

June 2021

newDEMOCRACY

# New Options For Parliamentary Committees



Options Paper independently produced by  
The newDemocracy Foundation at the request  
of the Speaker of the NSW Legislative Assembly



Introduction	4
<b>01.</b> What is the problem that needs to be solved?	6
<b>02.</b> Why is deliberation different?	10
<b>03.</b> Concept overview	14
<b>04.</b> Roles of the Members of the Committees chosen to participate by the Chair	26
<b>Appendix 1.</b> What makes this hard?	28
<b>Appendix 2.</b> Recruitment	32
<b>Appendix 3.</b> Sources of Information	34
<b>Appendix 4.</b> What should you ask participants?	36
<b>Appendix 5.</b> Budgets	37



“Deliberative democracy is  
*‘Democracy when people are  
thinking under good conditions’*.  
They are offering reasons,  
listening to the reasons offered  
by others, listening to the  
evidence and coming to  
considered judgments. It is  
democracy at its best and  
we need nothing less.”

**PROF JAMES FISHKIN**

The Center for Deliberative Democracy,  
Stanford University





In September 2019, I was part of a bi-partisan NSW Parliament delegation that participated in a seminar workshop on democratic innovations from around Europe. This paper, and the ideas and proposals it presents is a result of what was learned on that trip.

It is fair to say that some of us approached the trip as sceptics: genuine innovations in democracy are often more theoretical than practical. Yet as we learned more from global leaders, I noted genuine interest from the cross-party group and the Clerk of the Legislative Assembly who was also part of the delegation. The broad agreement among the group was a catalyst for us to look more closely at where innovations could best be applied.

The delegation was struck by the case study examples of the application of “Citizens’ Jury” style projects, particularly in Ireland. We saw that highly complex and politically fraught topics were handled more substantively by the considered application of juries of citizens being given a significant and meaningful democratic opportunity in a format that assisted the elected representatives.

What follows is a result of what we learned there. As we enjoy one of the world’s most stable and effective democracies, I am mindful that changes must be approached with genuine caution. Equally, we are all aware of threats to democracy around the world and making efforts to strengthen our democracy is an appropriate priority for this Parliament.

With the philanthropic support of the newDemocracy Foundation we have the capacity to run a project applying the methodology proposed here. As a previous Chair of the Public Accounts Committee that tested such an approach, I can recommend it for the right project. Should a Chair and the members of a Committee identify an issue that they would like to consider for this approach then I encourage you to pursue it.

Yours sincerely,



A handwritten signature in black ink that reads 'Jonathan O'Dea'.

**Jonathan O'Dea**

Speaker of the Legislative Assembly

01

# What is the problem that needs to be solved?

**Parliamentary Committees are the backbone of our Parliament.**

They scrutinise problems and policy as MPs on these committees develop an expertise in their particular subject areas, bringing an informed view to the consideration of legislation.

At their best, they showcase elected representatives from all sides working together on the in-depth exploration of issues and the bi-partisan development of sound recommendations on challenging issues.

**They are the part of the Parliament we should most want citizens to see, yet they are the part least visible.**

The committees can be hindered by limited community engagement that makes them opaque to members of the public while also drawing heavily on active special interest groups as the primary focus for their evidence.



**This can leave Committee members wondering what the views of everyday citizens would be if they were exposed to the same evidence being reviewed by MPs.**

The community's expectations about the kind of participation they have with their decision makers has changed. Citizens are less trusting of Government and are now more engaged on issues that affect them and their community. They now expect to be involved in a range of ways that allow them to contribute to decisions that impact them. This enthusiasm can be productive as long as we can provide a format that is grounded in evidence and considered conversation.

These developments raise three basic but connected problems:

- There are a wide range of views in the community, often all wanting different outcomes.
- Everyday people, without the time or incentives to read widely, lack the technical competence to make judgments about what policy decisions will have what impact.
- The people who do contribute to community meetings or are invited to give evidence at parliamentary inquiries are, more often than not, not very representative of the wider community.

**These challenges are interlinked and pose an ongoing problem for our committee inquiries if not directly addressed. As they stand, they risk leaving the impression that parliament does not reflect what everyday people view as fair, further eroding trust in members and our institutions.**

This paper introduces to Committee Chairs a new set of inquiry elements, made available to the NSW Parliament's Committees, to address emerging challenges using **deliberative processes**.

These methods combine democratic lotteries that select a representative mix of everyday people with deliberative exercises that help them listen, weigh expert testimony, apply critical thinking, understand biases, have honest conversations, and find common ground.





## Three different process options are offered to cover a range of common situations that Chairs find when exploring an issue, such as:

01. The public submissions are mostly composed of active special interest groups, and the Chair and members would like the additional input of a view from everyday community members on additional sources of information and questions they want answered.
02. The issue being considered is contentious, controversial or very polarised, and the Chair and members would like to involve an informed group of everyday people to discover where they can find a balance on public proposals.
03. The issue being explored is very contentious or involves significant trade-offs, and the Chair and members would like to see how citizens would answer the question. This involves having everyday citizens identify and explain critical trade-offs with the aim of increasing public trust in potentially controversial recommendations.



**Each of these 3 processes will provide a genuine and meaningful role for citizens while:**

- a. Ensuring that their work is complementary and fully integrated to the Committee's process, and not something occurring 'outside' or in parallel.
- b. Continuing the Committee Chair's clear and visible role as the primary decision maker.
- c. Being mindful that bringing non-MPs into the Committee process must not create incentives or opportunities for 'lobbying' of the group.

**Any changes that are made to the inquiry process to involve the wider community must meet these key outcomes:**

- i. The people we include in our inquiry processes are genuinely representative of the wider community.
- ii. We provide a transparent and fair opportunity for these people to meaningfully contribute to outcomes.
- iii. The people we involve in the process become public champions of the innovations we make.

An answer to these problems that has been proven to meet these outcomes is the increasing use of **deliberative engagement practices** around the world. Deliberative methods, whether used here in Australia or overseas in Ireland, improve transparency and policy making by bringing the perspectives of everyday people, their knowledge and their skills to Parliament. They come recommended by the United Nations Democracy Fund (UNDEF) and The Organisation for Economic Co-operation and Development (OECD), who in 2020 published a report noting a 'Deliberative Wave' with over 750 projects in OECD nations assessed.

**Parliamentary committees are already deliberative in nature – taking time to consider a range of sources and perspectives and aiming for a considered common ground response to a complex problem. This means that integrating a role for deliberative citizens' process is natural and straightforward.**

The aim of the three processes offered is to bring together a group of people from all walks of life:

- By age, background, job type, where they live
- Enable them to understand the complexity of an issue and offer an informed common ground view to Committee members. This will provide a new source missing from parliamentary work today.



# 02 Why is deliberation different?

**Across the globe, public authorities are increasingly using representative deliberative processes to involve citizens more directly in solving some of the most pressing policy challenges.**

Drawing on the evidence collected by the OECD and existing research in the field of deliberative democracy, there are five key reasons why representative deliberative processes can help lead to better public decisions and enhance trust:







### 01. Better policy outcomes because deliberation results in considered public judgements rather than public opinions.

Most public participation exercises are not designed to be representative nor collaborative. Consequently, they can be adversarial – a chance to air grievances rather than find solutions or common ground. Deliberative processes create the spaces for learning, deliberation, and the development of informed recommendations, which are of greater use to policy and decision makers.



### 02. Greater legitimacy to make hard choices.

These processes help policy makers to better understand public priorities, and the values and reasons behind them, and to identify where consensus is and is not feasible. Evidence suggests<sup>1</sup> that they are particularly useful in situations where there is a need to overcome political deadlock.



### 03. Enhance public trust in government and democratic institutions by giving citizens an effective role in public decision making.

People are more likely to trust a decision that has been influenced by ordinary people than one made solely by government. Committee Chairs and members can also demonstrate to citizens the difficulty of taking collective decisions and improve the public awareness of parliamentary process.



### 04. Make governance more inclusive by opening the door to a much more diverse group of people.

Deliberative processes, with their use of random selection and stratified sampling, bring in people who typically would not contribute to a parliamentary inquiry including people who are disengaged with politics, but also women, young people and minority voices into public policy and decision making.



### 05. Help counteract polarisation and disinformation.

Empirical research<sup>2</sup> has shown that echo chambers that focus on culture, identity reaffirmation, and polarisation do not survive in deliberative conditions, even in groups of like-minded people.

<sup>1</sup>Grönlund, Kimmo, Kaisa Herne and Maija Setälä (2015), "Does Enclave Deliberation Polarize Opinions?", *Political Behaviour* 37: 995-1020

<sup>2</sup>Ugarizza, J.E., Didier Caluawerts (2014), *Democratic Deliberation in Deeply Divided Societies: From Conflict to Common Ground*, London: Palgrave Macmillan

**It is difficult for large groups of people to find agreement on complex decisions. The OECD recommends a set of principles that make group decision-making easier. These principles improve the deliberative quality of group work by creating the environment for the consideration of the broadest range of sources while giving participants time, an equal share of voice and authority.**

**These seven principles underpin the three options presented in this document:**

## 01.

### **A clear remit:**

A clear, plain-language challenge or question should be asked of the group. It should be a neutrally phrased question that explains the task, shares the problem and provides a strong platform for discussion about priorities and trade-offs. The question will determine the scope of the process, setting the boundaries for what the group is considering.

## 02.

### **Diverse information:**

Participants should have access to a wide range of transparently sourced, relevant, and accessible evidence and expertise, and have the ability to request additional information. Detailed, in-depth information is provided to the participants to help them understand the dilemmas. Not all participants read everything, but collectively an enormous amount is read, understood and shared in the conversations and decisions. Citizens will also spend extensive time asking questions and identifying sources **they** trust for the information they need. Rather than filter, citizens are primed in critical thinking and unconscious biases.



## 03.

**Democratic lottery:**

A stratified random sample of the community is recruited through a democratic lottery. Simple demographic filters (age, gender, education, location) are used to help stratify this sample to reflect the entire population. Most engagement by government does not enable a representative cross-section of the community to be heard, instead incentives to participate are often geared to those with the most acute interest. The combination of random selection and a meaningful opportunity to influence a decision attracts people from all walks of life. This is common to all three processes.

## 04.

**Adequate time:**

These processes develop participants' thinking on a complex issue by giving them multiple opportunities to question experts, learn from one another and find agreement on trusted sources of information. As deliberation requires adequate time for participants to learn, weigh evidence, and develop collective recommendations, the more time they are provided, the more thorough their consideration of the issue.

The options presented in this document vary in the time they provide to participants. **To balance this**, Options A and B limit the scope of the questions they ask of participants. This allows those participants to focus their time on a specific aspect of the deliberation rather than attempt to inadequately cover everything in a reduced schedule.

## 05.

**Influence:**

It is important to be clear what impact the work of everyday citizens will have. The Chair should publicly commit to responding to or acting on recommendations in a timely manner. A meaningful opportunity to influence a decision must be demonstrated to participants before they commit their time.

**For example:**

- i. If they recommend sources for the inquiry to consider, will you commit to hear from each of them?
- ii. Or, if they want specific questions to be answered, will you commit to answering them in your work?

## 06.

**Dialogue and deliberation, not debate:**

Group deliberation entails finding common ground; this requires careful and active listening, weighing and considering multiple perspectives, every participant having an opportunity to speak, a mix of formats, and *skilled facilitation*. The task for the group is to find common ground on answers to the question, this emphasises the avoidance of simple majorities and challenges them with finding where they can agree.

## 07.

**A free response:**

A group is not being asked to (critically) review a government or parliamentary reform proposal, so in this way the task is not framed negatively and does not seek to find gaps. They should be given a 'blank page' to provide their own response to their given remit (which is where any constraints or limits can be set by the Chair) with a rationale and supporting evidence that emerges from their shared learning.





# 03

## Concept overview

**This document provides options for Committee Chairs to improve committee inquiries and their outcomes by utilising a complementary role for everyday citizens.**

The three options in this document are applications of the OECD's "*Good Practice Principles for Deliberative Processes for Public Decision Making*". This ensures they're designed to achieve both high quality deliberation and results that are the most useful for everyone involved: The Chair, Committee Members, Participants and the wider Public.

To guarantee that assurance, we will seek **sign off on final operating designs from the OECD** to ensure they meet international best practice.



**Each option includes a group comprised of 42 people from around New South Wales chosen through a democratic lottery open to everyone.**

This lottery process begins with invitations sent randomly to homes throughout NSW, recipients who are available to participate register their interest and are chosen through a stratified random selection that matches the make-up of the group to the census profile of the state (by age, gender, education and geography). This ensures that while not everyone can be a member of the group, everyone has the opportunity, and everyone will see someone like them ultimately chosen.

Up to eight members of the Inquiry are chosen to accompany the jury (how and who are determined by the Chair).



# Options for Chairs of Parliamentary Committees

These are three options for adding a citizen process to give Committees access to a common-ground view from an informed pool of randomly-selected citizens.



## Option A:

### Add considered input from citizens

The public submissions are mostly composed of active special interest groups, and the Chair and members would like the *additional input* of a view from everyday community members on **additional sources** of information and **questions** they want answered.





### Option C:

#### A Citizens' Jury in partnership with the Inquiry

The issue being explored is very contentious or involves significant trade-offs, and the Chair and members would like to see **how citizens would answer the question** and have this as an input in their deliberations - with a chance to include elements in their final report. This involves having everyday citizens identify and explain critical trade-offs with the aim of increasing public trust in potentially controversial recommendations.



### Option B:

#### Finding a balance of submissions

The issue being considered is contentious, controversial or very polarised, and the Chair and members would like to involve an informed group of everyday people to discover where they can **find a balance** on public submissions.



#### Legend:



**Option A:**

# Considered input from citizens



This option presents a simplified addition to the inquiry process. It is drawn from the initial aspect of a longer deliberative process where agreement is found on what participants need to know and who they trust to inform them, **recognising that insistent and invited sources are often different.**

**The panel will meet twice in Sydney over two weekends,** MPs participating in the process are present for the morning of Day 1. Participants are selected through a democratic lottery and begin their learning by reading summary materials from Parliamentary Staff and the Terms of Reference of the inquiry.

On Day 1, MPs are invited to share their perspectives on the inquiry topic, helping explain the task and share the problem with citizens. The aim of Day 1 is to explore the topic and find a shared understanding of the issues at hand across all the members of the group. The citizens begin the process with standard deliberation induction activities that introduce critical thinking, unconscious biases and the skills they will need to work together cohesively.

## Problem:

The public submissions are mostly composed of active special interest groups, and the Chair and members would like the *additional* input of a view from everyday community members on additional sources of information and questions they want answered.

## Solution:

MPs work alongside randomly selected citizens in an opening 90 minute session in the first of two meetings over two weekends where those everyday people will assist by developing a short report that outlines the experts, information and questions citizens would like the committee to consider in order to feel greater assurance it made an informed decision on the issue.

MPs then participate in an exercise called “speed dialogue” where each MP spends a short amount of time with a group of five or six participants before rotating one by one through each group. **This practice allows MPs plenty of parallel time in small conversations with participants, maximising everyone’s time and the depth of their interactions.** The aim of this exercise is to *help participants improve the quality of their own questioning* with the added insight from elected members. The group then hears from expert speakers in speed dialogue. They end the day working in small groups to explore what they think are the key questions for the inquiry before agreeing gaps in their knowledge and a list of expert speakers they trust to inform them on Day 2.

On Day 2, citizens hear from the speakers they requested, in speed dialogue which in turn will stimulate their understanding for further questions and areas of expertise they wish to see addressed by the Inquiry. They spend the rest of the process working in small groups, first discussing the information and materials they’ve covered so far, and then drafting their short report. The process concludes with citizens finding agreement on key experts and sources of information the group agrees the committee ought to hear from for their inquiry to be balanced and trusted. The report will also include a suite of guiding questions and issues they think the inquiry needs to address.



**Option B:**

# Balance of submissions



This option is the bulk of a longer deliberative process where participants learn critical thinking skills, agree on what they need to know and who they trust to inform them, before finalising their work into recommendations with supporting criteria and reasoning. This recognises that finding a balance between public submissions benefits from **exploring the difference between people's five-minute view and their twenty-hour view.**

**The jury will meet four times in Sydney over four weekends.** There are options available to the Chair to involve MPs in each day. These options are balanced to ensure MP participation is fair and complementary. **This process focuses on having participants read the public submissions** (either prior or during: either can be accommodated) then builds on the elements from Option A: participants are randomly selected and spend the first half of the process learning and investigating the issue facing the inquiry. This involves hearing from expert witnesses, assessing their own information gaps and requesting additional speakers.



## Problem:

The issue being considered is contentious, controversial or very polarised, and the Chair and members would like to involve an informed group of everyday people to discover where they can find a balance among public proposals.

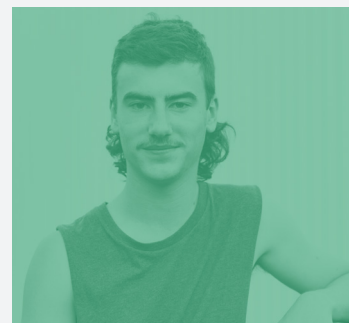
## Solution:

MPs work alongside randomly selected citizens at up to four meetings over four weekends to reach agreement on where a balance can be struck between expert proposals, providing a report supported by their reasoning and evaluation criteria.

This option allows participants to explore the topic more deeply by affording them additional time. Day 2 and Day 3 involve participants honing their knowledge base, finding agreement around key themes and beginning to develop their own evaluation criteria with which they will judge public submissions. These criteria will reflect the priorities and principles the group can agree on, providing insight into the outcomes an informed mix of the community can agree on.

The final day sees MPs and citizens working together to assess public proposals and co-author a short report to the committee that documents the public proposals the group found had common ground support, and the evaluation criteria the group used to reach this agreement.

There is a variation on Option B that shifts the process entirely online. This approach would reduce travel, catering and venue costs while adding some further facilitation and support costs. The aim of this variation is to lower the cost barrier while retaining the deeper deliberation of Option B. It would involve a reduction in the depth of the relationship participants build with MPs and the public-facing experience of everyday people working with MPs in Parliament.



An illustration of a mountain peak with two flags at the summit: a blue flag and a flag with a globe. A line of hikers is ascending the mountain slope. The hikers are wearing various colored gear and using ropes and poles. The background is a solid blue color.

### Option C:

# A Citizens' Jury in partnership with the Inquiry

This option takes citizens and Members of Parliament through a long-form deliberative process. This is the **international gold standard for deliberative processes**, recommended by the OECD and supported by the United Nations Democracy Fund.

A jury finds agreement on recommendations that answer their given remit after they have settled on who they trust to inform them, agreed on key themes and priorities and have developed evaluation criteria for which they use to judge expert, Government and their own proposals.

**The jury will meet for six full days in Sydney** where participants and MPs complete a long-form process that builds on the elements of Options A and B while giving citizens more time to consider the issue in even more depth. It covers critical thinking, learning about the topic, hearing from expert speakers, requesting 'additional speakers, agreeing on priorities and getting feedback from government and non-government experts before finding common ground on a set of final recommendations to the Chair.

## Problem:

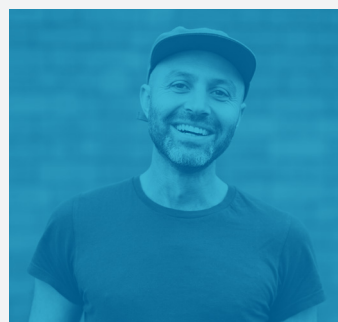
The issue being explored is very contentious or involves significant trade-offs, and the Chair and members would like to see how citizens would *answer the question*. This involves having everyday citizens *identify and explain critical trade-offs* with the aim of *increasing public trust* in potentially controversial recommendations.

## Solution:

MPs work alongside randomly selected citizens in a citizens' jury process at six meetings over several weekends to find common ground on recommendations that answer the remit asked of them by the Chair.

At the end, a representative mix of everyday people will stand alongside Members of Parliament supporting the recommendations included in the report. They'll be able to publicly explain their reasoning and rationale for taking difficult trade-offs and offer the evidence they used to support these decisions.

Including this method of public input into Parliamentary Inquiries would add the New South Wales Parliament to the growing list of international parliaments institutionalising deliberative elements in their committee processes. These include the Belgian, Scottish and UK Parliaments, all of which have successfully included long-form deliberations into complex inquiry processes on COVID-19, Climate Change, the future of Primary Care, and Land Management and the Natural Environment.



**The above options are each distinguished by their set task. Each option has a varying measure of information, time and deliberation. Each will make a valuable contribution to the inquiry process by adding a role for everyday people, providing a substantive contribution to the depth and breadth of the public consideration of a complex issue.**

# Project outcomes

The lasting outcomes these options will deliver are:





01.

A **diverse group of everyday people** who have been given the opportunity to work alongside a Parliamentary Inquiry and contribute to its outcome.



02.

They **will work with Members of Parliament** to reach these final recommendations, showing people the work of an MP beyond what they traditionally see.



03.

Ultimately, everyday people from all over the State will see people like them involved in calm and sober conversation with MPs on complicated and controversial issues. This demonstrates the capacity for MPs and randomly selected citizens to work together in a complementary manner.



04.

Greater public understanding and trust in how NSW Parliament works for them.



05.

The **New South Wales Parliament sets the standard for public engagement in the committee process** within Australia and joins the growing list of international parliaments institutionalising deliberative elements in their committee processes.



# 04 Roles of the Members of the Committees chosen to participate by the Chair

The Chair will be the visible public owner of the project and they are responsible for choosing which MPs will participate as part of the deliberations.

MPs are required to attend meetings with citizens at Parliament House and participate as an equal part of a conversation with citizens.



### Option A

requires MPs for a single morning (approximately 2-3 hours) where they play an informative role that contextualises the inquiry and lays the foundation for the citizens' work.

### Option B + Option C

ask MPs to join citizens as an equal in part of a longer deliberative process that concludes in the group finding common ground on recommendations to the Committee. This involves MPs being familiar with the reference materials, background information and expert submissions provided to all participants. In the room they will participate in exercises that focus on small group discussions, listening and interrogating expert witnesses and working with citizens as an equal to reach an agreement on final recommendations.

It's important that MPs share their experience in the process with the public. Carefully explaining the process and its role in the inquiry will contribute to public awareness of the process and build trust in the decisions that result from it.

**MPs that aren't a part of the process should be encouraged to come and observe the process.** Seeing the mix of people in the room and the diligence with which they approach their task can contribute to institutional support for the outcomes of a process by developing understanding.



## APPENDIX 1.

# Operating summary: What happens each day

## Project Outline

### WEEK 1 | DAY 1

Option A

Option B

Option C

#### Activities:

- Introductions: Agenda, Purpose, Process
  - Chair, Facilitators, MPs participating, meeting one another
- Understanding the task: the question and our authority
- Skills: Critical thinking, unconscious biases, working as a group
- Hearing from MPs: speed dialogue
- Hearing from expert speakers: speed dialogue
- Small group discussions: insights from speakers and gaps in knowledge
  - What have we learned?
  - What are the gaps in our knowledge?
- Group agreement on speaker nominations:
  - What more do we need to know and who do we trust to inform us?

#### Outputs:

- Request for additional speakers
- Information requests for additional sources

### WEEK 4 | DAY 2

Option A

#### Activities:

- Hearing from requested additional speakers: speed dialogue
- Small group discussions: insights from speakers
  - What key learnings are emerging?
  - Are there any key questions beginning to emerge?
- Small group conversations: our stories and perspectives on the issue
- Group brainstorming: what information sources have you found most important and what key questions do you think need to be considered?
- Group decision-making: group agreement on the contents of the final report

#### Outputs:

- A short report that details the common ground the group found answering their remit

**WEEK 4 | DAY 2****Option B****Option C****Activities:**

- Hearing from requested additional speakers: speed dialogue
- Small group discussions: insights from speakers
  - What key learnings are emerging?
  - Are there any key issues beginning to emerge?
- Small group conversations: our stories and perspectives on the issue
- Small group discussions: beginning to develop values assessment criteria.
- Small group discussions: is there anything else we want to know that hasn't been addressed?
- Group agreement on speaker nominations:
  - What more do we need to know and who do we trust to inform us?

**Outputs:**

- Request for additional speakers
- Information requests for additional sources
- Draft values assessment criteria

**WEEK 7 | DAY 3****Option B****Activities:**

- Hearing from requested additional speakers: speed dialogue
- Insights from speakers: small group discussions
  - What key learnings are emerging?
  - Are there any key issues beginning to emerge?
- Finalising values assessment criteria using draft from Day 2: small groups writing on laptops to capture and refine criteria.
- Small group discussions: is there anything else we want to know that hasn't been addressed?
- Initial look at the proposals: small group work that develops understanding of the options and simple pros and cons

**Outputs:**

- Information requests for additional sources
- Finished values assessment criteria



**WEEK 7 | DAY 3****Option C****Activities:**

- Hearing from requested additional speakers: speed dialogue
- Insights from speakers: small group discussions
  - What key learnings are emerging?
  - Are there any key issues beginning to emerge?
- Finalising values assessment criteria using draft from Day 2: small groups writing on laptops to capture and refine criteria
- Small group discussions: is there anything else we want to know that hasn't been addressed?
- Exploring a systems approach: Guided by the values assessment criteria, what mix of options might help to solve the problem? Small group discussion focused on 'themes'
- Group agreement on final speaker nominations:
  - What more do we need to know?
  - Who can help us develop ideas and solutions?

**Outputs:**

- Final speaker nominations
- Information requests for additional sources
- Finished values assessment criteria
- Draft 'themes' for systems thinking approach

**WEEK 10 | DAY 4****Option B****Activities:**

- Ideas rating: group review of public proposals aiming to get a sentiment snapshot
- A first go at evaluating proposals: small group work building on work from Day 3 that assess proposals
- Finding agreement, 'letting go' and consolidating around a set of proposals
- Draft writing of the report: working in small groups to provide rationale for proposals that draws on values assessment criteria
- Final report walkthrough: do we all agree?
- Presentation: report is presented to the chair

**Outputs:**

- Final recommendation report delivered to the Chair

**WEEK 10 | DAY 4****Option C****Activities:**

- Hearing from requested additional speakers: speed dialogue
- Insights from speakers: small group discussions
  - What key ideas or solutions emerged from those discussions?
- A systems approach: finalising the set of 'themes' that will help guide categorisation of ideas and solutions
- Initial ideas to solve the problem based on the systems approach concepts and values assessment criteria

**Outputs:**

- Information requests for additional sources
- Finalised themes for systems thinking
- Draft set of ideas

**WEEK 13 | DAY 5****Option C****Activities:**

- Using initial ideas from Day 4, development of draft recommendations with the use of templates
- Ideas rating: group review of draft recommendations
- Combining, 'letting go' and identifying any other missing ideas
- Refining draft recommendations: writing in small groups on laptops
- Advice from government:
  - Is the anything specific we would like comment on?

**Outputs:**

- Draft recommendation report for comment from government

**WEEK 16 | DAY 6****Option C****Activities:**

- Review of government's response to draft recommendations
- Writing: final review and refinement on laptops in small groups
- Walk through: final agreement, can we all live with it?
- Minority reports: additional words on recommendations that did not make it into the report but deserved comment
- Identification of participants presenting to the Chair
- Presentation of the final recommendation report to the Chair
- Final words

**Outputs:**

- Final recommendation report delivered to the Chair

## APPENDIX 2.

# Recruitment

Parliamentary staff will conduct a democratic lottery to recruit participants (nDF to assist with skills transfer – NSWEC may also be effective in this role). The specifics of this section are dependent on the option taken.

## Option A

Option A uses a low-cost simplified model that matches its intended role while, both Option B and C are the more robust OECD standard democratic lottery models.

## Option B + Option C

For Options B and C, approximately 30,000 invitations are sent out across the state. Jury members will be recruited from the pool of those who indicate their interest and availability to participate for the full process.

## Option A

For Option A, registration for the process is made completely open and publicly available through an online and phone-based registration process. The aim of this approach is to flood the reservation pool with people who would typically not take part in a community engagement process. The usual self-selection demographics are diluted with those not normally interested because of the incentives in the meaningful opportunity potential participants are being presented with. A stratified random draw is then conducted that ensures the participants match the wider community. This method of stratified sampling has been successfully used by the newDemocracy Foundation in

Byron Shire Council where a diverse mix of people who predominantly had no engaged with the local council before were selected to participate, demonstrating that the processes are robust even in communities that tend toward high public engagement.

This stratification is not claimed to be a statistically perfect method, instead it delivers a more representative sample than any other community process. The strength of this selection process lies in the wider community clearly seeing “people like me” in decision making positions – descriptive representation in this way fosters trust in the substantive representation of the panel and ultimately trust in its decision making.

In order to achieve a descriptively representative sample, the OECD recommends using the four standard stratification variables of **age, gender, education and geographic locality**.

To achieve a genuine level of randomisation, it is necessary to avoid an overemphasis on connecting with those who are traditionally likely to opt-in to community engagement processes which means casting the net of invitations wide. To generate a sufficient pool of individuals from which to randomly select, it is recommended that the Committee extends a hard-copy invitation to a random sample of 30,000 New South Wales residents. This number is determined by taking a required pool to draw from (500) and an estimated baseline response (3%) rate and multiplying (and allowing a buffer).

**It is important that people throughout the state are given a roughly equal opportunity to participate.** These invitations will be sent to random physical addresses so as not to discriminate between those who own or rent their property. From this round of invitations, a conservative response rate of 3% will return a pool of approximately 900 (projects with clear and strong authority return better response rates). The size of this pool in combination with random selection sufficiently dissolves concerns of the narrowness of the reach and any possible skew that might entail. When combined with the stratification parameters outlined above, the risk of an inherent self-selection skew within the sample is negligible.

The invitations will come from the Parliament, emphasising the remit and commitments made by the Committee to the authority of the final report. Emphasis on the role of independent oversight and the independence of the selection process being outside the control of the Government will demonstrate the participants' autonomy and freedom in the project. This link to democratic reform and autonomy is crucial to capturing participant interest; it builds upon latent social disaffection with public decision-making by reinforcing the uniqueness of this opportunity. They have a significant and meaningful role in making a public decision that impacts their own lives.

Interested participants will register online or by phone to indicate that they are available for the final selection. This registration process involves collecting relevant stratification data. Based on the registrations received, the stratified random draw that matches to the demographic stratification data taken from the Census will then be conducted.

The drawn sample is then contacted to confirm and explain the process to participants when asking the recipient to confirm availability for selection in individual briefing calls. This exercise in personal communication establishes a relationship between staff and the participants – emphasising the independence of the process and the role of the participants. Additionally, contact with each participant builds a strong personal commitment to the process, noting that once underway it isn't possible to backfill for non-attendees. At this point, those who are not randomly selected in the second round will be advised and encouraged to follow the process by contributing to wider community engagement processes.

Just as in criminal juries, payment of per diems (\$150 per day) is strongly advised to avoid excluding participants who may find participation difficult through hardship. Invitations will clearly note that this payment will be made for time, that meals are provided at the meetings and that necessary travel and accommodation will be covered, as well as any childcare needs.

## APPENDIX 3.

# Sources of information

Information and judgement are required in equal parts to reach decisions, and while the judgement of randomly selected everyday people has been shown to garner very high levels of public trust it is imperative that the information provided to them, and how it is provided, does not erode that trust.

The proposed options all provide incentives for participants to read widely and so the responsibility lies with the Committee and Parliamentary Staff to provide and gather information of sufficient breadth and depth.

## Option A

The participants initially receive **the terms of reference and a short information booklet (15-20pg)** that introduces the topic, describes the trade-off or the ‘what’s hard’ of the issue, the context for the inquiry and provides a summary of key stakeholders and expert witnesses.

The booklet should be **candid and in plain, easy to understand language** best suited to bring the uninitiated reader up to speed quickly. This is the jumping off point for the participants before they hear from a **curated selection of expert witnesses on Day 1**. These speakers are selected by the Chair with the aim that they represent the diversity of views on the issue.

The participants will then be simply asked: *“What more do you need to know and who do you trust to inform you?”*. This means participants will have the freedom to ask for the information they need and request the sources they trust before they reach the conclusion of their work.

## Option B

Similar to Option A, the participants will initially receive the **terms of reference and a longer information booklet (40-60pg)** that introduces the topic, provides detailed background information, describes the trade-off or the ‘what’s hard’ of the issue, outlines the context for the inquiry and provides **input from key stakeholders** and expert witnesses.

The booklet should be **candid and in plain, easy to understand language** best suited to bring the uninitiated reader up to speed quickly. This is the reference document for the participants throughout the process and so it is crucial that it answers as many questions as it can before participants are in the room. The participants will want to ask plenty of questions and so the more staff can reference the information kit for answers the faster the process will progress.

The participants will hear from government speakers to present the context for the inquiry and the history of the issue. The participants will then hear from a **curated selection of expert witnesses on Day 1**. These speakers are selected by the Chair with the aim that they represent the diversity of views on the issue.



The participants will then be simply asked: ***“What more do you need to know and who do you trust to inform you?”***. This means participants will have the freedom to ask for the information they need and request the sources they trust before they reach the conclusion of their work. **This will then be repeated at each meeting** to ensure the group can be as informed as possible when developing their criteria and offering their recommendations.

The participants are then provided with a **series of proposals** the Committee has received from topic experts, interest groups and the wider public. These proposals must be of a standard where they sufficiently answer the remit proposed to the jury. It cannot be the jury’s task to decipher and interpret poorly written proposals. Templated forms and encouragement to provide references and evidence will help here.

### Option C

With this option, the participants will receive the terms of reference and a **longer information booklet (60-200pg)** that introduces the topic, provides detailed background information, the context for the inquiry, context for government policy now and previously, detail the ‘levers’ available for taking action and also provide **input from key stakeholders** and expert witnesses.

The booklet should be **candid and in plain, easy to understand language** best suited to bring the uninitiated reader up to speed quickly. This is the reference document for the participants throughout the process and so it is crucial that it answers as many questions as it can before

participants are in the room. It should err on the side of providing too much detail rather than too little. The participants will want to ask plenty of questions and so the more staff can reference the information kit for answers the faster the process will progress. This ensures the process starts on the front foot and the participants are given every opportunity to become as informed as possible.

The participants will hear from government speakers to present the context for the inquiry and the history of the issue. The participants will then hear from a **curated selection of expert witnesses on Day 1 and 2**. These speakers are selected by the Chair with the aim that they represent the diversity of views on the issue.

The participants will then be simply asked: ***“What more do you need to know and who do you trust to inform you?”***. This means participants will have the freedom to ask for the information they need and request the sources they trust before they reach the conclusion of their work. **This will then be repeated at each meeting** to ensure the group can be as informed as possible when developing their criteria and offering their recommendations.

Finally, the participants will be able to **test their draft recommendations** with the appropriate government agency. This dialogue helps the jury be sure that the clarity of their intent is there. They’re able to be accurate with their recommendations and ensure what they have in mind is also how the body responsible for implementing decisions will interpret it in the same way.

## APPENDIX 4.

# What should you ask participants?

The remit is the task the Chair asks of everyday citizens. It needs to provide an open and non-leading question that clearly stipulates the topic while not curtailing the group's exploration of the issue from the outset.

**Option A** should ask a narrow question focused on the information and questions participants think the inquiry should hear:

*What do we need to consider and who do we need to hear from?*

**Option B** is tailored to asking questions about balance and evaluation criteria. Here's a generic example for illustration:

*Public submissions contain some passionate viewpoints as they usually come from people and organisations with an active interest.*

*Where can you strike a balance between them? Why?*

While **Option C** should ask an open question that shares the problem at the core of the inquiry.

There are four framing questions that inform any remit:

- i. *What question do citizens want to answer?*
- ii. *How can we help focus them on the hardest part of the problem?*
- iii. *How can they be of most value?*
- iv. *What is accessible and understandable?*

For example, a questions for an inquiry into drug law reform would be phrased:

*How can we best minimise the harm from illicit drugs?*

The reason is that the phrasing question does not lead the group (even subtly) toward an answer.

## APPENDIX 5.

# Budgets

## Option A

<b>Invitation</b> Online advertising	\$5000
<b>Facilitation</b> 2-person team for 2 operating days and 4 preparation days	\$30,000
<b>Venue, AV, Staging, Security</b> 2 days x \$5,500 per day	\$11,000
<b>Catering</b> 2 days x 50 pax x \$55 day service	\$5,500
<b>Participant per diem payments</b> 42 x \$150 x 2	\$12,600
<b>Travel (worst case)</b> 10% of participants outside Greater Sydney (5) x \$1000 air/ bus/accom average x 2 meetings	\$10,000
<b>Estimated Cost</b>	<b>\$74,100</b>

## Option B

<b>Invitation</b> 30,000x print and postage	\$35,000
<b>Address Database</b> Australia Post Address Reference File	\$1000
<b>Facilitation</b> 2-person team for 4 operating days and 8 preparation days	\$60,000
<b>Venue, AV, Staging, Security</b> 4 days x \$5,500 per day	\$22,000
<b>Catering</b> 4 days x 50 pax x \$55 day service	\$11,000
<b>Participant per diem payments</b> 42 x \$150 x 4	\$25,200
<b>Travel (worst case)</b> 10% of participants outside Greater Sydney (5) x \$1000 air/ bus/accom average x 4 meetings	\$20,000
<b>Estimated Cost</b>	<b>\$166,300</b>

## Option C

<b>Invitation</b> 30,000x print and postage	\$35,000
<b>Address Database</b> Australia Post Address Reference File	\$1000
<b>Facilitation</b> 2-person team for 6 operating days and 12 preparation days	\$90,000
<b>Venue, AV, Staging, Security</b> 6 days x \$5,500 per day	\$33,000
<b>Catering</b> 6 days x 50 pax x \$55 day service	\$16,500
<b>Participant per diem payments</b> 42 x \$150 x 6	\$37,800
<b>Travel (worst case)</b> 10% of participants outside Greater Sydney (5) x \$1000 air/ bus/accom average x 6 meetings	\$30,000
<b>Estimated Cost</b>	<b>\$243,300</b>



**new**DEMOCRACY

[newdemocracy.com.au](http://newdemocracy.com.au)

**Office of the Speaker** | [speaker@parliament.nsw.gov.au](mailto:speaker@parliament.nsw.gov.au) | 02 9650 2201

**Ellie Laing** | Deputy Chief of Staff to the Speaker of the Legislative Assembly, Jonathan O'Dea | [ellie.laing@parliament.nsw.gov.au](mailto:ellie.laing@parliament.nsw.gov.au) | 0448 290 837

**Iain Walker** | [iain.walker@newdemocracy.com.au](mailto:iain.walker@newdemocracy.com.au) | 0412 544 116