

**Overcoming the Democratic Deficit:
Engaging Citizens in the Making of Public Policy in Australia**

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Today with a multitude of 'wicked' problems that could not have been envisaged 100 years ago people are not so confident that the political system is equipped to behave cooperatively and act in the interests of the common good by taking integrated decisions. As more and more information becomes available people are crying out for tools to interpret that data, for transparent processes for dialogue and decision-making, and enough time to properly and widely discuss the options. They are looking for leadership and increasingly demanding transparency and accountability in governance.

Ms Leith Bouilly, Chair of the Community Advisory Committee of the Murray-Darling Basin Ministerial Council²

Introduction

Governments spend considerable resources on informing the citizenry of their entitlements and obligations. Less common is the invitation from governments to citizens to offer their feedback on particular proposals. What is rare is the opportunity to exchange of views between policy makers and citizens. Australia, like most countries, practises a severely constrained form of democracy where there are few opportunities for citizens to deliberate over the most appropriate options and to be actively involved in the implementation of policy.

It is not hard to claim that we in Australia do suffer from a democratic deficit. I use this term to refer to a lack of participation by citizens in formal political processes. This refers not only to membership of political parties but also to membership of institutions that are often involved in the political process such as trade unions and the churches.

Evidence of Australia's democratic deficit

The available evidence shows a low level of citizen involvement in political institutions. Only 1.5 per cent of the Australian electorate in the 1990s belonged to political parties, down from 3.7 per cent during the 1970s.³ This places Australian membership of political parties as a proportion of the electorate second last on a ranking of 16 OECD countries. Trade union membership has also declined from 45 per cent in 1970 to 23 per cent in 2003.⁴ According to the ABS 2002 General Social Survey, only 23 per cent of Australian adults participated in church or religious activities during the three months

² Leith Bouilly, 2004, 'Participatory governance: intra and inter governmental consultation and community engagement in the Murray-Darling Basin Initiative', paper presented at 7th Annual Corporate Governance in the public sector Conference, Canberra 20-22 April, p 3.

³ Tiffen, R; and Gittins, R; 2004, How Australia Compares. Cambridge University Press, UK, Table 2.26, p 38.

⁴ Ibid, Table 4.28, p 84 and Trade Union Membership in Australian Labour Market Statistics, April 2004, Catalogue. No. 6105.0.

prior to interview.⁵ Australians are nearly twice as likely to be active members of sports or recreations organisations.⁶

Other evidence of a democratic deficit is lack of confidence in political institutions. Only 3 in 10 Australians in the mid 1990s expressed satisfaction with parliament. This is below the average of 4 out of 10 adults for 17 OECD countries.⁷ Only 4 out of 10 Australians expressed satisfaction with the public service, which was also below the average satisfaction rating for 17 OECD countries. Trade unions and the media in Australia also scored particularly low satisfaction ratings compared with other OECD countries.⁸

Objections to citizen participation

In the light of this decline in citizen participation in political processes and low levels of confidence in political institutions, do citizens want the opportunity to participate in the policy making process? Are not most citizens content with their role as silent constituents, leaving it to a small group in advocacy groups to represent their best interests?

Another view holds that citizen participation in the making of public policy is unnecessary as politicians are elected to deliberate on what is appropriate policy. Similarly, it is argued, as public servants are professionals who are working on issues full-time, why is it necessary to seek to engage with ordinary citizens who have only limited time and resources to consider the issues in any depth? Australia has a disinterested public service whose very rationale is to ensure that the interests of the common good win over the narrow interests of particular collections of individuals.

On a more practical level, citizen participation in the policy process can create problems by raising expectations about the extent of the change possible. Consultation and deliberation are time consuming and resource intensive activities that delay the decision making process and are difficult to do well.

Rebutting these objections to the closer connection between policy makers and citizens as citizens is the focus of this paper. What is the case for governments opening up the policy making process? What does this involve and what situations are likely to be the most favourable to engaging citizens in the policy making process.

The approach of this paper

The paper takes a pragmatic approach. I do not claim that citizen engagement is a moral imperative or a democratic right that has to be exercised fully to be realised. Instead, I argue that the main criterion politicians and policy makers should apply to deciding

⁵ Religious affiliation and activity in Australian Social Trends, Australia Now www.abs.gov.au

⁶ Tiffen, R; and Gittins, R; 2004. Table 18.9, p 246.

⁷ Tiffen, R; and Gittins, R; 2004, How Australia Compares. Cambridge University Press, UK, Table 18.8, p 244.

⁸ Ibid, Table 18.8 pp 244 and 245

whether to engage directly with citizens or not is a risk management one. Can the issue be satisfactorily resolved without access to local information, debate and acceptance by local communities? What are the risks of policy failure if those who are to be affected by it have little or no involvement in its development and implementation? What situations or problems are most likely to require policy makers to engage with citizens?

Current practice in Australia

In Australia, as in other OECD countries, relations between citizens and governments as policy makers are mostly limited to overly formal exchanges. Governments make available or actively deliver information to citizens who at best receive it as a one-sided exchange. Less frequently, governments invite citizens to offer their views as part of a 'consultation' exercise. In relation to national issues, this is usually done through a formal inquiry in which government sets the agenda, provides the background information and invites citizens to make formal submissions.

However, governments' preferred form of consultation relies on well-established channels of communications with groups who represent various constituencies. After the 2004 election result, the Secretary of the Department of Prime Minister and Cabinet, Dr Peter Shergold, signalled a greater use of this form of consultation in the light of the Government's outright majority in the Senate. Dr Shergold told the Australian Financial Review that 'business, community organisations and the public service need to work together to ensure they can have a significant impact on the development of long-term strategic policy'.⁹

*'I believe the public service should be open for business. I think the public service, entirely appropriately, meets with lobbyist, advocates, community organisations, to get their feel on things.'*¹⁰

The interest group view of politics applied to policy development has a number of limitations, in terms of who is consulted and in what manner. This issue of the closed nature of the policy making process with little or no chance for ordinary citizens to have an input is taken up further below.

The recent emphasis on a whole-of-government approach by the Australian Public Service (APS) has highlighted the importance of engagement with communities as 'vital to the success of policy development and program delivery'.¹¹

*To be successful in addressing whole of government issues, especially where the challenges are complex and longstanding, requires the substantial involvement of the people and communities affected.*¹²

⁹ Burgess, V; 2004, 'New senate to get broader advice', Australian Financial Review, 5 November, p3.

¹⁰ Ibid

¹¹ Management Advisory Committee Report, 2004, Connecting Government: Whole of government responses to Australia's priority challenges. Australian Public Service Commission, Canberra, p 92.

¹² Ibid, p 95.

The APS report notes that stakeholder involvement in policy development or implementation is not always appropriate, despite the potential benefits. Reasons offered for limiting or not engaging with stakeholders are: lack of time, security, lack of funds, conflicts of interest and the privacy of individuals. Also noted as a reason not engaging is 'the government's perception of the political climate' which needs to be 'balanced against the importance and benefits of stakeholder engagement - on occasions, the government will simply decide that a matter is not (or no longer) open for debate'.¹³

The case for engagement is seen by the APS report to be strongest 'where the solutions need to be created by the external stakeholders themselves'.¹⁴

*The right solution to a problem might not be known. There might be many possible solutions and the one which will work best will be the one 'owned' by the people affected.*¹⁵

This new emphasis on community participation been given full expression in the new policy related to the delivery of publicly funded services in Indigenous communities. As explained in more detail below, the new Indigenous Co-ordination Centres are to work in partnership with whatever representative structures local indigenous people decide to put in place within their regions.

However, community involvement in service delivery is only one form of engagement. Opportunities for citizens themselves to be engaged directly in the policy development process are also important as the use of interest groups as mediators can limit the potential for local ownership of the solution.

Advocacy groups as limited vehicles for citizen engagement

These 'representative' advocacy bodies, from the perspective of citizen engagement, have a number of shortcomings. The first is that they are often highly dependent on government funding as departments are keen to make sure they have recognised bodies they can deal with who nominally speak for particular constituencies. This applies especially where large groups of citizens are the recipients of government-funded or government-delivered services such as those in health and education. It is common practice for service delivery agencies to fund bodies to act as the voice of the segments of the market they are servicing – such as industry users of publicly funded training services or health consumers.

Lack of independent financial base in many cases

The independence of these bodies is suspect because they are not based on an independent financial base such as membership fees. This dependence on government for their core funding means that their resource capacity to interact with their

¹³ Ibid, p 97.

¹⁴ Ibid, p 97.

¹⁵ Ibid, p 97.

constituency on a regular basis is limited. Also their bargaining power to negotiate with policy makers is limited as they have no alternative ways they can demand attention such as mobilising their constituency to take more direct political action.

Some advocacy groups have attained some degree of financial independence through generating revenue from fee paying services such as an insurance scheme for older persons. However, without the pressure from below that a fee paying membership base would create, they run the risk of being controlled by a small, self serving professional group with little knowledge of the current views and opinions of the constituency they claim to represent.

Importance of large subscriber base

Advocacy groups with independent core funding based on membership fees such as trade unions and employer associations have a number of benefits in terms of interacting with policy makers. Not only are they more likely to be representative in how they operate due to the pressure for some form of accountability from below. They also have more bargaining power with governments as they have alternative ways of getting their point across. These can include mobilising their members to create political pressure through approaches to local members of parliament or organising demonstrations with good media coverage.

However, if the membership base of the advocacy group is small or otherwise generates a minimal revenue flow, the capacities of these advocacy groups to represent their members can be highly restricted. The low level of subscriber support for many advocacy groups in Australia means that the resources are not there to facilitate internal debate among a broad spectrum of members as a means of formulating recommended courses of action. Debate over policy options is often kept within a small elite of professionals who do not want to take the trouble to deliberate with their membership base because the latter's views are seen as 'reactionary' or otherwise too difficult to convince of the need to change. The membership is left with their simple, unchallenged views because the office holders find it too difficult a task to engage in an extensive deliberation process.¹⁶

Failure to engage with constituencies

Advocacy groups, for the reasons highlighted above, are often unable to engage their constituencies in debating a range of possible policy options. In their representations to government, the information about the considered opinions of the people they represent is partial at best and at worse non-existent. Polling the opinions of members of their

¹⁶ Theda Skocpol makes a similar argument in relation to narrow base of civic groups in the USA from the 1960s onwards. The groups' leaders have 'little incentive to engage in mass mobilization' or to develop state and local chapters. Their lives are 'more socially enclosed' than were those of their counterparts of previous generations, who tended to regard themselves as 'trustees of community'. 'Voice and Inequality: The Transformation of American Civic Democracy' The Wilson Quarterly, Summer 2004
http://wwics.si.edu/index.cfm?fuseaction=wq.essay&essay_id=86495

constituency does not address the issue as a 10 minute survey does not constitute a meaningful exchange.

What is needed is for advocacy groups to offer their constituencies the chance to engage with an issue? This involves setting up processes to enable ordinary rank and file members to consider it from all sides, leading to an understanding through debate of the choices it leads to, and accepting the full consequences of the choices made. This process of deliberation has been called 'coming to public judgement'.¹⁷ Online discussions may help the deliberation process provided certain conditions are met. These include reference to a substantial background paper as the basis for the discussion, relevant expert input to respond to the issues raised and use of an experienced moderator to ensure that real engagement with the issues takes place.¹⁸

Politicians in relation to some policy issues are recognising the need to move away from groups that represent particular interests to a more direct engagement with local communities. This is more likely where the specific problems being addressed are seen as intractable. The poor record of the effectiveness of the delivery of publicly funded services to Aboriginal communities is one such intractable problem.

More participation for Aboriginal Australians in managing service delivery

Signs of new approach by state and federal governments to delivery of services to Aboriginal communities have been flagged by Fred Chaney, co-chair of Reconciliation Australia and deputy president of the National Native Title Tribunal.¹⁹ The proposed new arrangements after the demise of the Aboriginal and Torres Strait Islander Commission include a greater focus on whole of government approaches to service delivery through Indigenous Co-ordination Centres in regional and remote locations.

The other, more significant aspect of this new mechanism, from the perspective of this paper, is the new role for direct citizen participation in how these agencies operate. The Indigenous Co-ordination Centres are to work in partnership with whatever representative structures local indigenous people decide to put in place within their regions. The plan is that Indigenous Co-ordination Centres will negotiate, plan and implement through networks of elected and representative indigenous organisations essential programs in health, housing, and education. As Chaney notes:

This is radical stuff, and where this attempt differs from past failures is that there are a whole lot of important drivers of change, including commitment from the highest levels of the bureaucracy. The approach is imbued with a

¹⁷ Using the words of the American social researcher Daniel Yankelovich, cited by Murray Goot, 2003, 'Public opinion and the democratic deficit' Weekend Review, Australian Financial Review, February 21.

¹⁸ These are the conditions imposed on the format of the online discussions conducted by the Australian Public Policy Research Network see www.apprn.org

¹⁹ Chaney, F; 2004, 'Competent indigenous leadership crucial to change', Australian Financial Review, 25 October, 2004, p 63

*recognition that indigenous people themselves and their direct engagement in finding solutions are the vital ingredients of positive change.*²⁰

Nevertheless, the gap between plan and implementation will be great, with the need for all parties to realise that consultative processes do not necessarily deliver quick decisions. However, if the process is fair, the decisions are much more likely to be accepted.²¹

Another intractable problem that politicians have opened up more to citizen involvement is the management of the Murray Darling Basin. However, before discussing the evolution since 1986 of a greater role for citizens through among other mechanisms the Community Advisory Committee to the Ministerial Council of Murray Darling Basin Commission, let me first outline the current state of play more generally about how governments in Australia view citizen engagement in policy making in theory and how they respond in practice.

Australian governments and citizen engagement

Governments in Australia by their policy statements tend to send mixed messages on the value of engaging with citizens. The Commonwealth Government in Australia does not have a coordinated approach to citizen consultation, as the UK and Canadian governments do. The Australian Public Service Commission recommends but does not require that public service departments develop service charters for policy functions.

As a result, the issue of citizen consultation in relation to policy development gets highly variable treatment in the service charters of Commonwealth Departments. The service charters of the Departments of Prime Minister and Cabinet, Health and Aging, Defence, Employment and Workplace Relations, Environment and Heritage, and Finance and Administration do not refer to any undertaking to consult when developing policy. The service charter of the Department of Agriculture, Fisheries and Forestry Australia does offer a commitment to consult but does not elaborate on how this will be done. Similarly, the Department of Family and Community Services offers a similar commitment but there is also no indication of the processes that might be followed.²²

More explicit commitments by state governments

At the State level, there is evidence of a more explicit commitment to citizen consultation. Explicit references to a commitment to consult can be found on the web sites of the Departments of Premier and Cabinet in Western Australia, Queensland, Victoria and Tasmania and on the web site of the South Australian Premier.

²⁰ Ibid.

²¹ W. Chan Kim and Renée Mauborgne, 1997, 'Fair process: managing in the knowledge economy' Harvard Business Review, July-August.

²² Curtain, R; 2003, 'What role for citizens in developing and implementing public policy?' *Canberra Bulletin of Public Administration*, Issue Number 108, p 31.

The ACT Government has a consultation protocol to guide ‘all consultation conducted by and on behalf of the ACT Government’.²³ The Victorian Department of Infrastructure, for example, has developed a community consultation resource guide for local government.²⁴ The Victorian Local Government Association’s dedicated website on consultation and engagement lists the consultation policy of a number of local governments in Australia.

However, policy statements are one thing and evidence of putting the policy of citizen consultation into practice is another. Available evidence, referred to below, suggests that Australian citizens have little say over the type and extent of the background information provided when policy options are being canvassed, whether and how consultation is conducted, or receive feedback on the reasons for adopting one course of action rather than the other possible options.

Variable record in practice

The limited use by policy makers of consultation is one of the major findings of a 2004 performance audit of eight policy development exercises by the Auditor General in Victoria. The review examined in three government departments the processes followed to develop policy advice and concluded:

*Consultation during policy development was variable. Staff on the projects examined were generally skilled and experienced at liaising with government and other internal stakeholders, however, processes for engaging with external stakeholders need to be made more systematic and rigorous. All projects were committed to stakeholder consultation, but some would benefit from better front-end planning to ensure that relevant stakeholders are systematically identified, and appropriate ways of consulting are identified.*²⁵

The lack of a systematic process for identifying and involving stakeholders was one deficiency highlighted. The review noted that in one case examined key parties were invited to suggest representatives for a community reference group. One stakeholder identified through this process was excluded from the community reference group. No reason for the exclusion was given, creating tension with the body excluded, and placing the credibility of the consultation process at risk with all stakeholders.

This failure to engage with all relevant stakeholders stemmed from the lack of a clear procedure for selecting who was to be consulted: ‘Teams examined did not always document their plan for stakeholder engagement’.²⁶ The performance review noted that without such systematic planning, there is a risk that projects will only consult with

²³ ACT Government ‘Community consultation: have your say’
<http://www.consultation.act.gov.au/public/topiclist.asp>

²⁴ Community Consultation Resources Guide (pdf, 155kb, 17 pages) <http://www.doi.vic.gov.au> and the Victorian Local Government Association’s dedicated website on consultation and engagement <http://www.vlgaconsultation.org.au/>

²⁵ Auditor General, Victoria, 2004, Report On Public Sector Agencies: Results of special reviews and other studies. August, p 85.

²⁶ Ibid, p 96.

familiar and easily accessible interest groups, and that 'difficult' stakeholders will be avoided.²⁷

What engagement in the policy making involves

The policy making process can be viewed as completing a series of five steps: discovery, education, measurement, persuasion and legitimisation (Walters, Aydelotte & Miller 2000: 352). Citizens have a potential role at each stage, although not necessarily in all the stages outlined. Citizen participation could be part of an initial discovery process to do with a search for definitions, or to identify the underlying principles to be used to choose an option. Citizens need to be of a process to explain an issue in more detail and to propose alternative options. Third, they could be consulted more broadly, for example by means of a representative survey, to show the range of public opinion about a set of proposed options.

Fourth, engagement with citizens is required to persuade the public to accept the recommended option proposed by those charged with developing the policy. Finally, citizen involvement could also take place at the end of the policy development process to fulfil a requirement to consult, with the intention of legitimising a decision already taken.

Three essential features of the process of policy makers engaging with citizens can be highlighted. First, the process needs to be iterative, rather than a one-off consultation. Second, it should entail an exchange of views about options. And, third, it is important on the part of policy makers to provide feedback to those consulted about the reasons for the final choice of a policy option.

When citizen engagement is more likely

Active forms of direct citizen participation in policy making are, for the most part, not sought by governments or public servants in Australia. Governments prefer to deal with stakeholders in the form of non-government organisations. These networks are well established and in many cases entail low transaction costs in seeking responses from bodies that nominally represent particular groups of citizens. However, there are certain conditions where the extra effort on the part of policy makers to engage directly may be judged to be worthwhile.

Several factors can be identified which point to a greater likelihood that policy makers will make the effort to engage with citizens. When a problem is one that cannot be easily resolved, the term 'wicked' has been applied. Wicked problems, according to Rittel and Webber who first coined the term in relation to public policy, are the result of a set of interlocking issues and are shaped by constraints which change over time.²⁸

²⁷ Ibid, p 97.

²⁸ Rittel, H & Webber, M; 1973, 'Dilemmas in a General Theory of Planning', Policy Sciences, Vol. 4, Elsevier Scientific Publishing Company, Amsterdam, pp 155-169.

In the first place, a wicked problem is one that is hard to define and its causes can be explained in numerous ways. Every wicked problem is essentially unique, with no precedents for solutions that can be applied.

A second key characteristic of a wicked problem is the diverse range of interests involved as stakeholders, often located in different geographical places. The presence of many vested interests with various and changing ideas about what might be a problem, what might be causing it, and how to resolve it adds significant complexity to any efforts to find a solution. The various stakeholders in relation to wicked problems usually have opposing views about what are acceptable solutions. This means it is difficult to discern when the potential solutions have emerged from deliberation and which should be pursued.

The third characteristic of a wicked problem policy issue is that it requires comprehension of complex technical detail to understand the nature and extent of the problem. Expert opinions in relation to complex issues are likely to vary and indeed are likely to offer opposing perspectives. So the task of discerning what is the most appropriate interpretation of the facts comes back to the values of those involved. Solutions to wicked problems are usually not true-or-false but good-or-bad.²⁹ Getting all stakeholders to agree to an acceptable resolution is especially hard in the absence of a consensus about common values.

These three characteristics of a wicked problem apply to the issue of finding more effective ways of the managing water catchment areas of the Murray Darling Basin.

Citizen involvement in the management of the Murray Darling Basin

The Murray-Darling Basin is the catchment area for the Murray and Darling Rivers and their many tributaries. It is Australia's largest river catchment covering more than one million square kilometres. Extending from north of Roma in Queensland to Goolwa in South Australia, the Basin includes three quarters of New South Wales and half of the State of Victoria. It extends across one-seventh of the continent and has a population of nearly two million people. Another million people living outside the region depend heavily upon its resources.³⁰

Even though only about 6 per cent of Australia's surface water resources are to be found in the Basin, the region produces some 40 per cent of the nation's gross value of agricultural production. The Basin is also notable for using some 70 per cent of all water used for agriculture in Australia.³¹ The issues of water management, salinity and soil erosion throw up problems 'from hell' in terms of their complexity and identifying who is responsible for taking what action.

²⁹ Ibid.

³⁰ Scott, A & Olley, J; 2003, Settlement, erosion and muddy waters: lessons from the past. Murray-Darling Basin Commission, p iv

³¹ Leith Bouilly, 2004, 'Participatory Governance: Intra and Inter Governmental Consultation and Community Engagement in the Murray-Darling Basin Initiative' 7th Annual Corporate Governance in the public sector Conference, Canberra 20-22 April 2004, p 3.

The issue of how to manage the water catchment area of the Murray and Darling Rivers with their complex ecosystem has been a key challenge for the Australian political system for well over a century. Indeed the first discussions between the colonies on managing the Basin took place in 1863.³² The first diversions of water from the Murray River for irrigation in the 1880s created tensions between farmers and those concerned with the use of the river for navigation. This highlights a continuing theme of different community interests with opposing views on how the water resource is managed.³³

The Australian political system added its own complexity to resolving water management problems by first making the Murray River a border for three political jurisdictions. Then it set up a series of mechanisms from 1914 in the form of inter governmental commissions to resolve conflicts over the use of the inland waterways.

*Role of citizens finally recognised*³⁴

However, it was not until 1986 that the formal role of citizen participation in the resolution of the water, land and environment problems of the Basin was recognised with the appointment of the Community Advisory Committee. The initial function of the Community Advisory Committee was to advise the Murray-Darling Basin Ministerial Council by providing information on the views of the basin's communities. This decision was based on recognition by the Ministerial Council of the need for 'effective community participation in the resolution of the water, land and environment problems of the Basin'.³⁵

Subsequently, the roles and membership of the Community Advisory Committee have been reviewed on three occasions by the Ministerial Council. The original Community Advisory Committee, from 1986 to 1988, was balanced between eight regional and nine peak organisation representatives and was a highly centralised form of representation. The former representing geographical locations and the latter representing the traditional stakeholders based on peak organisations. Public meetings and workshops were held around the Basin to canvass community opinion and raise awareness.³⁶

The Community Advisory Committee's composition and functions were further reviewed and took from 1989 the new form of nine regional and twelve peak organisation representatives. This still reflected a centralised structure; however, the new Committee's terms of reference gave increased emphasis to involvement in communication and consultation programs.³⁷

³² http://www.mdbc.gov.au/about/governance/agreement_history.htm

³³ Ibidem

³⁴ The following description of the evolution of the role of the Community Advisory Committee of the Murray-Darling Basin Ministerial Council is heavily reliant on Bouilly 2004 and the website of the Murray Darling Basin Commission <http://www.mdbc.gov.au/about/cac/cac.htm>

³⁵ A history of the Community Advisory Committee <http://www.mdbc.gov.au/about/cac/cac.htm>

³⁶ A history of the Community Advisory Committee <http://www.mdbc.gov.au/about/cac/cac.htm>

³⁷ Ibid

Following a second review in 1992, more weight was given in the structure of the Community Advisory Committee to catchment/regional representation. This increased focus on geographically based community interests also involved linking these representatives to the decentralised regional consultation structures, in the form of catchment management committees, which had been established across the Basin since 1989.³⁸

A significant change took place in the level of representation of Community Advisory Committee when the Ministerial Council made the Committee's Chair a member of the Ministerial Council. This means that a citizen representative became a formal member of the policy making body, thus ensuring that citizens had a formal place at the negotiating table when policy decisions were made.

A third independent review was conducted in 2002-03 resulting in a fourth configuration for the Committee from May 2004. Two key features of the new arrangements are a new, more representative process for appointing its members and an expanded role in community engagement.

The form of the Citizen Advisory Committee in 2004

The new 2004 Committee has 20 members, comprising 13 State and Territory representatives: five members with specialist skills; two Indigenous members and a deputy chair. Although the Committee's members are appointed by the Ministerial Council, they were selected on the basis of the specific criteria of appropriate skills, expertise and diversity of backgrounds. Members were selected by their respective State and Territory Governments from a pool of applicants generated by a Basin-wide call for nominations, a more transparent process than that employed in the past.

The federal Minister's Press Release stated:

*It's vital that the Committee has the right mix of skills, expertise and diversity to meet the natural resource management challenges of the coming decade, particularly given their increasing complexity...It was also important to further strengthen the community/government relationship that is at the heart of Basin management, and the best way of doing that was to make the Committee more effective and responsive, and enhance its community consultation arrangements.*³⁹

The Committee's new terms of reference are now based on an expanded role in citizen engagement in policy development, in addition to the one-way information and two-way consultation roles of the past. The new roles for the Committee are much more proactive and strongly emphasise need for their involvement with direct, local level engagement with the residents of the Basin. The Committee is required to disseminate within Basin

³⁸ Ibid.

³⁹ Truss announces membership of the Murray-Darling Basin Community Advisory Committee, Murray Darling Basin Ministerial Council, 6 May 2004.

communities Ministerial Council's decisions in a way that 'promotes clear understanding of their context and rationale, and enhances their ownership and adoption'.

In relation to consultation, the Committee members are required to participate, at the request of the Ministerial Council, in Basin community engagement programs. The Committee is also required to provide Ministerial Council with advice on the effectiveness of the engagement exercises. The most significant innovation, however, is the requirement for the Committee to 'participate, as directed by Ministerial Council, in policy development processes of the Commission and Ministerial Council.

As the Chair of the Community Advisory Committee notes:

The CAC advice is considered by the Ministerial Council in three ways. CAC advice is fully contained in the first business paper in Council agendas. The advice is also inserted in relevant business papers throughout the agenda. And of course it has influenced Commission recommendations themselves. The CAC Chairman attends all Ministerial Council and Commission meetings. Under the new terms of reference CAC members will be responsible for informing communities of Ministerial Council decisions along with the existing communication mechanisms. This may cause difficulty for individuals where the decisions are contrary to local aspirations.

In addition the CAC meets with the Ministerial Council on an annual basis. There is a requirement within the ICM Policy for the two bodies to have an annual discussion about the progress towards implementing the Integrated Catchment Management approach in the Basin.⁴⁰

The Murray Darling Basin Initiative

A new phase of natural resource management started in 2001 with the release of the policy statement 'Integrated Catchment Management in the Murray-Darling Basin 2001-2010'. The Integrated Catchment Management policy statement establishes a timetable for setting catchment health targets across the Basin for water quality, water sharing, terrestrial biodiversity and riverine ecosystems. This is the first policy statement to be jointly agreed by the Ministerial Council and the Community Advisory Committee. The policy is based on a set of shared values and principles to guide the behaviour of those involved in taking decisions and action in the Basin.⁴¹

Bouilly notes that the Integrated Catchment Management Policy requires that the Ministerial Council and the Community Advisory Committee review jointly the progress of the Integrated Catchment Management approach. As part of this review, a survey is being conducted of the perceptions of a random sample of people in the Basin against a set of agreed performance measures.⁴²

⁴⁰ Bouilly, L; 2004, p 9.

⁴¹ Ibid, p 13.

⁴² Ibid, p 12.

*The Initiative, and particularly its ICM [Integrated Catchment Management] Policy, promotes the concept of a 'partnership' between community and government. This new approach to natural resource management has grown out of the recognition that while we clearly need to integrate the management of different biophysical elements - soil, water and vegetation, we will be doomed to fail without an effective framework that also incorporates social, human and institutional dimensions.*⁴³

The Community Advisory Committee has held two community forums since April 2002 on ways to improve the health of the River Murray. The first of these was held on 8 April 2003 with 100 people participating. The forum acknowledged the need for action but also stressed the importance of broadening community discussion and actively engaging the community in planning the future of the River Murray system (see Attachment 1).

A second forum was held on 10 December 2003 following the Ministerial Council's First Step decision to restore the health of the River Murray system. The forum of 125 people explored a range of issues relating to the First Step proposal. The forum, among other things, called on governments to 'deliver meaningful community engagement that gives communities the confidence that they are part of the process'. The forum also noted that the importance of fair process in the how the engagement is conducted for 'engendering trust, confidence and respectful relationships between government and stakeholders' (see Attachment 2).

The emphasis in these citizen forms has been on allowing people from different communities and vested interests to talk with each other so that they can understand each others viewpoints. The processes used have aimed to develop an awareness of the extent of the problems and acceptance of the responsibility for being part of the solutions adopted.⁴⁴

A stakeholder survey conducted in 2001 found that 95 per cent of respondents supported the provision of an environmental allocation for the river if the decision-making process included an opportunity for all water users and interested people to have a say on how much water, how it would be provided and local people were involved in making decisions.⁴⁵

However, this is not to claim that the engagement strategy implemented by the Murray Darling Basin Commission has not been without its problems. Bouilly notes that difficulties have been created by having to work across several political jurisdictions, each with their own and different procedures for conducting consultations and acceptance of different levels of preparedness to engage with local communities to develop policy. These difficulties have required continual review and redesign of the strategy.

⁴³ Ibid, p 13.

⁴⁴ Ibid, p 14.

⁴⁵ Nancarrow, B. and Syme, G; 2001, River Murray Environmental Flows and Water Quality Project: Stakeholder Profiling Study: a Report to the Murray-Darling Basin Commission. CSIRO Land and Water Consultancy Report. Published by the Murray-Darling Basin Commission.

Conclusion

The need for citizen engagement in policy development in Australia will be more clearly demonstrated if governments and the public service have to face drastic consequences for not tackling so called wicked problems. Examples of these complex problems can be found in the areas of welfare dependency, bureaucratic silos and the effective delivery of services to Aboriginal communities, and conflicts between environment protection and economic growth. The Murray Darling Basin and Living Murray Initiatives are prominent examples of the latter.

Despite recognition of the problem of water management and the opposing positions of local communities along the Murray for over a century, the political system only granted citizens a formal role in 1986. Since then, that role has changed from passive consultation to more forms of active engagement with the policy makers. However as the two communiqués issued by forums of citizens in 2003 make clear, the process is still an imperfect one (see Attachments 1 & 2). There is still a considerable way to go yet before a large number of citizens in the Basin are actually engaged in deliberating and identifying preferred policy options.

Unless individual political jurisdictions involved in the Murray Darling Basin Initiative can develop common processes based on adequate resourcing and other best practice principles for engaging their citizens, good policy outcomes are still a long way off. The main criterion for success for a citizen engagement strategy is for that ‘the need and options for change must be understood ‘at the kitchen table’ if there is to be any real change’.⁴⁶

⁴⁶ Bouilly, L; 2004, p 19.

Attachment 1:

Murray Darling Basin Community Advisory Committee Community Forum on the Living Murray Communiqué, Melbourne Airport Hilton, 8 April 2003

1. The process of engagement is as critical as the outcome

While recognising the urgency of the task, the Forum believes that the present consultation timeline is unrealistic in that the results of scientific and socio-economic studies supporting the Living Murray initiative will only be available after August 2003. This information is vital to community discussion. **This Forum calls on the Ministerial Council to extend the timeline and broaden the inclusion of community consultation supporting Living Murray initiative process** [emphasis in the original].

Most community consultation to date has involved primary stakeholders – the definition of community engaged in the consultation must be extended to include many layers and groups both within the Murray-Darling Basin and the national community which has a key interest in, and will bear some of the costs of, the outcome. An extended and continuing process of dialogue and community consultation, supported by a Living Murray initiative communications plan, will yield a shared language to enable meaningful speech within and between communities and stakeholder groups.

2. Equity involves a balanced sharing of costs and benefits of change.

There is deep concern in the Basin community that the costs of Living Murray initiative will fall disproportionately on particular stakeholder groups or communities. Effective implementation of Living Murray initiative will require a balanced sharing of costs and benefits across catchments and communities. In determining how the impact is shared, policy makers must work to see that no single group is disadvantaged relative to others – and that costs are shared by those who benefit.

Equity requires:

- the recognition of cultural values alongside economic and social impacts.
- the defining of existing property rights (and we look to the COAG to clarify the status of water rights and entitlements)
- a robust water accounting system to protect all usage allocations(including environmental flows)

3. Accessible and credible information must underpin community discussions and policy decisions.

Information, scientific and social, exists within Living Murray initiative as advice for all stakeholders, not advocacy for any one position. Even where this information exists it has not always been effectively distributed. Robust, accessible and transparent information in which there is general confidence underpins sustainable change. In particular we need accurate information on the current baseline of river health and system wide benchmarks for improvement, including the desired final outcome of change.

4. Change must be underpinned by

a) effective Institutional arrangements

The processes of government co-operation (through COAG, the MDBC and other co-operation) must work effectively to support Living Murray initiative and the changes involved. Where possible it should integrate and build on existing management infrastructure such as land and water management plans. Change initiatives must be undergirded by appropriate monitoring and evaluation and suitable legislative.

b) adequate resources

The TLM initiative needs to be adequately resourced. Resourcing includes not just finance, but support for communities in transition and respect for, and listening to, those directly impacted by policy changes. Resources to support structural adjustment must be integral to any change implementation and cannot be relegated to a ‘bolt on’ response following the initiative.

Attachment 2:

Shall We Dance? Responding to The First Step

**Communiqué of The Living Murray Community Forum,
Melbourne, 10th December 2003**

Prologue

The Living Murray First Step decision was taken by the Murray-Darling Basin Ministerial Council on the 14th November to address the declining health of the River Murray system. The Council recognised that the health of the River Murray is important to maintain biodiversity and the health and economic success of the communities it supports.

Six significant ecological assets (SEA's) have been identified as the initial focus for maximising environmental benefits through specific ecological objectives and outcomes for each site. Water to achieve these objectives will be built up over a period of five years to an estimated 500 GL/year and this process is to be funded through an intergovernmental agreement subject to finalisation in 2004 by COAG as part of the National Water Initiative (NWI).

The Ministerial Council has also agreed that there be a comprehensive, responsive and accountable community engagement and communication strategy that has the following characteristics:-

- **informing** communities on the nature and rationale of the First Step, the links to the National Water Initiative and the intergovernmental agreement on funding;
- seeking community **input** to the elements of the First Step, including the environmental objectives to be targeted, where the water will come from and how it will be recovered and managed in a manner consistent with the NWI; and
- **involving** communities in planning and arrangements for implementing the First Step.

Affirmations

The Forum of 125 community stakeholders and leaders related to the Murray-Darling Basin explored a range of issues relating to the First Step proposal. This Forum:

- **welcomes** the First Step proposal and commends the Murray-Darling Basin Ministerial Council on its initiative,

- *affirms* the importance of community engagement and recognises that the integrity of the engagement process is central to engendering trust, confidence and respectful relationships between government and stakeholders,
- *calls* on the government to deliver meaningful community engagement that gives communities the confidence that they are part of the process,
- *recommends* that the following key principles must underpin the establishment of the Living Murray First Step proposal's community engagement process.

Recommendations

National Water Initiative This Forum has been advised that the National Water Initiative and the Living Murray First Step are linked processes. Community engagement involves risk to those involved – this Forum calls for transparency about the linkages between the National Water Initiative and TLM⁴⁷:

- Where the National Water Initiative and Living Murray Initiative are *parallel* processes in which community input from The Living Murray Community Engagement Process will inform the decision process of the COAG [Council of Australian Governments] National Water Initiative, we recommend the Murray-Darling Basin Commissioners specify mechanisms by which community input will be transferred to COAG.
- Where National Water Initiative and Living Murray Initiative are *sequential* processes, this Forum believes that the Living Murray Initiative requires further information about the direction of the National Water Initiative before the community engagement process can be truly “comprehensive, responsive and accountable”. Some of the key issues on which the community wishes to ‘engage’ (as identified by this Forum) are dependent on the National Water Initiative decisions. Accordingly, the Living Murray Community Engagement Process will need to be a stage-by-stage process that responds to the available information.

Informing Communities

The process of informing communities, while respecting the Ministerial Council's goals, must answer the key questions that communities are asking. The Forum has agreed that the key questions being asked in the community are about:

- what is actually happening?
- how will it affect my community?
- when will it happen?

⁴⁷ Of 85 respondents to a survey at the Forum, 79 agreed that “in the light of the National Water Initiative, the MDBC develops a publicly available information paper outlining options for water trade, water sourcing and market based approaches

- who is in charge?
- how will my community be involved?

Mechanisms for Informing Communities

Recognising the geographic spread and diversity of the Basin, the Forum identified a range of key mechanisms as appropriate to informing and interacting with communities. The information strategy must be underpinned by:-

- trust and ownership,
- adequate resourcing so all communities can be involved,
- a suite of support materials (websites, fact sheets, background papers etc) which must be relevant, timely and appropriate.

Other elements include:-

- active support of community leaders who will be impartial honest brokers,
- capitalising on existing business, community and social networks –
 - o MDBC staff to engage local meetings,
 - o public meetings,
- a clear work plan – one size does not fit all – utilise a variety of methods.
- an intentional media strategy recognising the diversity of media outlets across the Basin,
- targeted and sustained communication at multiple levels.

Input from Communities

The Forum identified the following as the key questions on which community input should be sought:-

- What environmental outcomes do communities want and what assets do they want to protect?
- How do we provide resources to communities and how do we make the process accountable?
- What social and economic impacts will implementation of options have on communities and individuals?

- How does the community want to be engaged/involved?
- What increased capacity does the community require to provide an appropriate level of input to the program?

How can communities be assisted to adapt to change? How do we want to be informed and on what?

Involving Communities

The Forum affirmed the need to involve all communities in the implementation of the First Step – particularly those with special interest in the areas from which water is sourced and those with a special interest in the targeted ecological assets.

There must be procedural justice. We need to understand clearly the institutional arrangements – what is negotiable and what are the processes? While market mechanisms are significant the impact of market approaches does need to be monitored.

Any effective involvement of communities requires reliable and credible technical knowledge. Transparent processes and robust knowledge is foundational to effective involvement of communities in implementation. Plain, clear language needs to be used. Forums in which community voices can be heard are also important.

People make changes, not governments. Expert groups bring knowledge but they are just another resource. While governments set policy it is individuals and communities that must adjust and make it happen. Government decisions should therefore be the end of the process, not the beginning.

Conclusion

This Forum represents a wide spectrum of communities and interest groups. With all our diversity, we share a common interest in engaging with each other and with government. “Community engagement” (like dancing) requires contact, communication, leadership, responsiveness, goodwill and shared direction. It also requires all partners to ‘listen to the music’ and keep in time. If this Community Engagement process is to succeed, government and community partners must genuinely commit to these principles.

We commend the Murray-Darling Basin Ministerial Council for taking the First Step and reiterate our commitment to lead our communities in meaningful engagement in the implementation of the Living Murray proposal.