

Consult your community

A handbook

A guide to using citizens' juries

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Acknowledgements

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Introduction

There is a growing view in many areas of public decision making in Australia that community involvement in planning processes is important. Issues faced by decision-makers are increasingly complex. Decision makers have to incorporate a range of diverse and often conflicting interests and they are being challenged in their role of guardians of 'public interest'.

Involving communities early in planning processes is likely to lead to a greater sense of ownership and acceptance of any plans and outcomes that are developed, while actively building community during the process.

Important new mechanisms for community consultation and participation have been developed in recent years, both in Australia and internationally. The handbook recently produced by the NSW Department of Urban Affairs and Planning *Ideas for Community Consultation* (Carson and Gelber, 2001) outlines many of these mechanisms, as well as identifying important principles and procedures for community consultation.

This handbook draws on many of those principles and procedures while looking at one particular method - the citizens' jury (also known as a citizens' panel) - and how it can be used to provide informed and considered public opinion in an unbiased and transparent manner. It has been written for elected representatives, government employees and others who have a practical interest in running participatory processes.

The booklet outlines the steps involved in running a citizens' jury and illustrates how it works in a real life situation. The main case study is a citizens' jury carried out by the Institute for Sustainable Futures (ISF), a research body at the University of Technology, Sydney, as part of a review into the introduction of Container Deposit Legislation (CDL) in NSW commissioned by the NSW Minister for the Environment. The jury examined community attitudes to the introduction of CDL in NSW. This citizens' jury is covered in some detail and useful materials such as sample letters, questionnaires, terms of reference documents etc are included as appendices.

There are two other case studies included to show how citizens' juries can be modified to work at a smaller, local scale. One is a citizens' jury run by Wollondilly Shire Council (near Sydney) to gain input into the social vision for the district and the other is a similar project in Ballina in northern NSW.



Some of the material reproduced in this booklet first appeared in discussion papers on the ISF website, in the CDL Report to the NSW Minister for the Environment, in the *Ideas for Community Consultation* booklet produced by the Department of Urban Affairs and Planning and information given to the general public that was prepared the CDL review project team. References for these materials, along with other useful references, can be found in the Resources and further reading section at the end of this booklet.



1. **Snapshot**

What is a citizens' jury?

Decision making about complex problems is often dominated by experts and special interest groups, with processes that don't encourage the participation of the general public. Citizens' juries are one way to address this by incorporating the views of the community into decision-making. They are not a replacement for elected representatives, nor a substitute for existing community involvement programs. Rather, these consultation methods assist elected representatives to make informed decisions, giving them an accurate assessment of citizens' views. Citizens' juries also overcome some of the problems associated with other approaches such as the use of conventional community questionnaires and public hearings. They provide an opportunity to learn how citizens think about an issue when presented with detailed information about the matter.

Citizens' juries have been so named because of their apparent similarity to a legal jury, where a group of citizens reflecting a cross section of the public comes to a decision. However in many ways they are distinctly different to a legal jury. They do not pitch different sides against one another, do not rely on a consensus among jury members, and rather than a guilty or not guilty finding, the jury proposes a series of recommendations, considering how different points of view might best be combined. One interesting feature of citizens' juries is that they have typically resulted in considered and moderate recommendations that successfully blend competing claims and help reconcile antagonistic groups.

Experience shows that the use of the term 'jury' can have positive and negative implications. In this handbook we use the term citizens' jury and citizens' panel to mean the same thing.

1.1 What is a citizens' jury?

Citizens' juries are an exciting and innovative approach to gaining public input into complex policy decisions. They were first used in the 1970s in the United States and in Germany (where they have been called planning cells), to overcome the limitations of standard consultation processes for complex scientific issues. Since then they have been used extensively around the world and in Australia.



A citizens' jury:

- ◆ brings together a group of 12-20 randomly chosen citizens into a panel that matches a profile of the community at large using selected criteria;
- ◆ provides a forum in which the panel can consider how best to deal with an issue of public importance;
- ◆ takes place over a number of days during which the panel is given detailed balanced information about the issue, hears a wide range of views from expert presenters (or 'witnesses'), and is able to question the presenters as well as seek out any additional information they might want;
- ◆ is organised in consultation with an advisory committee, (and sometimes an additional stakeholder reference group), which is responsible for ensuring the integrity and credibility of the project and the high quality of witnesses;
- ◆ has a neutral facilitator who supports the panel by managing group dynamics to ensure that everyone has a fair say, the panel gets the information it needs and that it fulfils its terms of reference;
- ◆ has a chair to oversee contributions from the presenters and make sure they respond to the jury's questions appropriately (sometimes the role of chair and facilitator is combined);
- ◆ deliberates in a variety of formats such as small group discussion, brainstorming and full panel discussion; and
- ◆ concludes with the panel preparing a report which records its recommendations and any dissenting points of view.

1.2 How citizens' juries can complement existing public participation processes

There are many ways of consulting the community and inviting it to participate in decision-making. Some of the other methods that can be used are:

- ◆ **Residents' feedback registers** - where a randomly selected group of residents (usually several hundred participants) gives regular feedback (on planning ideas, local government projects etc) through written or telephone surveys.
- ◆ **Focus groups** - where small groups are recruited to discuss a topic; little information is offered; an in-depth version of an opinion poll.



- ◆ **Deliberative polls** - which involve a statistically significant sample of citizens (e.g. 300) who are surveyed, then brought together in a single location to discuss a topic in small facilitated groups, then surveyed again.
- ◆ **Consensus conferences** - where a small group, usually randomly selected, is brought together for in-depth discussion and interaction with experts, moderated by an independent facilitator, usually over a period of several days (similar to a citizens' jury, although more in-depth).
- ◆ **Referendums** - usually conducted at the same time as an election; the decision is often binding (eg when the referendum is linked to a constitutional change); information is usually distributed beforehand.
- ◆ **Public meetings** - called to inform the public about a proposal, often with little opportunity for discussion.

The degree of citizen involvement and influence varies according to the consultation method that is used. The following table illustrates this continuum.

Citizen Involvement in Public Decision-making

<p style="text-align: center;">Degrees Of Involvement →</p>								
<i>Low</i>						<i>High</i>		
Information Sharing			Consultation			Deciding Together		
						Acting Together		
Public Influence on Decision:								
Information			Legitimation		Moderation		Modification	
							Determination	
Instruments:								
Advertising	Opinion Surveys	Submissions	Preference Surveys	Focus Groups	Citizens Juries	Referenda	Co-Management	User Management

(Forgie et al 1999)

It is useful to look at the different things that can be achieved by comparing various consultation methods on common grounds. Useful areas for comparison are:

- ◆ **Representativeness** - how representative are the participants of the wider population?



- ◆ **Deliberation** - do participants have the opportunity to reflect on the information before them and discuss the matter with each other before responding?
- ◆ **Scrutiny** - do the participants have the opportunity to ask their own questions about the subject matter and receive answers before responding to the question?
- ◆ **Authority** - does the outcome of the process make a difference?
- ◆ **Cost** - how expensive is the consultation method to implement?
- ◆ **Time** - how much time is needed to organise and implement?

The following table shows how these different methods compare. This will assist in choosing the most appropriate method for the issue or question being considered.

Comparative effectiveness of consultation methods

	Representativeness	Deliberation	Scrutiny	Authority	Cost	Time
Residents' feedback registers	2	1	1	X	3	3
Focus groups	1	0-1	0	X	2	2
Deliberative polls	2	2	2	X	1	2
Citizens' juries or consensus conferences	1	3	3	X	2	2
Referendums	3	0-1	1	3	0	1
Public meetings	0	0-1	1	X	3	3

3 = excellent, 2 = good, 1 = fair; 0 = poor; X = variable

Adapted from Coote and Lenaghan 1997.

1.3 Why use a citizens' jury?

Elected representatives are in a difficult position to accurately judge and act upon community values. They can be polarised by ideological debates, find it hard to identify community concerns and values and be pushed into one 'side' or another due to the adversarial nature of political debate.

In contrast, the deliberative process of a citizens' jury involves rational, reasoned debate; uses various methods of inquiry (such as brainstorming, issues mapping, field trips etc), directly questions experts, values creativity and tends to build consensus rather than creating winning and losing sides.



When is this method useful?

A citizens' jury is useful when the questions to be deliberated over are relatively clear in advance. It is ideally suited to situations that involve complex issues, where expert involvement is required for participants to fully understand the process. Other indications that a citizens' jury will be useful are when there are competing vested interests, high stakes in the outcome, where decisions made will have an impact on the broader community, where there is scientific uncertainty (i.e. not a single generally accepted scientific opinion) and there are high levels of risk involved. For citizens' juries to be effective tools of participation, there should be strong links back to the decision-making body.

The advantages of a citizens' jury

Public meetings can become dominated by well-organised interest groups or by more articulate and highly motivated individuals. In such situations, the voice of the average citizen is either not heard or excluded or they themselves do not believe they can add value to public participation processes. Participation processes like citizens' juries are a way of providing a transparent process for involving and bringing together experts, ordinary citizens, service providers, interest groups and the decision-makers. Citizens' juries also emphasise deliberation and interaction. These attributes encourage learning both amongst participants and between participants and officials.

Citizens' juries allow for the inclusion of expanded levels of expertise including non-traditional forms of knowledge and skills in the deliberative process. This works because the participant group is smaller and deliberations can be in-depth and investigative over a period of time. Because the participants submit a written report with recommendations on completion, the results of a community consultation process are tangible and evaluating the process itself (i.e. micro level evaluation) can be relatively straightforward.

The limitations of a citizens' jury

The main limitations of citizens' juries are: the cost of bringing together a group of people for several days; the extent to which the small number of citizens can adequately represent the views of the whole community; and the risk of not gaining the cooperation and attendance of people and groups upon which the successful execution of the citizens' jury depends. Sufficient time and resources are needed to organise the process and



sustain commitment to it. It can be difficult to evaluate the influence of citizens' juries on decision-making.

2. In practice

Steps in organising a citizens' jury

2.1 Roles within a citizens' jury

The following roles are essential for the correct operation of a citizens' jury.

Project manager

The citizens' jury project manager is responsible for the entire organisation of the public participation process, supported by the advisory committee that oversees key decisions. The project manager must encourage the appropriate stakeholders to participate in the project, correctly select the jury, identify the presenters, provide background information and support to all participants, determine the 'charge' facing the jury, manage the actual event itself, deal with issues arising during the process and provide reports and evaluations of the process. The project manager must treat all participants fairly and impartially and avoid influencing the jury's decisions and recommendations. The project manager may have team members coordinating various aspects of the process, such as administrative support.

Advisory committee

An advisory committee is composed of individuals knowledgeable on the topic (and/or public participation techniques) who represent a range of perspectives. Ideally, there should be no more than ten people on the committee and their role is to oversee the whole process, ensuring independence and credibility. The committee provides advice concerning the terms of reference, agenda, and witness/expert presenter selection and helps the project staff avoid bias throughout the project. Project managers should decide if the advisory committee is made up only of experts in public participation or if it should include stakeholders in the issue being examined.



Facilitator

An independent facilitator supports the jury and manages the group dynamics. The facilitator is responsible for ensuring the jury performs its task effectively and efficiently and is ultimately responsible to the project manager. The facilitator ensures that jury members understand and feel comfortable with their role, introduces them to techniques for assessing and challenging expert knowledge, focuses their attention on key questions and ensures that the jury achieves the tasks set within the time available, including the production of its report. The facilitator must have the ability to remain neutral at all times.

Chair

An independent chair manages the expert presentations and discussion sessions. The chair is responsible for timekeeping and ensuring the presenters stay focused on the key issues, as defined by the jury. The chair is ultimately responsible to the jury and the project manager. Interaction with the jury is via the facilitator. Often the role of chair is combined with the role of facilitator.

Panel members (jury)

The panel's task is to respond to the question set in the terms of reference and at the end of the process to present the views and recommendations of informed members of the public on the issue being presented. Over the duration of the process, the panel members listen to the presentations, debate the issues and write a report on their conclusions.

Witnesses/expert presenters

Witnesses/expert presenters give a brief presentation to the panel and answer further questions. They may be called again by the panel at a later stage during the citizens' jury process to clarify any issues arising. Presenters provide a brief written summary of their presentation for the benefit of the panel.

Evaluator

The role of the evaluator is to observe the proceedings of the citizens' jury as part of evaluating the effectiveness of the process and to provide an evaluation report at the end. The jury must agree to the evaluator's presence. The evaluator observes but does not participate in any way.



Observers

In keeping with the nature of the process, a citizens' jury should be as open as possible, with interested parties being allowed to observe. Observers are part of the non-participative audience, to listen to and watch the proceedings of the citizens' jury. The jury must agree to the presence of observers and during some panel sessions the panel may ask observers to leave. Observers do not participate in any way.

2.2 Organisational steps

The following steps should be followed when organising a citizens' jury. The process of organising the panel is not necessarily a linear one and many of these steps will need to be carried out simultaneously. They are listed below and then explored in more detail.

The steps are:

Initiating the project

- ◆ Identifying whether a citizens' jury is appropriate.
- ◆ Securing funding and setting the budget.
- ◆ Appointing a project manager.

Setting up the project

- ◆ Defining roles and terms of reference for all parties involved.
- ◆ Appointing an advisory committee.
- ◆ Appointing an independent evaluator.
- ◆ Appointing the chair and facilitator.
- ◆ Preparing terms of reference and the charge/question for the panel.

Stakeholders

- ◆ Identifying and inviting stakeholders to participate in an advisory capacity and as presenters.

Recruiting and selecting the panel

- ◆ Choosing the panel selection method.
- ◆ Selecting the panel.



Developing background information

- ◆ Providing objective and balanced background information on the topic to panel members.
- ◆ Providing logistical information to all participants.

Organising event logistics

- ◆ Organising event logistics and running the event.
- ◆ Carrying out publicity.

Communicating outcomes and next steps

- ◆ Making recommendations.
- ◆ Evaluating the process.
- ◆ Communicating outcomes and next steps.

2.3 Initiating the project

A citizens' jury could be initiated by a council, government department or other organisation.

Identifying whether a citizens' jury is appropriate

The organisation initiating the process will need to consider if a citizens' jury is the most appropriate form of deliberative participation for the topic or issue being considered.

Securing funding and setting the budget

A citizens' jury will need to be adequately resourced, although it is possible to make cost savings. The budget will need to consider items such as recruitment costs; payment for jurors (covering their out of pocket expenses and a small fee for their time), chair, facilitator and evaluator; event organisation costs such as venue, catering and travel; publicity, staff costs for the project managers and printing and distribution costs. Organising a citizens' jury is a full time job for at least four months, with some preparation a few months prior to this.



Appointing a project manager

Ideally an organisation will employ independent consultants to manage a citizens' jury process. As well as being a major project management exercise, running a citizens' jury requires specialist expertise and the ability to be a neutral participant in the process. The project manager should be familiar with both the theory and practice of public participation processes such as citizens' juries, but does not need to be expert in the actual jury topic. The project manager will hold ultimate responsibility for the correct functioning of a citizens' jury.

2.4 Managing the project

Once the project manager is appointed, he or she will take over the running of the citizens' jury and the coordination of others involved.

Defining the terms of reference

All participants must be clear about their roles in the process and it is useful to provide written documents outlining the roles of various participants. More formal 'terms of reference' are important for the advisory committee and the jurors in particular, giving information on what they are and are not responsible for and what tasks they are expected to complete. For example, the project managers could make a commitment to the jury that their views will be accurately presented after the process (e.g. to government). The organisation initiating the citizens' jury process could make a commitment that it will take account of the jury's findings, or publicly explain why it cannot take them into account.

Appointing an advisory committee

The project managers should select an advisory committee with a mix of skills and expertise best suited to the specific citizens' jury project. Project managers should seek advice from known experts in public participation, the organisation commissioning the jury and organisations involved with the subject area. This representative group of stakeholders should assist with ensuring cooperation and participation in the process, transparency and credible results. The advisory committee should help ensure that high quality presenters are used.



Appointing an independent evaluator

Evaluation is important for the general public and decision-makers to trust and respect the recommendations and outcome of the jury and is a way of independently identifying any issues that may affect the meaning or impact of the panels' recommendations. Appointing the evaluator early in the process is an important step in setting the terms and scope of the evaluation and ensuring that the process is transparent and unbiased from the beginning. The results of any independent evaluation are included in the final report of the panel.

Appointing the chair and facilitator

Project managers should prepare a list of desirable and essential skills and qualities for these two roles (see example in Appendix One) and undertake a selective recruitment process with advice and support from the advisory committee. Once selected, the facilitator should be given guidelines for conducting the jury (see example in Appendix Nine).

Setting the 'charge' or question

The 'charge' is the task facing the panel and is crucial in determining how the panel approaches the issue. It typically takes the form of a question or series of questions that the panel members address and answer during deliberations. The question is developed in conjunction with the advisory committee and it is important that it is seen to be unbiased and acceptable to all stakeholders.

2.5 Inviting stakeholders to participate

Involving the stakeholders

It is important that all stakeholders with an interest in the issue participate in the citizen's jury process and are given the opportunity to present their arguments and point of view. Input from stakeholders is particularly important when producing good quality background material for the jurors.

Selecting presenters

Individuals knowledgeable about the issue serve as presenters or 'expert witnesses'. These individuals provide background information as well as in-depth information about various aspects of the issue. The focus is not so



much on the presentations but on the interactions with the panel and their questioning of the arguments. The presenters are selected to represent a variety of perspectives and opinions, usually with input from the advisory committee and other stakeholders.

2.6 Recruiting and selecting the panel

Choosing the panel selection method

There are several ways to approach random selection. The first choice that must be made is between random selection that matches demographic profiles and random selection that does not match demographic profiles. The project manager must then choose a suitable method of random selection, such as advertising for participants in newspapers with wide coverage to create a pool from which people are chosen, mail outs using the electoral roll or telephone listings, or randomised phone dialling. The decision on which method is used will depend on how best to access the relevant community for the particular citizens' jury.

Recruiting the panel

This involves the following steps:

- ◆ sending invitations to randomly selected residents (NOT disclosing topic under discussion);
- ◆ requesting the return and completion of forms with demographic information by interested citizens;
- ◆ grouping respondents on primary demographic statistics such as age, sex, location and occupation type;
- ◆ making a short list of citizens randomly selected from these groups;
- ◆ notifying participants and excluding those with any significant involvement in the issue under discussion; and
- ◆ drawing up a final list of participants, with a shadow list in case of last minute withdrawals.

Because panellists are randomly selected from those people who have responded to the survey, there is an element of self-selection present - however this relates to participating in the citizens' jury process, not the topic of the jury, which is not revealed at this stage.



2.7 Developing background information

Providing balanced background information on the issue to panel members

The project manager must arrange the provision of detailed and impartial background information for jury members on the issue being considered. The background information should define the issue, outline the 'charge' (question being considered) and terms of reference, provide information such as the criteria for assessing some of the options or models that will be presented to the jury and details on where to seek further information for jury members who wish to do more in-depth research. This is an important step and often involves a great deal of discussion and negotiation between stakeholders before the material is agreed upon. The material is not necessarily prepared by the project manager - in some cases it is outsourced to independent journalists or writers.

Providing logistical information to panel members

The project manager must provide panel members with accurate information about the process of a citizens' jury, the logistics and what will be required from panel members during the event.

2.8 Organising event logistics

Organising event logistics and running the event

Ideally preparation needs to commence four to six months before the citizens' jury event. The project manager needs to arrange all event logistics including venue, accommodation, transport, refreshments, presentation tools (white boards, computer screens, video players etc), ensure that all participants know when and where they should arrive, provide separate rooms for the hearings and for jury discussion and so on. It is important to care for jury members and ensure their wellbeing during the process. It is also part of the responsibility of the project manager to ensure the jury provides its final report.

Publicity

One of the aims of these types of processes is to stimulate wider public interest in the topic under consideration. However, publicising a citizens' jury needs to be done sensitively. While it is good to keep the community



informed of a citizens' jury, too much publicity close to the event could result in lobbying of jurors by different interest groups. Ideally the community should be notified that the event is happening (for example, during the random selection process) and publicity can be carried out immediately after the jury process.

2.9 Communicating outcomes and next steps

Recommendations

After final deliberations, the jury releases its findings and recommendations in a public forum. The recommendations appear in language that the jurors themselves develop and write. The recommendations are presented to the decision-making body in the form of a report.

Evaluating the process

Evaluation approaches will vary depending on what is being evaluated and this should be decided early in the planning process. Generally evaluation will be on a 'micro' level, looking at the event itself and whether it was fair and unbiased. 'Macro' level evaluation (i.e. evaluating the citizens' jury process itself and issues such as whether or not it influences policy or has a long-term impact on participants) is more complex and a number of researchers have explored the issues involved. The resources section at the end of this booklet has further reading on macro level evaluation issues.

Outcomes and next steps

It is vital that project managers clearly and transparently carry out any actions they have agreed to - such as publicly promoting the results of the jury, accurately representing the jury findings to governments and providing the jury report to appropriate people. A public explanation of what will happen as a result of the jury is an important part of promoting this form of public participation. The project managers must carry out any follow up and keep the panel informed on the outcomes of its recommendations.



3. State level case study: Citizens' jury on Container Deposit Legislation in New South Wales

As part of a wider review of the Waste Minimisation and Management Act (1995), the NSW Minister for the Environment appointed Dr Stuart White of the Institute for Sustainable Futures (ISF) at the University of Technology Sydney to undertake an independent review of Container Deposit Legislation (CDL) in NSW. This review was carried out between October 2000 and May 2001.

This case study illustrates the practical aspects of running a citizens' jury, along with some of the problems that can occur and how they can be dealt with. It is presented here in some detail to provide a guide for others running similar processes.

3.1 Initiating the project

Background

ISF's original intention was to run a citizens' jury with the question 'Should container deposit legislation be implemented in NSW?' and it began organising the citizens' jury process as outlined in this handbook. However some of the participating stakeholders were sceptical of the citizens' jury process from the outset and ultimately withdrew from the process two weeks the event. This meant that the citizens' jury could not proceed, since jurors would only be receiving information about one side of the argument. In consultation with the advisory committee and the facilitator, the structure was adapted to a citizens' forum, which has many elements in common with a citizens' jury.

The key difference between a forum and a jury is essentially in the degree of interaction with presenters, and therefore the structure of the three days of deliberation. In a jury process, the structure is designed so that the jury hears from, and asks questions of, a mix of 'expert' and 'stakeholder' witnesses over the first two days. In the forum process, only the first day was allocated to hearing from, and questioning 'expert' witnesses who were



asked to present information in a more neutral way rather than advocating a particular point of view. On the second day, an independent consultant familiar with the content and key arguments surrounding the issue was available for questioning to assist the jury in understanding the views of different stakeholders. The panel also has access to a range of written material such as reports and submissions prepared by different parties. The organisational steps in putting the project together remained similar to the organisation of a jury.

Identifying if a citizen's jury was appropriate

Public participation was a key component of the CDL review. In order to ensure that both interest groups and the broader community were able to participate, a combination of public participation approaches was used, including interviews and discussions with key stakeholder groups, written public submissions, a televote and a citizens' jury. ISF identified a citizens' jury as being an appropriate technique for exploring the opinions of interest groups, interested members of the public and 'typical' citizens.

Securing funding and setting the budget

The review was funded by the Minister's office and a component was set aside for the citizens' jury. The total cost of the CDL citizens' jury was AUS\$44,000 and the budget details are included in Appendix Two.

Appointing project managers

Stuart White was appointed by the Minister to review the CDL legislation. ISF colleague Carolyn Hendriks coordinated the social research (which included a televote as well as a citizens' jury) and Jane Palmer was appointed as project manager for the citizens' jury.

3.2 Setting up the project

Defining roles and terms of reference for committee and jury

ISF prepared terms of reference for the key participants in the citizens' jury process and began with the appointment of two advisory committees.



Appointing the advisory committees

Two external groups were formed to assist the ISF in running the citizens' jury. They were:

- ◆ the CDL Review Social Research Advisory Committee, which guided the participation processes. This group contained public participation experts and academics who had no vested interest or background in CDL issues. Their job was to ensure that the public participation process was rigorous and transparent. This group was appointed by a snowballing¹ technique to avoid a cloistered approach.
- ◆ The CDL Review Social Research Stakeholder Reference Group, which provided input into the material prepared for the participants in the televote and the citizens' jury processes. This material included background information and the selection of the CDL expert panel for the citizens' jury. The group was made up of key stakeholders in the CDL discussion including environmental groups, retailer associations, local government peak body, waste managers and the Beverage Industry Environment Council.

The terms of reference for the advisory committee were:

1. To guide the design and methodology of the televote and citizens' jury conducted for the Independent Review of CDL in NSW.
2. To reach agreement on the:
 - ◆ terms of reference of the citizens' jury
 - ◆ selection criteria for the citizens' jury
 - ◆ process of conducting the televote
 - ◆ members of the citizens' jury
 - ◆ agenda for the citizens' jury
 - ◆ expert witnesses for the citizens' jury
 - ◆ facilitator for the citizens' jury
 - ◆ location for the citizens' jury
 - ◆ evaluation process and consultant.
3. To discuss the findings of the televote and its implications on the citizens' jury process.

¹ The snowballing technique involved starting with one phone call to a person interested in public participation processes and asking them to give two names of people who also had an interest. These two were phoned and asked for two names and so on, until the same names began reappearing.



4. To provide input into the evaluation of the televote and citizens' jury process.

The terms of reference for the stakeholder reference group were to provide input into the material prepared for the participants in the citizens' jury process conducted for the independent review of CDL in NSW. The group was to provide specific input on the contents of the background information provided to the panel members. The group was also asked to comment on recommendations made by the advisory committee in relation to the:

- ◆ terms of reference for the jury;
- ◆ selection criteria for the jury;
- ◆ agenda for the citizens' jury;
- ◆ expert witnesses for the citizens' jury; and
- ◆ evaluation process and consultant.

The terms of reference for the jury members (developed in consultation with the advisory committee and the stakeholder reference group) outlined the question to be considered ('should Container Deposit Legislation be introduced in New South Wales?') and the obligations of all parties in the process. The purpose of the jury was defined as 'to respond to the set question and to present the views and recommendations of informed members of the public on container deposit legislation'.

Jurors were told that in considering this question they would be presented with a range of information and asked to reflect on the environmental, economic and social aspects of CDL, including its potential effects on litter, waste, recycling, container return and reuse, ratepayers, consumers, the community, retailers, producers, employment and any other matters the jury considered relevant.

ISF made a commitment to the jury members that the full jury report would be included in the final report on the CDL Review, which would be sent to the NSW Minister for Environment.

The complete terms of reference are included in Appendix Three.

It should be noted that university and other formal research institutions are required to obtain ethics approval for most forms of social research to ensure proper confidentiality and notification procedures are followed.



Recruiting facilitator and chair

The facilitator selected for the citizens' jury was Margaret Dugdale of Social and Environmental Planning Partnerships, South Australia. Margaret was one of four candidates who were interviewed for the role of facilitator by two members of the ISF CDL project team and a representative from the advisory committee. She was selected on the basis of her extensive experience in facilitation and mediation.

A separate role was identified for an independent chair to manage the expert presentations and discussion sessions in order to ensure that the facilitator was able to focus fully on the citizens' jury. The intention was that there would be a clear demarcation between the roles of the chair and facilitator: the chair would be responsible for managing the expert presenters - keeping them to time and ensuring that they responded adequately to the panel's questions. The facilitator, on the other hand, would be responsible for supporting the panel and working with them in the private jury sessions (where no presenters would be present).

The chair selected for the citizens' jury was Bill Kidd, Head of Administrative Systems at Southern Cross University, Lismore. Bill was invited to take on the role of chair on a recommendation from the advisory committee on the basis of his skills and experience in chairing public debates. Bill had no specialist knowledge of, or stake in, CDL.

With the late change in structure to a citizens' forum, the number of presentations was drastically reduced and the role of the chair was less important. Margaret Dugdale, therefore invited Bill Kidd to assist her role as facilitator.

3.3 Involving stakeholders

Identifying and inviting stakeholders to participate and be presenters

In putting together the stakeholders group, ISF identified key stakeholders involved in the review and then asked their advice on other stakeholders who should be involved, aiming for a balance between different positions on the issue. Presenters were mainly members of the stakeholder group. One of the difficulties was trying to identify 'neutral' presenters who could provide basic factual information rather than pushing a particular perspective. The same problem was faced when developing the background material.



3.4 Recruiting and selecting the panel

Choosing the panel selection method

Although a citizens' jury cannot be a statistically representative sample of the general population, it is possible and important to put together a panel whose composition broadly reflects that of the wider society. Recruitment for the citizens' jury was carried out by random mailing to 2000 households (see copy of invitation letter Appendix Four). One hundred and forty two positive responses were received (a response rate of 7%). Respondents were asked to give brief details about themselves, to be used in the selection process, including sex, age, area of residence (city/town/rural), educational qualifications, occupation, ethnic origin and household structure.

In deciding how the final selection would be made, two considerations were taken into account:

- ◆ Firstly, it was important to put together a panel whose composition broadly reflected that of the wider NSW community. Unlike the participants of the televote, the citizens' jury was not intended to be a statistically representative sample of the population of NSW since the sample size is too small. The aim in the random selection of the jury members was not, therefore, to match key demographic and other social characteristics precisely to those of the general population. Instead it was to achieve a cross-section of the general population.
- ◆ Secondly, all of those who put their names forward would be given a fair chance of being selected for the jury.

Selecting the jury

From this 'pool' of 142, the selection process of the final panel of 16 citizens took place in two initial stages:

1. the pool was divided into discrete groups according to sex (50:50) and then educational level; and
2. predetermined quotas (based on NSW demographics from the 1996 Census) for each category of education (basic/skilled/degree) were filled by random selection.

The potential panel of 16 citizens generated by this round of selection was then checked against the remaining characteristics in the following order: age (three bands), area of residence (metropolitan/other), household



structure (with/without children), ethnicity (English as a first language/other) and employment (employed/unemployed/ not in the labour force), to ensure the panel matched the demographics of the NSW community as far as possible. Where there was any imbalance, members were substituted by random selection from within the particular sub-group, although this was kept to a minimum. This process was repeated to select a 'shadow panel' of 16 members as reserves in case of any drop outs from the main panel.

In the event that a replacement was needed, for simplicity, a member from the shadow panel was selected to match the original member on the basis of education and age only, since the members of the shadow panel did not exactly mirror the characteristics of the main panel. This happened in four cases. Although this means that some of the quotas may have altered slightly, the panel still reflected a cross-section of the community.

Both the potential main panel and shadow panel were approved by the advisory committee in terms of the overall balance within each jury compared to the set quotas. Potential panellists remained anonymous and were discussed in terms of their characteristics only. A summary of the key characteristics of the jury members is included in Appendix Five.

3.5 Developing background information

Providing detailed and impartial background information to jurors

The citizens' jury background material was developed in conjunction with the stakeholder reference group and agreement was reached on the content at the final meeting of the group. The background document provided a balanced perspective of the agreed facts surrounding recycling and CDL as well as a list of the key arguments 'for' and 'against' the introduction of CDL in NSW.

The final contents included:

- ◆ outline of purpose of the document;
- ◆ information on what currently happens to containers in NSW;
- ◆ a description of how CDL systems generally work;
- ◆ a brief outline of the CDL experience in South Australian and overseas;
- ◆ an outline of the key uncertainties;
- ◆ some key questions to consider; and



- ◆ key arguments in favour and against the introduction of CDL in NSW (written by the stakeholders).

There was also some detail on international experiences and some website addresses where additional information on related topics could be found. The document was sent to the jury members two weeks before the forum was held.

Providing logistical information to all participants

All participants were provided with information on the logistics of the event. Appendix Six is an example.

3.6 Organising event logistics

Organising the event logistics and running the citizens' jury

The citizens' forum took place on 9-11 February at the Women's College, University of Sydney. The final program formed a basic structure within which the panel worked. As the forum progressed, the facilitator and the panel amended the structure of the program to suit their needs.

The final structure of the three days was:

- ◆ Thursday evening - welcome and outline of the citizens' forum process within the CDL Review and the broader NSW Waste Act Review.
- ◆ Friday morning - setting the ground rules and developing a 'context map' based on the citizens' jury background material. Presentations from New South Wales and South Australia Environment Protection Authorities and Professor Frank Ackerman from Tufts University (an international presenter from the US via telephone). Each presentation was followed by group deliberation and questioning of the presenter.
- ◆ Friday afternoon and Saturday - small group work in defining key questions, panel group discussions, question and answer sessions with Dr Stuart White (who was conducting the review), panel deliberation to further isolate key concerns.
- ◆ Sunday - panel preparing report (including some small group work). In the evening presentation of panel's report to observers and to a representative from the Minister's office.

A number of people were interested in observing the citizens' forum for both process and content reasons. A maximum of seven observers attended



the process and their role was strictly to observe and not to interact in any way with forum members. In all private forum sessions, observers were asked to leave the room while deliberations took place. The observers' role was clearly outlined to them in a document, which is included as Appendix Seven. The independent evaluator was given permission by the panel to observe all sessions, including the private deliberation sessions.

Publicity

In the case of the CDL citizens' jury, the organizers agreed that media publicity would not be sought at the time of the event due to the withdrawal of one group of stakeholders from the process and the associated political sensitivity.

3.7 Communicating outcomes and next steps

Making recommendations

The CDL Review process showed that there are polarised views on the benefits and costs of introducing CDL in NSW. Public opinion polls have found that there is majority support for the introduction of CDL in NSW (BIEC, 1997). The citizens' forum process was a useful way of determining the views of NSW citizens when all the issues are discussed in a deliberative forum.

The citizens' forum unanimously agreed to the implementation of CDL in NSW within a framework of specific recommendations. The recommendations of the panel are included as Appendix Eight, as an example of the type of conclusions reached by typical citizens in a deliberative process.

Evaluating the process

ISF commissioned an independent consultant - Elaine McKay, Principal Associate, P J Dawson & Associates of Canberra - to evaluate the citizens' forum. Elaine McKay was appointed because of her experience as the principal evaluator for the First Australian Consensus Conference on Gene Technology and the Food Chain held in 1999.

The process aimed to evaluate the effectiveness of the citizens' forum process, focusing on the three days of the forum (rather than the processes



leading up to it). It identified lessons learnt and areas where improvements could be made. The evaluation brief is included as Appendix Nine.

The evaluation used both qualitative and quantitative methodologies that included pre and post forum questionnaires to assess attitude change to CDL and related issues and semi-structured interviews with panellists, facilitators and organisers. The evaluator also attended all sessions of the forum as an observer.

A summary of the key findings from the evaluation is given below.

Evaluation summary

(Elaine McKay, Principal Associate, P J Dawson & Associates, Canberra)

The ISF hosted a successful Forum, which was conducted with openness and rigour taking account of the limitations placed on the process by the absence of stakeholders. The process accessed the views of a diverse group of citizens, which were further informed by the process.

Most of the panellists held clear positive attitudes on the needs for litter control and on the environment before the Forum. Other data, including from the Australian Bureau of Statistics, indicate that these positive attitudes are shared by the rest of the Australian population. The panellists were also positively inclined towards CDL before the Forum. The effect of the Forum was to increase commitment to CDL and clarify and better inform these attitudes. They discovered their views were shared with the majority of others at the Forum. They came to appreciate that the question was more complex than they had first thought and to modify their attitudes by taking into account other issues, such as manufacturers' concerns, overall costs and the effects of CDL on particular groups in the community.

The key reasons for support of the legislation related to litter and waste, effect on landfill and effect on the environment, but the future also played a part in terms of making people aware of their habits and giving future generations a positive attitude to recycling.

The consensus process had the effect of introducing qualifications to the majority view because the minority reservations had to be taken into account. The majority did not find this a difficult accommodation and the minority believed that answers to their reservations would result in well-founded policy recommendations to the government.

The Citizens' Forum on CDL has been a further example of a participation process where lay people, randomly selected from the community, can be trusted with information on contentious and complex issues and, with good organisational infrastructure and facilitation, can be guaranteed to produce thoughtful and rational opinions which are of use to policy makers.



Communicating outcomes and next steps

The recommendations of the citizens' forum were presented to the Minister in the final report on the CDL Review, which incorporated the full written report from the citizens' forum. ISF agreed to keep panel members informed of the results of the review.

3.8 Lessons from the CDL case study

The evaluation process drew out a number of lessons which could help future organisers of deliberative processes of a similar nature to a citizens' forum.

- ◆ A citizens' forum at which stakeholders do not make presentations in person is an acceptable and rigorous method of accessing informed public opinion, which can be added to the range of consultation methods available.
- ◆ The amount of information made available to the panellists will always be an issue for organisers. How much is sent out before a forum will be a matter of judgement, but 12 to 20 pages is probably sufficient. It should be a clear and balanced exposition of the contending views associated with the subject. It is the quality of the information rather than the volume, which is crucial and references can be given to other sources available in libraries and via the Internet. Further written material, in addition to the verbal presentations, should be available for those panellists who require it and time should be made available in the program for it to be read.
- ◆ Acknowledgement should be made of different learning styles. Thus organisers, facilitators and speakers should build into the program and their presentations opportunities for all learning styles to be accommodated. These include visual, as well as audio presentations, access to detailed information and activities to enhance the learning process.
- ◆ The facilitator can enhance the skills of the panellists through questioning to elicit more information and improve the depth of the final report. Techniques, such as argument mapping, should be explored for assisting the panellists to absorb and keep new information before them, to track arguments and add rigour to the process.



- ◆ Organisers should seriously consider engaging both a facilitator and an assistant facilitator.
- ◆ It is highly desirable that the evaluator be responsible for the evaluation of both attitude change and the success of the process.
- ◆ Trust can be placed in the panellists to use the occasion and the opportunities provided to aid them in meeting their commitments to the process. While planning requires that organisers must anticipate the needs of the panellists, there is no need to make judgements which are too limiting about how much information they can cope with. Each participant will have different needs and make that judgement for themselves.

See Appendix Ten for a further series of recommendations regarding group processes, drawn from a different citizens' jury process.



An inside view...

ISF team member Jane Palmer made the following comments and suggestions for others running a citizens' jury:

- ◆ It is best to combine public participation experts and stakeholders together on an advisory committee, even if they then break into sub-committees to carry out specific tasks.
- ◆ The involvement of committees means that everything takes much longer than you would expect!
- ◆ The citizens' forum worked well given the circumstances and produced a result similar to that you would expect from a citizens' jury, but was not an ideal structure given the frustrations felt amongst the panel and project managers
- ◆ Despite difficulties faced by the panel due to change in structure, the panellists still came up with some very sensible and robust recommendations.
- ◆ A citizens' jury is vulnerable to being undermined by non-cooperation from stakeholders.
- ◆ It is difficult to make the distinction between 'factual' presentations and those giving a particular perspective. The panel should be made aware that there is no such thing as 'value free' information.
- ◆ Clear information on roles and what is expected is crucial for all involved.
- ◆ Preparation of the background information is best out-sourced to an independent consultant.
- ◆ Funding for evaluation should be included in the initial budget for the project - not an optional add-on.
- ◆ Try to avoid postal recruitment around Christmas!
- ◆ Random selection works! But can result in a challenging panel....
- ◆ Some thought needs to be given about inclusion of those people who have difficulties with English on the panel - how inclusive should it be?
- ◆ There will always be a conflict between discussing process issues and the topic when deciding how best to use the panel's time.
- ◆ Social time in the evening with the panel all together is also an important part of the process.
- ◆ Administrative support is essential when writing the final report.
- ◆ Chair and facilitator need to have a good working relationship, as do project managers and facilitator.



4. Local level case study: Wollondilly Shire NSW Citizens' Jury

A citizens' jury, called a 'community panel', was convened by the Wollondilly Shire Council, and organised by Twyford Consulting, to develop a social plan to describe the local community, summarise the key issues facing the community, and recommend strategies to address identified needs.

The Wollondilly Shire covers a small rural area a couple of hours from Sydney. It has no radio station, no daily newspaper, no single newspaper that covers the whole area and no major shopping centre. There was a limited budget and a limited time frame to run the citizens' jury - for example, there was no capacity to pay panel members for the three day sitting. A modified panel was organised with the following differences to a full citizens' jury:

Standard citizens' jury	Modified citizens' jury
Cost approx \$50,000	Cost approx \$10,000 to \$15,000
Separate advisory and steering committees	Combined advisory/working group
Rigorous random sampling/quota methodology	Quota system used with expression of interest
Independent recruitment by research company	Selection by independent consultant
Jurors paid A\$100 per day	Jurors' expenses covered
Average of four days of hearings	Average of two days of hearings
Two external facilitators	One facilitator with staff support
Average of two days of deliberation	One day of deliberation
Consultant engaged to help jurors prepare report	Facilitator helps jurors with report

Limited resources meant that the initiating organisation (Wollondilly Shire Council) played a major role in arranging the citizens' jury - including providing resources and identifying appropriate expert presenters (witnesses). A very useful range of presenters was identified, and many very busy people volunteered their time. Many expressed great curiosity about



the process and clearly went to a lot of trouble preparing handouts and presentations.

The independent consultant focused on recruiting the panel. After considerable discussion and with reference to theories on selection for citizens' juries from both the Jefferson Center (USA) and the Institute for Public Policy Research (IPPR) (UK), the following method was used to recruit for the Wollondilly Social Planning Panel.

- ◆ Advertisements were placed in the *Bush Telegraph* (the Council newsletter) and local newspapers inviting people to participate either as jurors (panel member) or presenters to the jury.
- ◆ Interested residents phoned to receive an information kit which included background information, details on citizens' jury processes, and the issues to be addressed. The independent consultant was the contact person.
- ◆ Applications were sent to the consultant for assessment. Jurors were selected on the basis of demographic data and expressed attitudes, including interest in the panel.

Some residents who expressed interest in being jurors were encouraged to apply to be presenters in order to give them more freedom to advocate for particular needs groups or particular issues. The final composition, unsurprisingly, was not representative of the community. Applicants tended to be older people, or people who could be flexible with their time commitments, and were relatively close to the town of Picton. They were also people who were already more active in their communities than the 'average' resident, although two participants had never previously been involved in any kind of reference/advisory/stakeholder group.

Organisers found it difficult to involve local Aboriginal communities in the process. Finding representatives of the Aboriginal community was not easy, and for representatives to be endorsed by their respective communities they required greater lead time than the project could offer. The prospect of Aboriginal presenters giving evidence to a predominantly Anglo-Celtic panel that would give a verdict on these issues seemed inappropriate. In the end the project managers ran out of time to be appropriately inclusive.

Participants were reimbursed for their travel and child care costs. Presenters were asked to prepare handouts with their main points. They were briefed in advance as to the key questions which were to be addressed, and tips on presenting including allowing time for questions and using anecdotes to explain complex or new ideas to jurors. Jurors were briefed on the procedures involved and order of events, told that they



would be given time to ask questions of presenters, and provided with the key questions to be addressed.

Developing a 'charge' or question for the jury was something that required considerable thought. Research from IPPR suggests that jurors can deliberate effectively over complex questions, but there are risks attached to having too many questions. Project managers were conscious that they were asking lots of questions - yet to overly simplify the questions was to deny the jury the chance of offering their views on priorities and strategies for Council in line with the requirements of the Department of Local Government. In the end they presented a range of questions. This had the effect of turning the deliberation day into a planning day - where priorities were identified and Council's potential role for addressing those priorities were explored.

Ultimately the questions were:

- ◆ Based on the evidence/information presented, which residents/communities in the Wollondilly Shire do you believe are the most disadvantaged?
- ◆ What should be Council's main priorities for improving the quality of life of disadvantaged groups/whole community?
- ◆ How might this improved quality of life be achieved?
- ◆ What can Council specifically do to assist? What other agencies/departments/ organisations may be able to assist council?
- ◆ Overall, how might the Wollondilly Shire improve quality of life for all residents?

Once the process was carried out, the key lessons from the jury were that:

- ◆ greater lead time was needed to involve indigenous community representatives;
- ◆ jurors' capacity to absorb information was high and they felt they had learnt a great deal from their involvement; and

this increased knowledge was due in part to the provision of good briefing materials and clear frameworks for discussion.

It was also noted that the commissioning body was committed to respond to the jurors' report, which ensured the outcomes did not disappear but were acted on. This enhanced the importance of the process.

Costs were lower than anticipated because Council contributed resources free of charge. The consultancy fee was less than \$10,000.



5. Local level case study: Ballina Shire NSW

In 1994 Lyn Carson was asked to undertake a project for the Ballina Information Service (a neighbourhood centre run by a paid co-ordinator and a number of volunteers). Ballina is on the east coast of Australia, in northern New South Wales, and is part of Ballina Shire Council. The project was called 'Our Ballina' and was designed as a visioning exercise, 'to gauge community opinions and ideas on development of Ballina's Central Business District (CBD)' (Ballina Information Service, 1994). The level of resourcing for this project was very low.

Carson, and colleague Kath Fisher, trained the organisers and facilitated the eventual day of community consultation. After a full-day's training session and a little guidance the coordinator and three volunteers wrote all their own publicity material, negotiated with speakers and Council, organised the venue and catering, gathered together materials for displays and did a major letter-box drop throughout the area they wished to target. The training sessions took place in February 1994 culminating in their neighbourhood consultation on 27th August 1994.

Volunteers had to work hard to convince residents to attend. They had done a promotional letter-box drop prior to the 'draw' and followed this up with a personal visit to those who had been randomly selected. Older women were particularly reluctant and believed they had little to contribute. Of 20 participants who had agreed to come, 15 turned up on the day. The majority were older residents (six women and nine men), reflecting the demographics of Ballina, which has an ageing population.

The day began with introductions after participants had had a chance to look at the visual displays, designed to stimulate their interest in the possibilities for developing the CBD. An icebreaker followed during which participants were prompted to think of a town (other than Ballina) which made them feel good about being there and another town that they felt anxious to leave.

Speakers followed; these were a town planner, a lecturer in planning, an employee of the tourist information centre, a member of the local environment society, a high school student and a councillor. Speakers offered their own perspectives and participants were given a couple of



minutes after each speaker to discuss with each other any questions they might wish to raise at the end or any points which sounded interesting. This worked well. It can be overwhelming to hear a string of speakers without interruption and it can also be disruptive to have questions asked prematurely which may be answered by later speakers. Questions followed and residents took this opportunity to make their own statements about issues of concern.

Carson had suggested to the organisers that they have a brief exercise involving visualisation, followed by small group work with clay, crayons and craft materials to create models. The organisers were decidedly resistant to asking older people to do these things, but reluctantly agreed. This was a most successful session. Initially participants stood back watching until a few people began to draw or create models. They started offering suggestions and finally worked with the materials themselves. The group was very animated and came up with some wonderful suggestions during this process. It was difficult to have them stop for lunch.

After lunch the small groups reported back on the key elements from their group, then discussed and agreed upon a list a five things which they valued about Ballina that should be retained and five things which they would like to change. After reporting this to the large group they voted to determine the large group's priorities.

In the weeks which followed, a number of participants called in to the Ballina Information Service to chat and to see how the finished report was going since the volunteers from the Service had agreed to compile a report for distribution to Ballina Council, the participants and the media. They were interested to see what would become of the exercise. The once-reluctant participants gave volunteers the feedback that the day had been a successful one for them and that they found the process most enjoyable. In this case, because participants and organizers were volunteers, the costs of the jury amounted to only \$400.



6. Future directions

The citizens' jury enabled participants not just to resolve their difficulties with the issue but also gave them opportunities to creatively suggest conditions that would need to apply for full satisfaction to occur. This adds an unexpected dividend for policy makers in the early stage of the policy making process, leading to more considered and legitimate decisions.

Carson et al 2001.

The citizens' jury concept began in the 1970s and has endured and grown. In the past three decades the method has been trialed in different locations, on different topics, run by government and non-government organisations. Citizens' juries have been evaluated on both macro and micro levels (see the references section below) and have proven themselves to be a robust process. They are representative, deliberative and provide an ideal tool for supporting and extending our system of representative democracy.

This handbook contributes to the growing body of knowledge about citizens' juries and the best practice approaches that should be used when running them. As more organisations become experienced in this form of public participation, the costs and learning curves will reduce.

There is potential for citizens' juries to be integrated into existing institutions and become a more formal part of policy making. Citizens' juries are exciting to run and they show how effectively people can be involved in our collective quest for improved democratic processes.

The authors of this handbook would be pleased to hear about other citizens' juries being planned and run and are happy to share best practice experiences. You can email questions, comments and case studies to: <l.carson@econ.usyd.edu.au>

Compared to many other forms of public participation, the CJ is well suited to consultation with the community at large. For example, it provides an excellent complement to regional, state and national community surveys. Citizens' juries provide the views of the community under conditions of far greater information and deliberation than any questionnaire could ever hope to achieve. The information processing and deliberation undertaken by jurors in a citizen's jury is truly impressive.

Blamey, 2000.



7. Resources and reading

Authors of this book

You are welcome to contact the authors of this handbook via Lyn Carson:
l.carson@econ.usyd.edu.au

Books and Reports

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Web sites

Active Democracy

Website on citizen participation in decision-making, maintained by Lyn Carson, University of Sydney.

<http://www.hydra.org.au/activedemocracy/>

The Jefferson Center

The US organisation that developed the citizens' jury process.

http://www.jefferson-center.org/citizens_jury.htm#what

Institute for Public Policy Research (IPPR)

Independent think-tank in the UK that seeks to contribute to public understanding of important public issues through research, discussion and various publications.

www.ippr.org.uk

Institute for Sustainable Futures, University of Technology, Sydney

Includes details on the CDL review process (the case study used in this handbook).

http://www.isf.uts.edu.au/CDL_Review/participation.html

International Association for Public Participation (IAP2)

An association of members that seeks to promote and improve the practice of public participation in relation to individuals, governments, institutions, and other entities that affect the public interest in nations throughout the world. Very little on citizens' juries but an interesting association for those interested in citizen participation/

<http://www.iap2.org/>



The Loka Institute

Loka's citizens' panels (in the U. S.) are what the Danish Board of Technology describes as *consensus conferences* but there are strong similarities with citizens' juries. This site has some useful documents and links.

<http://www.loka.org/pages/panel.htm>

NSW Department of Urban Affairs and Planning (DUAP)

Booklet *Ideas for Community Consultation* available for downloading.

<http://www.duap.nsw.gov.au/>

Teledemocracy Action News + Network (TAN+N)

Has some useful links to international case studies.

<http://www.auburn.edu/tann/homepage.htm>



Appendix 1

Role of the chair and facilitator

Role of the chair

Purpose

An independent chair acts as the 'keeper of the process' and manages the expert presentations and discussion sessions.

Accountability

The chair is responsible for timekeeping and ensuring the presenters stay focused on the key issues, as defined by the jury. The chair is ultimately responsible to the jury and ISF. Interaction with the jury will be via the facilitator.

Tasks

- ◆ Maintain fairness and balance throughout the presentation and discussion sessions
- ◆ Ensure that each presenter stays within their allotted time in the interests of fairness to the other presenters and to allow sufficient time for discussion and debate
- ◆ Focus the attention of the expert presenters on the key questions throughout the process
- ◆ Help the jury feel at ease when questioning the presenters
- ◆ Manage the interaction between the presenters and jury during the discussion sessions
- ◆ Respond to any requests from the jury regarding the process
- ◆ Liaise closely with the project manager and facilitator throughout the process
- ◆ Participate in the evaluation of the process



Essential attributes

- ◆ Excellent skills and experience in chairing and in managing groups
- ◆ Firmness and authority
- ◆ Objectivity
- ◆ Sense of fairness and balance
- ◆ Independence with no vested interests
- ◆ Generate respect from all parties

Desirable attributes

- ◆ A commitment to fair and democratic processes
- ◆ A belief in the ability of all people to make a contribution to an informed discussion
- ◆ An understanding of the role and limitations of 'expert knowledge'

Role of the facilitator

Purpose

An independent facilitator acts as the 'guardian of the process', supporting the jury through the process and managing the group dynamics.

Accountability

The facilitator is responsible for ensuring the jury performs their task effectively and efficiently and is ultimately responsible to the project manager.

Tasks

- ◆ Ensure the jury members understand & feel comfortable with their role
- ◆ Help the jury work together as a team, with all members contributing effectively and equally
- ◆ Introduce the jury to techniques for assessing and challenging expert knowledge
- ◆ Ensure that the jury achieves the tasks set within the time available, including the production of their report (which will be under extreme time pressure)
- ◆ Focus the attention of the jury on the key questions throughout the process



- ◆ Liaise closely with the project manager and chair throughout the process and attend meetings as necessary

Essential attributes

- ◆ Excellent skills and experience in facilitation, communication and group dynamics
- ◆ Effective mediation and motivational skills
- ◆ Experience in empowering a diverse group of people with different learning capabilities
- ◆ Independence with no vested interests
- ◆ Ability to remain neutral at all times and guide the jury without influencing their deliberations in any way
- ◆ Ability to work under pressure and to tight deadlines
- ◆ Energy, stamina and flexibility

Desirable attributes

- ◆ A commitment to fair and democratic processes
- ◆ A belief in the ability of all people to make a contribution to an informed discussion
- ◆ An understanding of the role and limitations of 'expert knowledge'
- ◆ A background in education

Facilitator recruitment suggested interview questions

1. What is your understanding of the citizens' jury process and its purpose - based on the briefing we have sent and any other information/experience you might have?
 - ◆ Difference to other public participation process
 - ◆ Role of deliberation, involvement of lay people
 - ◆ Jury owns the process - interest groups take back seat
2. How do you see your role in this process?
 - ◆ Ensure clear about tasks and division of roles between chair and facilitator
3. What are the major challenges you think you would face in your role in this process?



- ◆ Facilitating a group people with different learning abilities
 - ◆ Encouraging people to challenge experts
 - ◆ Empowering citizens - How would you empower lay people in this situation where their job will be to do things where some of them are likely to be unfamiliar and/or uncomfortable - representing NSW, arriving at consensus
 - ◆ Encourage deliberation
 - ◆ Working with citizens rather than stakeholders - what differences?
4. What criteria/considerations do you think would make the CJ a success or failure?
- ◆ Production of report
 - ◆ Lack of consensus - how would this be managed?
 - ◆ Too much influence from facilitator, stakeholders, member of jury
 - ◆ Satisfaction/empowerment of jurors
5. Explain report/presentation - What would you do you to ensure this is achieved?
- ◆ Trade-off between achieving consensus and producing report
6. Do you see that you have any conflicts of interest in taking on this role - either in terms of the topic or the process?
- ◆ Introduce bias into the process - stakeholders perception.



Appendix 2: Budget

Budget based on CDL Review Citizens' Jury

Task	Hours	Cost at \$75 per hour	Disbursements	Total
Develop background material	40	\$3,000		\$3,000
Organise Advisory Committee and Stakeholder Reference Group	40	\$3,000		\$3,000
Organise and select jury, prepare other jury materials	150	\$11,250		\$11,250
Conduct jury process	50	\$3,750		\$3,750
Facilitator, Chair			\$5,000	\$5,000
Jury disbursements (accommodation, meals, venue, expenses)			\$8,000	\$8,000
Evaluation			\$10,000	\$10,000
Totals	280	\$21,000	\$23,000	\$44,000

Note that these hours and disbursement costs are approximate only and for other juries will depend critically on the method used. The hourly rate is indicative only and will depend on the charging arrangements for the organisation running the citizens' jury.



Appendix 3

Terms of reference

Terms of reference - Citizens' Jury

The question: Should Container Deposit Legislation be introduced in New South Wales?

In considering this question, the Jury will be presented with a range of information and asked to reflect on the environmental, economic and social aspects of CDL, including its potential effects on:

- ◆ litter
- ◆ waste
- ◆ recycling
- ◆ container return & reuse
- ◆ ratepayers
- ◆ consumers
- ◆ the community
- ◆ retailers
- ◆ producers
- ◆ employment; and
- ◆ any matters the Jury considers relevant

Purpose of the Citizens' Jury

- ◆ To respond to the question set in the terms of reference for the Jury
- ◆ To present the views and recommendations of informed members of the public on Container Deposit Legislation

How this will be achieved

The Citizens' Jury takes place over three days during which the jurors listen to the expert presentations, debate the issues and write a report on their conclusions and recommendations. The jurors will have control over the process, making decisions together, with support from the facilitator

To fulfil their role, each jury member will need to:

- ◆ Attend all sessions of the Citizens' Jury.



- ◆ Notify the organisers immediately if, for any reason, they are unable to attend any of the required dates. In the event of this happening, it may be necessary to appoint a replacement.
- ◆ Inform themselves of the issue on the basis of the information made available over the three days of the Citizens' Jury, with support from the facilitator and organisers.
- ◆ Have respect for, and patience with the views and opinions held by the other jury members and presenters.
- ◆ With appropriate support, write and present a report on their findings on the final day of the Citizens' Jury.
- ◆ Participate in the evaluation of the Citizens' Jury process.

To support the jury members in their role, ISF agrees to:

- ◆ Include the full Jury report in the final report on the CDL Review, which will be sent to the NSW Minister for Environment.
- ◆ Arrange and pay for all necessary travel, food and accommodation associated with the Citizens' Jury.
- ◆ Provide the jurors with appropriate and sufficient information for their consideration.
- ◆ Provide the jurors with a balanced and comprehensive range of expert presenters.
- ◆ Within reason, meet any requests for further information and presenters.
- ◆ Provide an independent, qualified facilitator to support the jurors throughout the process.
- ◆ Provide administrative support for preparing the jurors' report.
- ◆ Keep jury members informed of any significant changes to the process.
- ◆ Be available to answer any questions or concerns from the jurors.
- ◆ Ensure that all jury members are treated equally and fairly.

Signed _____

Name (print) _____

Date _____ (on behalf of ISF)

Signed _____

Name (print) _____

Date _____ (juror)



Appendix 4

Invitation letter to jurors

22nd November, 2000

Dear Sir/Madam,

RE: Invitation to participate in a Citizens' Jury

Would you like to play an important role in influencing government policy? If so, the Institute for Sustainable Futures (ISF), an independent research institute at the University of Technology, Sydney would like to hear from you.

I am writing to ask if you would like to be considered as a member of a **Citizens' Jury**. You are one of only a limited number of people - less than 1% of the NSW population - whose name has been randomly selected to be invited to take part.

A **Citizens' Jury** is an event at which a panel of citizens from NSW is given the opportunity to discuss and debate an issue of concern to the people of NSW, and to present their views and recommendations to the government. Unlike juries in the legal system, Citizens' Juries make policy recommendations rather than final decisions. The aim is to gauge the opinions of a cross-section of the general public. Although this is an unusual event in Australia, Citizens' Juries are well established in Europe and in the US, where they form an important part of the policy-making process.

The Citizens' Jury will be held in Sydney from **Friday to Sunday, 9-11 February 2001**, with a welcome/introductory dinner on the evening of **Thursday 8 February**. ISF will cover all travel, accommodation, refreshments and meal expenses for the jury members, as well as a reasonable allowance for time. If you have any special needs relating to accommodation, travel, health or child care we will make every effort to meet them.

Please complete the enclosed form as fully as possible and send it to us indicating whether or not you, or another adult member of your household, are able to attend. Replies should be posted in the pre-paid envelope by **1 December** (no stamp is required). Even if you feel unable to take part, the



information you supply will assist with our research. All information will remain **confidential** and will not be passed onto any other organisations.

If you indicate that you wish to be included, we will add your name to a list from which the final panel of around 16 people will be further randomly selected. Successful volunteers will be notified by phone by 15 December 2000, at which time background information on the discussion topic will be sent to you.

Although it involves a considerable time commitment, *this is a unique opportunity to take part in an important event for NSW that promises to be both interesting and rewarding*. Please do not feel that you need to be an expert in a particular area; we are interested in the views of all members of the public and would value your input. I very much hope you are able to help us.

Whether you would like to participate or not we would be grateful if you could post the form to ISF by **1 December**. If you have any questions, please do not hesitate to contact either Carolyn Hendriks or Jane Palmer at ISF on **FREE CALL 1800 220 200**. We look forward to hearing from you.

Yours sincerely

Carolyn Hendriks

Citizens' Jury Project Co-ordinator



Appendix 5

Key characteristics of citizens jury panel

In the week prior to the citizens' jury, three members of the panel withdrew for personal reasons. A summary of the key characteristics of the remaining 13 panel members are as follows (the figures in italics in the brackets represent the quotas):

Sex

- ◆ Equal numbers of men and women
- ◆ Education
- ◆ Basic: 8 (*8*), Skilled: 2 (*4*), Degree 3 (*4*)
- ◆ Matches quotas for NSW, with an equal division between men and women

Age

- ◆ 15-34: 6 (*6*), 35-64: 6 (*7*), 65+: 1 (*3*)
- ◆ Under represented in 65+
- ◆ There is a good spread in within each age bracket
- ◆ More women in the youngest age bracket

Locality

- ◆ Metropolitan: 8 (*12*), Regional/Rural: 5 (*4*)
- ◆ According to the quotas, 'Metropolitan' is under-represented, although this may be a feature of the classification used - localities classified as 'Other' are as follows: Wagga Wagga, Katoomba, Grose Vale, Tweed Heads, Katoomba, Walgett and Grafton
- ◆ More women from non-Metro areas



Household structure

- ◆ With children: 5 (11), Without children: 8 (5)
- ◆ People with children are under-represented according to the quota. However, it was felt that the quota for this was quite high and that the numbers given are acceptable.

Ethnicity

- ◆ English: 11 (13), Other: 2 (3)

Employment

- ◆ Employed: 7 (9), Unemployed: 1 (1), Not in labour force: 5 (6)
- ◆ 'Not in the labour force' includes: retired, student, pensioner, home duties
- ◆ The occupations of those employed include: labourer, manager/administrator, tradesperson and professional
- ◆ Whilst the sample almost meets the quota overall, there are more women classified as 'not in the labour force' than men. However, this probably reflects what would be found in the community.



Appendix 6

Logistical information for jurors

20 December 2000

Dear <name>

Thank you for returning the form expressing your interest in taking part in the Citizens' Jury. Following our recent telephone conversation, I am pleased to confirm that you have been selected as one of the sixteen jury members. We had an excellent response to the 2000 letters that were sent out, with over 140 replies to draw from. Selection was done on a random basis, whilst ensuring that we had a good cross-section of different ages and backgrounds.

The Citizens' Jury will be held over three days from the evening of Thursday 8th until Sunday 11th February 2001 at a central location in Sydney (to be confirmed), easily accessible by public transport from Central Station. The jury will be considering the issue of recycling and refundable deposits for drink containers (Container Deposit Legislation or CDL). As promised, I am sending you some further information on the Citizens' Jury, outlining what being a juror will involve, along with a draft timetable for the three days. The Citizens' Jury will run from approximately 9am until 6pm on Friday, Saturday and Sunday, with dinner each evening (including Thursday) at around 7pm.

One of the requirements of the project is that we have your formal consent that you are happy to take part in the Citizens' Jury, so I would be grateful if you could complete and sign the enclosed Consent Form and return it to us in the prepaid envelope provided (no stamp is required) by **7 January 2001**.

We hope to make your participation in this exercise an enjoyable experience and will endeavour to make it as easy for you as possible. We are able to provide accommodation (at a University college close to where the jury will be held), refreshments and transport, free of charge. Dinner will be provided each evening and we would like to encourage you to attend so that you can spend time with the other jurors in a more informal atmosphere. We will also make every effort to meet any special requirements you may have.



To help us make the necessary arrangements, I would be grateful if you could return the enclosed pink form in the prepaid envelope (along with your Consent Form) by **7 January 2001**, outlining your transport, meal and accommodation needs and any other requirements. Whilst we cannot guarantee that we will be able to meet all special requirements, we will make every effort to ensure that you will be able to participate.

It is important that all members of the jury are present throughout the three days and so, if at any stage it becomes apparent that you are unable to participate, we would appreciate it if you could let us know straight away so that we can identify a replacement. We would like to offer you \$200 as a token of our appreciation for your time and effort. This money will be available to you once the Citizens' Jury is complete, the only condition being that you take part in the whole event.

It is likely that the Citizens' Jury will generate a certain amount of media and public interest. As a group, when you meet in February, you will need to consider the way in which you feel comfortable in dealing with the media and whether other members of the public can observe the proceedings. I would like to emphasise that your names and personal details will be kept confidential, unless otherwise agreed by the jury members. The proceedings and discussions of the Citizens' Jury will be audio-taped and made publicly available.

I will write to you again in mid-January with some background material on the jury topic and to confirm the final details and arrangements. In the meantime, if you have any questions, please do not hesitate to contact myself or Carolyn Hendriks on 9209 4354 or 1800 220 200.

Yours sincerely

Jane Palmer

CDL Citizens' Jury

CITIZENS' JURY INFORMATION SHEET

(Provided to Jurors with their confirmation letter)

What will the Jury be asked to do?

The Jury will be given a broad question or 'terms of reference' to provide them with a key focus for their discussion.



What will it involve?

Taking part as a member of the Jury will involve a time commitment of three full days (approximately 9-6 each day). Presentations from the expert presenters and discussions on the issue will take place on Friday and Saturday. On Sunday, the Jury will prepare a short report outlining their views and recommendations with the assistance of a neutral facilitator.

Who is the facilitator?

A professional, independent facilitator will be present to help the Jury achieve their task. Their role is to support the Jury throughout the process, managing group dynamics and ensuring fair communication amongst the Jurors. The facilitator will remain neutral at all times and will not influence the deliberations of the Jury in any way.

Who are the expert presenters?

The expert presenters will be selected on the basis of their expertise, in consultation with the project advisory committees, giving a balanced range of expertise. Presenters will be drawn from areas including industry, environmental groups and local government.

What will happen to the results of the Jury?

The outcome of the Citizens' Jury will be a short report written by the Jurors on the final day, summarising their views and opinions. This report will be fed into a wider review on Container Deposit Legislation that is being undertaken by the Institute for Sustainable Futures for the NSW Government. Whilst the findings of the Jury are not binding on the Government, recommendations of juries in the past have proved influential in the development of policy.

Who is funding the Citizens' Jury?

The Citizens' Jury is being run as part of a wider review on Container Deposit Legislation undertaken by the Institute for Sustainable Futures for the NSW Minister for the Environment.



Appendix 7

Information for observers

Role of observers

Observers will be part of a non-participative audience, to listen to and watch the proceedings of the citizens' jury.

Permission to attend

The presence of observers must be agreed to by the jurors. This will be discussed with the Jury on Thursday evening. Those people wishing to observe will need to contact ISF (tel: 9209 4350) on Friday morning to confirm the Jury's decision.

Rules of attendance

- ◆ All information presentation sessions are open to observers. Observers are not permitted in the private Jury sessions.
- ◆ Observers are there to observe, not participate.
- ◆ Observers must stay for the whole session - there should be no coming and going whilst the Jury is in session.
- ◆ No questions or comments from observers will be allowed during the proceedings.
- ◆ Observers must treat all that they see and hear at the Citizens' Jury as confidential.
- ◆ Individual jury members should not be singled out for discussion.
- ◆ Observers should not seek to influence the jurors in any way.
- ◆ Mobile phones must be turned off.
- ◆ If there are any issues observers would like to raise, these should be directed to an ISF staff member.
- ◆ The number of observers will be limited to 15 each session (so as not to out-number the Jury) therefore it may not be possible for observers to attend all open sessions.



Agreements

To fulfil their role, observers agree to:

- ◆ Return the observer registration form and confidentiality agreement, indicating which sessions they would like to attend.
- ◆ Contact ISF on Friday 9 February to confirm if they will be able to attend.
- ◆ Understand that, depending on the numbers of people interested in observing, they may not be able to attend all sessions they would like to.
- ◆ Respect the wishes of the Jury since this is the Jury's process.
- ◆ Respect the roles of the Jury, chair, facilitator and project organisers.
- ◆ Not to participate in any way during the presentation sessions.

ISF agrees to:

- ◆ Provide refreshments and lunch for observers if required
- ◆ Give all interested parties an opportunity to observe
- ◆ Treat all observers fairly and equally.



Appendix 8

CDL Review Citizens' Forum Recommendations

We, the Citizens' Forum, a randomly selected diverse group of residents of New South Wales, have considered, discussed and deliberated over a period of three days on the advantages and disadvantages of the introduction of Container Deposit Legislation (CDL) in New South Wales.

Our considerations have been based on the information supplied to us by various sources. Having considered all this information the following are our key recommendations.

The Citizens' Forum has unanimously agreed to the implementation of CDL in NSW within the framework of the following recommendations

Citizens' Recommendation 1: Easy Access

The Forum unanimously recommends that access to redemption venues for containers be easily accessible to all members of the community.

Considerations must include:

- ◆ provision for urban collection depots to be within a 5 km distance of all residents;
- ◆ elderly, disabled, non-ambulatory, non-car owners and housebound groups are catered for; and
- ◆ consideration of the needs of all the rural population.

Citizens' Recommendation 2: Pricing

When considering CDL it is recommended that any increase in cost due to the legislation be shared between industry and consumers and that any price increases not adversely affect low-income earners. The Government should play an active role in monitoring any price increase as a result of CDL.



Citizens' Recommendation 3: Containers to be covered by CDL

The Forum unanimously recommends that the following be included in the legislation:

- ◆ all beverage containers including:
 - all alcoholic beverages (e.g. beer, wine, spirits, ciders etc);
 - soft drinks;
 - juice, water, sports drink and cordial;
 - all flavoured milk varieties; and
 - all other containers that would be a significant contributor to the waste stream.

The Forum unanimously recommends that the following be excluded from the legislation:

- ◆ all non-flavoured milk varieties.

Citizens' Recommendation 4: Industry involvement in the design of system

The Forum unanimously recommends the involvement of industry in the formulation and implementation of the CDL system to ensure that all parties co-operate and participate. The industry should be required to comply with the following guidelines:

- ◆ convenient collection points and ease of access;
- ◆ a fixed target rate of return to be met within a specified period; and
- ◆ a government nominated fixed deposit.

Citizens' Recommendation 5: Level of deposit

It was unanimously agreed that the deposit be in the range of 5-10 cents.

Citizens' Recommendation 6: Cost-benefit analysis

The Forum understands that CDL appears to be cost effective on the basis of:

- ◆ reduced landfill;
- ◆ reduced litter; and
- ◆ environmental benefits.



It is appreciated that the outcome of cost-benefit analysis depends on the range and composition of factors included in the analysis.

Citizens' Recommendation 7: Impact on non-deposit recyclables and existing recycling systems

The Forum recommends that CDL be introduced to work with existing recycling systems such as kerbside collection.

Citizens' Recommendation 8: Impact on community groups

The Forum recommends that established groups such as charitable organisations, non-profit community groups and 'sheltered workshop' situations should not be disadvantaged by the introduction of CDL and if possible their involvement should be encouraged.

Other Citizens' Recommendations

The group is aware that CDL by itself will not solve the problems associated with landfill and other waste issues. Therefore the Government should ensure that the following matters are considered:

- ◆ more stringent controls to reduce unnecessary packaging;
- ◆ increase the focus on research and development on reducing the volume of commercial, industrial and demolition waste going into landfills;
- ◆ more effective marketing campaigns that will successfully inspire the community to act more responsibly when it comes to their waste management.



Appendix 9

CDL Citizens' Forum Evaluation Brief

Aim of the citizens' forum process

- ◆ To explore public preferences and opinions regarding the introduction of CDL in NSW in an informed and discursive space.
- ◆ To provide qualitative input (recommendations from the public) to the CDL Review, which will complement the quantitative data from the telvote.

ISF is seeking to:

- ◆ Achieve a rigorous and robust process of obtaining qualitative input on public opinion for the CDL review.
- ◆ Move the debate on CDL beyond two polarised groups by involving a group of citizens.
- ◆ Utilise resources effectively.

Aims of the evaluation

- ◆ To evaluate the effectiveness of the citizens' forum process, *focussing on the 3 days of the Forum*.
- ◆ Identify lessons learnt and any areas where improvements could be made.

Effectiveness criteria for the Evaluation

The following is a preliminary list of effectiveness criteria on which to evaluate the citizens' forum:

- ◆ Deliberative/discursive nature
- ◆ Openness and transparency
- ◆ Fairness and balance
- ◆ Independence and rigour
- ◆ Learning processes
- ◆ Access to balanced information.



Elements to be covered in the evaluation

- ◆ Fairness and balance of the process
- ◆ Documentation and information provided - e.g. background material
- ◆ Panel dynamics
- ◆ Role of the chair and facilitator
- ◆ Logistics - venue, other arrangements.

The evaluation process

- ◆ The evaluators would be required to attend and observe the three days of the Citizens' Jury (9-11 February 2001).
- ◆ It is proposed that the evaluation would consist of interviews and questionnaires with the panel members (14) and the facilitator (1).
- ◆ A pre -questionnaire and post-interview with panel members to explore their expectations and experiences as well as any changes in attitude to CDL.
- ◆ The draft evaluation report will need to be delivered to ISF by Friday 23rd February 2001 for finalisation a week later.



Appendix 10

Recommendations Regarding Group Processes

In 2000 Russell Blamey from the Research School of Social Sciences at the Australian National University carried out a research project into the effectiveness of citizens' juries (Blamey 2000). This research project examined two citizens' juries and came up with a series of recommendations on group processes that facilitators (moderators) should follow:

- ◆ Jurors should be treated with respect, prestige and importance in order to enhance their motivations to engage in the task and the efficiency with which such engagement occurs. However, care must be taken not to intimidate the jurors by going too far.
- ◆ The moderator should regularly make framing statements in order to ensure that jurors are acting as agents for all of society and not just people like themselves.
- ◆ Ice-breaking and bond-building activities should be used to build team-cohesion and thereby motivation and group performance.
- ◆ Moderators should be experienced in handling dominant personalities and should carefully consider the nature and desirability of the impact of any leaders emerging. Methods for controlling the influence of jurors include altering the seating arrangements, altering the composition of sub-groups, encouraging alternative views, politely requesting individuals to let others have their say and so on.
- ◆ Moderators should actively encourage and/or assist any jurors that (s)he perceives to be disadvantaged.
- ◆ Given the limited time that citizens' juries have to reach a decision, it is recommended that time at the beginning be devoted to an explicit discussion of rules to be followed by jurors. The moderator should seek to create the conditions necessary for the emergence of voluntary norms and self-regulation. However, it must be recognised that during the early stages in particular, the moderator may need to play a more assertive role by proposing certain group norms and seeking feedback from jurors. The more the jury feels that it owns any subsequent norms, the better.



- ◆ Within limits, moderators should treat expressive outbursts as an important part of the group process. To the extent that this is beneficial to group solidarity, jurors are likely to feel more motivated to engage in the task, thereby resulting in more effective information processing.
- ◆ Group performance will often be enhanced by having jurors consider a problem in isolation before discussing it in the group. Similarly, moderators should consider splitting the jury up into two or more small groups in order to achieve efficiency gains and more independent idea generation.
- ◆ Moderators should state that it would be nice if a consensus was reached, but other methods such as voting and majority rules are available if this doesn't seem likely. Moderators should not labour the point about consensus since this may result in a forced or compliance-driven consensus.
- ◆ Open or more closed straw polls should be used to help the moderator and group assess where the group is at in terms of progress towards a consensual outcome.
- ◆ Moderators should be aware of group polarization and seek to control any overt attempts by jurors to outdo each other.
- ◆ Moderators should encourage alternate views and seek a balance of views.
- ◆ Group composition with respect to opinions regarding the issue at hand should be sufficiently balanced so as to avoid a persuasive argument imbalance.
- ◆ The composition of sub-groups should be rotated so as to minimise ingroup-outgroup differentiation.
- ◆ Moderators should monitor risk perceptions and risk attitudes within the group and encourage justification and challenging of these positions. However, caution is required to ensure that increased risk discourse does not simply lead to more risky or polarized views.
- ◆ Moderators should be supportive of minorities and encourage respectful and reasoned interactions. Minorities who convert to the majority view should be asked what changed their mind, possibly in private.
- ◆ Moderators should privately approach any jurors who have significantly reduced their rate of interactions and potentially disengaged or become disillusioned.
- ◆ Moderators should encourage the expression of alternative views through such statements as 'Does anyone have a different view?'



Projective questions such as 'How do you think other people might think about this' can be used with caution to reduce social influences on the expression of minority views.

- ◆ Experts should be asked to explain all new terms and concepts in lay terms, and to provide handouts of overheads etc at the beginning of their presentation so that jurors can focus on comprehension.
- ◆ Jurors can be primed in terms of the importance of taking notes and how to identify the most important issues.
- ◆ Moderators should encourage jurors to speak up when they don't understand something.
- ◆ At an early stage, moderators should encourage jurors to have an open-mind regarding their views. Individuals are not there to convince everyone of their own views.
- ◆ The issue of whether to allow a recruitment bias in favour of more highly educated individuals, whilst stratifying with respect to the attitudes to the issue, is worthy of greater debate amongst practitioners.
- ◆ Where appropriate, jurors should be told that anything they have seen in the media may not reflect a balanced perspective on the matter.
- ◆ The optimal sub-group size will be that which balances large group coordinations losses against greater independence of thoughts in small groups and the coordination losses of bringing small groups back together. Smaller groups may also create a less intimidating environment for quiet or shy jurors.
- ◆ Two moderators should be employed. This provides an opportunity for one to observe, take notes, write on the white board etc while the other concentrates on moderating the group. However, both adopt the facilitation role when the group splits into two.
- ◆ Group diversity should be encouraged, with any negative effects being addressed by the moderator and/or other interventions.
- ◆ Appointment of group members (or outside professionals) as devils advocates or process consultants should be considered.
- ◆ Opinion composition with respect to the issue or category of issue being considered by the jury should broadly reflect that of the broader population.