Bronte Catchment Project Citizens Jury

What is a Citizens Jury?

The Citizens Jury is an innovative and unique way for Bronte residents to discuss, question and have a positive impact upon how stormwater pollution is managed in Bronte.

A Citizens Jury is a participatory forum that is especially suited to in-depth deliberations on complex policy issues. Citizens Juries differ from most other participative mechanisms in being highly structured procedures whose purpose is to consider a specific issue. A range of witnesses present ‘evidence’ supporting a certain approach or perspective relevant to a particular problem (in this case stormwater management in the Bronte Catchment.) Witnesses are people with recognised expertise in a particular subject. The witnesses present a case and subsequently make themselves available for questioning by members of the Citizens Jury.

The analogy of the trial is apt in some ways, but may be misleading in others. No one is on trial. The witnesses, although subject to questioning are not defending anything, but seeking to clarify the issues for the benefit of consideration. The jury is not making a black and white decision supported by a majority decision. Rather the jury aims to deliberate and consider different approaches to a question. The outcome should be an in-depth action proposal generated out of an interactive, collaborative process.

The Citizens Jury consists of 12-16 people who will meet every day for three days (Friday, Saturday and Sunday) to consider, question, and deliberate (discuss and think) together over the testimony of expert witnesses. At the end of three days, the Jury will present a series of recommendations to inform local decision-making.

How is a Citizens Jury different from a Jury in a court of law?

A Citizens Jury is different from a jury in a court of law in a number of different ways

- Nobody is on trial in a Citizens Jury.
- The jury is not required to give ‘yes/no’ responses to questions or ‘guilty/not guilty’ judgements. This is a deliberative, discussion based process, where jurors are able to discuss, reflect and think about the evidence that is presented to them. Unlike a court of law, jurors are able to ask expert witness questions to seek clarification.
- There is no judge or magistrate residing over the Citizens Jury. There will be two facilitators whose role is to ensure that the process is as fair, open and inclusive as possible.
- The ‘majority rules’ concept does not apply to this process. Jurors are not required to come to total agreement on all of the issues. As far as possible, the jury will be asked to produce recommendations regarding those areas they do agree upon. Where they do not agree, they may highlight these issues in the final report.
Before the Jury

Jurors are required to attend a half-day pre-jury forum. They will receive detailed briefing papers and a range of supporting documentation, including an evaluation survey, agreement to participate, and an outline of the process.

During the Jury

Observers will be invited to attend the Citizens Jury. Some deliberations will be open to observers, while others will remain closed. Closed sessions will include all jury deliberations and group process and review sessions. All participants (including witnesses) and observers will be bound by confidentiality agreements. All will be required to sign the agreement, as a condition of participation.

Two moderators will facilitate the jury process. They are Brian Elton and Susan Rudland. Brian and Susan have extensive experience in facilitating across a range of contexts including community and senior government levels.

The process will be recorded on audio-tape. Evidence will be presented to the jury in the form of detailed briefing papers, presentations from expert witnesses, and visual displays. Jurors will have the opportunity to question, test and discuss the evidence presented to them. This will include questioning and seeking clarification from expert witnesses.

Evidence will also be based on the results of a tele-poll of 400 residents, which was conducted in the two weeks prior to the jury. Detailed information was sent to 3100 households across the catchment, and 1500 of these residents were sampled and then contacted by phone. They were asked to answer a short series of questions, based on the circulated material. The questions cover the same core issues as those to be presented to the Citizens Jury for consideration, although they were worded differently in the phone interviews.

It is anticipated that the evidence and witness presentations before the jury will involve a range of perspectives, across a continuum from the technical to the holistic. Witnesses will be asked to put a position, so that jurors have a range of views to consider. Some of these views may be complementary, and others will conflict. However, it is crucial that jurors have the opportunity to hear distinctly different as well as similar perspectives, so that knowledge of the complexity and range of issues inform their deliberations. The questions before the jury encourage them to develop an integrated approach. This is not possible without an opportunity to hear, test and deliberate over a range of evidence. This approach is also about trusting the ability of the jurors and the deliberative process to achieve sophisticated understanding and quality outcomes, without leading people to it or controlling the process.

On the final day, the jury’s recommendations will be developed into a report that will form part of a larger report about the deliberative processes. The Citizens Jury will conclude with the formal presentation of the recommendations to key stakeholders and observers.

A food and drinks reception will be held on Sunday evening. All participants (observers, witnesses, and others) are invited to join with the Jury in celebrating their achievement.
What is my role in the Citizens Jury as an Expert Witness?

The role of the witness in this procedure is to present a clear and accessible ‘case’ or perspective. The aim is that the witnesses as a whole present a range of relevant viewpoints enabling the jury to come to an informed view – to acquire ‘a point of view on the points of view’.

We need witnesses to offer the observations from their particular perspective i.e. a response to stormwater management from a disciplinary perspective. Other witnesses will offer information from their perspectives, and it will be the role of the Jury to integrate these views. We are asking witnesses to keep as much as they can to the ‘filter’ of their perspectives for their evidence – so the Jury can understand what different disciplines and perspectives might be on this question. We understand that decisions are not made only from a single perspective but from that of the institution making the decision, after integrating the information and using a team approach.

The presentation itself

We are asking all witnesses to give a half hour presentation around 6 – 8 key points, with half an hour for questions and discussion.

For example, in relation to planning and urban design, some key points to cover may be water sensitive urban design; on-site detention; re-use and recycling of rain and waste water; the use and development of model DCPs etc etc. We are looking for a perspective that describes some of the key planning and design responses to stormwater and environmental management.

After the Jury

The Jury recommendations and report will be included in the overall report of the Bronte Catchment Project to Waverley Council and the NSW Stormwater Trust through the EPA. In addition, the project aims to conduct a series of workshops and focus groups across Council after the jury. These will adopt a capacity-building approach, looking at project outcomes in light of community and organisational perspectives. They will focus on a review of the issues, with an emphasis on integrated planning and policy outcomes. The recommendations of the jury will also be directly presented to Waverley Council.

Evaluating the Jury

An independent evaluator will assess the Citizens Jury. The evaluation will be based on pre-jury interviews and surveys with a range of participants (including jurors, facilitators, Council, the NSW EPA, key stakeholders and the project team), participant observation and process evaluations during the Citizens Jury, and post-jury interviews and surveys with a range of participants (including jurors, witnesses, observers, project team, key stakeholders, Council and the NSW EPA). The evaluation will be included in the project report to Council and the NSW Stormwater Trust through the EPA.
Citizens Jury Location

The Citizens Jury will be held on the 3rd floor at Waverley Council Chambers. Waverley Council is accessible for people in wheelchairs, with internal lifts between levels. The Council Chambers itself has some desks on a raised platform, with the majority in a fixed circle below. All have microphones, and a hearing loop is installed. All chairs in the public gallery are in fixed positions.

Council Chambers has a range of audio-visual equipment available, including audio-recording, video player, full computer facilities, projection screen, overhead projectors and whiteboards.

Accessible toilets are located on the 3rd floor. Generally accessible toilets are located on the ground floor.

Observers are required to sit in the public gallery of Council Chambers, when viewing proceedings. Witnesses will be accommodated in a small ante-room off Council Chambers.

Morning teas, afternoon teas, and lunches for jurors will be offered in a meeting room on the 3rd floor. Jurors may also use the balcony.

Morning and afternoon tea will be provided for witnesses and observers in a separate room on the 3rd floor.

Cafes and food shops in Bondi Road are available to observers for lunch.
Jury Program

Pre-Jury Forum: Sunday, 9th of September, 9 am – 12 noon, Closed.

Jurors, facilitators and the Bronte Catchment Project Team all met at Council Chambers the Sunday before the Citizens Jury, to introduce ourselves, discuss the process, and agree how we would work together. This was followed by a series of guided environmental and marine activities in Bronte Gully, Bronte Park and Bronte Beach.

Citizens Jury – Day 1: Friday, 14th of September, 2001, 9am – 5pm

Day One of the Citizens Jury is open to all observers for most of the day, unless otherwise requested by members of the jury and facilitators. However, the Citizens Jury will be closed to observers from 9.20 – 9.45 am, and again from 4.30 – 5 pm.

The following program assumes witness presentations of 30 minutes, with 30 minutes question time and discussion after each. We have therefore allocated blocks of 1 hour for each witness presentation.

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>9 am</td>
<td>Welcome. Open</td>
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<tr>
<td>9.20 am</td>
<td>Revisiting the process with jurors. Closed to observers.</td>
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<tr>
<td>9.45 am</td>
<td>Outlining the catchment context. Open to observers.</td>
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<tr>
<td>10.45 am</td>
<td>Morning tea</td>
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<tr>
<td>11 am</td>
<td>Witness presentation: Waverley Council. Discussion and questions for witness. Open to observers.</td>
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<tr>
<td>12 noon</td>
<td>Witness presentation: deep ecology perspective. Discussion and questions for witness. Open to observers.</td>
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<tr>
<td>1 – 2 pm</td>
<td>Lunch</td>
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<tr>
<td>2 – 2.15 pm</td>
<td>Recap on key issues from the morning. Open to observers.</td>
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<tr>
<td>2.15 – 3.15 pm</td>
<td>Witness presentation: environmental science view of catchment issues. Discussion and questions for witness. Open to observers.</td>
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<tr>
<td>3.15 – 3.30 pm</td>
<td>Afternoon tea.</td>
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<tr>
<td>3.30 – 4.30 pm</td>
<td>Witness presentation: engineering and structural perspectives. Discussion and questions for witness. Open to observers.</td>
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<tr>
<td>4.30 – 5 pm</td>
<td>Jury review of day and close. Closed to observers.</td>
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Citizens Jury, Day 2: Saturday, 15th of September, 2001, 9am – 5.15pm

Day Two of the Citizens Jury is open to observers in the morning, unless otherwise requested by members of the jury and facilitators. All jury discussions and deliberations in the afternoon will be closed.

9am: Jury process and review session. Closed to observers.


11 – 11.15am: Morning tea.

11.15 – 12.15pm: Witness presentation: planning and urban design perspective. Discussion and questions for witness. Open.

12.15 – 1.15pm: Witness presentation: community development and participation perspectives. Discussion and questions for witness. Open.

1.15 – 2.15pm: Lunch

2.15 – 2.30pm: Recap on key issues from the morning. Closed to observers.

2.30 – 3.30pm: Jury discussion and deliberation. Closed to observers.

3.30 – 3.40pm: Afternoon tea

3.40 – 4.40pm: Jury discussion and deliberation. Closed to observers.

4.40 – 5.15pm: Jury process session and review of day. Closed to observers.

Citizens Jury, Day 3: Sunday, 16th of September, 2001

Day Three of the Citizens Jury is focused on deliberation around a series of recommendations. It is therefore closed to all observers from 9am – 5pm.

At 6pm, observers are invited to attend the presentation of recommendations by the Citizens Jury. This will be followed by a small reception where all participants and interested parties will be invited to join with the Jury in celebrating their achievement.

9am: Jury process and review session. Closed to observers.

9.30 am: Recap on previous days. Closed to observers.

10 am: Jury discussion and deliberation. Closed to observers.

11.15am: Morning tea

11.30am: Jury discussion and deliberation. Closed to observers.
1 – 2pm: Lunch
2.05 – 2.15pm: Recap on key issues from the morning. Closed.
2.15 – 3.15pm: Developing recommendations. Closed.
3.15 – 3.30pm: Afternoon tea
4.45 – 5 pm: Jury process and review session. Closed.
6 – 6.30 pm: Presentation of jury recommendations. Open.
6.30 – 7.30pm: Closing address and reception. Open