

CAPaD Citizen Review of 2017-18 participatory deliberative processes in the ACT

Why is participatory deliberation important?

Distrust in representative democracy and party politics is spreading throughout the western world. Representative democracy has even been called tyranny by election because citizen power is only exercised via vote every few years. Increasingly, many citizens are no longer interested in delegating power. They are frustrated by “government for”, they are calling for “government with”.

As a small jurisdiction the ACT is well placed to be a leader in reviving trust in democracy by incorporating genuine participatory deliberation processes into policy making. Over 2017 and 2018 the ACT Government made a start by holding four participatory deliberative processes:

- Carers’ Voice Panel
- Compulsory Third Party Insurance Citizens’ Jury
- Better Suburbs
- Housing Choices.

About CAPaD

The [Canberra Alliance for Participatory Democracy](#) (CAPaD) founded in 2015 exists to bring to life a fully democratic Canberra — where citizens trust their elected representatives, hold them accountable, and engage in policy decision-making to support good governance and the public interest. CAPaD advocacy contributed at least in part to the ACT Government’s decision to conduct the four deliberative projects.

To encourage learning from these processes, CAPaD has:

- Partnered with ACTCOSS in 2018 to develop 11 criteria to assess the trustworthiness of citizen’s juries and other community deliberative engagement processes.
- Worked with the ACT government’s Strategic Engagement Unit and local academia to co-host DeliberateACT – a series of gatherings held over 2018-19 to enhance knowledge sharing and learning about deliberative processes across all levels of interest in the ACT.
- Set up a Genuine Citizen Participation Action Group (GCPAG) of volunteers who have engaged with participatory developments in the ACT and overseas in order to deepen their knowledge and critical thinking around participatory processes; and to contribute this learning to the strengthening of participatory democracy in the ACT.

The Genuine Citizens Participation Action Group

Since its establishment in 2017 GCPAG has:

- Followed each process on YourSay ACT Government website) and in the media
- Observed or participated in each process
- Held two “voice of the participants” events to gain first hand feedback from those involved
- Undertaken a citizens review by assessing each process against the 11 deliberative engagement criteria developed with ACTCOSS
- Drawn relevant lessons from interstate and overseas experience
 - From WA, SA and Victoria via presentations from academics, facilitators and participants
 - From Ireland and Belgium via a working relationship with the University of Canberra’s Institute for Governance and Policy Analysis and their visiting scholars
 - Internationally via one member’s participation in the US based Kettering Institute 2019 Learning Exchange where people from diverse nations explored a range of ideas to improve public life at the community level and beyond by encouraging citizen participation and advancing knowledge of democratic practices
- Met regularly to share information, learning and increasingly sophisticated insights.

GCPAG learnings from the 2017-18 participatory projects

It is of considerable concern to GCPAG that, despite significant government and community investment of time, energy and resources, funds were not allocated for a formal evaluation of these processes. However an informal citizens’ review based on observation of the processes was conducted by the GCPAG against the deliberative engagement criteria developed by CAPaD and ACTCOSS.

Key overall findings derived from this review were:

- A diverse range of people is capable of coming to grips with complex issues and evidence and of deliberating in the public interest, regardless of differences in educational standards, socio-economic status and political interest.
- Random selection was seen to be generally well done in these projects and this is important. Deliberation was described as richer because it went beyond the usual suspects to hear a diversity of voices.
- Those citizens selected valued the experience, learned about the complexity of policy making, gained depth from the diversity of the group and felt satisfaction through contributing to the community. Even where participants were critical of

aspects of the process, they appreciated the opportunity to be involved. This is consistent with overseas findings.

- The educative process for the general public in relation to all projects was seen to need improvement.
- Remits were project-specific and the connection to government decision making was generally unclear. Yet these deliberative processes do not stand alone, they are part of broader policy development and implementation. Isolating the project from broader policy considerations can give rise to the perception that the outcomes of the specific deliberative process is faux-deliberation which can be “cherry picked” to give answers the government wants to hear.
- The quality and independence of design and facilitation was a major contributor to trust in the process. Without some form of independent scrutiny and input, processes conducted by the public service risk being skewed to the political will of relevant Ministers.
- Given that citizens were not able to set the agenda or define the problem in the ACT processes – and were thus still captive to politics - the impact on improving the general citizenry’s sense of agency and efficacy and increasing levels of trust is likely to be limited.
- While citizens can make a useful contribution to policy decisions these deliberative processes are not a panacea – they are complex democratic tools which can be used well or badly.
- The potential role of Community Councils in encouraging genuine citizen participation in the CT seems largely unexplored.
- There is useful exploration to be done on the impact of these forms of deliberation on the role of MLAs in the ACT Assembly and how government business is conducted.

Where to next?

Simply initiating more project specific participatory deliberations – no matter how well each is conducted - will not necessarily result in “government with” the people. While innovations, such as the setting up of a permanent Citizens Assembly, are worth exploring it is important to understand that groundwork needs to be done if innovation is to lead to lasting improvement. Structural change is not a solution on its own. It needs to be accompanied by the encouragement of bottom up community deliberation so that the community also builds its capacity for agenda setting and monitoring accountability. There may well be a role for GCPAG here in helping to educate the community on what real participatory deliberation is and how it can be conducted in an ethical and effective way.

The ACT is not alone in facing these issues. An OECD report¹ released in 2020 which analysed 282 case studies of deliberation in a range of OECD countries, including Australia, raises new questions about their institutionalisation and the future of democracy. While there has been a proliferation of deliberative processes initiated by public authorities for decision-making over the past few decades, these have tended to remain ad hoc and dependent on political will. The remit of most deliberative processes has also been project-specific. There are few examples where citizens are able to set the agenda or define the problem so their impact on improving citizens' sense of agency and efficacy and increasing levels of trust, has thus remained limited.

Experimentation to overcome some of these challenges is focusing on embedding deliberative processes into public agenda setting, decision-making and accountability procedures eg the East Belgian model, and the Indi model in Victoria.

The 2109 *Review of the Three Branches of Government in the Australian Capital Territory against Latimer House Principles*, also supports this approach. Recommendation 13 states:

In view of the Executive's interest in deliberative engagement, the potential for a citizens' council should be explored as a structure that complements and supplements the Legislative Assembly (variations being either electorate-based mechanisms for providing a real recognition or a local government focus).

CAPaD is fully supportive of this recommendation. The time is right for broad community discussion – perhaps via a Citizens' Assembly - about what participatory deliberative mechanisms and structures would work best in the ACT what we need to do to achieve them.

¹ OECD (2020), *Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave*, OECD Publishing, Paris, <https://doi.org/10.1787/339306da-en>