

## **CAPaD learnings from the four ACT deliberative processes**

### **What CAPaD did**

- Followed each process on YourSay and in the media
- Observed or participated in each process
- Held two “voice of the participants events”

### **Major positives from the ACT deliberative processes**

Jurors who attended our events were overwhelmingly positive about participation in the processes, particularly in the CTP jury process. On the whole they were hugely appreciative about having the opportunity to have their opinions heard on the issues under discussion and hearing other diverse views. Participants clearly welcome having the opportunity to ‘have a foot in the door of government’, as one CTP juror expressed it. Even when individual jurors were critical of aspects of the processes, they appreciated the opportunity to be involved.

We received positive feedback from a number of jurors about the benefits of the training they received in critical thinking, which helped them deliberate more effectively.

Another benefit of the processes is that it gives jurors a much clearer idea than they might otherwise have had of what public servants and the government does and the complexities involved in program and policy development. While they may not see it in these terms, this increased understanding of citizens is a benefit to both participants (and probably their social circles) and government overall.

These processes are likely to increase trust in the government.

### **Areas for improvement**

The main areas for improvement are in the design and deliberation phases.

**Design phase:** These processes do not stand alone, they are part of broader policy development and implementation processes undertaken by government. The connection into those processes was often not clear, which creates a risk that the specific deliberative process can be “cherry picked” to give answers government wants to hear. The broader community does not yet trust these processes or believe they are always genuine.

**Deliberation phase:** a process can come to an outcome without being deliberative. The nature of the question, time and quality of evidence, the role of Stakeholder Reference groups and the design of the process all had an impact on whether or not participants felt they had made wise decisions in the public good in a deliberative manner.

The random selection for all the processes appeared to be well conducted, resulting in a diverse group of jurors. Jurors expressed appreciation that they were able to deliberate with people whom they would probably not usually come into contact with and they learned from this diversity and welcomed it.

Facilitation was generally considered to be of good quality, with some exceptions at particular times. The facilitation processes used did not always promote deliberation. The information provided and accessibility of experts was variable.

The educative process for the public in relation to all processes was seen to need improvement. Positive features of previous processes, either in the ACT or elsewhere, could be pointed to in order to engage and educate the public more about them.

The broadness of the question posed for the Housing Choices process appeared to adversely influence a number of aspects of that process, resulting in a poor quality of deliberation, insufficient access to relevant experts, as well as there being little evident commitment regarding the final use by government of the outcomes.

One consideration for all processes was whether the time available for deliberation was sufficient to enable the deep diving necessary to examine the issues adequately.

## **Some Questions raised for CAPaD in looking at these processes**

### **Was the process deliberative?**

- Did each juror have a chance to express their view and be heard respectfully?
- Were Juror's learning insights shared with each other?
- Were experts able to be recalled to give additional testimony based on questions from critical thinking of jurors?
- Did all jurors hear responses to key questions and listen to each other's reflections in a psychologically safe environment where learning anxiety is reduced?
- Were jurors able to test their critical thinking collectively?

**The time available for deliberation** is a difficult issue. Criminal jurors have unlimited time to come to a decision, unless they are deadlocked. (And they are only usually required to come to a 'guilty' or not 'guilty decision'.) If there was a sufficiently critical decision, like the CJ on the voting system which was undertaken in BC, Canada, and which was conducted over 6 months and then went to a referendum, the time provided would need to be considerably more than has been provided for these processes. The quality of deliberation is going to be closely related to the time available (as well as other factors, such as quality of facilitation and being free of outside influences).

**Quality of facilitation** can also relate to number of experienced facilitators involved. Small groups were where there was no outside facilitator and where there were obviously people who were involved or dominant in the discussion and others who were disengaged. The small groups in these processes also need an experienced neutral facilitator to ensure inclusion of all participants and encourage continued engagement and real deliberation.

**Defining the question to be addressed** is a critical issue. It should not constrain the deliberation, and therefore may need to be relatively open, but if it is too broad, as appeared to be the case in the Housing Choices process, it will inevitably lead to a superficial process, unless the time available for deliberation was to be commensurably unconstrained.