DELIBERATIVE MINI-PUBLICS: INSTITUTIONS AND INSTITUTIONALISATION

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ABSTRACT

There is growing academic and practical interest in designing institutions to deliver deliberative

democracy in the real world. In addition, the institutionalisation of deliberative processes is considered a valuable goal to move from ad hoc deliberative processes to creating a

permanent ecosystem of deliberation. Despite this growing focus on institutions and institutionalisation, the discussion of these two concepts generally needs to pay more attention to the extensive body of literature and theory on what institutions are and what institutionalisation means.

In my dissertation, I used institutional theory as part of my analytical framework, alongside democratic functions, to assess how deliberative mini-publics can contribute to the quality of democracy. In considering institutional theory, I adopted the approach referred to as the third wave of institutionalism, which

identifies three modes by which institutions are constrained and enabled: rules, practices, and narratives.

By taking this approach, the nature of institutions, beyond simply practices, and the relationship between these different modes can be identified and assessed. In my research, it was clear that looking beyond practices and considering how these modes interact can enhance our understanding of how deliberative mini-publics deliver as a democratic innovation. The potential for these modes to support and undermine each other is significant for designers of deliberative democracy institutions and

those attempting to institutionalise them. Using concepts from institutional theory also allows a clearer picture of the difference between the use of deliberative processes for purely instrumental reasons and their use to enhance democracy.

INTRODUCTION

> Institutions [are] the central component of political life ... institutions are the variables that explain political life in the most direct and parsimonious manner, and they are also the factors that themselves require explanation. The basic argument is that institutions do matter, and that they matter more than anything else that could be used to explain political decisions. (Peters, 2019, p. 184)

In my thesis, I used democratic functions and institutionalism in combination to analyse the four case studies of governments and a government agency that conducted more than one deliberative mini-public. This research aimed to assess whether deliberative mini-publics contributed to enhancing the quality of democracy. Democratic functions provided the frame for assessing the cases' impact on democracy, and institutionalism provided an approach to considering how the nature of each case and the deliberative mini-publics embedded in them supported or detracted from their democratic impact.

The case studies considered in this paper are South Australia and Noosa Shire Council, Queensland. Both of these cases started with decision-makers with a strong commitment to 'do democracy differently' and the support of the newDemocracy Foundation who designed and in some cases managed the deliberative mini-publics.

The institutional component of my research adopted the Lowndes and Roberts (2013) approach, identifying three modes of constraint: rules, practices and narratives. In my thesis, I consider all three modes of constraint and their inter-relationship with each other and democratic functions. This paper will focus on the impact of narratives in supporting or undermining the democratic impact of the deliberative mini-publics that formed part of these case studies.

When considering democratic innovations, many academics refer to institutions, institutional design and institutionalisation without explicitly considering institutional theory. My research demonstrates the value a more formal theoretical approach to institutions can provide in understanding why some democratic innovations achieve strong outcomes whilst others do not.

This paper will set out the theory of institutionalism and the approach used in my research. Each case study will be described briefly, followed by considering the narratives used by key actors in each case study. The impact of conflicting narratives is highlighted in individual cases and across cases.

What are institutions?

Institutionalism has a long history in political science. Yet, despite this long history, there is no easy answer to the question - what are institutions? Some scholars have criticised institutionalism for being "everything and nothing" simultaneously (Peters, 2019; Rothstein, 1996).

Institutions comprise "regulative, normative, and cultural-cognitive elements that, together with associated activities and resources, provide stability and meaning to social life" (Scott, 2014, p. 56). Institutions are forms of social organisation that guide human behaviour but are also affected by it (Lowndes & Roberts, 2013). Old institutionalists focused on the formal government structures and their contribution to 'good government' (Peters, 2019). Under the rubric of new institutionalism, there is agreement that "political institutions are 'the rules of the game'" including "informal conventions as well as formal procedures" (Lowndes 2018, p. 64). Despite the varied language used to define institutions, Peters (2019) suggests that there "is a sufficient core to justify these approaches being considered one broad, if variegated, approach to politics" (p.184).

Reviewing the history and development of institutionalism, Lowndes and Roberts (2013) identify three phases of institutionalism, bringing together old and new institutionalism:

> Phase 1 – exploration and rediscovery – combining insights from old institutionalism and new institutionalism;

> Phase 2 – divergence and division – expansion of new institutionalism with various schools of thought;
>
> Phase 3 – convergence and consolidation – a coming together of these different schools around core concepts and key dilemmas.

Arguing that we are now in Phase 3 of institutionalism, Lowndes and Roberts (2013) state that.

> Theoretical and methodological borrowing between schools, alongside a common 'engaged' stance, has led to growing convergence around core concepts and key dilemmas. Through a series of consolidatory moves, a shared picture is emerging of how political institutions work: they shape actors' behaviour through informal as well as formal means; they exhibit dynamism as well as stability; they distribute power and are inevitably contested; they take a messy and differentiated from; and are mutually constitutive with the political actors whom they influence, and by whom they are influenced. (p.45)

Building on the view that institutionalism is entering its third phase, Lowndes and Roberts (2013) identify that institutions "work through three modes of constraint – rules, practices, narratives" (p. 50), and they identify key characteristics for each mode, which I will now summarise, with more detail provided in Table 1.

> *Rules* are formally constructed and recorded; they impact actors when those actors read
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> representations and interpretations of rules; they are often justified by narratives, and they may formalise well-established practices.
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> *Practices* are demonstrated through conduct; actors enact them by observing which actions are routinised within a particular ground or setting and tacitly consenting to re-create those actions; they often form the basis of narratives, and rules may specify the practices required to enact
>
> the rules. Lowndes and Roberts (2013) note that practices can also be called "rules-in-use.".
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> *Narratives* are expressed through the spoken word; actors enact them through telling familiar stories and shared understandings to the point where the normative
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> implications of these are taken for granted; narratives are often used to make a case for changes to the rules and can present current practices in either a positive or negative light.

Lowndes and Roberts highlight the value of studying these modes of constraint separately and in combination (2013, p. 69), which is the approach I took when analysing my case studies.

In addition to these three modes of constraint, I consider rules-in-use, developed by Ostrom (1999) and which Lowndes and Roberts (2013) refer to as the "dos and don'ts that one learns on the ground" (p. 49).

Why are institutions important?

The value of institutionalism to the study of democracy in general, and participatory democratic institutions in particular, is highlighted by Lowndes and Roberts' (2013) explanation of what the study of institutions involves:

> In understanding political institutions, we are as much concerned with what 'ordinary people' can and cannot do as with the capacities of government and the actors who directly inhabit the political arena. Political institutions shape the opportunities that all of us have as citizens to make our voices heard, to participate in decision making, and to access public services … The way in which government is organised provides opportunities for citizens to make contact with their representatives and decision makers – through institutional mechanisms such as consultations, complaints systems or question and answer sessions, as well as traditional routes like voting. Whether citizens take up these opportunities is conditioned by other, less obvious aspects of institutional configuration – such as the timing and location of public meetings – and by informal conventions

about the way in which issues are discussed and decisions made. (p. 4)

Table 1: Modes of institutional constraint: key characteristics

_	**Rules**	**Practices**	**Narratives**
How we recognise them	Formally constructed and recorded	Demonstrated through conduct	Expressed through the spoken word
Empirical examples	Clauses in a constitution, terms of reference, national and international laws	How elected members conduct themselves in parliaments, assemblies, or local councils	Speeches by politicians explaining the need for change; the collections of stories in an organization which justify the status quo
Enactment by actors through	Writing and formal interpretation – e.g. law to policy documents to guidance	The consistent rehearsal of 'the ways in which we do things around here'	The linking together and spoken expression of ideas into explanation and persuasion
Impact on actors through	Reading representations and interpretations of rules (e.g. speed limit signs, procedure manuals)	Observing the routinised actions of members of the group and seeking to re-create those actions	Hearing familiar stories and recognising shared understandings to the point where the normative implications are taken for granted
Sanctioned by	Coercive action through formal rewards and punishments	Displays of disapproval, social isolation, and threats of violence	Incomprehension and ridicule, and attempts to undermine the reputation and credibility of non-conformists
Interconnections between modes	Narratives are often used to justify the existence of rules; rules often formalise well-established practices	Practices often form the basis of narrative; rules may specify the practices through which actors must enact the rules	The case for changing the rules is usually made in narrative form; narrative accounts can present prevalent practices in a positive or negative light
Indicative research methodologies	Documentary analysis, laboratory studies including the use of games, mathematical modelling	Observation of conduct in formal meetings and behind the scenes; ethnographic approaches	Interviewing actors and recording their stories, seeking verbalised explanations for policies; narrative analysis of speeches and interviews

Source: Lowndes & Roberts (2013, pp. 52–53)

Institutions and participatory democratic institutions

Despite the growing attention to 'institutional design' and 'institutionalisation', particularly regarding deliberative mini-publics, there is minimal scholarship applying institutional theory to participatory democratic institutions. In this section, I outline two academic papers that explicitly use institutional theory to consider participatory democratic institutions.

Montambeault (2019) applies Mahoney and Thelen's theories of gradual institutional change (2010) to the institution of participatory budgeting (PB) in Belo Horizonte, Brazil. She explicitly states that her analysis is not intended to "impose a normative judgement on the fate of PB in the city [of Belo Horizonte]"; however, she does conclude that various modes of gradual institutional change have "led to decreased legitimacy [of PB] as a citizen participation tool" (p. 48). Decision-makers have hollowed out these institutions by reinterpreting rules, despite maintaining the appearance of continuing to support participatory budgeting.

Applying an institutional perspective explicitly to institutions and proto-institutions of participatory governance in Barcelona, Blanco et al. (2022) confirm my contention that there is value in using institutional theory when considering whether deliberative mini-publics contribute to improving democracy. They suggest:

> While formal rules may endure over time, responsiveness and innovation in participatory governance depends upon the relationship between formal rules, informal practices, and persuasive narratives. Such an approach allows us to look beyond the formal design of participatory methodologies and recognize the role of other institutional elements that contribute to the robustness, or otherwise, of local participatory processes. (p. 2)

As mentioned above many academics writing about participatory democratic institutions use the terms 'institutions', 'institutionalisation' and 'institutional design' without formally considering institutional theory. In doing so, they often conflate institutions and institutional design with practices, and institutionalism with rules or simply ongoing usage. This ignores the complexity of institutions, including the impact of narratives and the interplay of modes of constraint. I contend that using an institutional lens can help us better understand the operation of participatory democratic institutions, particularly deliberative mini-publics, and their contribution to the quality of democracy.

Institutionalism enables us to move beyond considerations of institutional design that focus solely on practices, to consider the formal rules, rules-in-use and narratives – and in particular, to consider how narratives can either limit or expand the interpretation of practices (Blanco et al., 2022).

CASE STUDIES

The following sections examine the two case studies and the narratives used by decision-makers and advocates. It also considers how these narratives inter-relate and their impact on the overall contribution of the deliberative mini-publics to the quality of democracy.

In my thesis, I considered the case studies and their embedded deliberative mini-publics from the perspective of how they addressed democratic functions and identified the institutional modes of constraint. In this paper, I am only considering the institutional mode of constraint referred to as narratives. As set out earlier, narratives are expressed through the spoken word; actors enact them through telling familiar stories and shared understandings to the point where the normative implications of these are taken for granted; narratives are often used to make a case for changes to the rules and can present current practices in either a positive or negative light. Narratives can also support or undermine practices and rules.

SOUTH AUSTRALIA

South Australia conducted six deliberative mini-publics (DMPs) over four years, from 2013 to 2016 (see Appendix A for more details). In this section, I specifically look at the narratives in place overall and for each DMP and how they supported or undermined each other and the ability of these narratives to support the deliberative mini-publics' contribution to democracy.

Context

South Australia has a history of pioneering democratic reforms, including introducing adult male suffrage, secret ballot voting, and an elected upper house in 1856.

> We think it [democratic reform] is a tradition, …the first place in the world actually for women to stand for Parliament and also the second place in the world where they could vote. But we're very proud of that. … We think this is a South Australian trait. (Thompson, 2016)

South Australia was the second Australian state to commission multiple deliberative mini-publics.

Weatherill's commitment to democratic reform was evident early in his first term as premier. In an October 2012 speech titled "Strengthening Australian Democracy: Political Discourse Engagement", he critiqued current democratic practice as catering to "mass uninformed opinion". He pointed towards deliberative democracy as an alternative, calling for the development of "high-quality public judgements" and decision-making processes that "debate and decide rather than announce and defend". He specifically mentioned the work of the newDemocracy Foundation, with whom he would collaborate on several deliberative mini-publics.

Better Together: Principles of Engagement

In 2014, the premier moved from rhetoric to policy when the Department of Premier and Cabinet released *Better Together: Principles of Engagement*. This document focused on providing "a foundation for engagement in the South Australian government" (p. 1) and building "a strong and consistent culture across government, where government agencies and public servants are working to continuously improve their approaches to engaging communities and stakeholders." (p. 11).

Reforming Democracy: Deciding, Designing and Delivering Together

In 2015 the Government of South Australia released the *Reforming Democracy: Deciding, Designing and Delivering Together* policy document building on the Better Together program. In the Premier's Message opening this document, Weatherill states:

> The old days of "announce and defend" decision making by Government are over.
>
> A new era of genuinely engaging people – of "debate and decide" – has arrived. (as cited in Government of South Australia, 2015, p. 3)

Reforming Democracy (2015) set out the vision that "South Australia will always be at the cutting edge of democratic reform" (p. 5).

Overarching narratives

The premier had well-known narratives around democratic reform that provided a guiding framework for public servants around his expectations. Weatherill's frequently repeated and well-known narrative was that his government would replace "announce and defend" with "debate and decide".

Despite this very public and well-known narrative, interviews with Weatherill (and others) also identified clear limitations on how far decision-makers would take this enhanced role for citizens. In a podcast interview, Weatherill referred to deliberative mini-publics as a "tool in the toolbox" (Thompson, 2016). In 2017, he identified improved decision-making and the maintenance of the traditional model of representative democracy as two of the reasons he supported deliberative processes:

> You get better decisions … you're able to rely upon common sense judgement of citizens who take the experts and then apply it using their own judgement, using their own value systems. I think that just improves the quality of decisions. I mean, there's a lot of wisdom amongst ordinary everyday citizens.
>
> [They] preserve the function and role of the politician, the collective representative.

These views demonstrate that whilst there was a normative commitment to listening to citizens, it was combined

with a more instrumental focus on issues that politicians can't solve using the standard tools of representative democracy (Thompson, 2019). They provide insight into why the recommendations from the majority of the deliberative mini-publics run between 2014 and 2016 were implemented and why some weren't.

In keeping with the premier's commitment to democratic reform, the newDemocracy Foundation made explicit in its initial proposal to the South Australian Government, for the Nightlife Jury the potential to embed the deliberative mini-public process in South Australia, building on the premier's request that this project provide "a clear link …(to) transformational change to 'how we do government.'" (2013, p. 3). The legacy was identified as a commitment to refer other issues to deliberative mini-publics based on pre-set criteria, where "the key role for the elected representatives … becomes one of agenda-setting, establishing non-negotiable parameters and recognising which policy areas are appropriate" (2013, p. 3). This 'trigger' proposal was never implemented in South Australia.

Beyond this aspirational statement, the process designers' narratives aligned more with instrumental and substantive rationales rather than normative ones. In its desire to demonstrate that deliberative mini-publics 'make sense' for politicians, the nDF's design proposal for the Nightlife Jury explicitly states that "[t]he process serves to *empower* elected representatives" (newDemocracy Foundation, 2013, p. 2; my emphasis). Meanwhile, democracyCo's narratives are that DMPs "have typically resulted in considered and *moderate* recommendations that successfully blend competing claims and help reconcile antagonistic groups"(democracyCo, 2015, p. 2; my emphasis).

Overview of narratives used in this case

In considering this case study from the perspective of narratives we see that

- The six DMPs arose from the Weatherill government's strong narratives and policies (rules-in-use) around enhancing democracy.
- The government's narratives were supported by those of the nDF and democracyCo.
- Despite the narratives of the nDF supporting the government's narratives, they also had the potential to undermine some aspects of the practice of DMPs, due to the instrumental 'spin' used to promote their use.
- Whilst the Government set out its broad agenda in two policy documents to explain its intentions to the public and guide the public sector, neither document could be considered as setting rules for the use of DMPs or other democratic innovations. Both addressed enhancing democracy at a high level, with little to no specific detail.

Table 2 identifies the key narratives in this case, as well as identifying where they were potentially in conflict with each other.

Table 2 - overview of South Australian narratives

Actor/s	Overview of modes applied	Potential/actual conflict between modes
Decision-makers	· replace 'announce and defend' with ''debate and decide' – no detail on what this means was provided · maintain role of elected representatives as decision-makers · DMPs 'help' elected	· Accepting 'helpful' narrative leads to reduced support for DMP recommendations when they aren't 'helpful' · Role of elected representatives as collective decision-makers minimises ability of initiatives, including DMPs to give any power/authority to

	representatives	citizens
nDF/democracyCo	· Support transformation of government · DMPs 'help' elected representatives · DMPs make 'better' decisions	· Transformation narrative conflicts with 'helpful' narrative leaving the choice between these narratives in the hands of formal decision-markers

Summary

The premier's commitment to the concept of "public judgment" and his intention to replace "announce and defend" with "debate and decide" was crucial to establishing these deliberative mini-publics. However, his underlying commitment to not disturbing what he called "the function and role of the politician, the collective representative" (interview, 2017) meant that his government accepted and implemented DMP recommendations where the elected representatives had no strong views on what should happen in the policy areas being considered. Where the elected representatives did have a pre-existing view, the deliberative mini-publics' recommendations were not accepted.

Applying an institutional lens allows us to look in detail at the six deliberative mini-publics conducted in South Australia to identify the institutional modes of constraint that supported the achievement of particular democratic functions and the modes that did not, or which worked against the supportive modes. In particular, we can see that while the supportive context was necessary, without compelling narratives to guide the implementation of these deliberative institutions, the supportive context could fall flat and fail to deliver against the amended democratic functions.

NOOSA SHIRE COUNCIL

The second case study is of Noosa Shire Council, a local government in Queensland, Australia. Noosa Council ran two deliberative mini-publics in 2015 with the support of the newDemocracy Foundation (nDF) (see Appendix B for more details). Again, I specifically look at the narratives in place overall and consider how they supported or undermined each other and the ability of these narratives to support the deliberative mini-publics' contribution to democracy.

Context

The Shire of Noosa was amalgamated with two other local government areas in 2008. A significant de-amalgamation campaign was run under the leadership of a previous Noosa Mayor, Noel Playford, with significant grassroots involvement. This campaign culminated in a referendum in 2013, where 82.6% of Noosa's voters favored de-amalgamation (Noosa Library Service). Noosa Shire was formally re-established on January 1, 2014, an election for the mayor and councillors having been held in November 2013. Noel Playford, who led the de-amalgamation campaign, was elected mayor.

Playford argued that community engagement was one of the key reasons that Noosa residents had so much support for the de-amalgamation campaign and referendum:

> What became absolutely clear … the key issue for Noosa people, was that they had been part of a council of 50,000 people where they could always have their say, they would be listened to. They'd been used to it for years. … So people got used to that. They had ownership of what was happening in their community. A regional council with 300,000 people … They didn't talk to people, they couldn't. … But the thing that people really hated was that they were just a number. They were not asked, any time they wanted a say, never listened to.

Others echoed this view about the expectations of Noosa residents and the level of activism in the community, with over 300 local groups active in the area. As the council's CEO explained in a 2016 interview, a significant proportion of the population comprises retirees from other parts of Australia and the world, who are "generally well off, well educated, reasonably in terms of their expectations":

> This is a very active community. It's not a community that's passive. It's not a community that's going to sit back and not have a say.

Overarching narratives

This case, like South Australia, involved the newDemocracy Foundation. Initially, the narratives of the council and the nDF aligned around democratic innovation, as the nDF focused on institutionalising the DMP process at Noosa and eventually across Queensland. Over time, however, the council narratives became less about democratic innovation and more about community consultation and the various tools that could be used – Mayor Playford called the DMPs "a tool in the toolbox" (see also Riedy et al., 2019).

Mayor Playford identified a vital element of the de-amalgamation campaign as ensuring local people had a voice. The language used in the media before the community jury was finalised and the invitation was distributed reflected the language in the newDemocracy Foundation discussion papers. It highlighted that this initiative was a democratic innovation. In launching the community jury concept, Noosa Shire

Council issued a media release titled "Democracy – the Noosa way" (Noosa, 2014). In this release, it stated:

> A Noosa Community Jury of 24 randomly selected citizens will be used to consider certain
>
> complex and weighty local issues. Council could either ask for a recommendation or, in some circumstances Council may agree beforehand to implement the jury's decision.

In this media release, the mayor described the jury as an "innovative, genuine democracy", noting that "in the de-amalgamation battle, our community was not just fighting for the return of their council, but also *for a bigger say* in local decision-making." (my emphasis)

At the formal launch of the Noosa Community Jury scheme, Deputy Mayor Bob Abbot said, "the real definition of leadership is the creation and maintenance of safe spaces … for good people in our community to *make* good decisions", again hinting at devolving decision-making to the jury (Noosa Shire Council YouTube, my emphasis).

From the council's various media comments and appearances before the conduct of either community jury, it appears it was considering the idea of accepting consensus decisions. However, the actual level of authority included in the invitation to register for the jury was significantly lower. As I will shortly describe, the council's response to the juries' recommendations was positive. Still, it did not accept all of their recommendations, except "in principle".

In February 2014, the newDemocracy Foundation produced an initial discussion paper as "a backgrounder before a detailed discussion with councillors to explore and question how this would work based on our experiences with other local and state governments" (newDemocracy Foundation, 2014a, p. 1). In this first discussion paper, the newDemocracy Foundation identified that it was responding to the mayor's request to "provide a recommendation as to how best to empower the local community in a substantive way"

(newDemocracy Foundation, 2014a, p. 1). The discussion paper:

> [S]uggests creating a discretionary power to devolve decisions of councillors' choosing to a randomly selected jury of everyday citizens who are given considerable time and access to information to enable them to make a reasoned decision. We also invite councillors to consider the merits of establishing some circumstances/criteria where if the community find consensus,
>
> then the decision is binding. (newDemocracy Foundation, 2014a, p. 1)

The aim was to put forward an approach that, if accepted by council, would "make Noosa a national and

international leader in sharing decision-making power with the community" (newDemocracy Foundation, 2014a, p. 1).

In this first discussion paper, the deliberative mini-public was called a 'Community Senate'. After discussions with councilors, the subsequent "Discussion Paper 2: Delivering Noosa Shire Council a Democratic Process the Envy of Australia" included much of the same background information from the first discussion paper, providing "a plan ready to put into action" (newDemocracy Foundation, 2014b, p. 1), although the DMPs were no longer called a Community Senate. Instead, the title was the Noosa Community Jury.

The process was to be run over 18 months, including three DMPs in what the second discussion paper called a "pilot phase in order to assess its practicality, referring to this as a 'trial before embedding this as 'how we do government'" (newDemocracy Foundation, 2014b, p. 1).

While the first jury was being designed, and after the re-establishment of Noosa Shire Council, the council's language became more conservative. For example, the FAQs on the council website expressly stated the Community Jury would provide advice to assist the council to "make more informed decisions" (Noosa Shire Council). Also, in these FAQs, the council indicated clearly that the role of community juries was limited, suggesting that

> A better outcome for the community would be reached if Councillors hear the views of individuals, special interest groups *and* the Community Jury. It is sometimes too easy to be influenced by vocal individuals or groups. The Community Jury can provide a more
>
> representative view to Council, but it is not the only view that Councillors will be listening to. (My emphasis)

The subsequent mayor explicitly stated that "the community jury was a *symbolic* gesture towards the Noosa community that this council wants to engage" (my emphasis).

The newDemocracy Foundation saw the Noosa Community Juries as a pilot phase before moving to a more permanent approach.

> In the pilot phase, the complementary role of the randomly-selected jury will handle issues referred to them by councillors. At the conclusion of the pilot phase, nDF will consult with Council to set appropriate criteria for future referrals. *(2014a, p. 4)*

Whereas the second mayor was adamant that "the citizens' juries were a trial, and we always said they were a trial. It was a bit of an experiment in alternate approaches to engagement … The symbolism, I think, was also highly successful in some ways."

While the newDemocracy Foundation took an optimistic view of the potential for the Noosa Community Jury to become a permanent feature of Noosa Shire Council's operations, with a commitment to delegate decision-making when the jury's decision was unanimous, this did not eventuate. Nor did the newDemocracy Foundation's plan to change the *Local Government Act 2009* (Qld) to allow this delegation eventuate (personal communication, 2022).

Overview of narratives

This section now considers the role and inter-relationship of narratives, practices, rules and rules-in-use at the case study level. At this level, we see that

- The narratives of advocates for the de-amalgamation, many of whom where elected to the re-formed Council, evolved over time from a focus on democratic innovation to one of DMPs being a 'tool in the toolkit' for public consultations
- The nDF attempted (unsuccessfully) to use the initial reform-based narratives to establish strong rules- in-use, to establish specific "criteria where if the community find consensus, then the decision is binding' (ndF, 2014a, p.1)

- NDF also proposed a trial of three DMPs before embedding DMPs in how Noosa Council, i.e., the establishment of a rule round using DMPs, again whilst early narratives from advocates suggested this approach may be taken, later narratives explicitly moved away from establishing such a rule
- Even after the conduct of the two DMPs, Councillors' narratives around when to use DMPs were inconsistent with their practices, with narratives revolving around being open to acting on DMP's recommendations and not using a DMP where Council already knows what they want to do.
- Despite the propitious circumstances and Councillor respect for the nDF, Council saw no barrier to ignoring the 'minimum threshold' set by nDF I.e. that they [newDemocracy Foundation] would not support 'cherry picking of recommendations. Whilst nDF suggested this 'minimum threshold' was a rule-in-use for them, they were unable to enforce it.

Table 3 identifies the key narratives, and where some of these were potentially in conflict with each other.

Table 3- Overview of Noosa Shire Council's Community Juries - narratives

Actor/s	Overview of modes applied	Potential/actual conflict between modes
Decision-makers	· Initial narratives suggested that the use of DMPs was an important democratic innovation for Noosa. · Over time, once the Council had been re-established, this narrative reverted to a more traditional community consultation one	· The internal inconsistencies in the narratives of decision-makers undermined nDF's attempts to drive democratic reform and 'make Noosa a national and international leader in sharing decision-making power with the community.'
nDF	· Whilst NDF wound back their narratives in iterations of their project proposals (from a Community Senate to a Community Jury), they continued to describe a process of democratic innovation and reform	· Despite their continued narrative around reform and innovation, many of their standard arguments for the use of DMPs prevailed

Summary

These two deliberative mini-publics incorporated conflicting narratives and practices from an institutional perspective, which undermined the overall impact on local democracy.

The newDemocracy Foundation aimed to institutionalise these processes both in Noosa and eventually more broadly across Queensland, pushing for legislative (rule) change that would allow local councils to devolve decision-making to deliberative mini-publics, the narratives of the Noosa mayors and CEO were quite different.

The de-amalgamation context meant decision-makers were initially interested in demonstrating they were doing democracy differently. However, as the de-amalgamation was bedded down and the deliberative mini-publics were rolled out, more conventional narratives about these processes took precedence: that they were simply one of many "tools in the toolbox" and that it was important for the council to listen and understand its community's views.

Once they no longer needed to demonstrate innovation in community engagement, council decision-makers were also unhappy with some of the 'purest' practices applied by the newDemocracy Foundation to the management of the second Community Jury, which they believed led to the lack of consensus recommendations

from that jury.

The newDemocracy Foundation successfully provided positive narratives to the decision-makers, and they [Councillors and Council staff] used many of the newDemocracy Foundation's phrases during the research interviews. However, the decision-maker's actions demonstrated that they retained a more conservative view on the role of citizens in council decision-making, which focused on providing input and ideas rather than direction.

CONCLUSION

This comparison of the case studies demonstrates one aspect of the value of using institutional modes of constraint. By identifying the narratives used by the key players in each case, we can see that, despite the narratives in both case studies starting out with strongly normative narratives, these became more instrumental, particularly from the decision-maker's side.

In addition, particular narratives can undermine other modes, e.g., narratives that are developed to encourage decision-makers to use DMPs, which can result in reduced commitment to a DMP's recommendations where those recommendations are not in line with decision-makers' preferences.

Attention to institutional modes of constraint can support advocates and designers to achieve their democratic goals effectively. Rather than focusing most of their attention on practices and turning practices into rules-in-use, they should also consider how their narratives support their overall goals and not simply see them as 'spin' to win support for the conduct of DMPs.

Finally, my research demonstrates that at least until recently, the two organisations I considered that advocate for the use of deliberative mini-publics have focused primarily on convincing decision-makers to see the value of these types of processes. This has led to some unintended consequences. The narratives encouraging the use of deliberative mini-publics have supported instrumental approaches: to use deliberative mini-publics primarily to solve decision- maker's problems.

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APPENDIX A - Overview of South Australian deliberative mini-publics

Name of process	**A Vibrant and Safe Nightlife for South Australia Citizens' Jury**	**South East Drains Panel**	**Cycling in the City Jury**	**Cats and Dogs Citizens' Jury**	**Nuclear Fuel Cycle – The agenda jury**	**Nuclear Fuel Cycle – The decision jury**
Year	2013	2014	2014	2014/5	2016	2016
Commissioned by	Premier and Department of Premier and Cabinet	Minister for Water and Natural Resources and the South-East Natural Resources Management Board	Premier and Department of Premier and Cabinet	Minister for Sustainability, Environment and Conservation and the Dog and Cat Management Board	Premier, South Australia	Premier, South Australia
Designed by	The newDemocracy Foundation	The newDemocracy Foundation	Emily Jenke and newDemocracy Foundation	democracyCo (with input from and recruitment by the newDemocracy Foundation)	the newDemocracy Foundation and various international experts	the newDemocracy Foundation and various international experts
Facilitated by	OzTrain	Barbara Chappell	Emily Jenke	democracyCo	democracyCo and various experts from outside of SA	democracyCo and various experts from outside of SA
Size of mini-public	43	26	35	35	50	350, including participants from the agenda jury

Name of process	**A Vibrant and Safe Nightlife for South Australia Citizens' Jury**	**South East Drains Panel**	**Cycling in the City Jury**	**Cats and Dogs Citizens' Jury**	**Nuclear Fuel Cycle – The agenda jury**	**Nuclear Fuel Cycle – The decision jury**
Meetings	Four days	Three days	Four days	3.5 days	Four days	Six days
Remit	How can we ensure we have a vibrant and safe Adelaide nightlife?	How should we pay for maintaining our largest local infrastructure asset – the South East Drainage Network? The State Government will commit $2.2m p.a. Do we want to spend more than that, and if so, how do we fairly share this cost across the region?	Motorists and cyclists will always be using our roads. What things could we trial in Adelaide to ensure they share the roads safely?	Last year in South Australia, over 10,000 unwanted dogs and cats were put down. The State Government recently announced some reforms to dog and cat laws. What further measures can we introduce or trial to reduce the number of unwanted pets?	What are the parts of the Nuclear Fuel Cycle Royal Commission report that everyone needs to discuss?	Under what circumstances, if any, could South Australia pursue the opportunity to store and dispose of nuclear waste from other countries?
Commitment	The Premier commits to submit to Cabinet the outcomes of the Jury's deliberations. The Premier commits to discuss and respond to the final	The Minister commits to meet with the Community Panel at the commencement of the Panel's deliberations. The Minister commits to meet with the Community Panel to	The Premier will meet with the Jury and personally receive the Jury's final recommendations. The recommendations will be carefully	The Jury's recommendations will be carefully considered by the State Government and tabled unedited in Parliament. The Minister will	You are the independent producers of an independent guide to help every South Australian understand the trade-offs raised by the	The Citizens' Jury report will be presented, in unedited format, to the Premier of South Australia and will also be tabled in the South Australian

Name of process	A Vibrant and Safe Nightlife for South Australia Citizens' Jury	South East Drains Panel	Cycling in the City Jury	Cats and Dogs Citizens' Jury	Nuclear Fuel Cycle – The agenda jury	Nuclear Fuel Cycle – The decision jury
	recommendations with the Jury. The Premier commits to table the recommendations in both Houses of Parliament.	discuss your final recommendations. The Minister commits to submit to Cabinet the outcomes of the Community Panel's Deliberations. The Minister commits to table the recommendations in Parliament unedited.	considered, and both the recommendations and the government's response will be tabled in Parliament.	consider all the recommendations of the Jury and seeks the Jury's verdict on the specific matter of whether desexing should be mandatory. The Minister will respond to all of the Jury's recommendations publicly and in writing.	Royal Commission. Your unedited and unchanged report will be distributed with every copy of the Royal Commission report.	Parliament. A response to this report will be publicly provided by the Premier.

APPENDIX B - Overview of Noosa Council deliberative mini-publics

Name of process	**Noosa Community Jury: Organic Waste (the Waste Jury)**	**Noosa Community Jury: Noosa River (the River Jury)**
Year	2015	2015
Final remit	What is the best option for minimising organic waste sent to landfill?	How can we manage the Noosa River better? What role should Council play and what resources should Council apply?
Commissioned by	Noosa Shire Council	
Designed by	The newDemocracy Foundation	
Facilitated by	Marcia Dwonczyk	
Size of mini-publics	24	
Proposed Remits	1. Toward Zero Waste – how green should/can we be and how do we pay for it? 2. A Local Free Electric Bus Service – is it worthwhile and are we prepared to pay for it? 3. Business Signage – does it need to be regulated? And if so how should we do it? 4. 4. Tree regulation – should tree owners need to ask council for permission to cut or remove?	
Remits included in the invitation	The topic is likely to be one of the following: • What is the best option for minimising waste sent to landfill? • Should Noosa take over management of the Noosa River from the State? • Should Noosa invest in a free electric bus service?	
Proposed Commitment	In terms of authority, it is proposed that for each referred issue the Mayor and the Councillors will notify the Jury in advance *which* [emphasis added] of the following apply: Mayor and Councillors will respond in writing and in-person to all recommendations made by the Jury. The Mayor and Councillors commit to undertake recommendations on an all-or-nothing basis.	

Name of process	**Noosa Community Jury: Organic Waste (the Waste Jury)**	**Noosa Community Jury: Noosa River (the River Jury)**
	Where a decision is reached unanimously by the Community Jury on that issue [it] will be treated as binding. Council may return a given decision to the Community Jury once with a request that they consider additional information. (newDemocracy Foundation, 2014b, p. 9)	
The commitment included in the invitation	The Mayor and Councillors will meet with the Jury and personally receive the Jury's final recommendations. The recommendations will be carefully considered, and both the recommendations and the Council's response will be tabled at a Council meeting.	