

Welcome to the CTP Citizens' Jury!

In a short time (October 14) you'll be joining about 50 other jurors at the Canberra Institute of Technology to start deliberating on an improved Compulsory Third Party (CTP) insurance scheme, and to choose the insurance model that best reflects the priorities of Canberrans.

The information in this pack is for Part 1 where you will consider the question:

"What should be the objectives of an improved CTP scheme be to best balance the interests of all road users?"

We welcome your energy, enthusiasm and commitment to participating in the jury process. It is a conversation and deliberation process on a topic of significant importance to Canberrans.

It's the job of the democracyCo team to ensure you are provided with the information you need to do your job, and to provide a safe, efficient and supportive environment for you. This will enable you to give your attention to the question and work towards your recommendations.

Your outcomes will be presented to the Stakeholder Reference Group that will use the brief you develop to then design CTP models for your consideration.

Enclosed in this pack is the following information which is required pre-reading:

- An overview of the process
- Background reading and key documents on the CTP scheme (provided by the ACT Government)
- Information on support from experts, and roles of other participants
- Administrative and privacy information documents for your participation including some forms you need to complete and return.

In addition, you may already have started your own research through the website www.yoursay.act.gov.au/ctp or just via Google!

We know that many of you are excited about getting started exploring the issue, and deliberating, debating and talking to your fellow jurors as well as hearing from experts on the topic. We are also setting up a private online discussion forum. More on that later.

Contact details for further questions are provided in the enclosed documents. Looking forward to meeting you and getting to work together.

Kind regards

Emily Jenke

CoCEO / Lead Facilitator
DemocracyCo

KEY DATES

Citizens' Jury sessions

Part 1 – October 2017

Saturday, Oct. 14 & Sunday, Oct. 15, 2017

Saturday, Oct. 28 & Sunday, Oct. 29, 2017

The Jury will hear evidence and deliberate about the question:

“What should be the objectives of an improved CTP scheme be to best balance the interests of all road users?”

Between October and March draft CTP models will be developed by experts based on the Jury's objectives.

Part 2 – March 2018

Saturday Mar. 24 & Sunday, Mar. 25, 2018

The Jury will consider the models to decide:

“What CTP model best meets the objectives as defined by the Jury in Part 1?”

and *“What's important to communicate to the community about the model?”*

***You must attend on all six days – 9:00am to 4:30pm, and sign-in each day.
Registration will be open from 08:30am on each day.***

Venue:

CIT Function Centre, K block, Canberra Institute of Technology (CIT) Reid,
37 Constitution Ave, ACT

Contact:

If you have any further questions please contact:

Vivienne Lambert at vivienne@democracyco.com.au or 0417 084 475 in the first instance.

Alternative contacts;

Emily Jenke – emily@democracyco.com.au

Emma Lawson – emma@democracyco.com.au

Jury Roadmap – your task

| | | |
|-------------------------------|--|---|
| Day 1 14 th Oct | Getting across the task | <p><u>What's happening?</u></p> <p>The Jury is launched and the Jury get a briefing from government (Chief Minister or delegate) Jury is understanding CTP: the current scheme, issues, scheme design considerations. They will also start considering what they expect from a CTP scheme.</p> |
| Day 2 15 th Oct | Evidence & deliberation: Insights and Objectives | <p><u>What's happening?</u></p> <p>Jurors participate in a session with 10-15 stakeholders to understand different perspectives, experiences and views on scheme designs. Jury begin deliberation by exploring important objectives for an improved scheme and have the opportunity to learn about how different jurisdictions approach CTP.</p> |
| Day 3 28 th Oct | Deliberation: Trade-offs and tensions, writing | <p><u>What's happening?</u></p> <p>Jurors deeply investigate the trade-offs and complexities (ie matrix of eligibility, benefits, process and cost). They may seek the advice of subject matter expert witnesses to support their deliberations. They undertake consensus activities and begin writing their report.</p> |
| Day 4 29 th Oct | Deliberation: Priorities, consensus and final advice | <p><u>What's happening?</u></p> <p>The Jury will consider the important priorities of the model, and refine their advice using deliberative techniques. They will work on consensus elements and finalise their written report. They will then present their work to the SRG.</p> |
| Next steps... | | <p><u>Development of Model Options</u></p> <p>The SRG and model actuary will work in the coming weeks and months to establish 2-4 model options that align with the advice of the Jury for the Jury to consider at their March sitting.</p> |

Administration

Citizens' Jury on reforming the CTP insurance scheme

Thank you very much for the commitment you have made to this Jury project. Your time and effort is appreciated by the Chief Minister and democracyCo, and will be of value to all Canberrans.

As you know, you have signed-up to attend all six days of the Jury deliberations. However, the honorarium will be paid in two parts in consideration of expenses you may incur over the duration of the Jury.

At the completion of your participation in Part 1 over all four days an honorarium of \$300 will be paid to your bank account.

A further payment of \$150 will be made after your participation in Part 2 over both days in March next year.

Please complete the form below and bring it with you on Day 1, Saturday October 14. There will be a secure box at the registration table for you to leave the completed form.

For any further information, please contact Vivienne Lambert 0417 084 475 or vivienne@democracyco.com.au

Payment will be by Direct Bank Transfer in the week after the final session. Please check your details as incorrect information may cause delays. The account name, BSB and account number can be obtained from your bank statement.

| | |
|----------------|--|
| Name | |
| Telephone | |
| Account name | |
| BSB | |
| Account number | |

Overview of the Process

Compulsory Third Party Insurance

Deliberative Engagement

2017



Why use a deliberative process?

Deliberative processes in engagement have been used for many years in Australia to enable deep consideration of issues and to develop shared solutions or outcomes that have lasting effect.

Deliberative processes often require participants coming together for a period of time, being given credible and reliable information on the topic under review, discussing (deliberating) the subject at length and arriving at a shared view on the way forward. It can be used to assist government policy development (eg. health, climate change, social inclusion) and to unpick complex issues which need information and time to fully evaluate (eg. nuclear power, GM foods or childhood obesity).

Deliberative processes are best used to make shared decisions, and lend themselves to developing considered advice. However, there are a significant number of other benefits to involving citizens in decision making;

1. **Making sustainable policy based on sound evidence** – a feature of deliberative processes is that the reports/ recommendations resulting from these processes are strongly evidence based. Deliberative processes are not opinion polls, they involve the extensive sharing of information and deep consideration of evidence.
2. **Building trust in government**– the giving of trust by the government to the community through a deliberative process helps build trust. In addition, there is research to show that the community are more likely to trust policy developed by ‘people like them’ than they are governments.
3. **Creating a positive public discourse and managing risk** – deliberative processes generate public discussion (beyond the deliberative room) on the issue being considered.
4. **Inventive ideas and solutions** – deliberative groups aren’t restrained by bureaucracy or politics in their advice. They also bring together individuals with diverse knowledge and experience. The result is always creative and innovative.
5. **Deeply understanding community needs** – but, their needs once they know the facts, information and have had the chance to consider the trade-offs. This can be very different to what they think their needs are without having had the time to consider these elements.
6. **Activating civic participation** – beyond the 4 year election cycle.

Deliberative processes ‘bring a public into existence’ as expressed by Professor Mark Moore from Harvard University during his recent visit to South Australia. “Publics”, he believes, aren’t simply “there waiting for us to talk to them” – the government (through the public service) can help a public into existence by creating the environment in which the public can make informed judgements about things that ultimately affect their lives.

Hence the importance of using a deliberative process for the consideration of the Compulsory Third Party (CTP) scheme. The community don’t have an activated voice on this issue. Indeed, it is clear from a survey recently undertaken by the government there is particularly low knowledge levels about CTP in the community.

A deliberative process will raise the voices of the community and allow a statistically representative sample of the community to explore in depth all the issues and trade-offs associated with different schemes.

The Task

At democracyCo we design bespoke processes based on the issues being considered, the needs of relevant communities and stakeholders, timeline constraints and budgets.

Our common design drivers are as follows;

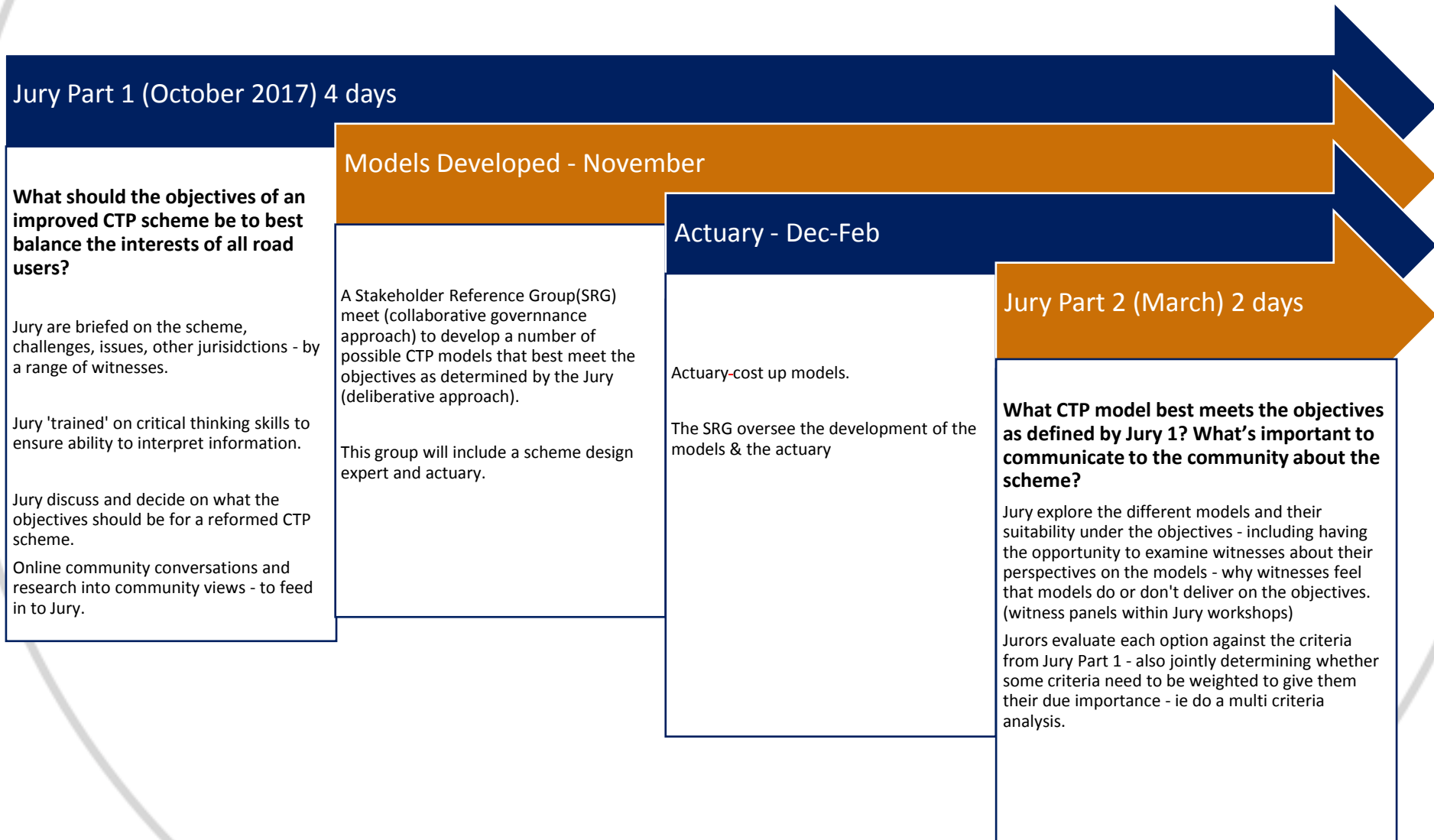
- The government's objectives for the process
- The nature of the community and stakeholders needing to be engaged
- Timelines for the project
- Budget

In addition, we are guided by general principles that are central to deliberative processes. These are;

- **Transparency** –we design our processes to be as open and transparent about all elements of the process design and delivery as possible.
- **Collaboration** – that policy making will be better and more sustainable if it's done collaboratively, meaningfully involving key stakeholders and government agencies in the citizen jury process.
- **Respect** – members of the public (our community) are smart and that collective groups of jurors are as able (if not more able) to develop good policy responses to complex issues as anybody else; when they have the information, evidence and facts to assess the issues and solutions.
- **Independence** – participants need to be allowed to seek their own information / advice and come to their own conclusions without coercion or undue influence. This is the only way that their recommendations will be trusted.
- **Meaning** – deliberative processes are different to usual 'engagement' approaches in that the authorising body makes it clear at the beginning of the process how it will use the outcomes from the process. This is called the 'authority'.
- **Community interest** – we put the community at the centre of our processes and design engagement strategies that centre on community interest ... and even make them fun!

We (democracyCo) are entirely focused on good process, we don't have a view or a position on the issues or problems being discussed. The strategy we designed for the exploration of the CTP scheme has built these principles into the design.

Process Design Overview



Process design – the detail

Deliberative Group methodology

There will be a two-part Citizens' Jury of 50 randomly selected Canberrans.

The role of Jury Part 1 will be to develop, explore and consider their values in the context of what outcomes they want from the CTP scheme. This will address issues such as eligibility, benefits and disputes. Most importantly the Jury will explore and reconcile the trade-offs involved in what they want from the scheme.

The Jury will also weight and prioritise their objectives.

To frame this discussion, the jury has the following remit;

“What should be the objectives of an improved CTP scheme be to best balance the interests of all road users?”

The outcomes of this Jury will be used as a community 'brief' for the development of CTP models.

A Stakeholder Reference Group (SRG) which will include an actuary and a scheme design expert will develop a number (up to four) models that meet the objectives developed by the Jury.

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.

Citizen Juries are one way to address this, by incorporating the views of the community into decision-making. They provide an opportunity to learn how the community think about an issue when presented with detailed information about the issue.

Citizen 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 participates and 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, and nor do they seek to find a guilty or not guilty finding; instead they rely on reaching a broad consensus among jury members around a series of recommendations after consideration of diverse views.

In another difference to a jury in a court of law, citizen juries can incorporate into their deliberations values, ethics, societal norms and trade-offs. This helps to enrich their decision making, and arrive at sensible, logical outcomes.

One interesting feature of Citizens' Juries is that they typically result in considered and moderate recommendations that successfully blend competing claims and help reconcile antagonistic groups.

Special characteristics of the Citizens Jury process

Random Selection of Jury Pool: The members of the jury pool are randomly selected through scientific polling techniques.

Representative: Jurors are carefully selected to be representative of the public at large. No other process takes such care to accurately reflect the community.

Informed: Witnesses provide information to the jury on the key aspects of the issue. Witnesses present a range of perspectives and opinions. The jury engages the witnesses in a dialogue to guarantee that all questions are answered.

Impartial: Witness testimony is carefully balanced to ensure fair treatment to all sides of the issue.

Deliberative: The jury deliberates in a variety of formats and is given a sufficient amount of time to ensure that all of the jurors' opinions are considered. (<https://jefferson-center.org/wp-content/uploads/2012/10/Citizen-Jury-Handbook.pdf>)

Detailed information about the SRG can be found in the following sections.

These models will then be provided back to the Jury for Jury Part 2. In this stage, the Jury will analyse the extent to which the models meet their objectives. The Jury will rank the models based on the extent to which they meet their original objectives. The Jury will not be able to revisit the original objectives developed in part one of the Jury process.

The question being asked of the Jury at this point will be:

What CTP model best meets the objectives as defined by Jury 1?

Jury Part 2 will also be asked for their advice about how the preferred model is best communicated to the broader community:

What's important to communicate to the community about the model?

It is important to note that the Government has put parameters on the Jury's work. The Government has described these as follows:

- a) **The CTP scheme must remain compulsory for all motorists.**
The jury will not be able to recommend an optional scheme.
- b) **The scheme must continue to be privately underwritten and the overall scheme design cannot raise the cost of premiums.**
The CTP scheme in the ACT is underwritten by private insurers, and that will not change through this process. Insurers set the premiums taking into account a number of risk factors, including their potential liabilities which are influenced by the way the scheme is designed. While other factors may lead to a change in premiums over time, improvements to the CTP scheme coming out of the process cannot result in an increase in premiums.
- c) **The CTP scheme in the ACT must remain community-rated.**
In some states, people pay different amounts for their CTP depending on risk factors such as age. For example, NSW allows for risk rating of premiums, with insurers able to charge higher premiums for motorists they consider to be high-risk, such as young drivers up to 25 years old. In the ACT, motorists pay the same CTP insurance premium, which is a community-rated premium that applies to each vehicle class. The Government believes this is a central aspect of the CTP scheme and this will be maintained through the citizens' jury process.
- d) **The types of vehicles for which CTP must be purchased and the way premiums are calculated between vehicle types cannot change as part of this process.**
The types of vehicles that are included in the CTP scheme and the way different premiums are calculated for different types of vehicles are complex and technical issues. These issues are not the focus of this citizens' jury.
- e) **The scheme must be workable and fit within other legal and regulatory frameworks.**
The Government has committed to pursuing the model recommended by the citizens' jury at the end of this process. Therefore, the recommended model will need to meet legal requirements – such as human rights and privacy – and be workable in practice.
- f) **The deliberations will not examine the established Lifetime Care and Support Scheme.**
The treatment and care of people who are catastrophically injured in a motor vehicle accident is managed under the *Lifetime Care and Support Scheme* which is funded by a separate levy. Changes to this scheme are not within the scope of the deliberations.

Authority

At their heart Citizens' Juries are about building trust between the community and government or the authorising organisation. This is a reciprocal process - it is vital that governments trust and respect the community's capacity and ability to deliberate and provide the government with a considered position.

The Authority is the commitment the government makes in advance about what it will do with the Jury's position, and is instrumental in demonstrating the governments' trust in the community.

It also illustrates to the community how different Citizens' Jury processes are from other engagement processes.

The giving of trust by the government through the authority highlights the importance of the process to the government and the community and jurors respond in kind. People are more willing to commit the time required if they know that the government is committed to the process and the jurors take their role very seriously. They know the impact their recommendations / report will have and they feel this responsibility.

There are two jury processes and each has its own authority.

*Jury Part 1 - **The Government will accept the objectives of the Jury and will work with stakeholders and industry experts to design up to four models that reasonably meet those objectives for consideration of the Jury.***

*Jury Part 2 – **The Government commits to pursuing the model which the Jury prefers on the basis that it meets the community's values (as identified in Jury 1).***

Witnesses and evidence

Central to deliberative processes and in particular to citizens' juries, is that the participants are informed with access to all the information they need to help them come to a reasoned judgement. This means that the Jury should have access to evidence, information and perspectives across the issues. The Jury will be supported to interrogate and examine the veracity of views and the quality of evidence.

Evidence can come in many forms and from many sources including:

- The views and opinions of the broader Canberran community
- The views and opinions of key stakeholders in the CTP sector
- Experts in the CTP scheme (researchers, academics, scheme design experts, actuaries)
- Those who have experienced the implementation of other CTP models (representatives from other jurisdictions).

The evidence can be presented in a number of different ways;

- Written material - articles, reports, submissions and general reading material.
- Witnesses – presentations, Q&As and panel sessions.
- Video / Audio visual content.

Witnesses

Expert witnesses include all those persons who aid the jurors in understanding the issues central to the charge to the jury, from the neutral resource persons who introduce them to the vocabulary and history of the topic to the experts who either discuss all the options or advocate for one point of view.

The role of the expert witnesses is to help jurors understand all aspects of the remit. Because the issues contained within the remit may be ones that the jurors have not thought about before, witnesses need to be able to explain the complexities in language that average citizens can understand.

Approach to evidence

The following table summarises the approach to the provision of evidence to the Jury.

The views and opinions of the broader Canberran community

How and Why?

To support Jury 1 in gathering and considering views of many, not just a few.

Format:

- Written material
- Submissions
- Research summaries
- Online discussion

Process

Submissions - Submissions to the Jury have been sought via Your Say ACT. Submissions to help answer Jury Part 1's remit, – ***“What should the objectives of an improved CTP scheme be to best balance the interests of all road users?”***

Research –An online and phone survey of the broader Canberran community has been conducted to get a sense of their views about what the objectives of the scheme should be (in line with the remit of Jury Part 1).

The views and opinions of key stakeholders in the CTP sector

When and How?

Jury Part 1 and to a lesser extent in Jury Part 2

Format:

- Written material – submissions
- Witness presentations

Process

Submissions – again, submissions to the Jury have been sought via Your Say ACT and via direct invitation from the Chief Minister, helping to answer Jury 1's remit *"What should be the objectives of an improved CTP scheme be to best balance the interests of all road users?"*

Witnesses - As part of Jury Part 1 and Jury Part 2 we anticipate that stakeholders will also be central providing evidence to the Jury.

Experts in the CTP scheme (researchers, academics, scheme design experts, actuaries), and those who have experienced the implementation of other CTP models.

How?

Primarily witnesses (supported by reports etc)

Process and When

Information and advice from experts and those experienced in the implementation of CTP models will be critical to the Jury's work.

Jury Part 1

These experts have been chosen in two ways.

1. The Stakeholder Reference Group in conjunction with the facilitator has chosen witnesses to brief and support the Jury's deliberations on the first weekend. These witnesses will cover the breadth of the issues and the breadth of the debate.
2. The Jury itself at the end of Day 2 identify if they feel like they need additional information to support them in their work and what information it is they need. The facilitators, with support from the SRG, will then work to find this information for the Jury to assist them on days 3 and 4. This information may then be provided to the Jury either through witness presentations or through written material – or even video / audio visual content (depending on what is needed and the availability of potential witnesses).

Jury Part 2

We anticipate that evidence provided to Jury 2 will be primarily from actuaries / scheme design experts (and most likely those in the SRG) with the aim of assisting the Jury in understanding the models.

Stakeholder Engagement

There are a range of stakeholders who have a direct interest in the CTP scheme and will be impacted in some ways by any changes which may result.

It is vital that these stakeholders are significantly involved in the citizens' jury process for a number of reasons;

1. They represent the interests and needs of all those Canberrans who have a significant and ongoing interest in the operation of the CTP scheme.
2. They have extensive knowledge and experience of the CTP scheme from an operational perspective that will be very helpful to the citizens' jury.
3. They are significant contributors to public discussion and debate about the issues surrounding the CTP scheme.

Consequently, there is a significant role for the involvement of key stakeholders in the development of new CTP models for the jury to consider and also in supporting the jury in their work.

Definition of a 'stakeholder'

Any individual organisation, individual NGO or organisation that represents a broader group of individuals or groups, that has a 'stake' or interest in the issue being considered.

Stakeholders will work with an actuary and CTP scheme design expert on a Stakeholder Reference Group (SRG) to develop a number of CTP models (possibly up to 4) in line with the Jury's brief. The members of the SRG are listed later in this document.

We believe that their involvement in this way will make best use of their knowledge and experience in the CTP system, but within the frame of delivering models that meet the values and needs of Canberrans.

In addition, the SRG or its members will have the following roles:

- Supporting the facilitator to identify appropriate experts as witnesses to the Jury.
- Potentially appear as members of a panel or as presenters to the panel to raise awareness about the substance of the debate about CTP.
- Provide their views and feedback to Jury Part 2 about the model that they think best achieves the objectives as identified during Jury Part 1.
- Provide advice to the facilitators about important reports / documentation that could be of interest or importance to the Jury's deliberations.
- Public communications with their sector and the community about the issues surrounding CTP.

Not all stakeholders with an interest in the process will be represented on the SRG, however it is important that the perspectives of these stakeholders are heard. Stakeholders have been invited to share their views with the Jury through a submissions process.

Role and Involvement of Government

The role and involvement of Government is as follows;

1. To establish the parameters for the process and to provide feedback / advice to the Jury about whether those parameters are being met.
2. To be a participant on the Stakeholder Reference Group.
3. To support the Jury in any way that the Jury wants/ requests.
4. To explain the Citizens' Jury process and the rationale for the process to the community generally and more specifically to the community.
5. To undertake and support communications and engagement activities in support of the Jury process.
6. To organise venues and logistics for the Jury.
7. The Government will receive the Jury's recommendation/ report.
8. A limited number of officials to attend and watch the Jury process as observers and potentially helping Jurors access written evidence via a Resource Hub.



General Facilitative approach

To support the work of the Jury, we provide a detailed and structured facilitation approach using a facilitator skilled in deliberative practice. Our foundation is the International Association of Facilitators Core Competencies that guide our practice 'in the room' and this process will be supported by a team that can:

Create and sustain a participatory environment.

- Demonstrate effective participatory and interpersonal communication skills
- Apply a variety of participatory processes
- Demonstrate effective verbal communication skills
- Develop rapport with participants
- Practice active listening
- Demonstrate ability to observe and provide feedback to participants

Honour and recognise diversity, ensuring inclusiveness

- Encourage positive regard for the experience and perception of all participants
- Create a climate of safety and trust
- Create opportunities for participants to benefit from the diversity of the group
- Cultivate cultural awareness and sensitivity

Manage group conflict

- Help individuals identify and review underlying assumptions
- Recognise conflict and its role within group learning / maturity
- Provide a safe environment for conflict to surface
- Manage disruptive group behaviour
- Support the group through resolution of conflict

Evoke group creativity

- Draw out participants of all learning/thinking styles
- Encourage creative thinking
- Accept all ideas
- Use approaches that best fit needs and abilities of the group
- Stimulate and tap group energy

Guide the Group to appropriate and useful outcomes

- Guide the group with clear methods and processes
- Establish clear context for the session
- Actively listen, question and summarise to elicit the sense of the group
- Recognise tangents and redirect to the task
- Manage small and large group process

Facilitate group self-awareness about its task

- Vary the pace of activities according to needs of group
- Identify information the group needs, and draw out data and insight from the group
- Help the group synthesise patterns, trends, root causes, frameworks for action
- Assist the group in reflection on its experience

Guide the group to consensus and desired outcomes

- Use a variety of approaches to achieve group consensus
- Use a variety of approaches to meet group objectives
- Adapt processes to changing situations and needs of the group
- Assess and communicate group progress
- Foster task completion

Specific Facilitative approach – for Jury Part 1 and 2

Jury Part 1

The facilitation of Jury Part 1 will include:

- **Building critical analytical skills** – to support jurors to analyse and interpret information and evidence.
- **Starting from what matters to the Jury** – the facilitation process should allow the Jury the opportunity to explore how this issue affects / impacts them, and their community, tapping into and uncovering the important values that the Jury want to see reflected in the models proposed.
- **Consideration of trade-offs and consequences** – the facilitation process should allow adequate time and supportive process to enable the Jury to consider the trade-offs they can live with, and those they cannot. This should also allow the Jury the opportunity to nuance the trade-offs – and provide some clear advice and direction about the importance / impact of all.

When setting the objectives for the CTP scheme and in considering the above trade-offs, the jury must remain within the scope of the deliberative engagement process including that premiums cannot increase.

It will be vital for this Jury to come up with clear and cohesive direction, from which models can be determined and community preferences easily understood.

Jury Part 2

The rubber will hit the road with this Jury – with the group being asked to undertake a detailed analysis or audit of models provided by the Stakeholder Reference Group.

This may seem a simple technical checking off, however this will require:

- An analysis of how well the Jury believes its intentions (values / what matters to them) is reflected in each model,
- Awareness of Jury members' unconscious bias / preferences, to ensure that they are putting the needs of the community before themselves,

- A reconnection and a strengthening of critical analysis skills learnt in the first Jury process to ensure their recommendations meet the test of accuracy, relevance, logic, breadth, depth and clarity,
- Undertaking a process to allow the Jury to analyse and prioritise each model against the objectives they have outlined in Jury one. There may be the opportunity to use techniques such as:
 - o Multi-criteria analysis (MCA) or grid analysis – which includes identifying and weighing up stakeholders’ interests, building a decision framework, rating alternatives, weighting stakeholder interests and then scoring and deciding on the best model.
 - o If there are 2 models to select between, a pairing comparison approach should be used – outlining criteria and comparing the two.
 - o Throughout, to gain individual juror support (or not) we may use sociometry (either in person or through using tools an online deliberation tool) to ensure that individuals have the opportunity to contribute their positions / views to the views of the room.
- Ensuring that there is the opportunity for deep deliberations to occur and that all minority or different views are considered and understood in the alternatives agreed.

ATTACHMENT A

About the Team behind the strategy

democracyCo offer the most comprehensive service in deliberative democratic practice in Australia with a wealth of experience in;

- Developing high level, whole of government engagement strategies and policies for government.
- Developing and implementing frameworks for driving cultural and system change in government to ensure that the community are more involved in governments' decision-making processes.
- Designing and delivering training programs in community engagement, deliberative democratic practice, citizens juries and facilitation.
- Designing, planning, implementing and facilitating deliberative processes.
- Recruiting randomly selected groups of the community for involvement in deliberative processes.

We are the only organisation in Australia that can, on its own, run an entire deliberative process from 'end to end'; incorporating design, recruitment, implementation, facilitation and training.

In addition, because of our work experience in politics and the public service as well as within the field of deliberative democratic practice we understand the needs of government like no other organisation.

Co-CEO Emma Lawson instigated, designed and led a process of public sector reform in South Australia to improve the way the public service involves the community in decision making with a focus on deliberative and collaborative forms of engagement. The starting point for this work was (and remains) the government's engagement policy/ strategy and guide *"Better Together – Principles of Engagement"*. Emma led the team that developed Better Together and designed and ran a suite of initiatives to drive its implementation.

Emma pursued this work from within the public service and on the back of years of experience in politics as an advisor to the Premier and Treasurer.

Meanwhile Emily Jenke has specialised in designing, facilitating and running deliberative processes, including citizens' juries for the last 10 years. Emily is widely regarded as one of the best facilitators of deliberative processes nationally. Emily also designed and runs the "Better Together" training in South Australia and has now trained thousands of public servants through this program.

Together, as democracyCo we have facilitated and implemented numerous deliberative processes including the largest ever citizens' jury globally on nuclear waste storage.

For the development of this strategy we have drawn on the knowledge of two preeminent experts in the field worldwide.

Janette Hartz Karp from **Empowering Participation** and **Kyle Bozentko** from the **Jefferson Centre** in the United States have provided feedback and advice in helping us to develop this strategy.

The team members at Empowering Participation have decades of experience in academic research in deliberative democracy, democratic innovations and collaborative governance.

The Jefferson Centre is a nonpartisan not for profit that engages Americans directly to solve shared challenges and craft better policy. Their mission is to strengthen democracy by advancing informed, citizen-developed solutions to challenging public issues. Whilst the Jefferson Centre is the home of citizens juries' they are continuously designing, testing, and exploring new methods of high quality, inclusive engagement.

As a collective, what we know, is that deliberative processes must be designed bespoke; to meet the objectives of our client, their budget constraints and the needs of their communities.

Compulsory Third Party Insurance Stakeholder Reference Group (SRG) Draft / Unapproved Terms of Reference¹

The Stakeholder Reference Group is an important part of the Compulsory Third Party Insurance Jury's deliberations.

The time and effort from members and their organisations is greatly valued and appreciated.

Purpose and roles

The Stakeholder Reference Group (SRG) will have the following six core responsibilities:

1. Model development – working with a scheme design expert and an actuary to develop models which meet the 'brief' as developed by Jury Part 1.
2. Identifying witnesses – support facilitators in determining witnesses to 'brief' the Jury.
3. Appear as witnesses – where appropriate / required members may appear as witnesses (either together or separately) to the Jury.
4. Evidence - Provide advice to the facilitators about important reports / documentation that could be of interest or importance to the Jury's deliberations.
5. Providing advice - facilitators may choose to seek the SRG's advice on how witnesses present to the Jury in the context of the overall agenda.
6. Building understanding and awareness of the Jury process in the wider community.

Members will provide their organisation's perspective on the Citizens' Jury witness and speaker identification process, and share information about past, current and emerging issues.

The facilitator, democracyCo, will convene and administer the SRG.

¹ At time of printing the TOR were with SRG members for final approval.

Protocols

As with the Citizens' Jury itself, the SRG is a deliberative process involving individuals and groups who have a high level of interest and stake in the CTP scheme with a range of viewpoints and perspectives.

To ensure that the SRG is productive and achieves its purpose as described above, the SRG will work in line with the following protocols and principles:

Transparency and openness -

Notes reflecting a high-level summary will be published (once SRG has approved) and will be available for SRG members to distribute to their members.

Where timely and appropriate, SRG members may consult with their own networks regarding the position they put to the Jury (on their members behalf). This may include;

- In preparation for the speed dialogue or other speaking opportunities to the Jury as they arise, or
- In developing feedback to provide to the SRG on appropriate models that meet the Jury's brief.

The Citizens' Jury process benefits from wide promotion and public dialogue, debate and constructive commentary. It is expected that members will want to discuss and debate the issues surrounding CTP schemes in the media and this practice is encouraged by the group.

Having said this, the sharing by SRG members of information with the media and with their own networks will be done respectfully.

Sensitive information and data from other schemes may not be able to be shared with the SRG.

Respect

SRG members will be respectful of both the work of the SRG and the work of the Jury. This will include;

- Ensuring that statements made to the media or on social media be made clearly in terms of it being the view of the individual or their organisation rather than that of the SRG.
- Valuing and being respectful of the work of the Jury, their role and any requests the Jury make to the SRG about the process by which they would like the models communicated back to them and or their work in general.
- Being cooperative and collegiate;
- The facilitator will run each SRG workshop in a collaborative workshop style, members will respect others' opinions, be open and honest, participate fully, willingly share experience and expertise and importantly 'share the air'.

Workshop Style

SRG meetings are not formally run— they are facilitated by democracyCo and run in a conversational dialogue style. The SRG will work on a consensus model for all decisions.

Membership

| | | |
|-----------------------|--------------------------------------|---|
| Lisa Holmes | Representative for the CTP Regulator | |
| Richard Glenn | Deputy Director General, Justice | Justice and Community Safety Directorate |
| Mark Blumer | Solicitor | Law Society of the ACT |
| Jamie Ronald | Barrister | ACT Bar Association |
| Madeleine Hibberd | Manager, Regulatory Policy | ACT CTP insurer – Insurance Australia Group (IAG) |
| Surayez Rahman | Executive Manager, ACT CTP | ACT CTP insurer - Suncorp |
| Fiona Tito Wheatland | Consumer representative | Health Care Consumers Association |
| Professor Ian Cameron | Professor of Rehabilitation Medicine | John Walsh Centre for Rehabilitation Research, University of Sydney |
| Geoff Atkins | Principal, Finity | Insurance scheme design expert |
| Peter McCarthy | Executive Director, EY | Actuary |

Meeting Dates and Location

13 September 2017, Canberra

3 November 2017, Canberra

Further meetings to be confirmed

Witnesses

Central to the work of the Jury will be hearing from experts in the field;

- those with experience in CTP from other jurisdictions,
- people who work in the field
- academics
- people who have experienced injuries and eligible to make a claim or ineligible to make a claim.

Details about the witness program will be provided to you when you arrive on Day 1.

Observers

Compulsory Third Party Insurance

Observer Code of Conduct

Members of the Stakeholder Reference Group

This Citizens' Jury is an opportunity for 50 randomly selected citizens from the ACT to take the time to consider information, hear firsthand from experts, and explore the question

"What should be the objectives of an improved CTP scheme to best balance the interests of all road users?"

If you are not a member of the Jury, then you are an Observer, all be it a very important Observer due to your role as a member of the Stakeholder Reference Group.

We encourage your attendance at the Jury meetings as it helps ensure transparency of process and will also assist you in understanding what the Jury values for the CTP scheme, but we need to manage the process so that the work of the Jury is not disrupted.

We ask you to maintain a respectful standard of behaviour and only get involved if or when invited to by the facilitator.

Note that some sessions may be for Jurors only, and you may be asked to leave. There will be a table in the Jury room for you at all other times, from which you will be able to watch the proceedings of the Jury. As a general rule we would ask that you observe the following:

1. Please only talk to Jurors if approached by them. The Jury will be advised about the role of the SRG and the individuals on the SRG and their roles will be introduced on the first day so that the Jurors can approach you if they wish to discuss issues in more detail. The Jury will also receive this document.
2. Come along 10 minutes before the specified start times and sign-in at the door. You will need to provide photo ID to confirm your registration on arrival. Note that the length of jury sessions will be flexible around the needs of the Jury. The Jury ultimately has control of the agenda and activities.
3. Once you are in the room please stay until there is a break. People coming and going is surprisingly disruptive.
4. We ask that all observers maintain a standard of behaviour that does not disrupt the work of the Jury.
5. Please be understanding if the agenda timings are not exact: if the jurors want to continue a discussion, then we will let that happen (as they 'own' the process).
6. Please note that video recording and photography is occurring and by attending you understand you may end up in images used to explain the process.
7. You are not permitted to take photos, videos or audio of Jury proceedings. This is because some jurors may have asked that they are not identified.
8. democracyCo reserve the right to ask observers to leave at the request of the Jury, or if disruption occurs.
9. Please set your phone to silent during Jury sessions.

If you have concerns or questions about the process the best time and place to have these addressed will be at lunch time.

Emma Lawson CoCEO of democracyCo or Ilka Walkley, Principle Consultant at democracyCo will be hosting a lunch for all SRG members present on the day. During this time they will provide an overview of the process for the day and how it fits into the work of the weekend (and the entire process). They will also work to answer any questions you have and to address any issues that you might have observed.

All inquiries about the process should be directed to either Emma or Ilka.

Please let Cecilia Willis know if you will be attending Jury meetings so that we can ensure that catering is appropriate.

We hope you enjoy observing the Jury at work.

Compulsory Third Party Insurance Public Observer Code of Conduct

This Citizens' Jury is an opportunity for 50 randomly selected citizens from the ACT to take the time to consider information, hear firsthand from experts, and explore the question

"What should be the objectives of an improved CTP scheme to best balance the interests of all road users?"

If you are not a member of the Jury, then you are an Observer.

democracyCo welcomes Observers to the Jury, but needs to manage the process so that the work of the Jury is not disrupted. We ask you to maintain a respectful standard of behavior and only get involved if or when invited to by the facilitator. Note that some sessions will be for Jurors only, and you will be asked to leave.

As a registered Observer please comply with the following guidelines:

1. Come along 10 minutes before the specified start times and sign-in at the door. You will need to provide photo ID to confirm your registration on arrival. Note that the length of jury sessions will be flexible around the needs of the Jury. The Jury ultimately has control of the agenda and activities.
2. Once you are in the room please stay until there is a break. People coming and going is surprisingly disruptive.
3. We ask that all observers maintain a standard of behavior that does not disrupt the work of the Jury.
4. Please be understanding if the agenda timings are not exact: if the jurors want to continue a discussion, then we will let that happen (as they 'own' the process).
5. We offer a chance for your contributions through written comment cards which are posted for the jurors to consider in the breaks.
6. Lead facilitator, Emily Jenke will advise the Jury who is in the room at the start of each open session. If you have a formal interest in proceedings (interest group, government role, community group) we ask that you declare this so we can share this with the Jury.
7. Please note that video recording and photography is occurring and by attending you understand you may end up in images used to explain the process.
8. You are not permitted to take photos, videos or audio of Jury proceedings. This is because some jurors have asked that they are not identified.
9. Catering and refreshments are not provided for Observers who registered from the public call.
10. Seating for observers will be in a specific area.
11. democracyCo reserve the right to ask observers to leave at the request of the Jury, or if disruption occurs.
12. Please set your phone to silent during Jury sessions.

You will be supported in your attendance at the Jury meeting by one of the democracyCo staff (identified upon your arrival). Please direct all questions to them.

You will receive and introductory briefing about citizens juries and the work of this jury in particular when you arrive, to assist you in contextualizing what you see the Jury's work on that day.

We hope you enjoy observing the Jury at work. If you have any questions between sessions please contact Emma Lawson on 0421098355.

Name:

Date:

I agree to the Observer's code of conduct.

.....

Media and Filming

Transparency of the Jury process is central to building respect in it and trust in the outcomes.

Therefore, parts of the process will be filmed or photographed and the media will be present at various times.

It is completely up to you whether you speak to them or not. We encourage public discussion and debate both about the process and the topic.

If you do not want to be photographed we will give you a lanyard or a badge which signifies to those taking photographs or filming that you would prefer not to be identified publicly.

If you agree to be filmed or photographed, please take the time to fill in the “Photographic and Video Consent Form” and present it to the team when you register on Day 1.

Photographic and Video Consent Form

For participants attending the Citizens' Jury to improve the CTP insurance scheme

This is an agreement between the ACT Government, democracyCo and a:

- | | |
|--|--|
| <input type="checkbox"/> Juror on the CTP Citizens' Jury | <input type="checkbox"/> CTP Citizens' Jury Witness |
| <input type="checkbox"/> ACT government employee | <input type="checkbox"/> CTP Citizens' Jury Observer |

This agreement acknowledges that the above party agrees that the ACT Government, democracyCo and external media organisations can use their image or video footage, in:

- their publications, external promotional and educational material
- their own print, broadcast or television services and online (website and social media) formats.

Note: For photos and videos used on a website or in social media:

- the information can be copied and used by any web user
- once information has been published on the web, the ACT Government or democracyCo has no control over subsequent use and disclosure

I agree to the above statements.

| | | | | |
|-------------|-----------------------------|------------------------------|-------------------------------|-----------------------------|
| Signature: | | | | |
| Name: | <input type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Miss | <input type="checkbox"/> Ms |
| Address: | | | | |
| Contact No: | | | | |
| Date: | | | | |

Information on this form is personal information and will be stored, used and disclosed in accordance with the requirements of the *Privacy Act 1988* and the *Freedom of Information Act 1989*. The ACT Government or democracyCo is not liable for any damages, injuries or personal misfortune resulting from publication or use of the above identified information.



Information from the ACT Government