a second explanatory document:

The 3 of them sat down. We just brought all of the reasoning up. There was no dissension between the 3. Let's just get the facts down. This is how it was said. We were able to capture those viewpoints that underpinned the recommendation. We all went away happy then (Community Engagement Manager, NSC).

Again, this small group process excluded the other jurors from the deliberation.

While lack of time seems to have been the main contributing factor to these deliberation challenges, some interview participants noted other things that could be improved, including providing more structure for the jury's report and making better use of online forums:

Giving the jurors that level of comfort, that there's some sort of structure that they could template, that they could write into. If there'd been some sort of basic template ... New Democracy gave them a few starting things. It has to be smart, strategic, measurable, achievable, realistic, those sorts of things. They're very loose. I would like to see a more structured ... The reporting, I didn't think, was terrific (Community Engagement Manager, NSC).

## Summary

The internal quality of the Noosa River Community Jury appears only moderate. While the group was representative of the Noosa community and most involved were positive about the process, there were scope restrictions, facilitation choices and structural issues that reduced the deliberativeness of the jury. In particular, the decision to hold only five meetings (four of which were only three hours long), the exclusion of factual information available from NSC staff, the rushed final meeting and the use of additional small-group processes outside the jury raise questions over whether the final outcome accurately captures the views of the participants.

## 4.4 External quality

### Deliberation-making

There is strong evidence that the Noosa Community Jury on river management was a deliberation-making event in the Noosa community. It contributed to public deliberation on two distinct topics. First, it stimulated deliberation on the specific topic of river management. Second, it prompted further consideration of appropriate forms of decision-making for an engaged local community. Deliberation was already taking place on both these topics in Noosa, but the mini-public added to that deliberation in important ways. This section will focus on deliberation-making on the topic of river management. We will pick up deliberation on local decision-making in the next section, on Legitimacy, as this deliberation is crucial to establishing the legitimacy of a mini-public.

River management was a long-standing topic of discussion and deliberation in Noosa. Several of the stakeholders and NSC staff we interviewed referred to a major collaborative process to establish a Noosa River Plan, which was released in 2004. This process was structured quite differently to the jury, using a series of working groups across different sectors to arrive at the final Plan. Nevertheless, it prompted community discussion about the Noosa River and how it should be managed.

NSC never had the necessary powers to fully act on the Noosa River Plan, and even those powers that it did have were removed as part of the amalgamation. Thus, there was unfinished business in relation to river management – trust had been built up amongst relevant stakeholders through a

collaborative process but action was never possible. The Community Jury provided an opportunity to breathe new life into this collaborative process and give NSC the authority and legitimacy to seek institutional change from the Queensland Government:

So, we've got this great document that enormous amount of effort went into, but no power to enact it. This is really a culmination, this River jury is really a culmination of all of those efforts. From Council's perspective to gain at least some buy-in from the community, or understanding from the community, as to whether or not they should take that next step and actually gain legislative power to be able to enact the Noosa [River] Plan (Community Engagement Manager, NSC).

Certain aspects of the management of the river, the overlap, the lack of resources at the state government level. Perhaps the jury revived some of that, that debate, that discussion (Communications Officer, NSC).

While participants indicated there had been authentic deliberation in the development of the Noosa River Plan, the process of amalgamation and de-amalgamation had caused deliberation on river management to stall – to become indecisive. The jury was an attempt to restart deliberation and achieve a decision. NSC put significant effort into bringing the media and community along with the process as a way of restarting deliberation:

The second one we had updates every time there was a meeting. The jury's done this, they talked about this, they heard from this person, they did that. We took them more on the process in terms of the topic as much as anything else (CEO, NSC).

I think it's also important for the community to have all those voices heard, and put back out there through the media, which we did. We made sure everything that was said in the juries was put back out there. A lot of those comments and people's submissions, all of that were all made extremely public and it's still sitting there, available to the public... We had pretty high attendance of the public. All the meetings were open to the public, but that dropped off. Once you get through the information phase, people are not interested in sitting and watching a room of people talking (Community Engagement Manager, NSC).

Obviously we opened up the Your Say Noosa for comment. We received comment that way, there was a lot of articles in the paper and discussion that way. Getting that discussion out there in the community was useful (Planning and Environment Manager, NSC).

Having all the stuff digital on that website that was accessible to everyone, I think was good (Juror 2).

The level of media coverage of the jury indicates it was quite effective in restarting deliberation on river management:

Just from our letters to the editor, it certainly raised awareness. It is obviously a very good topic, because it is one of the things that really concerns people, the houseboats have just been an ongoing issue for 20 years. The whole Noosa jury, community jury has been a talking point, but they have certainly raised those issues and I'd like to think that we've played a part by giving it some level of prominence in our coverage (Noosa News representative).

Certainly during the jury process there were quite a few letters to the editors. I think the local [Member of Parliament] did his own survey about it. There was quite a lot of

conversation. Yes, I think it brought it back to the fore. I think there was enough buzz, let's put it that way. I think we're pleased with the level of community conversation that went on outside the jury about the topic (Community Engagement Manager, NSC).

We get a lot of comment coming from the community via Facebook and we're quick to respond to that too (Communications Officer, NSC).

Of the 38 newspaper references to the river jury, 27 predominantly discussed the issue of river management, and 11 predominantly discussed the jury process itself. There were several front-page stories about river management in *Noosa News* and *Noosa Today* and many of the stories went into considerable depth about the issues. Almost all of the articles reported neutrally on the topic and the jury process. There were only three negative comments on the jury, all in the letters to the editor, and two from a single individual. The overall impression from reviewing the newspaper articles is that there was support from the community to use a jury to prompt action on a long-running community issue and that the jury process resulted in significant media coverage and discussion about the issue.

We identified 36 Facebook posts about the river management jury, mainly by NSC, local news outlets, elected representatives, nDF and one community group – Friends of Noosa. Engagement with the posts was low. Most received fewer than five likes (average of 4.5 likes per post) and there were few comments (29 in total across all posts). The most popular post, receiving 27 likes and one comment, was NSC's announcement in January 2016 that it would pursue the recommendations of the jury. Most posts were links to news articles or NSC information about the jury. Comments were generally supportive and mostly focused on things that the jury should consider. Twitter presence was minimal for the event. We only identified nine tweets, only one of which was liked. NSC is not a heavy user of Twitter, having only tweeted 31 times since 2013. While social media engagement was generally low, there were posts and tweets from other states and other areas of Queensland, indicating wider engagement with the juries beyond Noosa.

The relatively low engagement with social media was partly due to NSC's focus on encouraging engagement through its own online forum – Your Say Noosa. Six discussions on Your Say Noosa received a total of 93 responses from the Noosa community on topics such as 'what do you think is the biggest issue facing the Noosa River'? There were also 18 submissions made to the jury from the community.

While the media played the biggest role in deliberation-making, the jurors we interviewed also played their part by trying to stimulate discussion in their communities:

I did have numerous conversations with different people... That was quite nice but then to know that they know two people here on the jury and that their voice has been heard, not by one person but by two people, they've been able to give feedback. Their thoughts, as river users, on an issue that's poignant for them (Juror 2).

When I was in the process, and in the Council, the jury, I was talking a lot to people about it. Bring it up and just a general conversation. I purposefully ... I put a couple of comments on the YourSay website. I purposefully didn't write letters to the editor about the process. I didn't want it to be out in the public forum too much at all. If I did put something on the YourSay website, I really thought hard. I didn't put it on my Facebook or anything (Juror 3).

I certainly discussed it with my tennis club members. One of whom had volunteered to be on the jury and was a little bit miffed he wasn't on it and I was. He knew much more about what should be done than I did, and told me what should be done. There were probably three or four discussions. I was going there twice a week and meeting the same people,

and nobody ever said to me, "How's the jury system going on the river?" Because they'd all just forgotten, but I raised it a couple of times, and there was probably a two minute discussion on it. Mostly me listening to what should be done...Yes it raised a little bit of awareness, not as much as I would have imagined it would have been (Juror 4).

The quotes indicated that each juror interpreted their role in deliberation-making a little differently, from active, to reflective, to reactive. Some interview participants would have liked to see jurors do more to stimulate wider deliberation:

It would be far better, would make the most of the jury system, if there was more focus on getting members to, taking them along to community groups and having a chat about it, that sort of thing, spreading the news that way (Former Mayor, NSC).

Nevertheless, as a result of these efforts, key stakeholders entered into public deliberation:

The local fisherman groups got involved, and the old fishing families and some of the state government agencies That was much better in terms of how you could have your say as part of that process (CEO, NSC).

As well as stimulating public deliberation, the jury was also effective in increasing the decisiveness of the deliberative system, with NSC subsequently proceeding to negotiate with the Queensland Government over river management and integrating the other recommendations of the jury into an updated Noosa River Plan that is under development.

From a systemic perspective, the jury can be interpreted as a strategic action to initiate dialogue between two empowered spaces – NSC and the Queensland Government. As noted in Section 4.2, the jury gave NSC the authority to approach the Queensland Government. It acted as a symbolic or rhetorical tool that can be held up to say 'we have consulted with the community and this is what they want'. This allowed NSC to overcome an initial hurdle to deliberative engagement, as the first question the Queensland Government would ask would be whether you are sure that this is what your community wants. Thus the jury opened up new channels of deliberation in the governance system for the Noosa River.

A final contribution of the jury to deliberation-making on river management was its role in uncovering key narratives or discourses about river management in the Noosa community.

The process allows enormous amount of information to come out, that gives you a much greater insight into community sentiment and understanding their reasons for their particular position...[In other forms of community engagement], you don't get that depth of understanding of the reasons why people will vote one way or not the other way. I think the great thing about the jury, it teased out a lot of that reasoning. I think it's the reasoning that's important for a council because when you actually have to roll out the thing, it gives you complete understanding of where all those trigger points are going to be in the community (Community Engagement Manager, NSC).

This is not automatically a positive for public deliberation as NSC could use this knowledge to manipulate and frame public debate. However, our impression from the interviews was that NSC staff were genuinely interested in better understanding public sentiment, which is a key aspect of deliberation.



A final point to note is the challenge of sustaining deliberation. As a time-limited event, a mini-public does not help to sustain deliberation without additional actions. NSC did not put a great deal of effort into sustaining deliberation after the jury. There was a period of about nine months, after initial letters were written to Queensland Government ministers, when no updates about the process were posted on YourSay Noosa, before a recent update in early 2017. Media coverage of the jury also dropped off:

We've allowed it to go off the boil a bit. You can't keep it on the boil, it's impossible, but I think we need to keep it going, try and ramp up the interest and let people know where to from here. Maybe we can do that. Yes sure, I think when you're running about like this, and you do create a lot of interest it's important to then keep the conversation going. It feels like, oh we did all that but what happened (Noosa News representative).

As this quote indicates, maintaining the conversation when the newsworthy event is over is difficult, but more regular updates could certainly help to keep public deliberation going.

## Legitimacy

As noted in the previous section, the community jury prompted public deliberation not only on river management but also on appropriate practices for local decision-making. This kind of public deliberation is crucial to establish the legitimacy of mini-publics and persuade the public to support their recommendations.

As already discussed, the Noosa community is very engaged and had been through a de-amalgamation campaign in which there was a great deal of public deliberation on how local residents should be involved in local decision-making. The two community juries were a prominent intervention into this debate by NSC, indicating that it supported innovative forms of local community engagement. Much of the media discussion about the jury was about the process, rather than the topic. This was particularly true for the first jury, during which NSC put a lot of effort into explaining the process.

We got all the local media in and we had New Democracy come up, all the councillors, all sitting there and we talked through the process with them. How's this going to work? Jury meetings were also open to the media...We tried to take the local media on the journey pretty well for the first process (CEO, NSC).

I think it has to be earned. I think the community is not yet acceptant of the community jury, but I don't think that the level of naysayers is very high. I think the jury's out on the jury (Community Engagement Manager, NSC).

The second jury benefited greatly from the work done to earn legitimacy – the jury process was more familiar and accepted, and had already achieved an outcome through the first jury. This increased the legitimacy of the second jury and shows the value of institutionalising processes like mini-publics to build familiarity. As noted above, relatively few of the media articles about the jury focused on the jury process itself. Most focused on the issue of river management, although many of the articles blended in discussion about the jury process. This indicates that a level of familiarity with juries had already been established.

Despite the foundation built by the previous jury process, and the neutral or positive tone of most media articles, our interview participants expressed mixed views on the legitimacy of the jury. NSC

staff, jurors and journalists were largely positive about the jury as an appropriate approach to local decision making:

The issue was investigated and discussed so thoroughly that the elected members felt that the recommendation had real validity and had all of the community being able to be involved in the process and then the recommendation would have been from the whole community. That was ... we never have been able to do that sort of thing before, on a complicated issue because they're not just yes/no issues (Former Mayor, NSC).

I guess it was all at that era where because we de-amalgamated, all these new things in place... People were quite happy to try these new things... There wasn't a negativity towards the process in the public arena at all. The articles that were written were probably written in that way to make the community feel, which is not bad thing, to make the community feel like this is a way forward and this is how we're going to be using our money to reach you as a community, you as a shire resident (Juror 2).

I thought it was an interesting initiative to consult. I mean, I'm aware that organisations like councils and local state governments, and whatever, have always talked about community consultation, but I've always felt it was lip service... This event obviously showed a higher level of commitment, because they were actually inviting people from the community to be chosen at random to actually participate and come up with some document that the sponsor was going to recognise (Juror 4).

It might be sort of very altruistic, but I really do think... if you gather enough people together usually they arrive at common sense fairly reasonable outcomes, more often than not (Noosa News representative).

Stakeholders were more sceptical, and some jurors either started off or became sceptical about the process:

The other thing that worried me a bit about it was the cost. I think each question was around \$50,000. That's a significant amount of money... For organisations like us, when you see \$50,000 going to one question... We could run an entire year for half of that (Expert presenter to the jury 2).

I guess I was questioning the validity of council spending money on this process (Juror 2).

The criticism, and it was also during the election process, about the costs, it was about 40, 45,000 for the jury and people going, "What are we paying councillors, if I get elected I'll get rid of the jury?" (CEO, NSC).

It's an interesting concept the jury, there's still a bit of reservation, a lot of reservation about it. With the community, you know, I elected the council to make the decision, so why are we appointing someone else to make the decisions. I think we've still got to deal with that a bit (Planning and Environment Manager, NSC).

I think people lost a bit of faith in the jury process because we didn't come up with a consensus (Juror 3).

I can't comment whether the jury was a democratic process because this place wasn't involved with it and had no knowledge of it, so I can't really say whether that was a democratic process or not. My gut feeling is not... I feel that there would've been some, I'm assuming, some input from the council or council officers during the jury process ... or persuasion, so it should've been done more independent (Noosa Marina representative).

I don't feel strongly either way, I don't really see the need for it, to a large extent. I would have thought that there were council staff that could make decisions about waste management, and most likely arrive at the same outcomes without going through the jury process, that's my feeling on it...I don't have a problem with it as an interesting experiment as such, but I don't feel the need for it (Expert presenter to the jury 1).

When the jury idea was floated there was a view that they seemed to be superfluous. We had Councillors that we had elected to make decisions about where things should go and we didn't see the need to have this community jury. They're making recommendations based on, not on the basis of particular expertise, but they are just making a decision like the Councillors would make on the basis of information they are fed, maybe from staff and other areas (Expert presenter to the jury 2).

Views on legitimacy were clearly linked to the stake that individuals have in decisions about river management. Experts in subjects related to river management felt that the jury process went too far in neglecting important knowledge built up over time. In other words, stakeholders that felt threatened or excluded by the process questioned its legitimacy, whereas others were more open to the process. Although NSC provided stakeholders with opportunities to observe and have input into the process, the views outlined above indicate that more needs to be done to establish the legitimacy of mini-publics with stakeholders, including exploring hybrid approaches that give a more active role to stakeholders. We will pick up this point in Section 6.

Whether it is possible to overcome stakeholder scepticism of mini-publics is an open question. Some stakeholders opposed the process out of entrenched distrust of government, rather than necessarily concerns about the jury *per se*.

Given the complex empowered space governing river management in Noosa, it was important for NSC to establish the legitimacy of the jury not only with their local community, but also with the Queensland Government:

We're now going down this path, so I've had meetings this week with the Director General in Brisbane, last week with the department. We're actually getting into the implementation side, and the fact that we've been through the community jury, it was probably a bit of interest to the state government bureaucrats about what it was. Probably ticked a box in terms that they knew that it was serious, we were serious about it (CEO, NSC).

Ultimately, a lot of our interview participants noted that legitimacy is something that needs to be built up over time, through successful implementation of recommendations:

I think it's resolutions happening and doing what people are suggesting is what has merit, not just a process. Because that's all well and good having a process, but if you're not actually listening to the suggestions, then how's that seem to be listening to your residents (Juror 2)?

Really, the proof is in the pudding. It's what we put on the ground and how well that works that the community will make a judgment then (Community Engagement Manager, NSC).

Again, this points to problems with running mini-publics as one-off events. Legitimacy is best established by building familiarity with the process of holding mini-publics and demonstrating action in response to their recommendations. The original intention to institutionalise mini-publics in NSC faltered over time, as discussed above.

## Capacity building

Mini-publics have the potential to build capacity for public deliberation at multiple scales, from the capacity of those directly involved with the mini-public, to the community, to broader governance systems. We start our discussion at the scale of the mini-public participants and then move on to larger scales.

Participation in a mini-public will generally build the capacity of the participants to engage in deliberation, as most mini-public processes include specific activities to help participants to learn about an issue and engage in dialogue with other participants. In the case of the jury on river management, there was evidence that some participants increased their capacity to engage in public deliberation beyond the boundaries of the mini-public:

I think we also end up with a bunch of community advocates. In the first year there was a little bit of questions or criticism about the process, and a couple of jury members wrote back letters to editor and said, "We're on the process and it was fantastic, and here's why. I'm just a mom who takes her kids to the footie, first time I've been engaged, and first time I've had my say and it was a really good process." You do get those advocates in the community who can do that, so we got 40 odd of them running out there at the moment. Saying how fantastic the process was (CEO, NSC).

Outside of that process I have called upon different councilors from last year at the time to have a conversation about whatever is happening in my community, not community jury stuff but other things. I guess it's affected us (Juror 2).

One of the jurors we interviewed mentioned that after participating in the jury he is now thinking about a future role in local government. Another juror who was profiled in the *Noosa News* has since become active on other local issues and has received media coverage for his role, mentioning his previous participation in the jury. These examples show that the process certainly built the capacity of some jurors to engage in broader public deliberation.

There is also evidence that the experience with the juries contributed to an increase in NSC's capacity for public deliberation. As discussed above, in an instrumental sense, the jury helped NSC to better understand the competing discourses about river management in the community:

We now have a better understanding of what people who aren't happy about it think, and how do we then manage that as we go through the process. That wasn't an intended consequence for me, it was an unintended one, but it's actually a good result, because now we know if we're going to go down and do this implementation we've got to be able to manage these expectations, or deal with these issues (CEO, NSC).

From a longer-term perspective, the juries also contributed to an organisation-wide increase in NSC's experience with innovative forms of community engagement:

It's an appetite certainly amongst this new Council...to build on what we've already established in the past and to not lose that quantum leap that we've made, to not go backwards from that. Of the 6 Councillors, 4 of them have listed on the website, I noticed, community engagement out there in their key areas of interest.

We've taken 40 council officers and put them through IAP2 engagement essentials training...That's shifting the whole mindset of the organisation in that greater engagement

direction. They even want to put the Councillors through it. The Councillors are going to have IAP2 engagement essentials training (Community Engagement Manager, NSC).

These experiences have contributed to greater familiarity and comfort with the use of mini-publics within NSC, which builds the capacity for future deliberative processes:

All of the current councillors would do another jury if the right topic came up, but we're not out searching for a topic just to justify a jury (CEO, NSC).

Moving out to the perspective of the Noosa community, the decision to hold two juries in quick succession seems to have built familiarity and trust in the process:

Let me tell you we didn't get much negative stuff from the community. Particularly for the second jury, it was very quiet. I think there is a much higher level of acceptance the second time around (Community Engagement Manager, NSC).

To me I think it's been a worthwhile exercise, I think it's not a huge amount of money that they've outlaid, I think it's been good to show the level of interest, that people are prepared to spend this time, I think it speaks a lot about this. From what I can see there are far more positives than negatives (Noosa News representative).

This familiarity paves the way for future mini-publics that could contribute to further public deliberation. However, our juror participants pointed out that there is still work to do to build acceptance of juries:

I think they're a little bit unaware of how it operates, so they ... I think the broader community don't have a lot of faith in the whole process... They just weren't aware of how involved it was, how much time it took, what was said outside of the meetings, what was discussed outside of the meetings. All those kinds of things. I think the local community ... One, they're either not a huge supporter of it, and two, they really don't care about it (Juror 3).

They think the councils incapable of making decisions so they now want the community to do it for them. There's a whole load of misconceptions about the jury system (Juror 4).

Finally, the Noosa juries played a potentially important role in building the capacity for public deliberation in the state of Queensland. While mini-publics have been widely used in several other Australian states, this was the first known application of a mini-public process in Queensland:

I hadn't heard of too many community juries, I must admit my ignorance, but I thought it could be gimmicky but I thought if done right it could be something that would really put a good stamp on getting Noosa back into having a little bit of a cutting edge. Trying to do things different. I know they're not by far the first council to do it, but I think they'll be one of the first in Queensland, would they (Noosa News representative).

NSC staff were proud of their role as pioneers of an innovative process. They presented about the juries at numerous local government conferences and received much interest from other local government staff, potentially building the capacity for other local governments to adopt similar methods.

Given that the Queensland Government has jurisdiction over river management, NSC also put significant effort into explaining and demonstrating the process for the benefit of the Queensland Government:

Influence means influencing somebody or somebodies. Those somebody or somebodies really have to experience the process, I think, for it to be truly influential...If you said to me, would you be influenced by a community jury, I would have said, what are you talking about. I guess what I'm saying is you have to have the experience of something and know what it's all about and how constructive and so on, for you to think that it's worth taking notice of the recommendations from a community jury (Former Mayor, NSC).

Through NSC's efforts, some Queensland Government staff and elected representatives have become aware of mini-public processes, which is the first step to wider acceptance.

## Summary

The Noosa case demonstrated the greatest external deliberative quality of the three cases, although we would only assess that quality as moderate. The jury contributed to significant deliberation-making about river management in Noosa, and there was evidence that the decision to hold two juries in rapid succession helped to establish the legitimacy of these processes and to build community capacity for public deliberation. The river management jury led to action on an issue that had been stalled. Further, the experience with the juries resulted in a more nuanced perspective on their role in local decision-making, as a tool that is appropriate for particular kinds of decisions.



# 5 INFRASTRUCTURE VICTORIA CITIZEN JURIES

## 5.1 Background

In 2015, the Victorian Parliament passed legislation to establish Infrastructure Victoria (IV), with the objective to provide independent and expert advice to government about Victoria's current and future infrastructure needs. IV was tasked with preparation of a 30-year infrastructure strategy for Victoria, to be provided to Parliament before the end of 2016. The legislation required IV to consult with the public during development of the strategy, and to update the strategy every three to five years. The Victorian Government must respond to any recommendations made by IV within one year of submission of the strategy, and must prepare a 5-year infrastructure plan that considers the 30-year strategy.

IV conducted what they described as 'a year-long conversation' with Victorians during 2016 to develop the 30-year strategy (Infrastructure Victoria 2016b). IV received over 590 formal submissions, almost 1,500 online survey responses and interaction, and held roundtables, workshops and meetings with stakeholders and community groups across Victoria (Infrastructure Victoria 2016a). Of most interest for this research, IV also convened two citizen juries to respond to the question: 'What should we do to meet Victoria's infrastructure needs?' One jury met in Melbourne and the other met in regional Victoria (in Shepparton). Both juries met for six full-day sessions from April to July and provided separate reports to IV with recommendations. IV prepared a response to the jury reports alongside the first draft of the 30-year infrastructure strategy. The final 30-year Infrastructure Strategy was published in December 2016 (Infrastructure Victoria 2016a).

## 5.2 Mapping the system

One of the defining features of a systems perspective is the idea that there are systems within systems. This is something that has received little attention so far in writing about deliberative systems, but is clear in the IV case. The Victorian Government owns the larger democratic system that makes decisions on infrastructure provision for Victoria. IV is a relatively independent sub-system within this larger system, able to operate autonomously, but ultimately without direct decision-making power over infrastructure implementation. The focus of our system mapping here is primarily on the sub-system owned by IV, but with reference to the larger infrastructure governance system.

### Private sphere

Infrastructure is a topic that affects everyone during their daily life, for example through experiences of traffic, housing affordability, access to public transport and hospitals, utility bills and policing. There is a rich conversation about infrastructure happening in the private sphere, around kitchen tables and office water coolers. As such, people selected from the private sphere to participate in the juries typically had an opinion about at least some aspects of infrastructure policy, most often the ones that they had negative experiences with.

There was also evidence of pent-up demand in the private sphere to have a say on infrastructure issues. For example:

[A] big motivator for me was to feel like I have a say. Ticking a box or writing a number in a box on a ballot paper doesn't cut it for me... To have a say and feel like I have a voice, as someone that is in this middle bracket that doesn't get any help from the government because I'm above a certain wage. So yes, having a voice was a massive motivator (Melbourne juror).

Despite this, it can be difficult to encourage people to move out of their private sphere and engage in the public sphere through a citizen jury. Although we only heard from jurors that had accepted the invitation, most of whom were very positive about the jury by the end, it was clear that many were cynical and uncertain when they first received the invitation. Several initially thought the invitation was a scam, while others were surprised to be picked, feeling that they did not have the requisite expertise. Many others who were invited would be unable to overcome these barriers, or would have personal circumstances that make participation difficult.

For those who did participate, the work of the jury sometimes intruded into their private lives:

Some of the people went above and beyond the call of duty with some of the work they did, took work home and they spent hours and hours and hours doing the final write up of the report. They must have spent two or three days on it (Regional juror).

Jury participation can be a substantial commitment that may require support and understanding from those that share your private sphere.

## Public space

As noted in the previous case discussions, mini-publics are both events in public space and transmission mechanism between public space and empowered space. Taking the first perspective, there is a risk that the citizen juries can be drowned out by the many other voices in public space, particularly on an issue like infrastructure for an entire state. There is constant media discussion taking place about infrastructure needs and priorities, protest and advocacy for particular infrastructure items, and diverse other consultation processes going on. In this case, IV was simultaneously running other consultation processes to hear from the public and key stakeholders. Further, IV's strategy is only one input to the Victorian Government's decision making on infrastructure. In this crowded public space, the first challenge for a mini-public is to be heard. Having privileged access to empowered space helps with this but getting the attention of the broader public space is difficult.

IV did take some actions to attract media coverage:

Primarily we engaged with media at key points, so at the launch and with release of the reports. We also did a series of videos with juror interviews. We did both regional and metro and we pushed those out via social media. We had an article in the Herald Sun about the metro jury as well as some media in Shepparton media. Later with the release of the report, we did attract other media coverage. (Director, Communications, IV).

However:

I think it's fair to say that there was not a lot of [media] interest, and I think the reason behind that is the fact that it's not really a new thing. The City of Melbourne, when they ran their citizen juries, over the budget cycle, actually got a lot more publicity because it was

the new thing. The journalists, when exposed to the fact that we were running citizen juries just said, "Oh. Well, when does it finish?" (CEO, IV).

The Communications Director at IV also noted that when a citizen jury has been covered once for its novelty factor, interest falls off until the recommendations come out:

I guess there's not a lot of news interest in the middle, where the jury has met again and had some deliberations but it's only when there is an outcome that media really take any notice. Hence we put a lot of effort into our social channels, as well as our presentations to push awareness of the process (Director, Communications, IV).

There was media interest in the jury report when it came out but jurors were disappointed in how particular pieces of their work got attention and not others:

When I first heard the media take on it, when it was released, the media picked one thing out of it, the congestion pricing. The Premier immediately said, "There will be no congestion tax in any government that I have." That was immediate on the first day. I thought, "Where is this coming from?"...We said it was a good option, and we all agreed with it because from here to drive into the middle of Melbourne makes no sense...I think I was a bit surprised that the options that the media picked up were all metro, but that's of course because the media people are in the cities (Regional juror).

Beyond getting attention in public space, a second challenge is to create a miniature public space that is generally representative of the broader public space. This is difficult for several reasons. First, some jurors are already active in public space and bring their existing concerns into the mini-public, influencing the nature of discussions:

We had Glenda<sup>4</sup>, who was a bike riding advocate and she's got a few Facebook groups of several thousand people who are really pro-bike and pro-bike safety and she had a few really good examples. And we had some speakers come in about, that she nominated and a couple of other people who were also interested in the bike culture nominated (Melbourne juror).

As a result, cycling became an important topic of discussion for the Melbourne jury, but was not for the regional jury. Admittedly, this was relatively rare:

I think only two of them out of the metro jury were activist in any way. It seemed like a lot of people who were just normal, semi conservative Australians (Melbourne juror).

Nevertheless, if the existing interests of the participants are not reflective of the wider community the mini-public discussions will not reflect public space.

Second, public space exerts influence on the mini-public discussions through the existing discourse about infrastructure. In the IV juries, this manifested in the selection of speakers by the jury that did not necessarily present a balanced view and that structured the discussions and subsequent recommendations:

Another thing which I don't think was done so well, the jurors called upon speakers whose views they agreed with already... because the jurors had already read or known about their

<sup>4</sup> Not her real name.

their opinion. Some of them may have known them through their own advocacy work and there were a lot of speakers who got up and you could just see the whole room of heads nodding, people going, "Yeah, right, that's absolutely true," and maybe they weren't actually being challenged with the opposing view (Director, Strategy and Research, IV).

The speaker process is difficult. You don't want to be feeding them everything that you want, but you also want to make sure to look at the balanced view (Director, Communications, IV).

It did feel like a couple of the speakers were coming in with an agenda to push, like they had a very specific opinion on an issue in the field that they were speaking on. They were saying, "I believe that this is the way to go with this," and they were using their opportunity with us to say, "Hey, you should advocate for this in the report" (Regional juror).

Beyond the direct engagement with invited speakers, there was little interaction between the jury and other stakeholders, which meant their view of public space was quite limited.

More positively, the mini-public did expose the jurors to views that might be common in public space but that they would not normally encounter:

I had a lot of conversations with demographics of people that I really wouldn't necessarily interact with. Which was fun...[To] me it felt overwhelmingly that a lot of people on the jury were very conservative, and very conservative opinions about social issues and kind of thing...But yeah, I definitely spoke to a lot of elderly women, when I wouldn't have an opportunity to do otherwise (Melbourne juror).

There were some people there, okay, it's a jury of random people, but it disappointed me, the way they conducted themselves. Having said that, and I've got one person in particular in mind, they spoke very well about certain things. I think I was surprised (Melbourne juror).

You get to have just very interesting conversations with people from different walks of life, like who have different opinions and vantage points on the different issues (Regional juror).

These quotes indicated that the juries succeeded in creating a special kind of public space, where participants could be exposed to a broader range of views and take those into account in their decisions.

## Empowered space

As noted above, the definition of empowered space is complicated for this case. IV was empowered to consult with the community and to develop a 30-year infrastructure strategy, but it ultimately plays an advisory role, as it has no power to implement. Ultimate decision making power on infrastructure sits with the government of the day. The power that IV has is about shaping the agenda and acting as a filter between public space and empowered space, deciding on which options make it into the strategy and how prominent they are. Our research focused on IV, so we primarily discuss the empowered space tasked with producing the 30-year strategy, rather than the empowered space that will act on the strategy.

IV was a newly established organisation, independent of government and with a legislative remit to consult with the community. This put IV in a position where it had greater freedom to try less conventional engagement methods. Interview participants at IV largely felt that running the citizen juries was not so much a risky move as a necessary move to appropriately consult the community on a topic as complex and diverse as the long-term future of infrastructure in Victoria. For example:

[We] wanted to ensure that we had as many Victorian fingerprints as possible on this report through authentic and true engagement. We felt, after looking around, that a systemic approach, a citizens jury, was the perfect tool for us to actually ensure that we would offer a platform to the general public in expressing their views on such a broad topic as, "What do you think Victoria needs in the respect of infrastructure, for the next 30-years?" (CEO, IV).

[It] was the only thing that we could see that actually fit the bill in terms of really hearing from regular everyday people, allowing them the time and the space to actually think about the issues (Director, Strategy and Research, IV).

[One] of the reasons that we went with the citizen jury was because we just didn't think that there was any way that we could get community input on nine sectors, across 30 years, without something like a citizen jury. People typically, through consultation programmes, will engage on their particular issue that's relevant to them be it education or transport or health. We wanted something where people would be willing to look across all sectors, make comparisons about challenges and priorities and look at the bigger picture...Part of our strategy was around prioritisation. How do you compare the need for a new road to a new hospital and making some of those trade off decisions? By virtue of the jury focusing on particular areas, that was the first part of prioritisation from the community. I just don't think that we would have been able to put our hand on our heart and say we've engaged and consulted with the community without the jury process because other kinds of consultation activities often have low participation (Director, Communications, IV).

There is a very strong sense from the interviews that those in the empowered space felt that something like a citizen jury was essential to reach out to public space in an appropriate way. Of course, there were also instrumental reasons for holding the juries. For example:

[For] the parliament or the government receiving [our] strategy, it's going to be much more compelling if there's a groundswell of community and stakeholders' support behind that strategy (Director, Strategy and Research, IV).

It's not a bad starting point at a time of cynicism around politicians and their motives, to be able to say, "Well, in this case, we've got a report that's brought together both experts, peer reviewed by the community, and added to by the community to deliver a future plan for Victoria, that's evidence based, and it's also been through"...we call it the pub test, but it's been put through that extra set of, "Does this sound authentic, real, and in line with our experiences?" (Expert presenter to Melbourne jury).

Once the decision has been taken to hold a jury, empowered space continues to play a very important role in the success of the jury by offering leadership and strong preparation:

I would put leadership from the organisation absolutely front and centre in respect of what makes a citizen jury process a success (CEO, IV).

You've got to do, as an organisation, your homework. If you throw a bunch of people in a room with a blank sheet of paper and say, "Okay, well tell me what you think" – that's not going to get a good outcome. We had the draft options paper and options book, the framework and everything ready on day one, in fact, before day one, so that they could start diving into it, almost like a business case (CEO, IV).

However, a consequence of inviting the mini-public into empowered space is that existing stakeholders, who usually have privileged access to empowered space, can feel concerned that they no longer have the same degree of input:

You get 50 people in the room who know nothing about the issue that you're discussing, and you let them come to their own conclusions, that's actually quite confronting. If you're in the sector, for example, they might come up with a different conclusion to you, which gets accepted... Then also, the other way of thinking about this is, if the people thought you were an expert in the field, why wouldn't Infrastructure Victoria come and talk to you as well? (Expert presenter to the Melbourne jury).

## Transmission

At one level, the citizen juries acted as a transmission mechanism, translating the breadth and diversity of views in public space into something more manageable for IV to work with. The reports from the two juries are the most obvious form of transmission in this sense. Staff at IV, and indeed most stakeholders interviewed, were impressed by the quality of the reports from the juries, which provided the 'voice of common sense' (CEO, IV).

Both reports really surprised us by the ability of these people to find their way through the complexity, the sheer volume of information that they were exposed to, and importantly, their extraordinary ability to join the dots... This ability to actually identify bridges between the various ideas and link them in a logical and sequenced way, weighing them up as to what's really important... was really something that I found absolutely superb on both reports (CEO, IV).

IV went on to accept 192 of the juror's recommendations and rejected only 13, which shows that transmission from the juries to the empowered space of IV was effective.

The reports were not the only form of transmission taking place. Throughout the process, several key staff members from IV attended the juries and kept the lines of communication open between the jury and empowered space:

They influenced us not just in their final report but actually along the way, it was useful to see their thinking. I remember the second Citizens' Jury meeting, that's the first meeting I went to of the regional jury, and I was getting all these questions about ICT and people saying, "We're looking through your options that you've issued to us. We don't see much in there at all about ICT, but let us tell you about the problems and how it explodes into economic and social exclusion." Monday morning I came back to the team and said, "We've already got feedback and we've undercooked an important aspect. So we immediately started work looking at those options in even more detail... Right from the start they were influencing us (Director, Strategy and Research, IV).

The risk, when keeping the lines of communication open for transmission purposes, is that the convening organisation may start to steer the process:

A number of people in my team certainly expressed frustration that, "Well, the jurors are just looking at this issue and they're not hearing this side of the debate and shouldn't we actually be a bit more active for them to be useful to us, we want them to eventually process both sides of this debate. Should we actually get more on the front foot with this?" That was certainly a unique experience for all of us about pitching that engagement right



and overall I think we were pretty low interventionist. We didn't jump in too much (Director, Strategy and Research, IV).

Interview participants concurred that IV got the balance right.

At another level, IV itself acts as a transmission mechanism, carrying the views of Victorians to Parliament. Legislation establishes a formal transmission mechanism in this case; IV's strategy is tabled in Parliament, and the Victorian Government has 12 months to formulate a response. The effectiveness of this transmission mechanism remains to be seen as the government has yet to deliver its response. We would just note here that the existence of two separate transmission pathways between the mini-public and the ultimate decision makers increases the possibility for recommendations to lose traction. Many jurors that were positive about IV's strategy were cynical about the likelihood of its implementation by the Victorian Government.

## Accountability

The IV process is somewhat unusual in having built-in accountability mechanisms, established through legislation. IV's establishing legislation requires that it consult with the community, requires it to produce a strategy (and updates) by particular dates and requires a response from the Victorian Government within 12 months. Thus, the Victorian Government has no choice but to 'give an account' of its response to the strategy. While there is nothing then preventing the government from rejecting IV's recommendations, such a move could be politically damaging. IV's independence from government gives it an opportunity to improve accountability by independently considering the government's response.

On the other hand, as is often the case for mini-publics, there was no formal accountability mechanism existing between the citizen juries and IV. IV did commit to a clear and detailed response to the juries. It had to build trust with the juries by continually giving an account of how it would use the recommendations. IV was mindful of giving the juries a strong sense of purpose and demonstrating that the lines of communication were open through a visible senior presence at the jury meetings:

I was very mindful that the critical point would be on day one. On the first Saturday, I did the opening session in the morning in Shepparton and then drove back in the afternoon to finalise and close the jury in Melbourne in order to make sure that they would have the same messages. You never get a second chance to instil a sense of purpose and enthusiasm in a team, and that's exactly how we looked at it (CEO, IV).

Another important accountability mechanism was IV's response to the jury reports, released in October 2016 (Infrastructure Victoria 2016c). This report explained in detail how the juror's recommendations had influenced the strategy and why particular recommendations were not taken up. All of the interviewed jurors felt that this report gave a good account of IV's response, and that the response was appropriate.

## Meta-deliberation

We can see meta-deliberation going on in the quotes above from IV staff settling on citizen juries as the most effective way to address the consultation challenge they were presented with. It was clear that senior staff had thought long and hard – deliberating as an organisation - about the best way to seek community input on the 30-year strategy. The citizen juries were one outcome.

Stepping up a level in the system, we can also see meta-deliberation in the establishment of IV. While our interviews did not touch on this topic, the decision to establish IV as an independent organisation is arguably the outcome of reflection on the partisan politics that typically dominates major infrastructure decisions. The establishment of IV was a commitment of the Andrews Government and the media release (Premier of Victoria 2015) gives a sense of the reasoning:

Infrastructure Victoria will take short term politics out of infrastructure planning.

Infrastructure Victoria will ensure that despite whoever is in power, there is a pipeline of infrastructure meeting the State's needs.

For too long, evidence and transparency have been secondary considerations when it's come to Victoria's infrastructure decisions.

The community expects that critical decisions on infrastructure should be based on priorities not politics and Infrastructure Victoria will do just that.

Establishing a mechanism to bypass partisan politics and bring evidence into decision-making seems like an excellent example of meta-deliberation.

## Decisiveness

It is too early to definitively assess the decisiveness of this governance system. Certainly, IV was able to produce a 30-year strategy, meeting its legislated requirements. However, the reaction of the Victorian Government will not be known for up to 12 months after delivery of the strategy to Parliament.

We do know that the jurors were satisfied that IV's report appropriately represented the views of the jury and that departures from their recommendations were well justified. They were particularly heartened to see options moving up the agenda based on their recommendations:

I'm also impressed at the fact that they've taken on board some of the options that they had discounted and the reasons why we had put them. I'm really impressed that they've also gone the other way. There's stuff that they've left out but they've also put some things in that they didn't expect us to say were important (Melbourne jury).

On the other hand, participants were much more cynical about the likelihood that IV's report would lead to real change in government policy:

I don't know. It's hard to know how much clout they will really have. Clearly, the Premier, his immediate reaction was, "You know, that ... that's not happening." Then you wonder, "Well are you going to read the rest of our options? Will ... Will they happen or you're just going to rule stuff out?" (Regional juror).

The government's so big. We're just one small group of people. There's no guarantee that in this particular government leadership time, that even if decisions are made in this 12 months, with our next elected official, it's unlikely- and that's a big concern that everyone had, it's unlikely that those kinds of things will still be carried out and they won't just chop and screw every election cycle. And nothing will get done. But it's so arbitrary that it's hard to worry about it. There's literally nothing I can do about it, so...(Melbourne juror).

IV staff were less cynical:

There's no doubt that I hope that their response in the 5-year infrastructure plan will be heavily influenced by the recommendations which we tabled to parliament, but it's no longer in our control. What I was clear to the team, and I told the citizen jury the same thing, I said let's concentrate on what we can really control...It's now in the hands of the government, and it doesn't mean that we're not trying to influence. Absolutely not, but the importance of the engagement that we had with the community and the importance of having so many Victorian fingerprints on the report means that I think that the parliamentarians and the government have understood that what we tabled is not so much the work of Infrastructure Victoria, but the voice of the community, and they'll pay attention (CEO, IV).

## 5.3 Internal quality

Our guiding question for exploring internal quality of the mini-publics was: Does the mini-public have a high degree of internal deliberativeness? Here, the quality of the mini-public process and design, and the experience it creates for the participants is of interest. We focus on the recruitment process, representativeness, the charge, facilitation and governance, the nature of the expert input, and the quality of deliberation. One indicator of internal quality is the experience of the participants. On the whole, jurors were very positive about the experience of participating in the jury, although all had suggestions on how the process could have been improved and several were quite cynical about the likelihood that politicians would act on their recommendations:

It's really engaging. It's really spiritually uplifting. I loved talking to people that I wouldn't necessarily talk to, 'cause it's such an isolated situation that you get to have really deep conversations with strangers about their thoughts and opinions on things.

I think as a citizen, it enriched my life and maybe if more people had an opportunity to experience that, that would be beneficial for them (Melbourne juror).

All participants would willingly join a jury like this again, although for some it depended on the topic and the way a future jury would be structured.

## Recruitment

One of the Melbourne participants indicated that the initial email contact to recruit them for the jury was not professionally presented and this led them to question its legitimacy:

I got an email and it wasn't even in black Arial or Times New Roman 12. It was like a weird font and it was red and brown. There was strange spacing, some was in capitals...It could have had a few logos, or a few government type things to make it seem more authentic...It sounded like a big old scam. Definitely did (Melbourne juror).

One of the regional participants questioned the legitimacy of the email for different reason:

My first reaction was to question whether it was something legitimate because ... Yeah, just because the email address that was used was one that I don't use anymore, but it's forwarded to my current one. There was just this email offering me money to do something, but it looked interesting so I looked into it and the organisations were legitimate (Regional juror).

Another regional juror did not believe that the selection process was genuinely random as they were contacted by email and the recruiter would not have had a complete database of emails. Other jurors were uncertain about how their contact details were obtained.

## Representativeness

The interview participants had mixed views about the representativeness of the jury participants. Most felt that the overall balance of age and gender in the group was strong:

I was really impressed by, they had remarkable young people, and remarkable old people, and lots of really interesting, diverse people in between (Expert presenter, Melbourne jury).

Absolutely, we got some really broad different people and backgrounds (Director, Strategy and Research, IV).

I would tend to say yes, I think it was fairly representative of regional Victoria on one side, and metropolitan Melbourne on the other side (CEO, IV).

We were certainly diverse in age. There was a university student and there was an 80-year-old lady and everything in between. They got that right. We were certainly diverse in gender, males and females. We were certainly diverse in where we lived (Regional juror).

However, several felt that some particular groups were not well represented. For example, one participant noted that the Melbourne jury did not include anyone with a disability, even though accessible infrastructure was a point of discussion for the jury:

That was unfortunate because I think having someone who lives with accessibility needs would have been perfect. There's always things that you just don't think about. Simple things that could make their life so much easier, whether it's because they're in a wheelchair or because they're vision impaired or whatever that may be. That would've been perfect (Melbourne juror).

The regional jury had the challenging task of representing all of regional Victoria, a very diverse geographic area.

The greatest level of controversy has been clearly in regional Victoria where anywhere other than Shepparton says, "Why was it Shepparton and why wasn't it here? Why didn't you have them scattered all over the state?" (Director, Strategy and Research, IV).

This led to a problematic situation where the regional jury made recommendations that were not supported by people in Gippsland, another regional area in Victoria. This conflict got significant media attention.

Another regional juror was surprised by the lack of cultural diversity in the group and domination by education professionals:

There was no cultural diversity in the group, and Shepparton is amazingly culturally diverse... We were all professional people of some sort. There weren't truck drivers, there weren't hairdressers. There weren't indigenous people. There weren't some of our multicultural people, refugees.

There was none of that diversity, and I felt that was missing...I don't think that it was a random voice of the population at all (Regional juror).

One of the IV representatives noted the potential for self-selection to bias the group composition when citizens are volunteering to participate:

Generally, I think it's fair to say Melbourne appeared more diverse than the group that we had in regional Victoria. I would certainly say that recruitment was challenging and imperfect. I think there's definitely a self selection aspect to it and the kind of people that will volunteer to be involved in a citizen jury are not necessarily like the general population. They have a particular interest or motivation that I think most of the general population wouldn't have (Director, Communications, IV).

Some of the regional participants were also concerned about the high attrition rate in the regional jury, with many jurors dropping out along the way. Illness was responsible for some absences; there was no definitive evidence of the reasons for other absences.

## The charge

The charge set for the jury was very broad. They were asked to consider more than 200 infrastructure options, across nine sectors, synthesised into 19 infrastructure needs, over a 30-year period, and answer the question: "What should we do to meet Victoria's infrastructure needs?" Staff at IV were well aware of the difficulty of the task but, as discussed above, felt that a citizen jury was the only way they could possibly get meaningful community input:

Developing the strategy has been a difficult task and our jury members commented at every session about feeling overwhelmed - how are we gonna do this, how do we rate everything we have to rate, how do we make these decisions. The strategy team of course at times mirrored this response given the complexity and breadth of the task, which I guess was reassuring for the jury members as well but I think we would all acknowledge that in terms of a model of engagement, we probably pushed to its limits with the sheer scale of it (Director, Communications, IV).

We asked them the biggest question that's possibly ever been asked of a citizens' jury and we gave them thousands of pages of information. I think they did pretty well (Director, Strategy and Research, IV).

The jurors we interviewed universally argued that the task they were set was too big for a jury to take on. With so many options to consider, it was difficult to get sufficient depth on any options to really consider them in detail.

It was huge. Very big. And a lot of the sections were like, here's a page of text, here's an option, here are three more options, that could be 16 more pages of text that we're just not mentioning yet. So it was big, but then also secretly much bigger than we could possibly imagine (Melbourne juror).

The thing that I found the most difficult was how many options we had to work through. Even though they kept saying, we don't expect you to get through them all, we wanted to get through them all because maybe there was a little, golden nugget in there that we missed (Melbourne juror).

Jurors appreciated the effort that IV put into preparing background information, and ultimately, they found ways to cope with the volume of material:

[IV] did an awesome job in standardising how they presented each option. All the social impact, financial impact. All that was really, really good, to have that standard across the board (Melbourne juror).

Interview participants had diverse ideas on how to make the task more manageable. Some argued for breaking up the task by sector, such as having a specific focus on transport. Of course, this would have substantial resource implications if a jury considered each of the nine sectors. Others argued that the separate regional and metropolitan juries should have only focused on their respective regional and metropolitan options, rather than having to consider all options. The regional jurors were very positive about the decision to have a separate regional jury, as they felt that regional issues often get overlooked otherwise. However, they noted that the jury only had time to have a token look at some of the metropolitan options that they were not particularly familiar with.

Several jurors sought more process guidance to improve the efficiency of discussions. While they recognised and valued being given ownership of the process, their lack of experience in structuring and organising group discussions meant that the process was not particularly efficient. They felt the facilitators could have provided a bit more structure.

Another suggestion was to use filtering processes to reduce the range of options for the jury to consider. IV could have ruled out options that came up as a low priority so that the jury could then consider more important options.

I think the second last session or the last session - maybe second last - they gave us a spreadsheet. Ones that we hadn't covered which they needed us to have. That helped a lot. Maybe if that could've happened throughout... Maybe from the third session onwards, start to filter through some key ones. That may have helped (Melbourne juror).

A final suggestion was to focus the discussion on principles for infrastructure provision that could be applied by IV, rather than specific infrastructure options. Some interview participants felt that this would make better use of the juries:

If they could have come up with say six or eight regional principles, six or eight metro principles, and an underlying set of state wide principles, then Infrastructure Victoria's staff and subject matter experts could have actually said well, "when we're doing our thinking we need to be mindful of these key things that they told us were important," not trying to work out whether we should build a bigger dam at Mount Buffalo or invest more in water reticulation in network linkages and things. They're just, they're too complex for laymen to think their way through and form a deeper view on over six or eight weekends. People spend their lifetime trying to understand the complexity...of these matters (Expert presenter to regional jury).

## Facilitation and governance

Many jurors specifically praised the role of IV's CEO, Michel Masson, in speaking to the juries, observing the juries along the way and presenting the results. They felt that this showed the process was taken seriously at the highest levels in IV and helped them to feel that their deliberations would make a difference.



Staff at IV recognised the challenge of facilitating a group with such a broad remit and interests:

That's back to the structure that needs to be clearly communicated upon, and the quality of the facilitation, which needs to mix the impossible between the velvet approach of letting anyone express themselves and ensuring that no one is actually left behind, with the steel approach of respecting the structure and turning off some desire to revisit past steps and processes (CEO, IV).

Jurors were generally positive about the facilitation of the juries. Some jurors argued that the facilitators struggled early on in the Melbourne jury, but learned and improved along the way. Others would have liked a bit more structure, as noted above.

[The facilitators were] really good. Really really good. They were professional, they cared about how we felt and how we were interacting with each other. 'Cause obviously when some people are really passionate and some people are leaders and some people aren't necessarily as vocal as others, it's really hard to manage a group conversation and keep everyone engaged and nobody gets silenced. So there was a lot of fun ways that weren't very confrontational to move groups around and to shuffle things around so that that was as minimised as possible. And they did that in a really good way (Melbourne juror).

I think it was a really, really difficult project for them to take on. Towards the end of the first day, from about three o'clock on...the conveners were trying to consolidate a bit, and I think that was the first time I, probably, wrote in my response that day, "Herding cats." It was a real mess. At the end of the day, I thought, "Guys ..." They learned from that. Not only the end of the day, but the sessions themselves got better and better along the way (Melbourne juror).

I thought [the facilitation] was pretty fantastic. Max and Georgina and the rest of them did a...really good job (Regional juror).

Participants were less positive about the online forum mechanisms, which most felt did not work so well and were not widely used. Some felt that they had taken enough on by participating in the jury without having to also go into an online forum on a regular basis:

The other thing that didn't work as well as it might, is the online discussion portal. That's a time thing for a lot of people. I've worked full-time, so I'd browse through that portal occasionally, mainly when I was prompted. We got a lot of emails prompting us to do things, we've loaded something new up. When I was prompted like that, I would do that...I think you do have to offer the online space, and not everyone's going to take it up (Regional juror).

## Expert input

Above, we noted some concerns about the choice of expert speakers and whether they provided a truly diverse range of views. In addition, several jurors also argued that speakers needed to be provided with clearer guidance on their roles and what to present to the jury. They felt that speakers often delivered material that was not particularly relevant to the topic, which was not good use of the limited time:

Yeah, I think it would be a really big benefit to have more of a guided structure for the kind of information that the jury is wanting. We had [a speaker]...half of what she was saying

was really helpful for how we were gonna inform our decision and the rest of it was really informative in general life...I don't know if she was necessarily aware that we can only actually use this amount of information, because the rest of it isn't really useful to infrastructure (Melbourne juror).

Regional participants had some concerns about the lack of time to get sufficient speakers to cover key topics, and one was concerned that some speakers seemed to have a specific agenda to push.

Some of the expert speakers would have welcomed more guidance on what to cover:

I didn't really have much of a brief to be frank, it was pretty loose, they just said, "well, you've just been identified as someone who's engaged in regional issues we'd like to hear from you." I said, "what would you like me to talk about?" And they said "whatever you like"...I think that my time would have been better spent, given that I only had an hour, probably would have been better spent if I had a tighter brief about exactly what they wanted to hear for and from me on (Expert presenter to regional jury).

## Deliberation

Our research did not set out to measure the quality of deliberation using tools such as the discourse quality index, so our comments on the quality of deliberation are limited to the impressions provided by interview participants. In general, those impressions were positive:

People were, on the whole, really quite respectful. People did shift their opinions and in fact, the example of East-West link, where both juries couldn't reach agreement on it, again, mirrored society largely...Transport network pricing is one where both juries recommended it and I think if you vox popped Herald Sun readers, people would not want it...It was where the discussion was going against popular opinion that it was interesting. I think with both juries there was definitely shifts in views (Director, Communications, IV).

When you put 40 people in a room, and expose them, with evidence, and provide them with an opportunity to have time to reflect and ponder, you get something which is so rare....and that is common sense...It's a natural mechanism to ensure that what you get ultimately in the final report is the voice of common sense and not just because it needs to be signed by the majority of those 40-odd people (CEO, IV).

It felt really invigorating in way because we weren't doing small talk for most of the time, we were actually having conversations about how people feel. It's like we had an opportunity to skip through barriers of social communication. It's the kind of conversation you have with friends, with full glasses of wine at the dinner table at two in the morning and you're really discussing how you feel and how you think (Melbourne juror).

Yeah. I did not find any ... I don't think there were any fights or any arguments between anybody in the entire place. Everyone was respectful of everybody (Regional juror).

While interview participants noted the respectful dialogue and shifting views that characterise good deliberation, some also raised concerns that the discussions dodged some of the big issues:

I did have some worries along the way that they weren't dedicating enough to time to options where there were diverse views. That it was quite easy for them to clear out the things that they agreed on and document them, but did they actually spend enough time

really deliberating about the things where there were diverse views? (Director, Strategy and Research, IV).

The fact was that, to my surprise, a lot of the time, the jury didn't go near many of the major, major projects. Their focus seemed to be on ... "self interest" isn't the right word, but interest groups. One of the more obvious ones to me was Bicycle Victoria. The amount of words that were written on that and the number of suggestions that came forward, I thought the whole thing had been hijacked by Bicycle Victoria. What's the point of that? They go after that, sure, self interest group, but very little consideration is given to other equally or more important things, let alone the major and long term things (Melbourne juror).

## Summary

Overall, while there are always opportunities for improvement, the views expressed by the interview participants indicate that the internal quality of the citizen juries was fairly high. The groups were reasonably representative, they found ways to grapple with a broad and complex task, facilitation largely worked well and the quality of the deliberation felt high to those involved. On the other hand, there was some sense that the juries dodged some of the big issues where there was disagreement, and could have made better use of the opportunity to hear from a broad range of subject matter experts.

## 5.4 External quality

### Deliberation-making

The extent to which the citizen juries were 'deliberation-making' is difficult to isolate because they were only one part of a much broader consultation process run by IV. IV has excellent (although as yet untested) links to empowered space that enable its work to be deliberation-making in the broader democratic system. There is little doubt that IV's consultation and the release of its 30-year strategy prompted public deliberation about Victoria's infrastructure priorities but the specific role of the juries is difficult to discern. For example, a media search on 'Infrastructure Victoria' over the last two years finds 488 unique articles, often in high-profile Victorian newspapers such as *The Herald Sun* and *The Age*. However, limiting that search to articles that also mention variants of the term 'citizen jury' or 'newDemocracy Foundation' reduces the identified articles to 28. This seems to indicate that it was the broader IV process rather than the juries specifically that prompted the most deliberation-making.

A content analysis of those 28 articles is also revealing. In nine of the articles, the citizen juries received a minor mention in a single sentence. Eight articles provided a more detailed explanation and overview of the jury process as something inherently interesting, but only two of these articles were in major news sources. Eight of the articles were in regional news sources and appeared to be reporting on the juries due to the local interest, either because the area was hosting the regional jury or because a recommendation affected the local community. While most articles neutrally reported on the juries, negative commentary (five articles) outweighed positive commentary (two articles).

There were only two examples where the jury seemed to have prompted broader public deliberation that was evident in news reporting. The first was a jury recommendation to review bicycle helmet laws, which prompted one article in a major newspaper. The second was a jury recommendation to introduce a shuttle service to replace a train line in the Gippsland region. This generated a negative reaction from people in Gippsland, which prompted four articles in major

news sources. In the latter case, deliberation was rapidly shut down by the Victorian Government, which stated that it would not support the recommendation.

We identified 88 public Facebook posts referring to the juries during 2016, from organisations including IV, nDF and community organisations. This included those concerned about the Gippsland rail recommendations. Engagement with the posts was relatively high, with an average of 22.2 reactions per post, dominated by reactions to articles about proposed changes to the Gippsland train line and road construction. The post receiving the most reaction (348 reactions and 64 comments) was by ABC Gippsland discussing this recommendation and the reaction of Gippsland Councils. A *Herald Sun* post on a leaked version of the jurors' report recommending construction of a controversial road link (the East West Link) received 201 reactions and 77 comments. In general, the content of the posts mirrored that of the newspaper media – many of the posts were from people sharing newspaper articles and the issues receiving the most interest were the transport-related topics discussed above. However, the Facebook posts were more diverse than the newspaper media, including information posts and videos from the organisers, positive discussion of the jury process and posts from jurors about their experiences.

As with the other cases in this report, there was much less engagement on Twitter, with only 22 tweets identified during 2016. There was a peak of 11 retweets and 10 likes for a tweet by [iseekplant.com.au](http://iseekplant.com.au) (a construction equipment website) questioning the value of the juries. Otherwise, most tweets were by IV or nDF. The content of the tweets mirrored the newspaper and Facebook posts.

In assessing the deliberation-making potential of a mini-public, something to consider is whether the mini-public arrived at views after their special type of engagement that vary from perceived popular opinion. Putting these unusual and unexpected views into public space is likely to prompt deliberation that was not already happening. There is some evidence for this in the case of the IV juries, where the participants advocated recommendations such as road congestion pricing that are generally perceived as unpopular:

I think the thing that I always pick out...is when juries recommend things that go against what you would expect the general public in a vox pop to recommend. Some of those tricky things where they're recommending perhaps things that will result in increased charge for them or where they're recommending that people use less of something or there's a kind of impasse on the community when juries recommend that. I think it demonstrates that people, when they're given information and time to consider and debate things will arrive at a different decision (Director, Communications, IV).

In this particular case, as noted earlier, the deliberation-making potential was quickly shut down by politicians ruling out such a measure.

There were also areas where the views of the mini-public diverged from those of IV staff, which again emphasises the role that mini-publics can play in getting new perspectives into decision-making:

[The jury] tended to be much more in favour of doing the things you need to for the people who are vulnerable in that society. They also tend to be much more heavy handed on government intervention I think than we were sometimes comfortable (Director, Strategy and Research, IV).

These quotes demonstrate the deliberation-making potential of the juries, but that potential was not always realised due to lack of media attention or political interventions. As noted in Section 5.2 , IV

did try to garner media coverage of the juries. IV staff sought to promote the process during speaking engagements:

There is not a single public speaking engagement I gave...when I haven't been asked in the Q&A session about the citizen jury, and every time, it was a genuine curiosity and genuine interest into this form of new deliberative decision making. There was a lot of support for Infrastructure Victoria, having gone through that process (CEO, IV).

Despite these efforts at deliberation-making, our analysis shows that media uptake, at least, was minimal. It is also fair to say that media exposure for the process was not the highest priority for IV:

I think we're the very first infrastructure organisation to access the views of the community in such an extensive way...I can tell you, we were very happy to fly under the radar of the media, because we considered it an internal process, which we would use at a later stage when we tabled our report. Our aim was not for media coverage and media showed it was not terribly interested until the final report... We were certainly proud of taking that different path (CEO, IV).

This is an interesting perspective in the context of deliberation-making. There is little doubt that IV itself was engaged in deliberation-making at a systemic level, but it insulated the jury somewhat from media exposure. This raises questions about who should be responsible for deliberation-making which we will pick up in Section 6 .

Jurors agreed that media coverage of the juries was minimal, and what they did see after the release of the reports was quite negative. Many felt that media could have been handled better and discussed the 'media leak' from the Melbourne jury that led to a rush to pull the report together at the end and get it out.

Jurors were encouraged to engage with their communities during the process:

We were pretty encouraging of the jurors to use social media and share their experiences. They were really good too about asking from the outset about what they could share, what they could talk to people about and we said from the outset that if one of the outcomes of this is that you want to go to dinner parties and talk about infrastructure then you should absolutely do that. In fact we encourage you to do that. (Director, Communications, IV).

While some jurors were active on social media, few saw it as part of their role to get out in the community and promote deliberation by discussing the issues they were considering with their local communities. Most of the jurors did discuss the process with friends and family, and almost all of them mentioned the experience of being 'lobbied' by people to promote particular options within the jury. However, they felt a disconnect between the informed process they were participating in and the uninformed opinions of others they interacted with in the community:

Everyone has a lot of preconceived notions about what the jury would be and what infrastructure recommendations there should be. So talking with parents of friends, they, when I mentioned that this was a process, they would immediately volunteer information about how they think we should have this road and this road and I'm like, that's not what I'm here for...And that was pretty much everyone's feedback, was that they [people in the community] would start recommending things and I'm like ... I actually have information, I've

actually read the documents, I understand what is beneficial and what is not. I think you'd benefit from hearing this but, yeah they couldn't really get past it (Melbourne juror).

When jurors did take on a stronger advocacy and deliberation-making role, they found it challenging:

There's a little video clip on the Infrastructure Victoria site which are actually really good...I showed that to the rotary group too and I sent it around to people here. Yeah, I certainly did tell people that I was on it. You still get blank looks (Regional juror).

These quotes point to the need for capacity building, discussed further below, so that citizens are better equipped to deliberate. It also points to the substantial structural challenges involved in promoting public deliberation at a systemic level, as opposed to within the controlled environment of a mini-public.

Despite these challenges, the juries successfully distilled many different discourses down into priorities, which contributed to IV's 30-year strategy, which in turn prompted discussion in the community, media and government. The mini-publics contributed to the deliberation-making work of IV, but did not lead deliberation-making in their own right. The effectiveness of IV's deliberation-making is difficult to judge prior to the release of the Victorian Government's response to the 30-year strategy in 2017. However, our collective analysis of the interview responses and media articles does point to an important shift in the nature of infrastructure debate in Victoria prompted by the establishment of IV as an independent, consultative organisation. Certainly, having a long-term perspective and a sense of community priorities provides the democratic system with a valuable deliberative resource when considering specific infrastructure proposals. The strategy document itself may place a useful deliberation-making role over time:

Well, the professionals with the community actually produced a document that's really good, despite the immediate stupidity of some politicians in saying, "Oh, we're not going to do that" (Expert presenter to the Melbourne jury).

## Legitimacy

As in the above discussion, a distinction needs to be made between the legitimacy of the broader IV strategy development process and the specific legitimacy of the citizen juries. We saw very little evidence that the legitimacy of IV as an independent organisation with a specific legislative remit was seriously questioned by many. There were occasional media comments about the limits of IV's power but overall, it was welcomed as bringing greater legitimacy to infrastructure decisions through its independence, and its focus on consultation and evidence.

As soon as I told people what I was doing, "oh another government thing?". No this is away from the government, set up by the government but hands away because they don't have to report back to the government until the report is done. I said so it is actually separate from the government. "Well that's different then." I said 'yeah it is different'. Then they thought it might carry a bit of weight (Regional juror).

Given the limited media and community exposure of the juries, discussed above, there was little discussion of the legitimacy of the jury. The media coverage does point to some questions over the legitimacy of the juries, specifically the regional jury. The choice to hold the regional jury in Shepparton and limit participation to people from the surrounding areas was made for practical



reasons, to limit costs and transport distance for the participants.<sup>5</sup> However, it led to questions over whether the jury could legitimately speak for all regional Victoria. These questions came to a head when the regional jury recommended closure of a Gippsland train line, prompting strong opposition from people in Gippsland who felt that the Shepparton-based jury failed to understand the local issues. Media reports quoted locals asking why nobody from Gippsland was on the jury.

This media coverage points to the importance of perceived representativeness to people that are judging the legitimacy of a jury and its recommendations. However, it also demonstrates that questions over legitimacy often only surface when recommendations are handed down that impact on particular people. In the case of the regional jury, addressing the legitimacy concerns would have meant either holding a more expensive jury with representatives from across the state, or perhaps putting in place a process for the regional jury to reach out to and connect with other regions. Some testing of region-specific recommendations with the affected communities would seem to be a reasonable minimum standard to build legitimacy.

Beyond this specific legitimacy issue, interview participants raised more general concerns about the legitimacy of the juries:

I can't help but think that the citizens' jury might have been better left out of this one, and Infrastructure Victoria spent time providing a really rigorous...prioritisation. They've got a great box of jobs there. Whichever ones they pick and whichever ones they funnel through or whatever, they've got more than enough to do to keep them well occupied for quite some time while they then consider various other things (Melbourne juror).

They're dealing with a topic of complexity that's beyond them, and then they're asked what's your opinion about a topic they don't understand. I think that would be a very difficult position to put a panel member in (Expert presenter to Melbourne jury).

Yeah, I'm not convinced that they will ever become commonplace, given people's want to have power. I actually think they're a useful tool, and they're bouncing ideas off, even if they're weird, and wacky, and random, but they're also useful tools to try and remove some of the self interest out of some of the debate (Expert presenter to Melbourne jury).

A common refrain throughout our research was the question of why this job was being given to uninformed citizens rather than experts or politicians. To a large extent, IV was able to defuse such commentary because the juries were only one input into a broader consultation process.

In thinking about how to promote the legitimacy of mini-publics in democratic systems, it seems that the decision to 'fly under the radar' with media coverage of the jury may have been counter-productive. IV staff and stakeholders reported on how experiencing the process for themselves led them to become more supportive. For example:

I think some stakeholders were pretty cynical about the process. One of the points of a citizen jury is that it may dilute the usual stakeholder influence opportunities so they probably see it as a bit of a threat to their opportunity to influence. What I did notice though is that the people who came along, our speakers, thought it was great. They came along and we had quite a few who would tweet messages of support and stuck with our engagement process throughout...When people come and experience the process, then

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<sup>5</sup> It is worth noting that IV did hold a live online forum directed to all regional Victorians and inviting them to participate in discussion around issues important to them. However, this forum had very poor participation, despite advertising and promotion.

they're supportive of it but it's the people who don't really engage with it or don't come, don't stick on that journey, who remain sceptical (Director, Communications, IV).

I think a lot of people feel quite disengaged from government decision making and I think it's important ... I suppose that filter, that communities test, because a lot of the bureaucrats and experts think they know all the answers and quite often they've got some of the answers but whether they actually hit the mark on the ground or not...so I thought it was a really ... that the process had a lot of merit and a very important part of actually building the credibility for the outcomes I think (Expert presenter to regional jury).

The questions, for a group of people who aren't well versed in it, and that's not meant to be derogatory in any way, it's just that this is not what they do for their job every day, their questions were actually quite interesting and insightful. The answers around some of this stuff are fairly sensible and there's a bit of common sense around how you might go towards fixing housing affordability, and they got that. They said, "Jeez, that sounds pretty easy, or straightforward. Why haven't they done that? (Expert presenter to Melbourne jury).

These quotes from people who experienced the process indicate that greater exposure of what actually happens in the jury process could help to build legitimacy:

I think we need a really big advertising campaign for sure. I've got a Bachelor's in Advertising, so I'm a bit biased as to the power of a big campaign, but I think if younger people knew about this process, I think it would be more popular and people would probably have more weight in it (Melbourne juror).

Overall, despite some specific concern about the legitimacy of the regional jury to speak for all of regional Victoria, the legitimacy of the juries as one consultation tool alongside others was largely unquestioned. Embedding the juries in a broader, independent decision-making process seemed to insulate them from legitimacy concerns, as they did not have final decision-making power. The independence of IV and its strong transmission and accountability connections to empowered space created a process that was widely seen as legitimate – or at least, more legitimate than what existed previously.

## Capacity building

Our participants provided evidence that their capacity to engage in public deliberation increased as a result of their participation. One juror talked about accepting the invitation to participate mainly to learn more about the topic, but then went on to discuss how they had started presenting on the topic in their community, thus contributing to public deliberation:

I thought I'll learn a lot about infrastructure, which I did. I guess I went into it more as a learning experience. That was one reason I said yes.

On Monday night, I was guest speaker at Rotary club, where I presented about the Citizens' Jury. I had told Michel Masson [CEO of IV] that I was going to do that, and he was delighted because he said, "Yeah, that's how our message gets out there." It was interesting...Yeah, it sort of went at a mixed response, but all of the Rotary now know what a Citizens' Jury is (Regional juror).

Almost all of the jurors we interviewed had a story like this of how they had done something civic-minded that they might not have done before being invited to participate in the jury. In a small way,

this builds the public capacity for deliberation. Staff at IV felt that they may not have capitalised on the potential for jury participants to act as ambassadors for the process:

You invest in these people for three or so months. The investment in my view, is a lot longer in terms of the reach (Director, Communications, IV).

The overall effect of...having these ambassadors for the process I think is really important. I don't know that as an organisation we've made the most of it (Director, Strategy and Research, IV).

The section above also demonstrated the learning that took place for IV staff and stakeholders involved in the process, which has improved their capacity to run processes like this in the future and their openness to the findings.

Overall, however, there was little evidence that the capacity for public deliberation improved beyond those directly involved with the process.

## Summary

Consistent with existing system-based critiques of mini-publics, there is much less evidence that the IV juries achieved high external quality than there is of high internal quality. As the scale of issues considered by a jury, and the jurisdictional scale, increases, the challenges for deliberation-making, legitimacy and capacity building increase. It is much more difficult to get community and media attention at the scale of a state than it is for a local government. Nevertheless, there were certain aspects of the IV approach that effectively promoted external quality, such as embedding the juries in an independent process with strong transmission and accountability mechanisms.

## 6 DISCUSSION AND CONCLUSIONS

### 6.1 A systems perspective on mini-publics

The mini-publics we have studied in this project were interventions in existing democratic systems. The motivations for these interventions were complex. nDF aims to ‘discover, develop, demonstrate, and popularise complementary alternatives which will restore trust in public decision making’, using a jury model characterised by random selection and deliberation. The initiating organisations shared these normative motivations to some extent, but also had more instrumental reasons for establishing mini-publics. PCC needed a community mandate for increasing rates, NSC wanted to find a way forward on an issue that had been stalled, and IV felt that a jury process was the only effective way to engage the Victorian community on a topic as large and complex as a 30-year infrastructure strategy. Each of the initiating organisations argued that their mini-publics had been effective in meeting these instrumental needs. In this final discussion section, we hold the cases up to a different standard. We are less interested in whether short-term instrumental goals were achieved and more interested in how each mini-public contributed to the spread of a deliberative stance in democratic systems.

Before proceeding, we need to clarify the position of a mini-public within a democratic system. As indicated by its name, a mini-public is in one sense a form of public space. It provides a highly visible venue for participants to carry their private talk into public space. Each of the initiating organisations, but especially NSC, made efforts to ensure that the mini-publics were transparent and open, clearly visible as a microcosm of public space. Random selection and demographic profile matching were used to make the mini-public as representative of broader public space as possible.

A mini-public could conceivably become an empowered space within a democratic system, charged with actual decision-making. In practice, this is rare, and it did not happen in any of our cases. Each mini-public was an advisory body, with final decisions on how to respond to that advice resting with elected representatives.

We find it most fruitful to think of the mini-publics we have studied as transmission mechanisms between public space and empowered space. A mini-public captures the public will on a topic and passes it on to empowered space in the form of recommendations on how to proceed. Of course, this is not a simple transmission of existing public will as might be gathered by a survey or opinion poll. Instead, a mini-public is intended to approximate what the public will would be if the public had the time, resources and capacity to authentically deliberate on the topic. In this sense, transmission as used by Stevenson and Dryzek (2014) is perhaps the wrong word – translation would be more apt. Mini-publics aim to translate private talk into public will through deliberation, and then transmit it to empowered space.

Understanding a mini-public as a translation and transmission mechanism between public space and empowered space focuses greater attention on the representative role of mini-public participants. From this perspective, initiating organisations and mini-public participants have a responsibility to do their best to accurately represent the diversity of perspectives in public space. For initiating organisations, this means bringing together a mini-public that represents the discursive diversity on the relevant topic in the community. We return to recruitment and representation below. For mini-public participants, this perspective means that they should see their role as one not just of bringing their private talk into public space, but one of gathering perspectives and discourses from the public spaces around them. Thus, we argue that mini-public participants need to play a more active role in reaching out to their friends, family and communities

to gather their views, translate them through deliberation, and transmit them to empowered space. Some mini-public participants did view their role this way, but they were in the minority.

In tandem with Curato and Böker's (2016) argument for mini-publics to play a greater role in deliberation-making, establishment of legitimacy and capacity-building, this argument has the potential to place a substantial burden on mini-public participants. Participation in a mini-public should not be conditional on taking these actions. However, with increased support from initiating organisations, we see potential for mini-public participants to play a greater role in promoting deliberation outside the jury. Further, the role of mini-public participants does not have to stop with the handing down of their report. They can continue to express their views through available transmission mechanisms and to hold empowered spaces accountable. While this does ask more of jurors, it seems necessary if we are to spread a deliberative stance more broadly in democratic systems. We pick this point up again below.

Turning to empowered space, a key insight from our research is that empowered spaces are nested and complicated. In all of our cases, the initiating organisation was not the only relevant decision-maker, and in two cases it was not even the primary decision-maker. What is defined as the empowered space depends on where the system boundary is drawn and what decision is being made. The initiating organisations were empowered to decide how to act on the recommendations of their mini-publics. However, in two cases, the ultimate decision rested with a 'higher' empowered space and the initiating organisations were demoted to a transmission role within these higher democratic systems. Holding a mini-public that is one step removed from empowered space has advantages and disadvantages. On the one hand, the mini-public gave the initiating organisation the authority and legitimacy to argue their case strongly in the higher governance system. It strengthened the force of the transmission mechanism. On the other hand, accountability is less direct when the mini-public is further removed from empowered space. The Noosa and IV juries have little recourse if the Queensland and Victorian Governments choose not to act on the recommendations passed on by NSC and IV. More cynically, NSC and IV have a convenient excuse if recommendations are not implemented.

Accountability mechanisms between the mini-publics and the closest empowered space were generally strong, and this is a key strength of nDF's approach. All initiating organisations had to commit to provide a response to the mini-public and to be very clear about how the advice from the mini-public would be used. All met this commitment and our interview participants were largely satisfied with the degree of accountability at this scale. The only note of frustration was about the diminished communication after completion of the jury process, leaving jurors uncertain how their recommendations were being pursued. Jurors were often frustrated or cynical about the likelihood of influence and accountability in the ultimate empowered space. While it did not end up having a negative impact in our cases, we saw the potential in the Noosa case for elections to disrupt accountability. Newly elected representatives can reasonably argue that they are not bound by a mini-public held under previous governments, so election periods are best avoided when holding a mini-public.

We saw some evidence in our cases of meta-deliberation by representatives of initiating organisations, who had thought about where deliberation is stalled and how a mini-public could provide new momentum (Noosa) or how to effectively fulfil a legislated mandate to engage the community on something as big as a 30-year infrastructure strategy (IV). In the case of NSC, staff developed criteria for deciding when a topic is appropriate to take to a mini-public and developed a view that they should only be one tool in the tool box. We think meta-deliberation is important when deciding to embark on a mini-public process and that systems thinking can contribute to meta-deliberation. These thoughts are further developed in Section 6.4.

Decisiveness of a democratic system takes a long time to assess and it is a limitation of our research that we are not able to wait a couple of years to assess impact and influence. One of our research questions asked:

- What evidence is there that mini-publics achieve influence and impact on the topics they address, beyond their boundaries? What are the mechanisms by which influence and impact is achieved?

We anticipated that the mini-publics we assessed would move more rapidly to a final decision, allowing us to respond to this question. In practice, our cases turned out to have longer gaps between the mini-public reporting and a final decision being taken than expected. Interim decisions were taken by NSC and IV that reflect the mini-public recommendations, but the final decision sits elsewhere in the democratic system and will take time to emerge. PCC received its mini-public recommendations and intends to consider the recommendations in its next Community Plan and Delivery Program but there was little evidence of action to systematically address the recommendations.

The mechanisms by which influence and impact is achieved were more complicated than expected. For two of our cases, the initiating organisation did not have final decision-making power, so there are multiple paths of transmission and accountability. These paths were strong between the mini-public and the initiating organisation, but weaker between the initiating organisation and the ultimate empowered space.

## 6.2 Improving internal quality

nDF has built up substantial experience with design and delivery of citizen juries in a way that delivers strong internal deliberative quality. nDF also operates as an action learning organisation, drawing on research to continually improve its processes for running mini-publics. Our cases took place during 2015 and 2016 and nDF has already taken action to improve its processes in some of the areas we identified as weaknesses during our cases. Nevertheless, we fully document our findings here as they may also be useful for other organisations running mini-publics.

The internal deliberative quality of our cases varied, often due to departures from nDF's preferred process. The Penrith and Victorian juries tackled large infrastructure prioritisation tasks and provided valuable input to the initiating organisations, but perhaps avoided some of the big issues where there was disagreement. The Noosa jury focused on what seems like a much narrower topic but found it hard to stick to scope, struggled for time and failed to reach consensus. In hindsight, our interview participants identified ways to improve the internal quality of the mini-publics and our synthesis across the cases has identified other possible improvements. This section summarises possible improvements and is also an extended response to the first part of one of our research questions:

- How do participants and other stakeholders experience mini-publics? How do their experiences influence their likelihood to share the event through their networks?

## Recruitment and representation

The nDF recruitment process is based on random selection to meet the demographic profile of the community that the mini-public is representing. There are excellent reasons for taking this approach: it ensures anyone in the community has the potential to participate; it allays concerns about the initiating organisation rigging the membership; and it delivers a group that is demographically like the community. However, this recruitment approach has several limitations.



First, the demographic factors used by nDF are limited to age, gender and a question about owning or renting. nDF argues that the latter question is an excellent surrogate indicator for income and education. Nevertheless, other demographic factors such as ethnicity may also be important. Lafont (2015, p.49) argues that:

It is questionable...that the kind of stratified random selection that it is used for deliberative polling can always provide an accurate representation of the population, since the categories that are relevant for sampling purposes (e.g., gender, ethnicity, economic status, etc.) vary depending on the issue. Consequently, there is always the risk that some important groups may not be captured by the sampling categories that are used, and that some voices and perspectives relevant for the specific issues at hand may therefore be left out.

Our interview participants observed important gaps in representation on each jury. In Penrith, younger people were poorly represented, partly because of some drop off in participation during the process. In Noosa, boat users were identified as a missing perspective. In Victoria, participants identified the lack of people with a disability, poor cultural diversity in the regional jury, and the decision to have Shepparton represent the whole of regional Victoria as problematic.

Second, while the invitation to participate and selection from the pool of interested citizens is random, the decision to participate is a voluntary one. We can anticipate that there are factors other than demographic factors that make a person more likely to agree to participate in a mini-public. However, the evidence on who exactly chooses to participate in mini-publics is limited and mixed. Neblo et al. (2010) found that willingness to participate in deliberation was widespread in the United States and those less likely to participate in traditional partisan politics are most likely to participate in deliberation. Jacquet (2017) finds that citizens decline to participate in deliberation for six reasons: concentration on the private sphere; internal political inefficacy; public meeting avoidance; conflict of schedule; political alienation; and mini-public's lack of impact on the political system. These findings are not definitive, but we can say that there is no strong evidence that those who take up the opportunity to participate are representative in anything other than narrow demographic terms. They may not, for example, adequately represent the discursive diversity in the community. Dryzek and Niemeyer (2008) have been strong advocates for a greater focus on discursive representation over demographic representation. The discourses of those who are marginalised or disadvantaged, and feel ill equipped to participate in something like a jury, will be missing from mini-publics unless specifically recruited. Conversely, those who do choose to participate frequently have existing issues that they feel strongly about and bring into the mini-public that may not be representative of the broader community. In each of our cases, we saw evidence of particular issues gaining more prominence than our interview participants thought was warranted – dog walking in Penrith, the Noosa Biosphere Reserve, and cycling in Victoria.

Finally, participants were largely confused about how the selection process worked. They were unclear about how their contact details were obtained and this led to doubts from some that the process was genuinely random.

We do not advocate abandoning random selection to meet a demographic profile. If the underlying database is genuinely representative of the relevant population, and the invitation is professionally presented, it remains the most cost-effective and reliable of an imperfect set of recruitment options for mini-publics. We do advocate supplementing the process in the following ways:

- Considering who is likely to have an important stake in the topic of the jury and using additional demographic, attitudinal or lifestyle categories to ensure representation of these groups, even if this deviates from the community demographic profile. In practice, this could

mean including disadvantaged groups such as indigenous people, those with a disability, or those with English as a second language.<sup>6</sup> It could also mean identifying particular lifestyle categories that are important to include, such as boat users in the Noosa jury. Many of the jurors mentioned the engagement with people from different walks of life as a key positive about the process, so further expanding the diversity of the mini-publics would enhance this experience.

- Mapping the discursive diversity on the jury topic and, at least in a rudimentary way, seeking broad discursive representation. Dryzek and Niemeyer (2008) outline ways of doing this that are likely to be too resource intensive in most situations. As a compromise, some very basic survey questions could be used to identify discursive differences. For example, in the Noosa case, questions could have been asked about how potential participants engage with the Noosa River, and their starting position on NSC taking over management of the river. Careful design is needed to avoid a perception of stacking the mini-public with particular views, but this should be manageable using transparent processes. nDF is already experimenting with this kind of discursive representation in current processes. For example, a 2017 mini-public with Yarra Valley Water uses qualitative customer personas developed by Yarra Valley Water as an additional stratification variable.

Some more radical proposals for inclusion of stakeholders in the jury process are considered below.

## The charge

Coming up with the topic and scope for a mini-public deliberation is challenging and generic advice is not necessarily helpful. Topics vary widely and we saw different issues across our three cases. Interview participants argued that the topics for the Penrith and Victorian juries were too broad, whereas in Noosa the topic was too narrow.

In Penrith, the broad focus on what PCC should do and how it should pay for it meant that deliberation never got that deep into options, and particularly trade-offs between options. While the process was framed as a participatory budgeting exercise, it never really got into the tough decisions that are part of any budgeting process. PCC's parallel proposal to increase rates through a special rate variation was not part of the brief for the Panel but participants became aware of this proposal and felt it needed to be connected to their deliberations. Similarly, in Victoria, the vast array of infrastructure options presented to the jury meant that each option got only limited attention, participants felt overwhelmed and tough decisions were avoided.

In Noosa, NSC followed the typical advice for mini-publics which is to keep the scope relatively narrow, but participants chafed under the restrictions and pushed for a wider remit. Like the Penrith case, we heard from several interview participants that the real question was buried – should NSC seek to take over management of the Noosa River from the Queensland Government.

Some general principles do emerge from the cases that are worth noting for future topic definition. First, if there is a deeper political question behind the drive to hold a mini-public, it would be better to get this out in the open through the wording of the charge for the jury. Our cases demonstrate that mini-publics will unerringly find their way to the true question anyway, so it is better to be transparent. We suspect, however, that the true question sometimes only emerges through the jury process and that the eloquently framed questions we heard in interviews were perhaps less clear

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<sup>6</sup> We note the potential for gaming the recruitment process if recruitment includes questions about membership in these categories of disadvantage. An alternative would be to work with advocacy organisations that work with disadvantaged groups to recruit participants from these categories more directly.

at the outset. Nevertheless, being as clear about the politics as possible at the start is likely to improve the sense of legitimacy of mini-publics.

Second, the scope to be addressed by the mini-public should not be limited in a way that goes against common sense, and the questions and scope of the jury should align. Jurors in Noosa were asked a broad question – ‘how can we manage the Noosa River better?’ – but then asked to ignore much that is relevant to that question. They could see the connections between different river management issues and seemed to naturally think of the river catchment as a whole, so they struggled with the requirement to focus on a particular stretch of river and a narrow set of issues. A narrower question, or keeping a broader scope, may have helped.

Finally, the way a topic is framed should be prompted by the deliberative gap in the democratic system. Despite the complaints about the scope of the IV process, it delivered what was needed – a sense of community priorities within a very large set of potential options. This was the deliberative gap for Victoria’s 30-year infrastructure strategy. There was no other obvious way to get a sense of how Victorians feel about such a broad set of possibilities other than getting a mini-public to take the time to sift through them and see what emerged as important. From this perspective, there is no topic that is too big for a jury, although there are certainly process innovations that could make a large topic more manageable. Suggestions from interview participants included having working groups within the jury look at each sector in more detail, using parallel consultations to filter out options for the jury to consider, or focusing the jury discussion on principles for infrastructure provision rather than detailed options. These suggestions have some merit and could be considered in other circumstances. In the other two cases, the deliberative gap was the one captured in the questions above, and this is not the way the topic was actually framed to participants.

## Facilitation and governance

Participants were largely positive about the quality of the facilitation and the role of the initiating organisation in the process. Through experience, nDF has established a process that works well to facilitate deliberation and produce a final report. Criticisms from interview participants were about the timing of moving from diverging discussion into convergent discussion aimed at generating recommendations. Many participants felt that this was left too late, making the process feel rushed for time in the final meetings. Some felt that the facilitators erred on the side of letting participants express themselves, at the expense of getting into the difficult deliberations on what to say in the report. It is probably inevitable that a jury will feel rushed at the end when a deadline is approaching but some participants felt that more support for the jurors, such as stronger structuring by facilitators, assistance with writing, or provision of report templates, could have eased the pressure.

The criticism was strongest for the Noosa jury, which had fewer and shorter meetings than the other two cases. This was at least partly driven by the timing of holidays and an upcoming election, and NSC staff acknowledged that they compressed timeframe had an impact on the quality of deliberation and outcomes. The timing challenges also contributed to some deviations from the standard jury process, when small groups of participants met outside the jury process to take the recommendations forward. While flexibility to respond to the needs of the participants is important when facilitating a mini-public, the use of non-inclusive sessions outside of the normal jury structure is problematic and should be avoided. It has the potential to undermine the legitimacy of the mini-public as the outcome is no longer clearly the will of the whole mini-public. Other processes should be used to bring decision-making to a head earlier.

Most participants were positive about the overall governance of the juries. They felt that the initiating organisations played a neutral role and demonstrated their support for the process by having senior staff and elected representatives attend jury sessions. This symbolic presence from the initiating organisation is important to demonstrate accountability to the participants. Interview participants were less positive about some of the restrictions placed on initiating organisations by facilitators, particularly for the Noosa case. They argued that staff from initiating organisations should be able to provide factual clarification on the spot to help the jurors move along with their deliberations, if they do not introduce opinions as well. While we recognise the motivation for keeping the initiating organisation separate from the deliberations, we agree that factual clarification will help rather than hinder the deliberations and does not jeopardise the independence of the process.

## Expert and stakeholder input

How to manage expert and stakeholder input into a mini-public is a vexatious question. Mini-publics are, in one view, an attempt to wrest decision-making power away from stakeholders and vested interests and give it to the public. This supports a more common sense view of the public good that is not clouded by having a long-running stake in an issue. On the other hand, making a decision without knowledge is unwise, and experts and stakeholders bring deep familiarity with a topic that can be valuable to decision-making. This deep engagement with a topic gives experts and stakeholders authority, which can easily sway jurors who know little about a topic. Common wisdom is therefore to involve experts with different perspectives so that the jury gets a balanced view.

The approach taken by nDF to involving stakeholders and experts during our cases was to allow initial presentations from the initiating organisation but then put the power to choose who they want to hear from in the hands of the jury. While giving mini-public participants control over expert input is an excellent normative ideal, those participants may be ill-equipped to make good decisions about who to hear from. Lacking knowledge on a topic, and coming from a public space that is not necessarily deliberative, jurors are likely to choose presenters they are more familiar with and to miss perspectives that they are not aware of. We found evidence of this in the interviews, particularly for the Victorian case, and to some extent for the Noosa case. It did not come up for Penrith, where all presenters were from PCC.

The most important innovation nDF has since taken to address this issue is to provide mini-public participants with critical thinking training to improve their capacity to spot bias in the choice of expert witnesses, or the statements made by those witnesses. This goes a long way towards allaying the concerns raised here based on earlier cases. Subsequent mini-publics have also used a diverse Stakeholder Reference Group to provide initial suggestions on expert witnesses, which mini-public participants have then supplemented by identifying information gaps. Participants then chose their witnesses from the combined list. Further, mini-public participants were able to ask for a 'fact check' at any time if they had concerns about the veracity of statements by expert witnesses. These innovations seem sufficient to address limitations related to expert and stakeholder input observed in our cases.

Beyond these changes to expert and stakeholder input, interview participants raised concerns about the brevity of engagement with speakers, the lack of guidance provided to the speakers, and the lack of an active role for experts in the jury deliberations. Roberts and Lightbody (2017) review the role of experts in mini-publics in considerable detail, and they included the IV juries in their research. We endorse their recommendations on how best to include expert witnesses in mini-publics, particularly the need to include a diverse range of perspectives, to provide witnesses with a good briefing, and to support jurors to critique the authoritative views presented by experts.

We would also like to see more done to keep experts and stakeholders engaged with mini-public processes. Most of the experts and stakeholders we interviewed felt that their expertise on the topic was wasted through a short presentation and discussion session. One approach is to have parallel consultation with stakeholders, as was the case for IV's consultation. Another, used in our cases, was to have initial stakeholder briefings about the jury process. However, the experts and stakeholders we interviewed still felt distant from the process and knew little about it. A more formal process for including experts and stakeholders in the final decision could be valuable.

The City of Melbourne has run mini-publics in which six experts from industry, academia and government were appointed as ambassadors for the process, to mentor and support the jury participants. The ambassadors were much more involved in the mini-public, in a stewardship role. They engaged in many of the mini-public discussions. This model has a lot of merit and could be considered for future mini-publics.

Earlier work by Renn et al. (1993) is also worth considering here. They discuss a three step process in which stakeholders, experts and citizens each play a specific role. Stakeholders elicit concerns and define evaluation criteria, experts provide data and modelling support, and citizens choose between options based on their perception of the public good. This approach is more of a collaboration between stakeholders, experts and citizens and is worth further consideration. From a systemic perspective, involving stakeholders and experts more closely in deliberation is more likely to support the wider spread of a deliberative stance.

## Deliberation

Our interviews provided plenty of evidence of deliberation occurring during the mini-publics. Participants were exposed to different views, they learned a lot about the topic, and they often changed their mind or shifted their views in some way. Despite any limitations discussed in the sections above, the mini-publics largely succeeded in creating a deliberative environment, characterised by respectful dialogue. Where deliberation was compromised, it was generally due to the factors already discussed in the sections above. There are two additional points to draw out here though.

The first is a minor process suggestion. Several of the interview participants talked about the diverse ways that people learn, and the distinct kinds of conversations people have in different places, and at different times. They suggested introducing more diversity into the deliberative processes, including conversations in different spaces, field trips to observe the issues being discussed in the jury, scheduling discussions at different times and using quiet spaces in addition to the noisier jury rooms. Facilitating more interactions between the jurors outside the formal meetings could be another way of addressing these suggestions. This is picked up in Section 6.3 below.

Second, not all participants are comfortable with a deliberative stance. Some of our interview participants were fixed in their views at the start of the jury and showed no evidence of shifting during the process. They remained cynical about the process, or the topic. Not everyone is transformed by a deliberative process. Whether anything needs to be done about this is an open question. There is no evidence that 'non-deliberators' undermined the quality of deliberations, although it is possible to imagine a case where this could happen. The only obvious response would be to use initial screening questions to exclude participants that do not display deliberative qualities, but that then closes the possibility that they might be affected positively by the process. We do not advocate any changes to the selection process to address this but note that facilitators will need to identify these participants early and work with them so that the process is not undermined and the potential benefit to them is maximised.



## Summary

Returning to the research question – how do participants and other stakeholders experience mini-publics? – we found mixed experiences. Jurors were largely positive about their experience and told us about their pride in being selected, the things they learned during the process, and what they are now doing differently in their lives. While almost all could suggest ways in which the process could be improved, this did not detract from their generally positive experience.

A minority of jurors were negative about their experience, either due to cynicism about the political outcomes, concerns about the way the process was facilitated, or doubt that a mini-public was the right way to decide on the topic. Some of their concerns could have been allayed through process changes, but some were generally cynical about government and unlikely to shift their views.

Stakeholders were overall more negative about the mini-publics than jurors. They were concerned at the lack of expertise in the room, the lack of guidance and structure around their presentations and the legitimacy of having citizens decide on complex topics. Finding ways to include stakeholders more authentically in mini-public deliberations emerged as an important priority.

## 6.3 Improving external quality

As anticipated by the systemic critique of mini-publics, evidence that the mini-publics delivered external deliberative quality was relatively scarce. The Noosa case did make a moderate contribution to external deliberative quality but there was less evidence for the other two cases. Overall, the mini-public organisers and participants did little to pursue deliberation-making, seek legitimacy and build the capacity to adopt a deliberative stance. Jurors mostly did not see their role as including advocacy or gathering of views in the broader public sphere. Organisers did pursue media coverage for the mini-publics but only NSC was particularly successful in this goal.

Returning to the research question discussed above:

- How do participants and other stakeholders experience mini-publics? How do their experiences influence their likelihood to share the event through their networks?

We found that most jurors did share their experiences with friends and family in their immediate private sphere. The topic came up socially and people generally expressed an interest in hearing more about the jury. Sometimes they would express their views about what the jury should decide. There was much less evidence of jurors actively seeking out these conversations as a way of gathering views, perspectives and discourses from the public sphere. Some jurors did interpret their role more broadly and made efforts to discuss the jury topics with others in their community, but these jurors were in the minority. A few jurors posted in social media about their experiences, wrote blog posts or spoke up in public forums and media in defence of the jury process. Again, these jurors were in the minority. The evidence indicates that most jurors saw their role as attending the jury meetings and providing their personal views. It was not the nature of their experiences with the jury but the way they interpreted their role that influenced their likelihood to share the event through their networks. There is no evidence that nDF or the initiating organisations actively encouraged or discouraged jurors to engage in external deliberation-making and related actions. nDF's preference is for jurors not to promote the method or issues during the life of the mini-public but to focus on their decision-making role.

We found no evidence of stakeholders sharing their experiences with the mini-publics beyond their immediate private sphere.

The question, then, is what more could be done to improve the external quality of deliberative events. The relevant research question is:



- What can the organisers of mini-publics do to facilitate deliberation and impact beyond the boundaries of the event?

As discussed in Section 2.1, our response to this question is that organisers, but also participants and stakeholders, could more actively engage in the kind of deliberation-making, legitimacy-seeking and capacity-building proposed by Curato and Böker (2016). The sections below consider what such actions might look like in practice.

## Deliberation-making

As a reminder, **deliberation-making** refers to ‘mini-publics distilling and synthesising relevant discourses to be transmitted to wider publics, as opposed to engaging in direct decision-making’ (Curato & Böker 2016, p.177). There are several important ideas here. First, if mini-publics are to distil and synthesise relevant discourses, they have a responsibility to ensure they have uncovered the key discourses that are relevant to their topic. This means hearing from a diverse range of experts and stakeholders as discussed in Section 6.2, but also potentially reaching out to others in public space to gather their views. This can involve a shift in mindset for jurors, from thinking of their role as bringing their individual opinions into the mini-public, to thinking of their role as representing community discourses. For organisers, it means identifying ways to bring the wider public into the process rather than just relying on the jurors as representative.

Second, if mini-publics are to transmit discourses to wider publics they need to communicate their discussions to the community. The media is an obvious way to do this but personal communication is another possibility. This aspect of deliberation-making implies that mini-publics should be seeking to ‘create a buzz’ and stimulate broader deliberation on their topic. NSC achieved this quite successfully through a close relationship with a media partner, choice of a topic that is of great community interest, regular media releases, and an open and transparent approach. The other cases failed to achieve the same level of media engagement. A difficult challenge here is timing. If the public sphere were already deliberative, then communicating the progress of the mini-public discussions before completion of deliberation could be an effective way to involve a broader public in deliberation. In a defective public sphere, communicating outcomes and reasons before deliberation is complete can prompt negative political responses, as we saw in the IV case. At this stage in the development of a deliberative democracy, it seems that the detail of the mini-public discussions may need to be kept private until a conclusion is reached.

The final key point made by Curato and Böker (2016) is that mini-publics need to enrich public deliberation rather than shutting it down. A decision, or recommendation, that seems to put an end to public debate on an issue can be harmful for public deliberation. To genuinely open up public deliberation, the conclusions of mini-publics may need to be more tentative and open, which potentially diminishes their instrumental value for decision-makers. This is a key tension and a substantial challenge for the organisers of mini-publics. It implies that a focus on consensus and recommended decisions might need to make way for documenting alternative positions and handing over to wider public engagement. Again, this is problematic in a defective public sphere. An interim approach could be to put greater emphasis on documenting and communicating the arguments and reasons considered in reaching a conclusion and why they were accepted or rejected, so that the public can reconstruct the decision-making process.

These points seriously challenge the current mini-public model employed by nDF. Some of the responses we outlined in the previous section on improving internal quality are relevant here as well, such as changes to recruitment and stakeholder participation to ensure that the mini-public has access to sufficiently diverse perspectives and discourses. Below, we consider some possible additional responses.

## Build on deliberative moments

If a mini-public is to be deliberation-making, then it makes sense to choose a topic where there are already signs that public deliberation is happening and the mini-public can play a contributory role. A good example of this is the Noosa case, where there had been a significant moment of public deliberation with the formation of the Noosa River Plan, and there was ongoing discussion in the community about river amenity. It will obviously be easier to stimulate broader public deliberation if the topic is a familiar one, rather than something completely new. In such cases, the mini-public can play a role in reinvigorating stalled deliberation and helping the public progress towards a decision.

## Juror briefing

If jurors are to be discourse-gatherers and issue advocates then they would need to be briefed differently. This is a more active role than the current juror role and needs to be made clear in the initial invitation and subsequent interactions. There is a delicate balance to strike here. In the interest of inclusivity and representation, it would not be appropriate to rule out jurors that do not wish to take a more ambassadorial role. However, briefings could gently encourage participants to get out into their communities and talk about the topic and process, help to create buzz about the mini-public and the issue and use their private networks, social media and media appearances to make deliberation. Beyond briefings, mini-publics should ideally support jurors to take on this stronger advocacy role, perhaps through basic training in how to engage and speak about the mini-public and its topic.

## Media cultivation

The media is clearly crucial in deliberation-making. NSC was the most successful in deliberation-making because they worked closely with a supportive media partner that had good readership in an engaged community. These conditions will rarely be in place, but much more can be done to actively seek and generate media and social media. Here, we need to think about what makes mini-publics newsworthy. This was the topic of one of our research questions:

- How are mini-publics portrayed in traditional and new media?

The media representatives and others we interviewed indicated that a mini-public is news at the start because it is novel, and news at the end, because the findings may have an impact on the community. In between, the media can easily lose interest because the jury deliberations are not particularly interesting in themselves, unless there is a hint of something controversial. Besides the start and finish of the mini-public, the human stories of the participants were of most interest to the media:

Hugely in media, the first thing that we go for if we get a story idea through is, a real person. We need a real person for this story. My boss always says to me, the picture is just as important as the story. If you get a good picture and it goes ... It drags people in. They go, "Who's this person? I think I know," and then they read the story (Local newspaper representative 2).

To cultivate the media and contribute to deliberation-making, news interest needs to be constructed in between the start and finish of the jury. This could include providing profiles of the participants and having them talk about some of the issues they are discussing. It could include having a focus on a particular aspect of the topic each week and encouraging public discussion through media, social media and online forums. A media plan that lays out a calendar of possible

stories, coupled with regular media releases and reminders to a supportive media partner could keep the mini-public in the media and in public consciousness.

A stronger social media presence, including encouraging jurors to engage in social media, could also help to sustain media discussion. nDF does now actively encourage posting on social media by creating a hashtag for the group to use and providing guidelines on not forecasting a decision and respecting those who do not want their photos published.

### **Hybrid engagement processes**

Another response is to develop hybrid engagement processes that integrate mini-publics with other forms of community and stakeholder engagement. There are already examples of steps in this direction amongst our cases and other nDF mini-publics. In the IV case, the mini-public was only part of a broader consultation process that kept discussion about Victoria's infrastructure in the public eye. In this case, the different elements of the consultation process ran largely in parallel, which is arguably a missed opportunity to have the mini-public contribute to stimulating broader discussion.

nDF's 2016 process on the Nuclear Fuel Cycle with the Government of South Australia is another interesting example. In this case, a mini-public reviewed a Royal Commission report on the nuclear fuel cycle and identified which aspects of the lengthy report they anticipated would be of concern to the wider community. This is an excellent example of a mini-public playing a deliberation-making role.

These examples are a great start, but more could be done. We could imagine using a mini-public to summarise discourses relevant to an issue, or develop general principles for a decision, before moving to a more open public consultation process. Better use could also be made of online forums and social media sites to provide spaces for mini-publics to engage with the public and to allow the public to deliberate with the jurors. The goal of such hybrid processes is to invite the public into the deliberations.

### **Document reasons and arguments**

Curato & Böker (2016) agree with Lafont (2015) that mini-publics should not have a decision-making role if they are to contribute to deliberation-making in the public sphere. The mini-public decision closes down the opportunities for the public to deliberate. While this response may not be particularly palatable to decision-makers who would prefer a neat answer, mini-publics are more likely to contribute to deliberation-making if their role is framed as supporting a decision rather than making (or recommending) a decision. Although all our cases were clearly advisory and did not have decision-making authority, they were nevertheless asked to aim for consensus and to make recommendations on what action the initiating organisations should take. Subtly reframing the focus to decision support means that a mini-public could focus less on achieving consensus and recommendations, and more on documenting alternative positions and discourses, identifying and presenting options, and laying out the implications of choices. This kind of approach lends itself to the type of hybrid engagement processes discussed above. The problem with this approach is that there is little incentive for participants to do the hard deliberative work of finding common ground. They may focus instead on documenting their preferred positions.

A compromise would be to encourage mini-publics to spend more time documenting reasons and arguments alongside their decisions. In our cases, the mini-public reports documented their recommendations but did little to explain or justify how they had reached those recommendations. This is also Dryzek's (2016) point – mini-publics tend to perform poorly on justification. If mini-publics were still asked to reach a decision, but were also asked to document the reasons for that decision, and the arguments that they considered in reaching the decision, then the wider public

would be invited to consider those arguments and reasons in forming their own views. This could help with the spread of a deliberative stance.

## Think beyond the mini-public meetings

While the meetings of the mini-public are high points in the process, it is important to keep the process moving between meetings to sustain deliberation-making. Initiating organisations or jurors can provide regular updates to the community in between meetings, although they should avoid forecasting decisions to prevent political backlash. Most crucially, momentum needs to be maintained after the final meeting. In the two local government cases, participants felt that communication broke down after the final event and little was said publicly about what was happening with the recommendations. Regular updates are needed that let the community know what is happening or the deliberation that has been made risks breaking down.

## Legitimacy

Curato & Böker (2016, p.178) argue that a mini-public must actively **seek legitimacy**:

Irrespective of their internal quality, mini-publics have an 'external' obligation to persuade—a duty to justify, clarify, respond and change recommendations or collective decisions if need be.

In other words, the mini-public must convince the wider public that its recommendations are worth pursuing. We found plenty of evidence of initiating organisations taking action to establish and defend the legitimacy of their mini-publics. This included: explaining the process and the ways in which it seeks to avoid bias in the media; having open and transparent deliberations where observers were welcome; making information provided to the mini-public available online for anyone to review; and making sure that senior staff attended the mini-public meetings and spoke to the mini-public about how they would use the findings. nDF and the initiating organisations put a lot of effort into establishing the perception of an independent process that was not steered by the initiating organisation, even to the extent of avoiding clarification of facts in the Noosa case.

Despite these efforts, legitimacy concerns remain. The CEO of NSC noted that:

The reaction in the community was probably 80:20. 80% of people thought, yes it's pretty cool, sounds interesting, good on you, trying to do something a bit different. The other 20% goes, what the bloody hell did we elect you for? Who elected you, who are these people?...I go to state CEO conferences and whatever and I talk on this topic. 80% of the CEO's come up saying, "Wow, that's fantastic, really edgy, well done how did it go? I'm keen to follow this, I might have a look at that." 20% go, "What the hell are you doing? You're doing what?" It's incredible, but that 20 is really strong about it. You're mad, this is not right, this is the democracy process, these people have been elected, these haven't. You cannot give them power. It's a very strong view for people who see that.

This indicates that there is a core group in the community that remains unconvinced that mini-publics make a legitimate contribution to decision-making. Despite all the efforts at explanation and maintaining independence, many are still cynical about any process involving government and assume that the mini-public is rigged. The stakeholders we interviewed were particularly negative about the legitimacy of mini-publics, which is not surprising since their privileged position in the political system is under threat from such processes.

We saw some genuine legitimacy problems in our cases. The interviews indicated that the real political question addressed by the mini-publics was not clearly stated in Penrith and Noosa. Follow up on the process was particularly poor in Penrith, where little thought seemed to have been given to using the outcomes of the mini-public. This opens up the case to criticism that it was more about public relations than deliberative democracy.

Defence of the legitimacy of the mini-publics often rests on the random selection process but, as discussed in Section 6.2, the random opportunity to participate does not ensure appropriate demographic or discursive diversity and cannot establish legitimacy on its own.

There was little evidence of the mini-public participants taking steps to establish the legitimacy of their mini-publics. We heard stories of participants defending the process through the media, particularly for the Noosa case, but the jurors that took on this role seemed to be the exception rather than the norm. Many of the deliberation-making responses listed above would also help to build the legitimacy of mini-publics, particularly hybrid engagement processes and stronger media coverage. We will expand on the idea of hybrid engagement processes below and then consider some additional responses to legitimacy challenges.

### **Hybrid engagement processes**

Consider how a hybrid engagement process could help to establish greater legitimacy. In the current mini-public process, participants have little accountability. They are not tasked with implementation so they can walk away at the end and go back to their lives. Some interview participants criticised the jury reports for being too vague, lacking feasibility or lacking detail. Certainly, as noted above, the jury reports lacked justification for their recommendations. In a hybrid engagement process like those discussed above, mini-public recommendations could be given some time to circulate in public and empowered space and receive feedback. The mini-public could then be reconvened to consider the key concerns raised by the community and decision-makers and perhaps revise their recommendations. Ideally, the mini-public could continue to operate as an advisory group to the initiating organisation and a conduit to public space over time during implementation. This gives the public a much stronger role in decision-making and tasks the mini-public with persuading and responding to the public and other stakeholders, resulting in a more legitimate process from a systemic perspective.

### **Reporting**

Related to the above, a different approach to reporting could help to build the legitimacy of mini-publics. At present, the main audience for the mini-public report is the initiating organisation and the report is framed to convince that organisation to act on the recommendations. An alternative approach would be to prepare a draft for public consultation and then respond to the feedback received in subsequent mini-public meetings. In this approach, the report would have a stronger focus on convincing the public of a course of action by explaining the different options, their advantages and disadvantages, and presenting reasoning for and against particular options. The report would be less about presenting a final decision and closing down further deliberation, and more about opening up a public discussion.

### **Mini-public ambassadors**

Recognising that not all mini-public members are likely to be interested in taking on a more public role, some mini-public members or external stakeholders could be appointed as ambassadors for the process. These ambassadors would take on a more public role, becoming a spokesperson for the mini-public in the media and seeking to socialise the mini-public discussions with the public. Their role would be to persuade and justify the legitimacy of the mini-public and its findings, but



also to hear what the public has to say and bring those discourses back to the mini-public. In Section 6.2 we noted the use of expert ambassadors in mini-publics run by the City of Melbourne. This is a useful model to build on and could be extended to some of the mini-public participants who feel confident enough to take on such a role.

## Capacity building

Curato & Böker (2016, p.178) suggest ‘that a “good” mini-public in systemic terms must contribute to **build the capacity** of a polity to host inclusive and authentic deliberation’. The mini-public should act as an exemplar of deliberation and help non-participants to build their own capacity for deliberation. While they note that further structural changes in democratic systems are needed to allow a deliberative stance to spread, they point out that:

A deliberative system which has institutionalised mini-publics in policy formation can, for example, socialise citizens to civic virtues that are deliberative in orientation, hence, perform an educative and capacity-building function. Mini-publics can also prompt further citizen engagement by reaching out to broader publics and setting deliberative rather than confrontational terms of public discourse (Curato & Böker 2016, p.178).

The responses we discussed above under deliberation-making and legitimacy are all likely to help with building deliberative capacity in the polity. We discuss two additional responses here.

### Creating learning environments

As long as mini-publics remain rare, the organisers will need to put substantial effort into teaching the public, bureaucrats, elected representatives and stakeholders about mini-publics and deliberative democracy. nDF already takes an active role here through workshops for elected representatives and senior bureaucrats, as well as information sessions for stakeholders. This learning about the process needs to take precedence over learning about the topic in the time leading up to commencement of the mini-public. We would also argue that communication about the process should start earlier to give more time to address concerns about legitimacy. There is much that initiating organisations can do to create environments that help people to learn about mini-publics. Most obviously, making mini-public processes open to the public, seeking media coverage and holding briefings about the process can help people to learn about it. These actions were already common in our cases and there are ideas above on how to further involve communities.

One of the best ways to learn is through action. One idea is to create ‘deliberation kits’ that could be downloaded by members of the public to run their own deliberative discussions in their homes, clubs or workplaces, in parallel with those of the mini-public. As well as access to material about the topic, these kits could provide guidance on how to deliberate and a simple structure that someone could run through with a small group in a short amount of time. While the deliberation occurring in these self-organised groups may not meet all of the standards of authentic deliberation, it is likely to be an improvement on typical private talk and will help to spread the capacity to take a deliberative stance, at a low cost. Linking to other ideas above about hybrid engagement processes and media cultivation, groups could be encouraged to deliberate at key points in the mini-public process and to submit their results to the mini-public, keeping them engaged with the process over time.

Of course, it is not just the capacity of the public for deliberation that needs to be built. Our interviews indicated that staff in initiating organisations and stakeholders involved with the mini-publics often learnt a lot through the experience and, in some cases, became more open to



deliberation. More could be done to encourage such learning. For example, NSC embarked on a major training program on public participation for its staff members in parallel with the mini-publics. Mini-publics could be used as a catalyst to teach staff and stakeholders about deliberative democracy and public participation. nDF and partners are also building deliberative capacity by publicising processes through forums such as local government conferences.

## Institutionalisation

Ultimately, the best way to build the capacity for deliberation and to establish the legitimacy of mini-publics is to institutionalise them, so that they are no longer so novel. There was clear evidence in the Noosa case that the second mini-public was more accepted than the first, as NSC had done a lot of the work already to establish mini-publics as a legitimate process. Spreading a deliberative stance means overcoming a great deal of cynicism about government. Being able to point to previous mini-publics that had a positive influence and impact is extremely valuable to build confidence in the value of deliberation.

While the initiating organisations in our cases were open to using a mini-public again, none had made a commitment to doing so. Such commitments can be problematic. NSC's commitment to hold two juries in quick succession led to difficulty choosing an appropriate topic for the second jury and a compressed timeframe. Rather than committing to hold a certain number of mini-publics in a given timeframe, a more general commitment to use mini-publics where an appropriate topic arises may be sufficient.

As many of our interview participants pointed out, the jury will continue to be out on mini-publics until there is clear evidence in a given context that they have resulted in positive impacts. It is still too early to say whether this is the case for the mini-publics we reviewed.

## 6.4 Final thoughts: Using systems thinking to design mini-publics

There are two research questions we have not yet addressed. The first asked:

- In what ways do the responses to the above questions vary with the scale of the event?

We did not obtain as much scale variation in our cases as we had hoped, as no national cases were available during the period of our research. We did not see evidence for variations in influence and impact with scale. The specifics of the democratic system in each case were much more important. For example, the pathways to influence and impact in the Noosa and Victorian cases were similar, despite their different scales, because of the distinction between the initiating organisation and the ultimate empowered space.

We also did not see evidence that the experiences of participants and stakeholders were markedly different across scales. Participants and stakeholders in the different cases were fairly consistent in their views, and variations were related to the specifics of the mini-public process rather than scale *per se*. For example, jurors in Penrith and Victoria were equally overwhelmed by the size of their task, despite one group focusing on an entire state and one on a single local government area.

We did see differences in media coverage of the mini-publics according to scale. It was much easier for the two local governments to work with local media partners and get targeted media coverage in the local press, than for IV to get media coverage in state-wide media outlets. At a state level, the media environment is much more crowded and getting attention is more difficult. The media environment is also arguably more hostile. The media was quick to jump on leaks and

problematic recommendations in the Victorian case and report on the controversy, whereas the local media was generally more supportive and educational in its focus.

These findings indicate that it is more important to pay close attention to the context of the democratic system that is relevant to a topic than to scale *per se*. This takes us on to our final research question:

- Can we productively integrate diverse deliberative systems frameworks with soft systems methodology?

For us, a key finding from this research is that organisations need to get better at meta-deliberation. When grappling with a decision-making challenge, there is a need to assess the state of the relevant democratic system, identify democratic deficits, and find ways to address those deficits. Mini-publics may be a useful strategy for addressing such deficits, but other strategies may also be appropriate. The initiating organisations in our cases seemed to be capable meta-deliberators. In each case, the mini-public served to meet a need in improving deliberation in the democratic system. All could be improved on using some of the responses we have outlined above, but all contributed to an instrumental need while also spreading a deliberative stance.

We think that systems thinking can be a valuable approach to meta-deliberation. We have mapped out democratic systems using Stevenson and Dryzek's (2014) model after completion of the mini-public. A more valuable approach would be to map out democratic systems first and use that analysis to identify what is needed to facilitate more public deliberation. We are open about which systems thinking tools could be used for this purpose. However, we note that soft systems methodology (SSM), introduced in Section 2.1 is an approach that can be picked up quite easily and uses terminology that will be more familiar to people that are not immersed in deliberative democracy literature. We do not think there is a need to 'integrate' deliberative systems frameworks with soft systems methodology as anticipated by the above question. Instead, SSM could be a very useful tool for organisations to use when exploring appropriate community engagement approaches to improve public deliberation on a topic. It helps to clearly define the purpose of a particular democratic system, who the key actors are and what different actors would like to change.

Finally, we note Warren's (2017) problem-based approach to democratic theory. Rather than thinking about how to create a deliberative system, Warren asks how to best meet three democratic needs: to empower inclusion; form collective agendas and wills; and organise collective decision capacity. He argues that there are seven democratic practices that can contribute to meeting these needs: recognising; resisting; deliberating; representing; voting; joining; and exiting. This is a timely reminder that deliberation is only one democratic practice and that a systems perspective should be drawing our attention to what the system needs to make it more democratic. Mini-publics may have a role in making a political system more democratic, but many other practices may also be important. We do remain convinced that mini-publics have a valuable role to play in facilitating system-wide public deliberation and a stronger democracy but, as our interview participants pointed out, they are not the right response to all challenges. Mini-publics can be used for public relations or as a delaying tactic, and they can have a negative impact on system-wide deliberation by reaching a decision without sufficiently involving the wider public and their discourses. The responses discussed above can improve the internal and external deliberative quality of mini-publics, however they should be only 'one tool in the toolbox' and we encourage nDF to maintain a broad toolbox of democratic innovations that align with its vision of a healthy democratic system.

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# APPENDICES

## APPENDIX A SAMPLE INTERVIEW GUIDES

### A.1 Organisers

#### Purpose

This interview guide is for interviews with the organisers or convenors of deliberative events. The interview aims to explore the motivations for setting up the event, its role in decision making on the topic of interest, and how the event has been communicated and promoted externally.

#### Introduction

- Interviewer introduces him or herself to the participant
- Explain what we are doing with the research
  - We are interested in how deliberative events like [insert name] fit into broader systems of governance and decision-making.
  - We want to explore your reasons for running a deliberative event and how you think it influences what is going on around this topic
- Provide Information Sheet and Consent Form
- After consent provided, start recording.

#### The event

1. How are decisions usually made on the topic that the panel is considering?
  - a. What are the advantages and disadvantages of the way decisions are made now?
2. What led you to set up a deliberative event? What attracted you to this kind of process?
3. How do you think the process has gone / is going?
  - a. What have been the highlights?
  - b. Is there anything that hasn't worked so well?
4. Do you think the participants are representative of the community? If not, what would you have done differently in recruitment?
5. Do you think the process has succeeded in facilitating authentic deliberation, i.e. participants have become more informed about the topic, they have justified their views, some have shifted their views in response to dialogue and evidence?
6. Do you think the outcome / recommendations are significantly different to what would have emerged from the more standard decision-making or consultation process?
7. What would be your ideal outcome from an event like this?
8. Would you run an event like this again? Why or why not?



## Public space

1. What, if anything, have you done to promote the event and engage other members of the public in this event (e.g. newsletters, website and social media posts, working with journalists to get stories in the media, online deliberation)?
2. Has there been media interest in the event? What has been the nature of the coverage?
3. Have any other organisations shown a particular interest in the event? What do they think of it?
4. Do you know if the participants have been doing anything to promote the event in their local communities?
5. Do you think processes like this have credibility with the general public?
6. Do you think the process has got people talking more about this topic in your community? Are there specific places where this conversation has been happening?
7. Do you have any ideas about how you could create more of a public buzz and interest in events like this one?

## Empowered space, transmission, accountability

1. Who makes the final decision on this topic? How does the deliberative process fit into this decision making process?
2. How will the participants deliver their recommendations? Who will accept them? What happens next?
3. Do you think the process has had a genuine influence on the relevant decisions?
4. What could make events like this more influential?
5. Would your organisation ever cede decision making power completely to a citizen process like this one? Why or why not?

## A.2 Participants

### Purpose

This interview guide is for interviews with participants in the mini-public events. The interviews aim to explore how participants experience the event and what, if anything, they do outside the event that could stimulate additional deliberation in the governance system.

### Introduction

- Interviewer introduces him or herself to the participant
- Explain what we are doing with the research
  - We are interested in how deliberative events like [insert name] fit into broader systems of governance and decision-making.
  - We want to understand your experiences as a Panel member and what influence the event has had on you
- Provide Information Sheet and Consent Form
- After consent provided, start recording.

### The panellist

1. Warm up questions about the participant:
  - a. Have you lived in the area long?
  - b. What do you like about living in Penrith?
2. Were you active on any local issues before you got the invitation to the Panel? Which local issues were particularly important to you before you joined the Panel

### The invitation

1. What did you think when you received the invitation to participate in the Penrith Community Panel?
2. What made you say yes to the invitation?

### The Panel

1. What do you think has worked best about the Panel process?
2. What do you think has not worked so well?
3. Probe on the following if not already covered by the above questions:
  - a. Do you think the events have been well facilitated?
  - b. Do you think your views have been heard?
  - c. Do you think the dialogue with the other participants has been constructive?
  - d. Was there constructive participation from experts and other organisations?
  - e. Are you happy with the final recommendations you came up with?

## Beyond the Panel

1. Do you think your recommendations will make a difference? Why or why not?
2. How do you think you've changed as a result of being a Panellist? [Could probe here on things they have learnt, whether they are likely to do different things in the future, whether they changed their views on anything during the process].
3. Do you think the process has got people talking more about this topic in your community? Are there specific places where this conversation has been happening?
4. Are there any specific things you've done outside the Panel to promote the process? Probe on the following:
  - a. Have you talked to friends, family or neighbours about the Panel process or issues?
  - b. Have you spoken to the media? Or written letters to the editor?
  - c. Have you got more involved in any local issues?
  - d. Have you changed your own behaviour?
  - e. Have you written posts on Facebook or Twitter or other social media sites?
5. Have you seen any media or social media coverage of the Panel? How did it represent the Panel?
6. Where do you look for local news? (e.g. local papers, Facebook sites)
7. Do you think processes like this have credibility with the general public?

## Wrapping up

1. Is there anything about the Panel that you think could be done differently?
2. Would you participate in a process like this again if you were invited? Would you recommend it to a friend if they got invited?

## A.3 Stakeholders

### Purpose

This interview guide is for interviews with external stakeholders that might have an interest in the mini-public events. The interviews aim to explore how stakeholders experience the event and whether it stimulates them to do anything differently that could improve the quality of deliberation in the relevant governance system.

### Introduction

- Interviewer introduces him or herself to the participant
- Explain what we are doing with the research
  - We are interested in how deliberative events like [insert name] fit into broader systems of governance and decision-making.
  - We want to understand your opinions about the event and what influence you think it has had
- Provide Information Sheet and Consent Form
- After consent provided, start recording.

### The stakeholder

1. Warm up questions about the participant:
  - a. What is your role in your organisation?
  - b. Can you tell me a bit about what your organisation does?

### For media stakeholder

1. circulation/ \* percentage of circulation within PCC area?
2. demographics of their readership?
3. split of readers between hard copy; online edition; facebook; twitter?
4. What percentage of your paper's resources is focused on council news?
5. How would you describe your paper's relationship with PCC?

### The event

1. [This question will vary depending on the level of stakeholder involvement in the event]:
  - a. Have you heard about the [insert name of deliberative event]?
  - b. How did you become involved in the [insert name of deliberative event]?

[If we get a stakeholder that hasn't heard about the event at all, we can continue but will need to describe the event and proceed in a more hypothetical mode]

2. Similarly:
  - a. Did you become involved in the event in any way?

- b. What made you get involved with the event?
3. Can you describe your role in the event? [Where relevant]
4. Do you think events like these are useful? What role do they play?
5. What mode/s of communication did you use for your reporting of the event? (eg. newspaper; FB; twitter)
6. What do you think has worked best about the event?
7. What do you think has not worked so well?
8. Probe on the following if not already covered by the above questions:
  - a. Do you think the events were well organised?
  - b. Do you think the right mix of people were involved?
  - c. Do you think the events were well publicised?
  - d. Do you think the events came up with new ideas?

## Beyond the event

1. Do you think the recommendations will make a difference? Why or why not?
2. Do you think the process has got people talking more about this topic in your community? Are there specific places where this conversation has been happening?
3. Have you seen any media or social media coverage of the event? How did it represent the event? [With media stakeholders, this will need to be phrased differently, with more probing about why the coverage was of the type it was, e.g.
  - a. What type of coverage did you give to the event?
  - b. What aspects of the event did you emphasise in your coverage?
  - c. Did the stories get a lot of attention?
  - d. How do you think events like this could get more attention? What sort of media coverage would be useful?
4. Do you think processes like this have credibility with the general public?
5. Do you think the event has made a difference? Has it changed anything?

## Wrapping up

1. Is there anything about the event that you think could be done differently?
2. How do you think the event could have been more influential?
3. Do you think more events like this are needed?