



GREEN WEDGE MANAGEMENT PLAN COMMUNITY PANEL

PANEL PROCESS REPORT

Prepared for the Nillumbik Shire Council

December 2018

LIMITATIONS OF USE

This report has been prepared by MosaicLab on behalf of and for the exclusive use of the Nillumbik Shire Council.

The sole purpose of this report is to provide a report of the methodology, research findings and process undertaken for the Green Wedge Management Plan Community Panel.

This report has been prepared in accordance with the scope of services set out by Nillumbik Shire Council. In preparing this report, MosaicLab has relied upon the planning for the community panel and information provided by the participants and the unedited panel report. Nillumbik Shire Council can choose to share and distribute this report as they see fit. MosaicLab accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.

MosaicLab is a Victorian based team of facilitators dedicated to bringing diverse groups of people together to solve the complex problems of today. We assist government agencies, community members, industry and the commercial sector find ways of speaking and working together that have meaning and can make a positive difference to decision- making and action.

What is the best way for us to
manage Nillumbik's Green Wedge,
now and in the future?



1. INTRODUCTION

All councils on Melbourne's fringe with green wedge (non-urban) land are required by the state government to have a green wedge management plan. Nillumbik's previous plan was published in 2011. In 2017 Nillumbik Shire Council recognised that there was a difference of views within the community around the appropriate management of the Green Wedge, particularly in relation to private land and resolved to fully review the plan with a high level of community engagement.

In June 2017 Council decided that a citizens' jury (subsequently known as a community panel) be recruited from the people of Nillumbik to consider the issues and recommend to Council the form and direction of the revised plan. It was also decided to run a wider engagement process preceding the community panel to inform the panel about the wider community's views.

MosaicLab was contracted to design and facilitate the community panel plus some related workshops, including one public workshop as part of the wider engagement program. The panel was recruited by an independent third party, Deliberately Engaging and Nillumbik Shire Council provided technical expertise, background information, an online portal and undertook the logistics for the panel. Council staff also delivered the wider engagement process.

The following is a report that outlines the project background and process for the community panel.



2. ENGAGEMENT ROAD MAP

The engagement program put in place by Council included the following:

REMIT:

What is the best way for us to manage Nillumbik's Green Wedge, now and in the future

IN SCOPE:

The best ways for managing the green wedge including:

- Vision
- Economic, social, environmental and regulatory objectives
- Key actions

OUT OF SCOPE:

- Discussion of the management of urban areas (the townships in the green wedge are considered in scope – St Andrews, Panton Hill and Hurstbridge)

LEVEL INFLUENCE:

Consult on the IAP2 spectrum for the wider engagement process.

Collaborate on the IAP2 spectrum for the panel process.

Nillumbik Council is the final decision maker.

COUNCIL'S PROMISE TO THE PANEL:

Council will carefully consider all recommendations of the community panel. Council will provide a response to all recommendations and where recommendations are only partly adopted or not adopted, Council will provide their reasoning for this.

SIZE AND COMPOSITION OF THE PANEL

Council's aim was 40 people with 50% from rural areas and 50% from urban areas, 50:50 gender balance, age and home ownership to match the demographics of the Shire and an even spread from each ward. More details are provided in section 6.

ENGAGEMENT ACTIVITIES

The main elements of the engagement program were:

WIDER ENGAGEMENT

1. 10 facilitated community workshops with 181 people attending. Workshops held were for rural landowners (3 workshops), wider community (2 workshops), Landcare, Friends of Groups, tourism and business operators, equine community and CFA members.
2. A survey which received 688 responses.
3. A youth survey which received 48 responses.
4. Online stories about the Green Wedge which received 38 responses.
5. 23 coffee and chat sessions and 3 attendances at markets to collect stories. 40 drawings of the Green Wedge by primary school children and 1 piece of artwork from Nillumbik Youth Theatre Group.
6. 7 additional responses outside the formal process.

COMMUNITY PANEL

8. Two stakeholder workshops to inform them of the panel process, to encourage them to observe the process and to provide an opportunity for them to nominate speakers to the panel
9. Nominations of presenters by stakeholder groups and voting on the top presenters (voting process abandoned).
10. Recruitment of community panel
11. Meet & Greet – panel met to understand their task, be provided with background information and to meet other panel members
12. Online discussion portal established for panel members only – this website also contained all information provided to the panel.
13. Sitting days 1- 6 to hear expert presentations, understand all information inputs and formulate recommendations to Council.
14. Response – Council to provide feedback to the panel and wider community on whether panel recommendations have been accepted by Council, and if a recommendation is not accepted, why not.

The framework and roadmaps for the engagement process are attached (**Attachment #1**).

3. WIDER ENGAGEMENT

The wider engagement was co-designed by council staff and community leaders at two workshops held on 28 April and 2 May, 2018 facilitated by MosaicLab.

It was delivered by Council staff in the period 31 May and 13 July 2018 and included:

- 8 targeted and 2 public facilitated community workshops with 181 people attending
- A survey with 688 responses
- A youth survey with 48 responses
- 38 online stories
- 23 coffee and chat sessions
- 3 attendances at market to collect stories
- 40 drawings of the Green Wedge by primary school children and 1 piece of artwork from the Nillumbik Youth Theatre Group
- 7 additional responses outside the formal process

The findings of the engagement were documented in a report titled *Nillumbik Green Wedge Management Plan Community Engagement Report*, August 2018, Wayfarer Consulting. The full record of the findings from all activities were also published as *Appendix 3, Verbatim Responses*. The seven responses outside the formal process were not included in the *Community Engagement Report*, however they were included in the *Verbatim Responses*. Both documents were published on the Council website and provided as information inputs to the community panel.



4. THE COMMUNITY PANEL

A community panel (or citizens' jury) is a form of deliberative democracy. It places decision making¹ in the hands of a randomly selected group of participants. It works on the premise that 'everyday' people can deliver smart, long-term decisions which earn public trust if they are given enough information and time to weigh up the pros and cons. The format of panel processes may vary in format and the number of days, however, they all accord with a set of principles.

MosaicLab works to the core values of IAP2 and believe in a set of quality engagement and deliberation principles including:



INFORMED PROCESS

In any process that we facilitate we ensure that participants have the information they need to contribute to an in-depth conversation. This means that we move beyond opinion to an informed and more balanced view.



PARTICIPATORY

Our workshops are highly participatory seeking to ensure we gather very considered data from participants that meets the objectives of the workshop and the project. We work in a range of small group and whole group formats.



REPRESENTATIVE

We work with either those people impacted by the decisions being made and/or a representative sample of those people.



DELIBERATIVE

All workshops are designed to allow for careful consideration of the issues: an in-depth conversation where the pros and cons of a range of options are considered and the group works towards agreed recommendations.



INFLUENTIAL

We ensure there is clarity about the level of influence that the group holds in taking part in this process and everyone fully understands what is negotiable and not negotiable (what is in and out of scope).



FEEDBACK

We expect that feedback is provided to participants on how their input influenced the final product and letting people know that if matters were not included, the reasons why.



EVALUATION AND REPORTING

We believe that consistent and quality evaluation at each step ensures our process is responsive and best practice. We provide clear, plain English reports at key points throughout the process.

1 - Decision making is used in terms of making recommendations. The elected Council is the final decision maker in regard to the final content and provisions of the GWMP.

Expert facilitation is a vital element to foster vibrant deliberative dialogue in a community panel. MosaicLab facilitators work to create a safe and open environment for panellists to express themselves freely and to avoid domination of the group by any one individual. The facilitators ensure the panel keeps moving through the deliberations at an adequate pace in order to deliver the recommendations during the time allocated.

For the Nillumbik Green Wedge Management Community Panel, this put 38 everyday Nillumbik residents at the centre of a 6-day conversation. As well as being provided with a significant level of information from Council and external presenters, the panellists brought their own experience and background into the conversation to identify what issues and recommendations were important from their perspectives. The participants' role was to consider the information presented to them, hold discussions with other participants and arrive at a consensus or super majority point of view (set of recommendations).

The Nillumbik Green Wedge Management Community Panel involved:

- A diverse group of local residents
- A clear question to focus the deliberation
- A broad and diverse range of information addressing the question
- Time for the participants to consider and deliberate on the evidence
- Key speakers to provide additional opinions and voices
- Expert facilitators in deliberative processes and community panels
- A blank page report that participants wrote together in the room
- Group negotiation to achieve a super majority decision (more than 80%)
- A report of panel recommendations.



5. ROLES

Community Panel Members

To provide recommendations to Council on the best ways for managing the green wedge including a vision, economic, social, environmental and regulatory objectives and key actions.

Nillumbik Shire Council

To provide the authority for the Nillumbik Green Wedge Management Plan Community Panel and to respond to the panel.

To observe the process.

To provide information as part of the Council's information to the panel.

Nillumbik Shire Council Staff

To provide information to the panel - technical expertise, reports, information and evidence to assist the panel's deliberations.

To observe the process.

To provide all logistics – catering, computers, reception desk.

To source speakers as requested by the panel.

MosaicLab Facilitators

To provide a safe and productive space to enable panel members to deliberate and make recommendations.

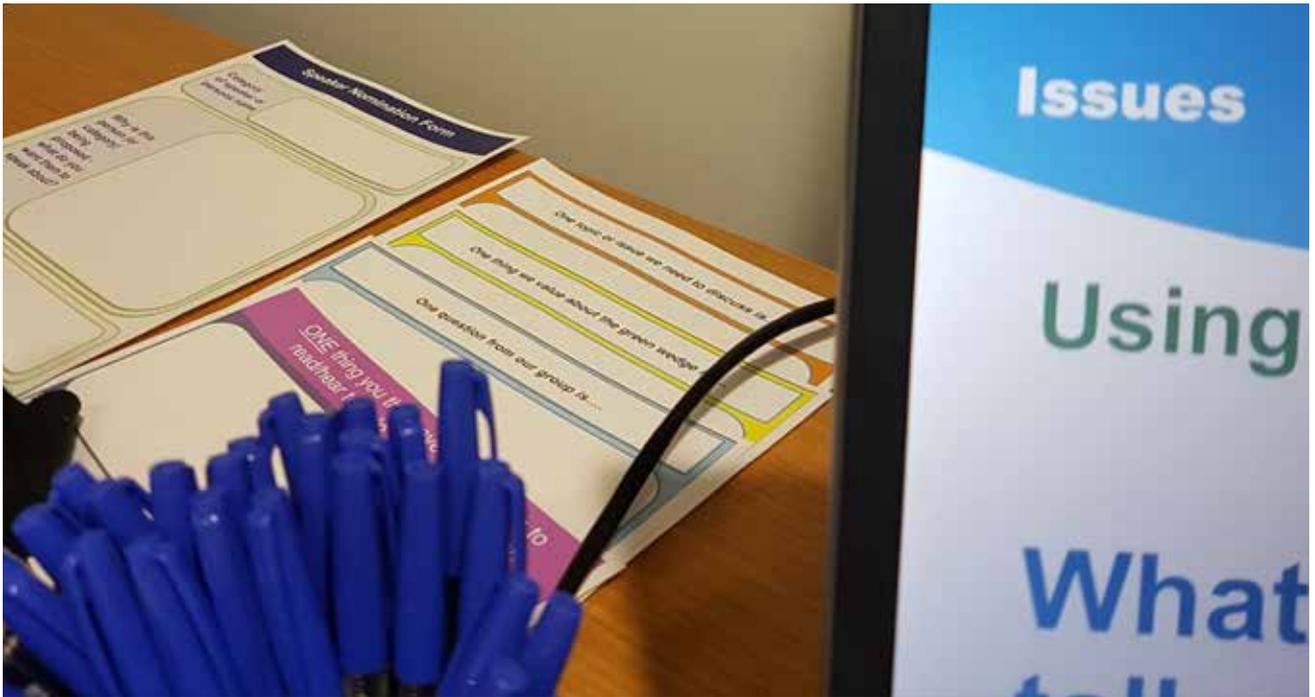
Deliberately Engaging

To undertake the recruitment of panel members and ensure the recruitment is fair and unbiased.

To provide communication support to the panel such as text reminders prior to all panel days.

Observers

Watch the process and observe to ensure transparency



6. PARTICIPANTS

Independent recruitment specialists, *Deliberately Engaging* undertook the selection process. Nillumbik councillors, staff and the facilitators of this process were not involved in the selection of community panel members.

10,000 invitations were posted to randomly selected addresses across the Shire, with half of the invitations sent to rural areas of the Shire and the other half to urban areas.

Once the registration of interest period closed there were 150 interested residents and 25 businesses. *Deliberately Engaging* undertook a stratified random selection to ensure mix of panel members met the following stratification goals:

- Gender and age - based on census data for the Shire.
- Rural: urban mix - whilst the proportion of people living in rural areas is less than 50% Council decided to allocate 50% of positions on the community panel to people from rural areas because of the impact of the Green Wedge Management Plan on people living in the rural area. ²
- Business - goal 4 people or 10% of the desired 40 panel
- Owner: tenant - goal was 90% owners and 10% tenants to match the demographics of the shire
- Spread - goal an even spread across all wards
- Localities – goal was that each locality was represented.

Current councillors, staff members and their families were not eligible for being on the panel.

Whilst the goal was for a 40-member panel, 44 people were selected to allow for withdrawals. Three did not attend the Meet & Greet making a panel of 41. During the course of the five days, five panel members needed to withdraw for health and family reasons, making a panel of 36 through to the end of day 5 (the expected last day). A sixth day was added to the program for which four panel members could not attend making 32 in attendance on day 6. In addition, 4 members of the panel did not attend on day 4 due to their concerns about the process. They returned on day 5 and continued to the end of the panel process.

The following infographic depicts in summary the demographic breakdown of the panel members. This infographic was developed prior to the Meet & Greet for 42 members when two people were known to have withdrawn from the original 44.

2 - This decision was raised many times during the whole process by people living in the rural (green wedge) area as being unfair. Many people felt that only people living in the green wedge should have been on the panel. Council in making this decision considered that the management of the green wedge was of importance and impacted all Nillumbik residents.

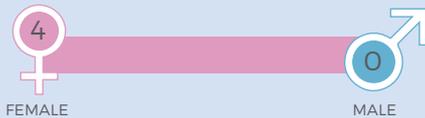


Green Wedge MANAGEMENT PLAN COMMUNITY PANEL

TOTAL
42



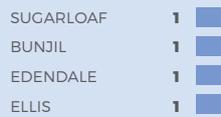
Female/Male (goal 50:50)



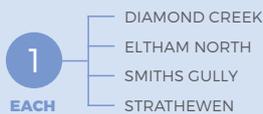
Urban/rural (goal 50:50)



Wards (goal even spread)



Localities (goal each locality represented)

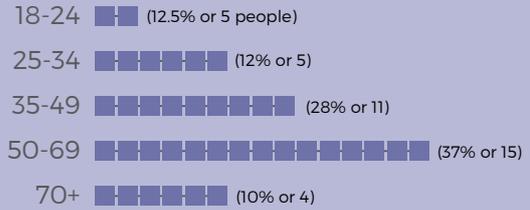


(GOAL 4 people)

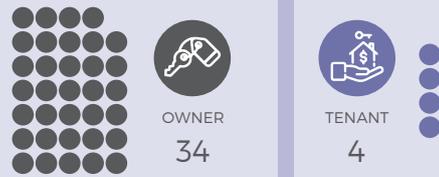
BUSINESS

TOTAL
4

Age range (goal: people)



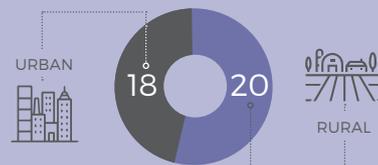
Owner/tenant (goal 90% owners & 10% renters)



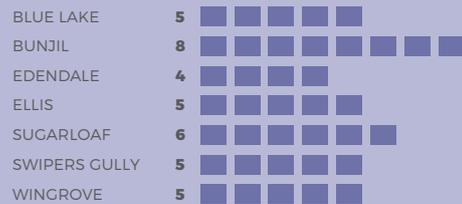
Female/Male (goal 50:50)



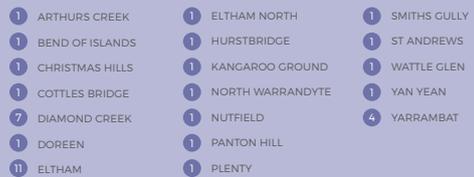
Urban/rural (goal 50:50)



Wards (goal even spread)



Localities (goal each locality represented)

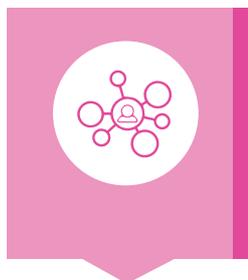


TOTAL
38

RESIDENTIAL

7. THE PANEL PROCESS

WIDER ENGAGEMENT



28 April & 2 May 2018 - Co-design of wider engagement by Council staff and community leaders

31 May - 13 July 2018 - Wider engagement activities

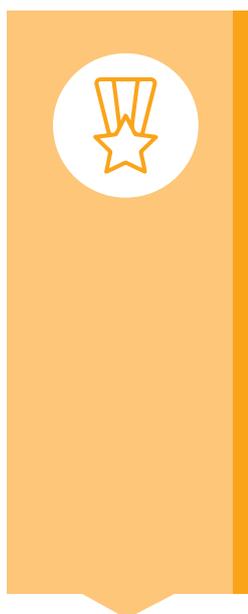
Council conducted the wider engagement phase

COMMUNITY PANEL PROCESS



23 May & 28 May 2018 - Stakeholder Briefing Sessions

Briefings for local interest and stakeholder groups representatives were held to advise them of the panel process, to answer any questions, to encourage people to observe the process and to provide these representatives with the opportunity to nominate people they considered the panel should hear from. Stakeholders and interest groups usually have an in-depth knowledge of their field of interest and can contribute to a panel process by being involved in nominating presenters and in this way, influence the information that is given to the panel.



June 2018 - Stakeholder nominations for panel presenters

40 nominations of potential presenters were submitted to MosaicLab (the facilitators)

A voting process was established by MosaicLab to enable the same stakeholder groups to vote on the top presenters for the panel. This process was abandoned due to some stakeholders advising council that they were able to vote multiple times and were hence 'gaming' the process. Even though this may not have affected the result of a set of worthy presenters, Council decided to stop the voting process due to concerns about the validity of the voting process.

If the voting process had been completed, this would have created a panel of 6-8 speakers for the panel to hear from on Day 1, so this was an opportunity lost for stakeholders to influence the information put before the panel. Instead, the full list of 40 presenters was provided to the panel as simply suggestions when they decided on their own information gaps and what speakers might best fill those information gaps; they could choose from their own knowledge or from this list.



9 August 2018 – Meet and Greet

6pm – 9pm

- Formal welcome from Council and meeting other panel members
- Hearing about and understanding the task ahead
- Opportunity to ask questions of Nillumbik Shire Council to clarify and understand the scope of the task
- Setting agreements about how the panel would work together
- Receiving the Background Report (technical information) and the Wider Engagement Report.

Online discussion between panel days

- Panellists used the online platform via Participate Nillumbik to discuss the background report.



18 August 2018 – Panel Day 1

9am – 5pm

- Discussed insights from the Background Report
- Discussed the panel's concern with the inclusion of six submissions in the Verbatim Report when wider engagement process did not allow for submissions. The panel drafted a statement about the inclusion of these reports that was put on the public Green Wedge page on the Council's website
- Worked on critical thinking skills
- Council nominated speakers/experts presented to the panel both in presentation and speed dialogue formats. The list of speakers is attached (Attachment No 2)
- Information gaps identified, and requests made for speakers who could fill those information gaps on day 2. The list of speakers/presenters compiled from stakeholders was provided as one input to the panel nominating presenters. Some information gaps were referred to Council staff to provide a written response.



25 August 2018 – Bus Tour of the Green Wedge

- Participants had the option to attend a bus tour of the Green Wedge run by Council, or to conduct a self-guided tour using the provided route map, if they wished.

Online discussion between panel days

- This week's questions for discussion was: what did we learn on the bus / self-drive tour? and what are some principles that our recommendations will need to meet?

Facilitators called all panel members

- Due to a number of concerns raised with the facilitators about the selection of speakers and a lack of discussion on the online panel forum beyond 3-4 people, the facilitators called all panel members to discuss their level of comfort with the process (including the online discussion).



1 September 2018 – Panel Day 2

9am – 5pm

- Circle conversation for panel members to identify all the issues relating to managing the green wedge – created a wall of issues
- Hear from presenters as chosen by the panel on Day 1
- Q&A sessions with presenters
- Identify potential information gaps and further speakers to hear from on Day 3 to fill those gaps.

Online discussion between panel days

This week's prompt question invited panellists to nominate one topic we need to discuss.



15 September 2018 – Panel Day 3

9am – 5pm

- Work on the core dilemma – to understand the perspectives held by the community about the green wedge to build understanding for different views
- Hear from the additional speakers as requested on Day 2
- Advice to each other about not going backwards over the long break between panel days
- Need for an additional day raised with the panel

Online discussion between panel days

- Questions that were posted after day 3 included how can we stay on track and do you have any reflections from day 3?
- No new questions were posed for the online discussion after this date as the portal was not being used.



13 October 2018 – Panel Day 4

9am – 5pm

- Panel discussion regarding the withdrawal of 4 panel members due to their concerns with the process relating to landowners being under represented on the panel (that the panel should have only included owners and residents from the green wedge) and not having access to balanced expert advice. The panel also discussed the related PALS open letter to the Council and panel. The panel expressed a view that it wished to get on with its work and that Council should respond to the PALS letter as it sees fit
- Review the issues/ideas generated on Day 2 and added to on Day 3 and adding any new ideas generated from their own thinking and all the information provided, including from speakers, the wider engagement report, the background report, and the existing GWMP
- Panel members draft initial recommendations for all the issues/ideas
- Panel reviewed and tested their ideas with the whole group, identifying their level of comfort and provided feedback on each draft recommendation (ideas rating sheets).



20 October 2018 – Panel Day 5

9am – 5pm

- The four panel members who withdrew returned to the panel
- Council provided an overview of the administration’s feedback on the panel’s first draft recommendations. Feedback sought to clarify panel’s intent, desired outcomes and advice on how these recommendations could be implemented
- The panel in plenary reviewed all recommendations, combining some and adding additional thoughts and information to assist with re-writing the recommendations
- Re-writing the recommendations based on Council and panel feedback.



30 October 2018 – 14 November 2018 – Online survey

- Between panel days, panel members reviewed their draft recommendations and provided their level of support and feedback for each of the 37 draft recommendations developed during Panel Day 5 using an online survey.



17 November 2018 – Panel Day 6

9am – 5pm

- Review of the recommendations including the level of support as provided in the online survey
- Vision statements developed by small groups and reviewed by the whole panel
- Panel members re-wrote the recommendations based on the feedback provided online between day 5 and 6. They also refined the principles, wrote a preamble and a final draft of the vision statement
- Using the online voting platform, poll everywhere, all panel members indicated their level of comfort with each of the recommendations on the ‘Love it to Loathe it’ scale with those recommendations reaching 80 per cent or more (from live with it to love it) being included in the final report. Final edits were made to the preamble, principles and vision statements
- One of the recommendations did not receive 80 per cent support and was written up as a minority report by one small group. This was known as minority report #2
- Presentation of the final panel report to the Mayor, Councillors and senior staff
- Closing circle.

Although it was not known until late on Day 6, a group of five panel members had worked on a minority report prior to the commencement of Day 6. This was included in the final panel report that was presented to the Council at the end of Day 6. This became a matter of concern to some panel members once they received a copy of the report the following week. A separate report was prepared by MosaicLab for Council on this matter and is attached.



27 November 2018 – Council Meeting

Two panel members formally presented the Panel Report to the full Council at a Council meeting.

Council accepted the main report and minority report #2. It did not accept minority report #1 as it had been prepared outside of the expectations of how minority reports were to be prepared.

8. THE PANEL'S REPORT

The Green Wedge Management Plan Community Panel wrote a report with a preamble, vision statement, set of 14 principles and 32 recommendations under the headings of:

- Overarching theme (1 recommendation)
- Governance (2 recommendations)
- Environment theme (9 recommendations)
- Planning theme (8 recommendations)
- People and culture theme (5 recommendations)
- Economy theme (7 recommendations)

All of the recommendations gained support of 80% or more of panel members in attendance on Day 6.

The report also contained two minority reports, one of which was later removed by Council (see *Council Meeting* on p. 16).



9. NEXT STEPS

December 2018

Council to consider and endorse response to the community panel's recommendations at the December Ordinary Council Meeting. Council to start work writing the new draft GWMP.

April 2019

Public consultation on draft GWMP commences.

May 2019

Consultation closes. Council considers community submissions.

July 2019

Seek to adopt final GWMP



10. DELIVERY PARTNERS

MOSAICLAB FACILITATORS

Kimbra White – lead facilitator (Day 1-6)

Nicole Hunter – lead facilitator (Day 1-6 except Day 3)

Keith Greaves – lead facilitator (Day 3)

Jessamy Nicholas – support facilitator (Day 3-5)

Tatiana Mauri – support facilitator (Day 1-2)

Jane Lovejoy – support facilitator (Day 6)

PANEL RECRUITMENT CONSULTANT

Nivek Thompson – Deliberately Engaging

11. PRE AND POST DELIBERATION POLL

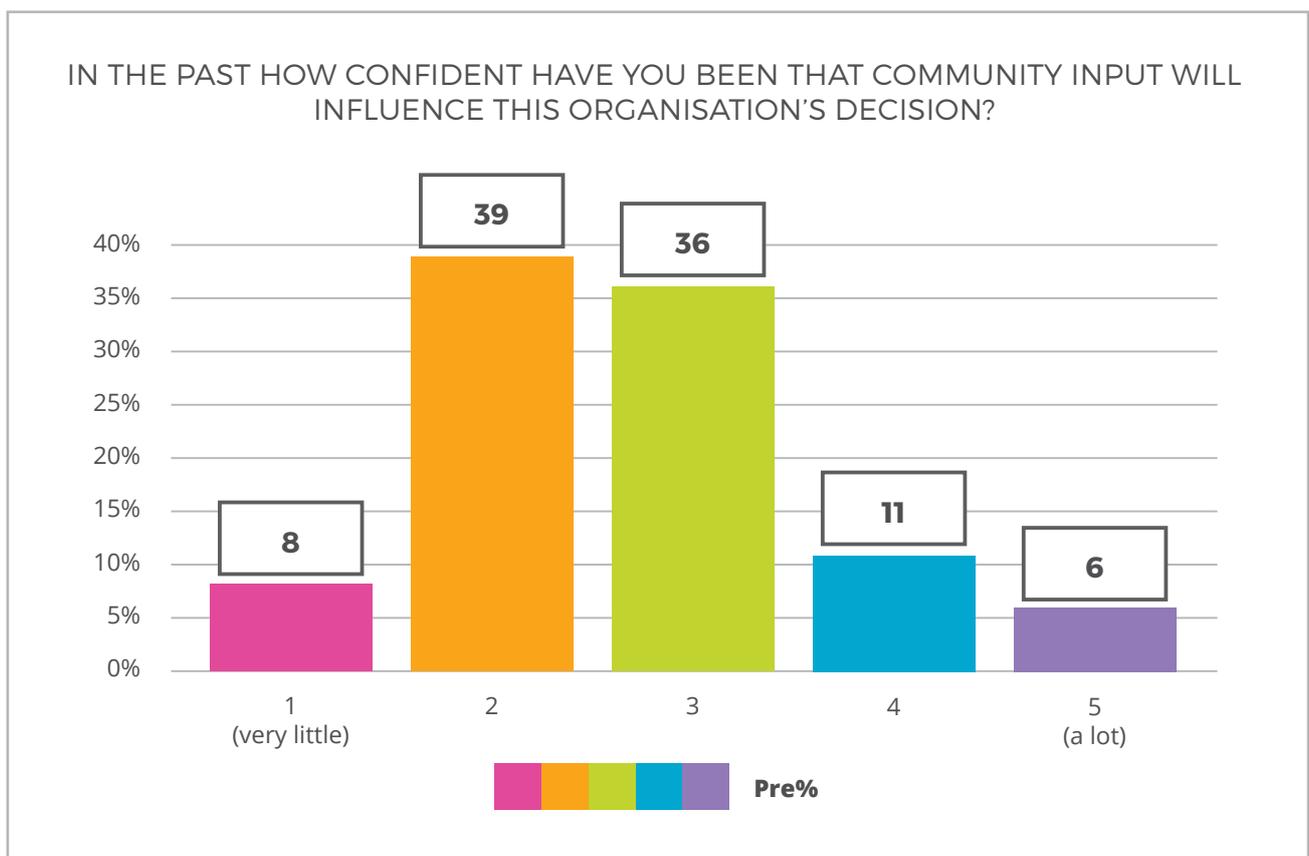
Panel participants were invited to complete a pre and post deliberation survey using cards at the start of the first session and the end of the last session. This poll asked participants to rate four questions for both pre and post, a different question in the pre-poll and an additional two questions in the post deliberation poll.

Prior to the panel, majority of participants (75%) had average or little confidence that community input had influenced Nillumbik Shire Council's decisions. At the start of the panel, only 22% of participants were confident or very confident Council would implement their recommendations. Following the panel, 37% felt confident or very confident.

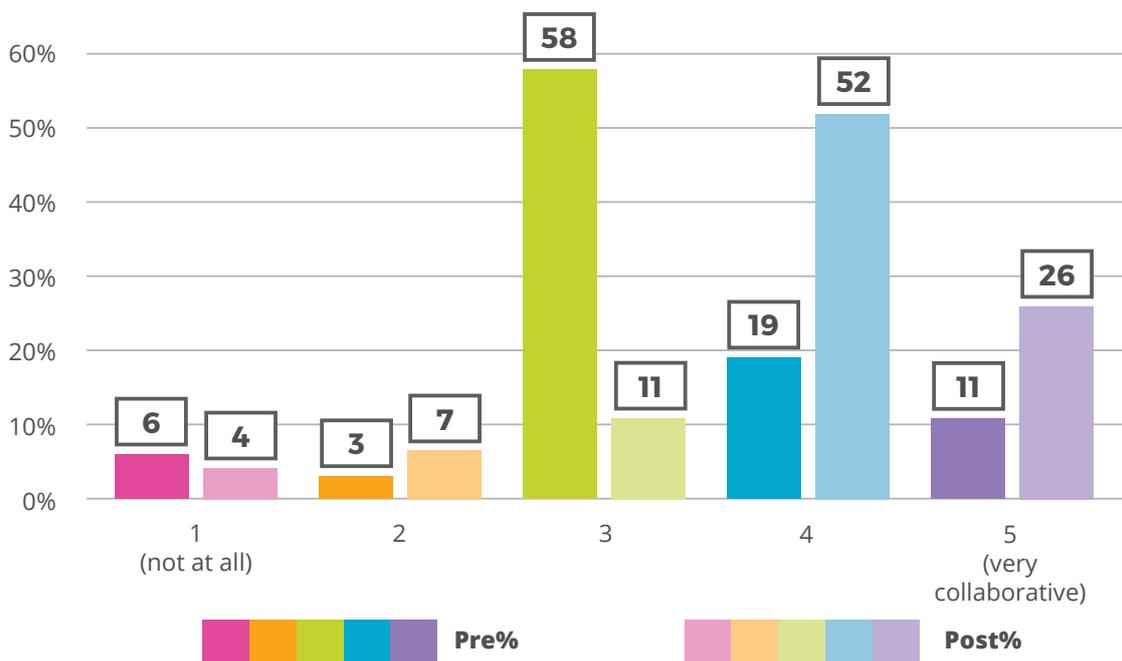
The biggest shift pre and post deliberation, was with the level of trustworthiness and accountability of Council. From 42% believing the Council to be trustworthy or very trustworthy, to 70% post deliberation. 85% of participants believed their knowledge and understanding of the GWMP had increased significantly since the beginning of the panel.

Given the interest in the Green Wedge Management Plan, it is not surprising that 85% of participants expressed their interest in continuing their participation in the community engagement for the GWMP.

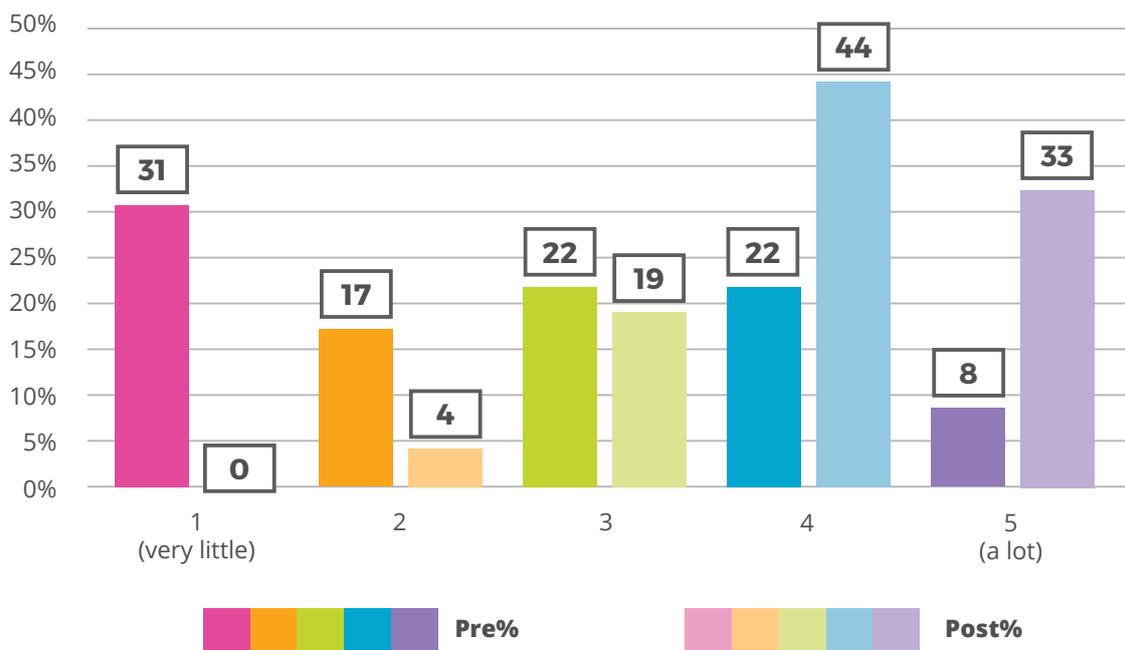
The results of the pre and post polls are below.



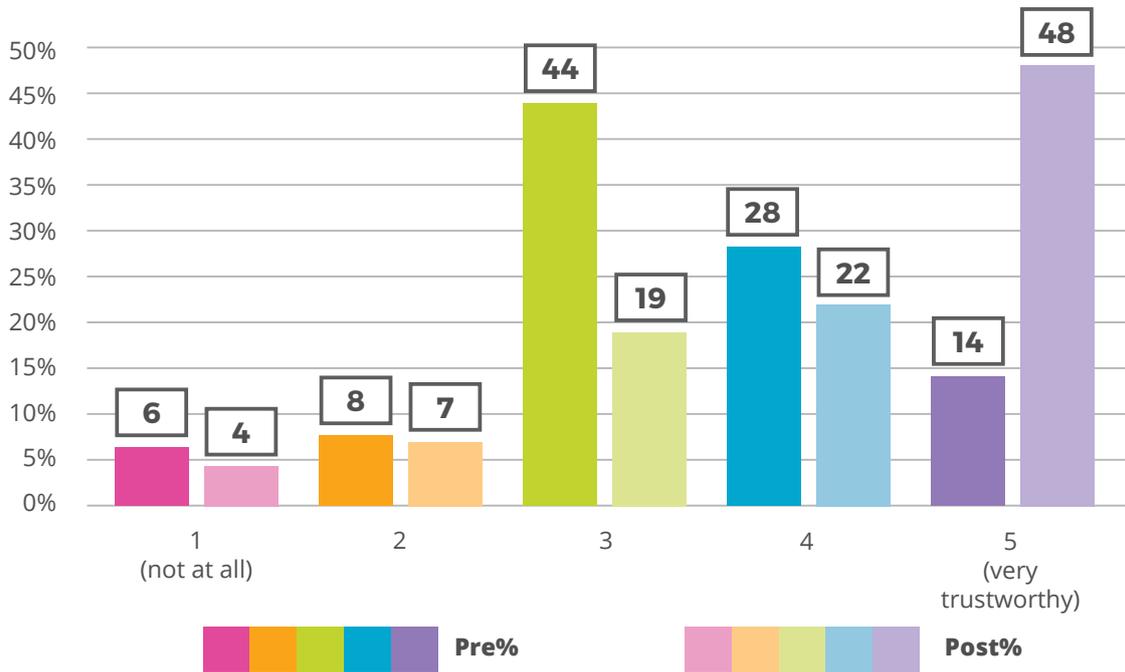
IN YOUR VIEW HOW COLLABORATIVE GENUINE AND WORTHWHILE HAVE THIS ORGANISATION'S ENGAGEMENT ACTIVITIES BEEN IN THE PAST?



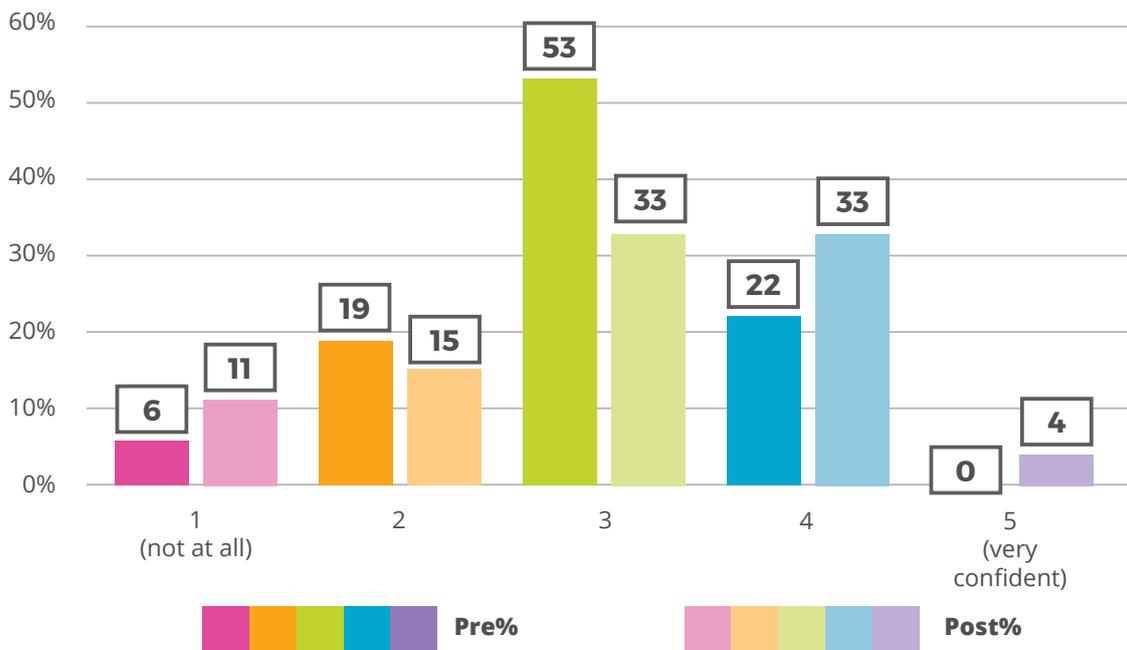
HOW INVOLVED ARE YOU CURRENTLY WHEN IT COMES TO GOVERNMENT DECISIONS THAT AFFECT YOU?



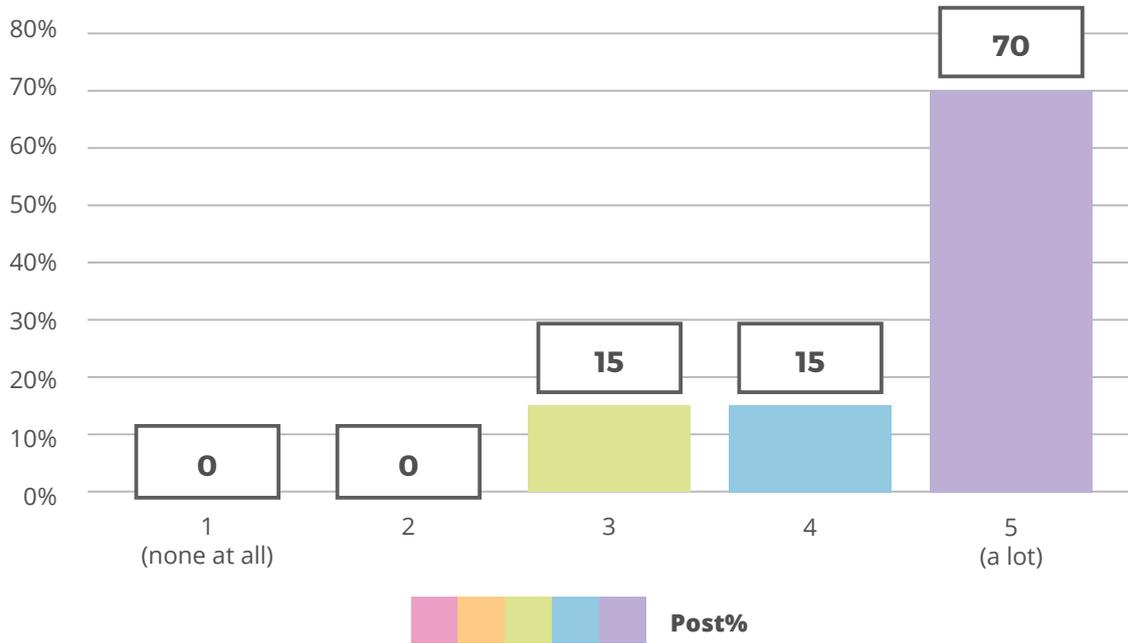
IN YOUR VIEW HOW ACCOUNTABLE OR TRUSTWORTHY DO YOU THINK THE ORGANISATION RUNNING THIS PROCESS IS



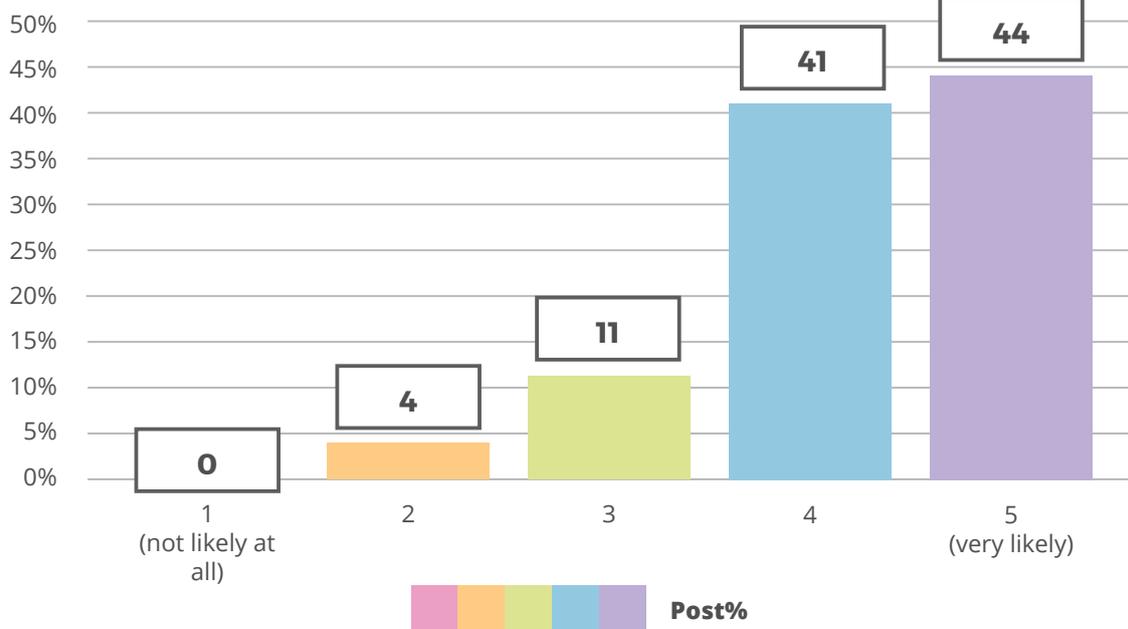
HOW CONFIDENT ARE YOU THAT YOUR RECOMMENDATIONS ON THIS CURRENT ISSUE WILL BE IMPLEMENTED



HOW WOULD YOU RATE YOUR CHANGE IN KNOWLEDGE AND UNDERSTANDING OF THE GWMP FROM THE BEGINNING OF THE PANEL?

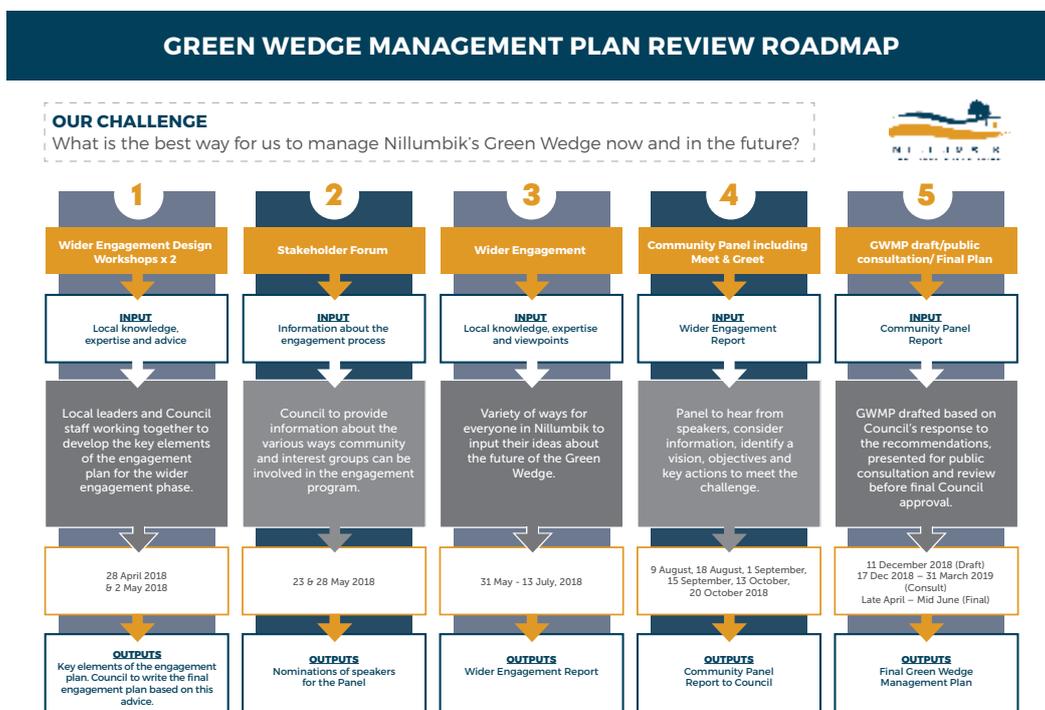
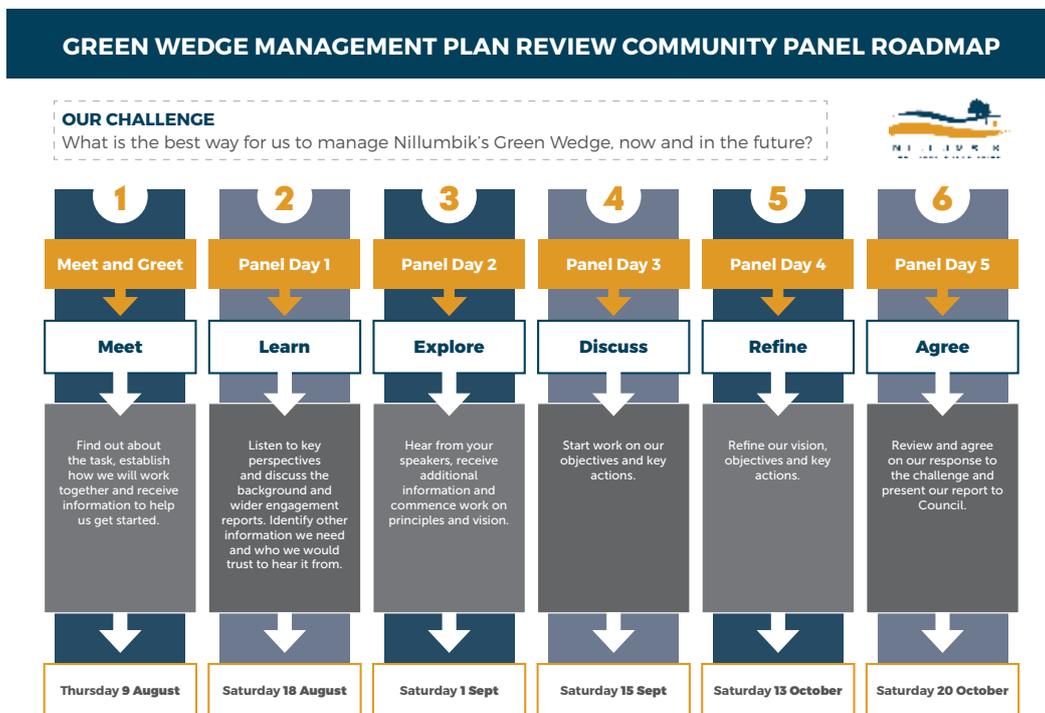


HOW LIKELY ARE YOU TO CONTINUE YOUR PARTICIPATION IN THE COMMUNITY ENGAGEMENT FOR THE GWMP E.G. COMMENTING ON THE DRAFT GWMP NEXT YEAR?



ATTACHMENT 1: ROADMAPS

The following roadmaps were devised at the beginning of the process and do not include day 6 of the Panel, or the revised timelines for the review roadmap.



ATTACHMENT 2: SPEAKERS

During the six panel days several speakers provided their insights into the Green Wedge Management in Nillumbik. The following speakers were selected by Council to provide the overview and context for the panel on Day 1:

- Geoff Lawler: Senior Strategic Advisor, Integrated Strategy, Nillumbik Shire
- Brett Ellis: ESM, General Manager, Risk & Resilience, Emergency Management Victoria
- Deputy Mayor, Cr Karen Egan & Cr Jane Ashton (on video) - Councillor perspective
- Anthony Calthorpe: Coordinator, Strategic Planning - Planning
- Kylie Lethbridge: Manager, Business, Tourism & Marketing – Business & tourism
- Lisa Pittle: Manager, Environment - Environment
- Yasmin Green: Coordinator, Strategy & Policy - Social connectedness, ageing and access
- Emily Physick: Senior Engagement Officer - Wider engagement report
- Justin Murray: Executive Officer, Emergency Management - Emergencies & bushfires

During the day 1 session, participants nominated a selection of speakers they would like to hear from on day 2 and would trust. These speakers included:

- Michael Buxton: Green Wedge regulations expert
- Max Parsons: Personal experience living on a farm
- Ian Penrose: Experience across multiple perspectives on social, business and environmental
- Kahn Franke: long-term knowledge of the Green Wedge in its management
- Penny Croucamp: Department of Environment, Land, Water and Planning, Native Vegetation Unit
- Michael Vermeulen: CFA, Community Liaison – Bushfire Engagement

After hearing from the speakers on day 2, the panel nominated additional speakers to hear from on day 3. These speakers were:

- Anthony Calthorpe: Nillumbik Shire Council
- George Apted: Apted Apples
- Mike Ruzzene: Urban Enterprise
- Cam Beardsell: Biodiversity
- Craig Lapsley: former Emergency Management Commissioner

ATTACHMENT 3: MOSAICLAB STATEMENT



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Development of Minority Reports in a Deliberative Process

MosaicLab Report to Nillumbik Shire Council and the GWMP Community Panel

November 27, 2018

Since the release of the final Nillumbik Green Wedge Management Plan Panel Report there has been feedback from some panel members to Council and the facilitators about their unease with the style, nature and approach taken with minority report #1.

In order to assist panellists, councillors and council officers in their consideration of this report going forward, MosaicLab has written this statement outlining what happened in relation to minority report #1 from the facilitators' perspective and setting out the usual and accepted practice of preparing minority reports in a deliberative process.

In relation to the Nillumbik GWMP:

In a deliberative panel process, if a panel recommendation does not gain a super majority (80% or higher level of 'support' of the panel members), there is an option for panel members to write a minority report in relation to that recommendation and these minority reports are placed at the end of the main panel report.

During the GWMP panel, the option to write a minority report was stated by the facilitators at the commencement of the panel and repeated at each decision-making step in the process.

No other rules were provided to panel members wishing to write a minority report. Even though it was expected that minority reports would be written in the room after the voting process, the facilitators provided no rules about how minority reports were to be written.

The usual process on the final day of a panel is for minority reports to be written once the review (voting) on all recommendations has been completed, as it is not known until this time which recommendations have fallen below the 80% super majority criteria. There is a small window of time between final review and presentation of the report for minority reports to be added.

The facilitators became aware that the 'minority report #1' group had decided to write and would be submitting a minority report when four members of this group left the panel room on day 6 stating that they were leaving to write their report. They did not wish to stay in the room to work on the vision with other panel members. We were surprised at the timing of this suggestion as, at this stage, they did not know what recommendations had super majority support or not.

While the panel was working in small groups to refine their recommendations (typing into the google document/report), the 'minority' group returned to the room and commenced putting their report into the google document. The facilitators were advised by the computer operator at this time that the group was downloading a pdf and it was a long document. At this stage, the facilitators were concentrating on getting the full panel to complete writing and move into the final review and voting process.

The Panel's report was finalised over afternoon tea. This involved the facilitators managing:

- the computer operator removing the recommendations that did not receive 80% and re-ordering recommendations (overseen by panel selected scrutineers)
- a small group writing minority report #2 that related to a recommendation that didn't meet the 80% criteria.
- panel members selecting representatives to make their presentation to Council.

At this point in time one of the scrutineers noticed the length and style of minority report #1 and raised it with the facilitators. It is at this stage, the facilitators could have stopped the process and raised this matter with the full panel, as they have done with all other issues that were raised during this panel process.

We, the facilitators, apologise to the panel for not bringing this matter to the attention of the panel and for not providing specific rules about how minority reports should be prepared.

At the time, we did nothing to address the situation, as we were under significant time pressure to have the panel finalise its report, to have the report presented to the Mayor and Councillors and to close by 5pm. On reflection this was poor judgement on our part and we should have halted the process regardless of the time pressure given the nature of minority report #1 (not written in the room, length and addressing issues beyond the 'below 80%' recommendations).

As a result, many panel members were unaware of the existence of minority report #1 until they received the final report. We understand this situation has created concern amongst some panel members and led to some panel members feeling that minority report #1 is outside the spirit of the rules or has stretched the rules.

Even though minority report #1 does not accord with the expected approach (written in the room, in relation to recommendations that did not receive a super majority), it was prepared in a situation without explicit rules.

As facilitators we do not consider it our role to disallow a minority report when this option has been provided. We believe our mistake was in not having rules in relation to the preparation of minority reports and not bringing this matter to the attention of the panel on the final day.

Even though it does not help the current situation, MosaicLab has learnt from this situation and for any future panels we will provide explicit guidance on the preparation of minority reports, namely that they be written in the room in relation to recommendations that did not receive 80% support and they are a maximum of one page and use the same format as the majority report.

Usual and Accepted Minority Report Practice

A community panel process (based on a citizens' jury methodology) contains the following elements in relation to a panel agreeing on their recommendations (and hence final report) to the sponsoring organisation):

- All recommendations written by the panel (panel members write recommendations in small groups) are individually rated by all panel members in terms of whether they can live with (agree with) that recommendation being in their report. Recommendations that receive 80% 'live it' or higher levels of comfort ('live with it', 'like it' or 'love it'), form the majority report to council.
- If a recommendation does not gain the 80% or higher level of 'support' of the panel members, there is an

option for a group of people to write a minority report in relation to that recommendation.

The full panel does not usually see what is in a minority report/s partly because they are written in a break and also because they are only the views of a minority. The full panel do not give feedback on minority reports nor approve their inclusion/exclusion. This is normal and accepted practice in all deliberative processes.

Hence, it is our expectation based on past experience that:

- minority reports relate to recommendations before the panel.
- minority reports would be written in the room as it is not until the final feedback is complete that a panel member knows if a recommendation has received 80% super majority support or not.
- minority reports are written in the same style and length as the majority report

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PLEASE NOTE: While every effort has been made to transcribe participants comments accurately a small number have not been included in this summary due to the legibility of the content. Please contact Kimbra White at kimbura@mosaiclab.com.au for any suggested additions.