



Deliberative public participation and hexachlorobenzene stockpiles

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ABSTRACT

This paper is concerned with the quality of citizen involvement in relation to the governance of industrial risks. Specifically, it explores the hexachlorobenzene (HCB) case relative to best practice public participation, which is consistent with deliberative democratic theory. The case could be judged a public participation failure given that the community committee in combination with the corporate sponsor was unable to agree on a mutually acceptable technological pathway. This stalemate might have been attributable in part to the time spent on the task of review. A diligent participation working party could have created a much more effective public participation plan, grounded in the core values of professional public participation practice.

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1. Introduction

This paper is concerned with the quality of citizen involvement in relation to the governance of industrial risks. Specifically, I explore the hexachlorobenzene (HCB) case, which is covered elsewhere in this special issue, relative to best practice public participation. I will also situate this practice within the broader field of deliberative democracy.

The policy actors¹ in the hexachlorobenzene (HCB) controversy² probably believe that they live in a democracy. Democracy, however, is a perplexing concept and possibly an unattainable aspiration in the Western political landscape with the word being invoked so routinely that it has been stripped of its meaning. The daily experience indicates that something different from democracy is taking place. Western countries most often take oligarchic form (or rule by a few) and could be described more accurately as (un)representative systems of government. They share some significant democratic attributes such as voting in elections but they are 'audience democracies' (Manin, 1997) with self-selecting candidates indulging in elaborate, electoral contests to charm their mostly passive audience, in productions that are increasingly funded by corporate benefactors (Brennan and Hamlin, 2000).

What has democracy got to do with the HCB dispute? Perhaps, quite a lot. Others in this special issue have covered the formal,

regulatory and institutional arrangements that impact upon the HCB dispute and these formalities are imposed by government. This analysis is set within a defined historical period, between 1997 when a community committee was established and hope existed for a successful outcome, and 2002 when a stalemate emerged. This 5-year snapshot is viewed through the lens of a public participation practitioner and researcher operating within a Western system of representative government, with no knowledge of hexachlorobenzene (HCB). My interest is in analysing public participation possibilities that exist and how these possibilities were either grasped or overlooked during this 5-year period.

Governments are assumed to be both regulators and custodians of a democratic decision making system. However, citizens' trust in government is in decline (Barbalet, 1998; Fukuyama, 1995; Warren, 1999). Theorists speak of the possibility of active trust built on bottom-up decision making that "depends upon a more institutional 'opening out'" (Giddens, 1994: 187). Decision makers are removed from the decisions that impact on voiceless constituencies, often miscalculating what citizens want (Glazebrook, 2001). Governments, too, have been condemned as ineffectual and subservient to corporate capital (Tabb, 2002).

Governments and corporations can become intimately entwined, with politicians and corporate heavyweights presenting a united front that is difficult for citizens to confront. Corporations are finding themselves under the penetrative microscope of the popular media through documentaries such as *The Corporation* (2003) and *Outfoxed* (2004) and the detail that is revealed is disturbing. Corporations have argued successfully through corporate law for the status of human beings and now see their corporate 'personality' diagnosed as psychopathic or sociopathic; some corporations have been shown to display callous unconcern for feelings of others, reckless disregard for the safety of others, an incapacity to maintain enduring relationships and so on

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¹ Industry representatives, organised activists, academics, government officers etc.

² The dispute has been comprehensively covered elsewhere in this special issue. Therefore this paper assumes the reader has some knowledge of the details of that dispute.

(Bakan, 2004). Against this backdrop of corporate miscreants any community could be forgiven for being cynical about the likelihood of a corporation sincerely approaching residents with a view to undertaking genuine consultation. Corporations too often engage in consultation practices to mollify citizens even though this is likely, ultimately, to enrage rather than appease. They might do it because they are required to do it, by governments, and in rare cases they might do it because they wish to exercise corporate social and environmental responsibility. Making a decision to consult does not mean that corporations or other sponsors know *how* to consult, but more about this later.

Despite the glaring absence of genuine democracy and the frustrations associated with defining and achieving the democratic ideal, theorists and practitioners continue to speculate on democratic possibilities. Perhaps humans have a 'democracy gene' because citizens who have been reduced to manipulated consumers continue to ask: what would a society be like if people could indeed determine their own destinies, if they could be involved in making the policy decisions that affect them? These questions create the collision point for theorists of deliberative democracy and citizen engagement practitioners, that site where academics and consultation professionals share their skills, knowledge and experience.

The field of deliberative democracy is relatively freshly planted. The Ancient Greeks (around the time of Pericles) from whom we in the West are said to have inherited the democratic pursuit did not engage in deliberative democracy³. They experienced direct democracy. Ancient Greeks stood passively in the *agora* (the centre of Ancient Athens), listening to rhetoric and voting in much the same way as we do now. The technology has changed, of course, but we tune in, equally passively, to printed and electronic media and express our preferences through the ballot box (Urbinati, 2000). What was distinctive about Ancient Greece, besides its exceptional, early foray into citizen-based decision making, was the novelty of selecting voters by lot (Hansen, 1991). The randomly selected citizens (adult males who were not foreigners or slaves) considered this attendance in the public space and their public participation in decision making to be their civic duty. However, group dialogue or deliberation was not necessarily part of the process.

Of course, democracy is more than institutional arrangements, more than governments and corporations, and has the potential to 'break out'⁴ in the most unlikely sites: kitchens, boardrooms, public spaces. Democracy, beyond structures and systems, is an activity – a verb, not a noun. For that reason I want to focus on the crude intersection between theories of democracy and its manifestation in the policy arena where it can take the form of corporate-sponsored community consultation. I turn to theory first.

Habermas has been one of the most influential modern social theorists in the arena of deliberative democracy because of his focus on communicative reason or communicative rationality and many have followed in his footsteps (Barber, 1984; Benhabib, 1996; Dryzek, 2000; Young, 1996). Like all influential thinkers he has his critics and the *reason* and *rationality* dimensions have been questioned as an insufficient explanation of what does and should occur in a deliberative space.⁵ However, deliberative democracy theorists who came after Habermas⁶ share a belief in the efficacy and justice

of political decision making that involves citizens, that is discursive, and is not simply the product of a vote (Fung and Wright, 2003; Gastil, 2000; Gastil and Levine, 2005). In discussing the "conditions for deliberative decision making" Joshua Cohen talks about the "the ideal procedure" which should have "three general aspects":

There is a need to decide on an agenda, to propose alternative solutions to the problems on the agenda, supporting those solutions with reasons, and to conclude by settling on an alternative... [O]utcomes are democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals (Cohen, 1989:22).

When researchers wrestle with the ideal of deliberative democracy, that is, political decision making based on reasoned discussion between affected parties, they are often surprised to find that the 'ideal'⁷ is entirely achievable, at least in microcosm. This is because practitioners have been 'doing it' while idealists continue to argue, theorize or dream⁸. Consultation practitioners are more likely to ponder definitions of *public participation* than *deliberative democracy* but the similarities are evident. Here is one definition of public participation that resembles the aspirations of deliberative democracy advocates:

Public participation may be defined at a general level as the practice of consulting and involving members of the public in the agenda-setting, decision making, and policy-forming activities of organisations or institutions responsible for policy development (Rowe and Frewer, 2004:512).

Researchers and practitioners are colliding regularly now it seems through associations like the Deliberative Democracy Consortium or the International Association for Public Participation (IAP2). When they do meet, they discover their common conceptual and practical challenges as well as the enormous usefulness of the case study. What could be more illuminating than hearing about an ideal made real (in the hands of practitioners), then allowing that successful case study to withstand scrutiny (by researchers) to establish whether the ideal and real genuinely overlap⁹? Of course, not all case studies are considered to be successful and the failed projects provide a particular richness that successful ones cannot.

To assess success or failure or even to deepen our understanding of a case, a number of tools could be employed and a number of directions considered: is success to be judged by the deftness of the process or the worthiness of the outcome and so on. Practitioners have established core values that they believe should be enacted if their public participation activities are to have integrity. Theorists believe that there are principles that must be evident for practice to be defined as the genuine article. Empiricists relish evaluation tools that can be called upon to 'test' the efficacy of a project¹⁰. For this reason, I want to consider the HCB case study drawing upon two separate frameworks: (1) my own belief that public participation is most effective when it fulfills three principles (Carson and Hartz-Karp, 2005); and (2) IAP2's seven core values for public participation (www.IAP2.org). That makes 10 values, principles and criteria in all and, even though there is considerable overlap among the 10 (see Table 4), the most scrupulous consultation strategy would have

³ Though Aristotle soon after is credited with formulating the classical definition of deliberation, see: Aristotle (1962) *The Nicomachean Ethics*, Indianapolis: Bobbs-Merrill.

⁴ Blaug (1999) using this term when he argues that we should create the type of environments that will stimulate democratic 'break outs'.

⁵ Especially by feminists who mention other ways of communicating and knowing: see for example, Iris Marion Young's writings.

⁶ Political scientists like Joshua Cohen and Jane Mansbridge as well as those writing in the area of environmental planning like Dryzek (1990), Forester (1989) and Fischer (1993). Also, for an overview of critics of deliberative democracy, see Ryfe's (2003) "Deliberative democracy and public discourse".

⁷ Habermas (1973) speaks of an "ideal speech situation", for example in *Theory and Practice*, Boston: Beacon.

⁸ Blaug (1999) does a fine job of exploring the divide between the real and ideal of discursive democracy in his book: *Democracy: Real and Ideal*.

⁹ One of the best recent examples of this meeting of theory and practice is Fung and Wright's (2003).

¹⁰ The best work that I have seen in the area of evaluation of public participation exercises has been completed by Gene Rowe and colleagues – see Rowe and Frewer, 2000; Rowe and Frewer, 2004; Rowe et al., 2004

trouble withstanding such scrutiny; the HCB case study does not indicate thoroughness in this area. However, my aim is not to damn it – I will consider its inadequacies only briefly in direct reference to these frameworks. I then wish to move on to how it might have been done differently. This will inevitably require a willing suspension of disbelief in order to imagine our way into a future in which corporate and government responsibility toward its clients and citizens is not platitudinous but instead reflects a democratic disposition that becomes a social norm. Unfortunately, institutions lag behind citizens' readiness.

As mentioned, the HCB case is limited here to the dispute surrounding the stockpile of hexachlorobenzene (HCB) that is currently located at Botany¹¹, near Sydney, and not any of the other vexing environmental issues that have dogged Orica (previously ICI). My experience of this case is indirect: I have watched a documentary film on the topic (*Sixty Thousand Barrels*, 2003) and have spoken with the writer of that film. I have also spoken with Paul Brown, in his capacity as Chair of the Community Participation and Review Committee (CPRC) as well as with the originating Chair, Ian Rae. I have listened to and analysed the transcript of several public radio programs devoted to the case (*ABC Radio National*, 2002, 2004); I have spoken with two Orica personnel who were involved in the consultation activities that are the focus of this paper. These informal conversations resembled semi-structured interviews with open-ended questions that were designed to uncover missing information and to clarify issues of accountability and motivation. The case has also been the subject of discussion and analysis by my 2004 postgraduate class to whom I communicated my belief: that public participation in decision making is a worthwhile pursuit. This class was undertaking a unit of study called *Politics of Consultation* at the University of Sydney and completed an assignment on the topic: evaluating the effectiveness of Orica's consultation strategy¹².

2. Orica's consultation strategy

In order to discuss this corporate-led consultation strategy, a framework is needed. Consultants working in the area of community consultation coalesce under a professional association: the International Association for Public Participation (or IAP2). IAP2 has created a spectrum (Table 1) that clarifies objectives and strategies and expresses the latter as the promises that are made by consultation sponsors to the public. It provides a useful framework within which to understand Orica's approach to consultation.

It is difficult to speak of Orica's consultation 'strategy' which I am limiting to the 'consultation' methods that were sandwiched between the establishment of the government-mandated Community Participation and Review Committee (CPRC) in 1997 and the state government's establishment of a Commission of Inquiry in 2002, following the release of the Environmental Impact Statement (EIS). The consultation methods that occurred within these mandated milestones sprang from the CPRC as well as from Orica's own interest in the early 1990s in improving its external communication with the surrounding community. The latter communication activities related to Orica's impact generally and were not limited to the HCB issue.

It should also be noted that the two mandated milestones caused problems of their own. I am not convinced that the structure and mandate of the CPRC was an appropriate one. Though called

a *participation and review committee* it was more of the latter than the former. For example, it took seriously its role as a reviewer of disposal options. However, the CPRC was also charged with consulting the community and I believe that it did this poorly, employing mostly ineffective one-way communication methods. In turn, Orica relied on the CPRC as its major form of community consultation or participation. This was not surprising since the CPRC thought of itself as representing the community and its members also influenced the establishment of the original CPRC. Members assumed an unreasonable responsibility to speak on behalf of others. Some of its members were painfully aware of this. Neither the CPRC nor Orica devised effective means to engage with the voiceless.

Advisory committees can play a useful role – for example, as a meeting of professional and non-professional experts and as careful reviewers – but they should never be seen as representative of the wider community even when membership is drawn from special interest or resident action groups (sometimes known in the literature as *citizen stakeholders* or *elite stakeholders*, see *Fung and Williamson*, 2004). Advisory committees also run the risk of replicating the very problems they seek to challenge: centralised power in the hands of an unrepresentative few and adversarial decision making. I would argue that the CPRC's performance¹³ would have been enhanced had it been mindful of its obligation to consult others and had this obligation been translated into seeking the expertise of process designers (not necessarily, *professional* process designers – many skilled process designers can be found in local communities). To explain fully what I mean I need to draw on some core values for public participation and I will do this in the next section.

Further, it seems that the EIS process led to an irreconcilable source of tension because of its rigid insistence upon combining the preferred technology with a named site¹⁴. Had the two decisions been separated: i.e. what kind of technology and where to use it, a resolution may have emerged so that a Commission of Inquiry was not required. This regulatory rigidity led to accidental alliance between government and industry and left no room for compromise.

Other than the CPRC and the EIS process itself¹⁵, a number of 'consultation' methods were used: public meetings were advertised via posters, public meetings were convened, newsletters and personalised letters were circulated regularly to surrounding residents informing them of developments (for example, a newsletter followed each meeting of the CPRC), a bus tour of the Orica site for CPRC members was conducted, a non-interactive website was maintained, there were media releases, newspaper advertisements in which problems were explained and columns were written for the local newspaper. A process designer would conclude that Orica rarely strayed from the safe confines of IAP2's first column: informing the various communities¹⁶ and allowing little opportunity for communities to explore meaning or seek clarification. Newsletters, media releases and posters could be classified as public relations activities (not to be confused with public participation). Orica and the CPRC shared a *communication strategy*, not a *consultation strategy*, and these communication activities were reinforced by the work of one CPRC member and her web-based communication information system that housed considerable

¹³ I am not ignoring the unpaid dedication of the CPRC's community members, especially as a panel of reviewers.

¹⁴ This is reminiscent of Australia's constitutional referendum on the republic issue – instead of staging the questions: "do you want a republic?" and then later: "what kind of republic?", voters were forced to answer an unnecessarily loaded question and were reluctant to do so.

¹⁵ To meet EIS requirements, written public submissions were solicited and a number of public meetings were held.

¹⁶ There is rarely 'a community' and almost always 'multiple communities'.

¹¹ "One of Orica's legacies at its Botany site is the world's largest stockpile of hexachlorobenzene waste. Sixty thousand barrels stored 700 m from local residents" (*Sixty Thousand Barrels*, 2003).

¹² I am indebted to these students for their insights, expressed through class discussions and their written work. Their enthusiastic inquiry prompted me to write this paper.

Table 1
International association for public participation: website www.iap2.org

IAP2 Public participation spectrum					
Increasing levels of public impact					
	Inform	Consult	Involve	Collaborate	Empower
Objective	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, and/or solution.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
Promise to the public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example tools	Fact sheets Web sites Open house	Public comment Workshops Focus groups Surveys Public meetings	Deliberative polling	Citizen Advisory Committees Consensus-building Participatory decision making	Citizen Juries Ballots Delegated decisions

useful information about HCB. Orica related to residents with an assumption that they would be passive recipients of information. One public relations employee of Orica demonstrates an assumption that inertia would be encountered in this statement:

The community has... a bit more energy than I've encountered before. I think you always get a couple of activists, but largely there's a lot of apathy, you know (Sixty Thousand Barrels, 2003).

An assumption of apathy would direct a public relations person to column one (Table 1) because it is the lowest level of public impact. It allows for no public feedback, no attempt to check that issues have been understood, no collaboration and no decision making in the hands of the general public. This lowest level offers 'information out' and assumes a 'banking model' of learning, a term coined by Paolo Freire (1970) to denote a misguided belief that adult learners are empty vessels that can be filled with information, for later extraction. Adult educators know that adults approach their learning at different stages and that they should be engaged with relevant information in an experiential (dialogic) manner for learning to occur most effectively.

Orica may have preferred to remain in this ineffectual 'information out' domain except that government, via the requirement to complete an EIS, expected Orica to move into column two: *to consult*. This occurred when Orica called for public submissions during the EIS process and when it convened public meetings at the suggestion of CPRC members. Orica's statements¹⁷, as evidenced in the video and during radio coverage, show that there was some confusion about its movement through the third and fourth columns: *to involve and to collaborate with*.

The establishment of the CPRC had forced Orica into column four: *to collaborate* because the creation of a committee system denotes a move toward partnering. Whether or not a committee actually achieves a partnership with the wider community is, of course, the subject of this paper. Orica never explored column five and, in my opinion, it bypassed column three: *to involve* and this absence of *community involvement* was to the detriment of Orica's overall consultation strategy. I will return later to these crucial points.

3. IAP2's seven core values

IAP2 has established seven core values that it considers essential for worthwhile public participation. Note that IAP2 uses the term

public participation, not community consultation, because it sees consultation as a subset of public participation, as demonstrating only a partial movement along its spectrum of community involvement, partnership and empowerment. IAP2 does not assume that all public participation exercises will result in community empowerment. It merely offers a spectrum that helps to clarify expectations and objectives. Its seven core values tease out some further dimensions and these values are the subject of ongoing debate within professional circles (see Table 2).

If I interpret these best practice dimensions accurately I would say that IAP2 advises that: (1) the residents of Botany and beyond should have a say in any decisions made by Orica that will affect their lives; (2) when the public is drawn in (and not just spoken at), its contribution will actually influence Orica's decisions (and there is an underlying assumption here that compromise is inevitable by all parties because not everyone can get what she/he wants); (3) the type of consultation/participation that is offered will be suitable for different constituencies, including women, busy people, non-English-speaking residents, uneducated people and so on and this would mean, for example, that written submissions would not be an appropriate medium for everyone; (4) the process must actively attract those who might be resistant or indifferent to involvement; (5) the decisions about how to involve people are best made with people themselves; (6) sufficient comprehensible information should be provided to enable in-depth discussions in a respectful environment; and (7) there is appropriate communication afterwards so that people know if and how their views were heard and taken on board. It would be reasonable to expect, too, that the cumulative impact of adopting these core values is an environment imbued with trust because it involves a respectful meeting of

Table 2
International Association for Public Participation: website www.iap2.org

1. The public should have a say in decisions about actions that affect their lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The public participation process communicates the interests and meets the process needs of all participants.
4. The public participation process seeks out and facilitates the involvement of those potentially affected.
5. The public participation process involves participants in defining how they participate.
6. The public participation process provides participants with the information they need to participate in a meaningful way.
7. The public participation process communicates to participants how their input affected the decision.

¹⁷ Not just Orica, the film makers, too, speak of "consultation with local residents" and "after three years of consultation" when they really mean meetings of the CPRC.

equals where rights and responsibilities of all parties are transparent.

To accept IAP2's core values is to share its understanding of the term "public". The public is more than the approximately 12 members of the CPRC (which had a rolling membership), and is certainly more than those who attended public meetings about the HCB issue. The public, that voiceless mass beyond special interest groups is routinely ignored and will be explored further in the next section.

The manner of engagement with voiceless citizens also requires elaboration. IAP2 gives some clues about how this contribution might occur when it uses language such as: *have a say, contributions will influence, meets the process needs, seeks out and facilitates involvement, involves participants, communicates with participants* and, of course, *provides participants with the information they need*. Dialogic communication is inherent in many of these core values and this, too, will be taken up in the section that follows. Suffice to say, participatory processes require much more than newsletters, newspaper columns and personalised letters.

4. Three participatory principles

Deliberative democracy theorists generally emphasise *deliberativeness* or *deliberative capacity* (e.g. Blaug, 1999) and *influence* (e.g. Fung and Wright, 2003). Activists emphasise the importance of *influence* or *impact* (e.g. Beder, 1999). What perplexes and confounds and is ultimately ignored is the challenge posed by *inclusivity* or *representativeness*¹⁸. I continue to believe that to maximize its democratic potential, a public engagement exercise should be (Carson and Hartz-Karp, 2005):

- highly representative,
- deeply deliberative and
- extremely influential

If a public engagement exercise is highly *representative* then a diverse group would be gathered together, usually through random selection, to reflect the viewpoints of a cross-section of the population; in other words: the most diverse group possible, to ensure that all viewpoints will be heard. If a public engagement exercise is deeply *deliberative* there will be open dialogue and reasoned discussion, free from domination, under the watchful eye of a skilled, neutral facilitator whose sole role is to enable the group to find its own way¹⁹. Deliberation requires that the group has access to all of the information it needs in a comprehensible form, an environment in which it can puzzle about the issue in order to understand it and possibly reframe it, in order to move respectfully toward common ground. Deliberation is not debate; dialogue and deliberation are the better alternatives for the resolution of intractable problems²⁰ (see Table 3).

Participants in deliberation do not need to *reach consensus* or achieve unanimity because minority opinions can be recorded, but the movement toward common ground which includes the

exposure of conflicts is important for an effective deliberative process²¹. This movement shifts attention from self-interest to the common good. An extremely *influential* exercise should enable participants to influence each other and, most importantly, to influence the decision maker/s who should acknowledge the degree of influence before and after the event. Contracting helps to ensure that this occurs, that is a signed contract noting the obligations and responsibilities of *all* participants (Carson and Hart, 2005).

The three participatory principles could each be thought of as three axes, with practitioners seeking to extend their activities as far along each axis as possible. Every consultation strategy contains these elements or abides by these principles to a lesser or greater extent, but only by maximizing each element and succeeding to achieve each could a participatory process be deemed democratic. For example, a referendum is extremely influential if it is linked to constitutional change (as it is in Australia) but is not particularly deliberative (and indeed collective deliberation is avoided, with the emphasis on an individual reaction to political arguments). A consensus conference²² is deeply deliberative and quite representative (for example, if participants are selected using a stratified sample that matches a demographic profile) but is rarely influential or binding. As Carson and Hartz-Karp note:

... these three criteria are interdependent and interrelated. For example, without an evident pathway from consultation to *influence*, it is difficult to attract a highly *inclusive* sample to engage in *deliberation*. Without a very *inclusive* sample, the process will lack credibility amongst those who should be *influenced* and so on. Failure to meet any of these three criteria typically causes the process to founder, and it can have a compounding, negative effect in terms of the other criteria (Carson and Hartz-Karp, 2005).

Table 4 indicates the overlap between these three participatory principles and IAP2's core values.

The combination of these principles and core values provide a strong foundation for a consultation strategy or a public participation plan and this will be discussed further in relation to the HCB case in the Sections 5 and 6 which follow.

5. Discussion

The CPRC meetings occurred quarterly, were chaired by a non-industry person, and included members who could be described as 'the usual suspects' or citizen/elite stakeholders: industry representatives (Orica and other local industries), members of resident action groups and environment groups, local council representatives, with an opportunity for observers to attend. A former colleague of mine used to describe those who gathered at public meetings as 'the incensed and the articulate' and this descriptor could have relevance here. Orica's over-reliance on this group meant that the company thought it was meeting its obligation to consult with 'the community' whereas it was meeting with a small group of unrepresentative people who could more accurately be classified as professional and non-professional experts. I have argued elsewhere about the importance of defining roles very accurately: that change activists while performing an essential, unpaid and extremely valuable service to their communities (as experts and advocates) are not representative of the wider

¹⁸ Some political commentators solve this puzzle very inappropriately. For example, Gary Johns believes that non-government organisations (NGOs) are undemocratic and insists that they should use systems of representation (election of office holders and voting by members) that have not delivered genuine representativeness in nation states (Johns and Roskam, 2004). I would question such a proposal: Why would they work any better in NGOs than they have for nation states? Deliberative democracy would provide a much more effective alternative.

¹⁹ I know of some stunning case studies where a biased facilitator was sacked by a group and another where a group member challenged the facilitator who stepped aside until the group demanded she be restored. Groups have a tremendous capacity to demand their process needs.

²⁰ Table 3 comes from Sandy Hodge's *Discovering Common Ground* <http://www.ssu.missouri.edu/commdev/publib/trainmat.htm> (accessed 01 10 2004).

²¹ This issue of consensus in democratic deliberative procedures is examined by Karpowitz and Mansbridge (2005).

²² Dozens of consensus conferences have been convened throughout the world over the past few decades. The model was first developed by the Danish Board of Technology <<http://www.tekno.dk/>>.

Table 3
Characteristics of debate, dialogue & deliberation

Debate	Dialogue	Deliberation
Compete	Exchange	Weigh
Argue	Discuss	Choose
Promote opinion	Build relationships	Make choices
Seek majority	Understand	Seek overlap
Persuade	Seek understanding	Seek common ground
Dig in	Reach across	Framed to make choices
Tight structure	Loose structure	Flexible structure
Express	Listen	Learn
Usually fast	Usually slow	Usually slow
Clarifies	Clarifies	Clarifies
Win/lose	No decision	Common ground

community and should not claim to be nor be seen as such. Their interest, knowledge and skill takes them beyond a classification of unengaged citizens and special interest groups should be classified as experts in their respective fields (Carson, 2001). For this reason, their expertise is invaluable for the *development* of options but they should step aside to allow a microcosm of demographically representative citizens an opportunity to *choose* from amongst these options. While ever they claim to be representative, activists will be viewed with suspicion by decision makers. Thankfully, activists are gradually beginning to realize this and to insist on democratic procedures and inclusion of the voiceless as part of their advocacy work.

I have argued that Orica, through the CPRC and its related activities, was not engaged in public consultation. This was evident in 2000 when Orica decided on a disposal option, having met for 3 years with the CPRC, at which point a resident activist (captured in *Sixty Thousand Barrels*) urged Orica to call a public meeting.

Activist: We want them to withdraw that statement [about the disposal option]. We want them to hold public meetings and go to the public and put the case to them and ask them is it acceptable to them to be destroyed on that site.

Orica spokesperson: I don't want to pretend that we don't want to have consultation and we want to hide from something.

Committee member: Making a fait accompli statement is not consultation. I don't care what anybody says.

Orica spokesperson: I mean, you know, we can change the words of that paragraph. It'll help just not – to try and say that we're going to conduct feasibility studies.

Activist: Never mind feasibility studies, never mind any of that. You go to the public and say we desire to destroy this on site, what do you feel about that? Is it acceptable to you? Now you'll get your yes or no.

Orica spokesperson: I'm not against the idea.

Note the confusion in this exchange in relation to consultation methods. The Orica spokesperson is suggesting that Orica has nothing to hide and will use the meeting for transparency. The activist and her fellow committee member want the meeting to be a forum to influence decision making. Public meetings can be used by activists to stir discontent (to create a verbal petition), and used by decision makers to go through a “boy, have we got a deal for you” exercise, defending a decision that has already been made²³. Neither motivation is particularly useful. A public meeting is not a decision making forum and if its unrepresentative participants give a unanimous ‘yes’ or ‘no’ it is difficult to know what that would mean within the wider decision making framework.

When a public meeting is convened to discuss an EIS it is doomed to failure when citizens are confronted by industry

Table 4
Overlap between three participatory principles and IAP2's seven core values

IAP2 core values	Participatory principles
The public should have a say in decisions about actions that affect their lives.	Influence representativeness
The public participation process communicates the interests and meets the process needs of all participants.	Influence deliberativeness
The public participation process seeks out and facilitates the involvement of those potentially affected	Representativeness
The public participation process provides participants with the information they need to participate in a meaningful way.	Deliberativeness
The public participation process involves participants in defining how they participate.	Deliberativeness
The public participation process communicates to participants how their input affected the decision.	Influence
Public participation includes the promise that the public's contribution will influence the decision.	Influence

representatives who are accompanied by those with a vested interest in the technology. The EIS was prepared by Orica with the assistance of environmental consultants and also industry people who had a vested interest in the adoption of a particular technology. One member of the EIS project team remarked that

for modelling to be undertaken to be rigorous you need at least five to ten years worth of data, and obviously we've only been working on the project for seven months (*Sixty Thousand Barrels*).

No wonder the attending residents were riled. Orica did use it as an opportunity to explain the history of the issue as well as offering information about the technology. However, for residents, battle lines are drawn when independence is perceived to be absent. At a minimum, a neutral moderator could have helped to clarify participants' and industry's respective values and their entrenched positions and expose the very limited, likely outcomes from such a forum.

Inequality was rampant in this case study as was the lack of space for reflection. The Mayor freely admitted his own paternalism in relation to his constituents, wanting to protect them from alarming information to avoid panic; the community activist wanted to share the same information because “a little bit of alarm, a little bit of panic, makes people activated”; a representative of a toxics action group considered that residents had a right to know and a “right to make the decision about what to do with it” (ABC Radio National, 2002). Each person's worldview is evident in her/his respective response to information-sharing. Only dialogue and deliberation could enable these worldviews to be exposed to facilitate shared understandings.

Orica's middle managers played a delicate balancing act between their promises to the community and the absence of support, including financial support for adequate public participation, from their corporate leaders. The lack of a skilled, neutral public participation planner exacerbated the ongoing distress of this project. For example, basic understanding of professional public participation standards would have surely interrupted bickering about the distribution of newsletters. CPRC resident members believed that newsletters were a waste of time (one person proclaims in *Sixty Thousand Barrels* “so after 3 years of newslettering nothing's gotten through”), while simultaneously arguing that the net should be cast wider: by increasing distribution from 17,000 affected residents to 20,000. If it is not working²⁴, why persist? This leads me to an observation about public apathy.

²³ Public participation practitioners call this anachronism the DAD model: decide, announce, defend.

²⁴ A random, telephone survey of local residents ($N = 120$) completed by university students in 2002 showed that only 9.4% of Botany and Maroubra residents considered that they had received adequate information about the HCB issue (Jensen-Lee, 2003).

People are not apathetic; they lead busy lives. They need to be actively engaged with an issue. They will rarely respond to unsolicited information via newsletters or surveys. When asked to participate *actively* in policy formation or political decision making, people decline for a number of reasons: on occasions it is because they have participated before and nothing happened (hence the absence of trust between citizens, governments and corporations which was mentioned earlier). Also, people are reluctant to participate because they do not believe they are clever enough or they do not have enough time to be involved with ongoing discussions or they think it will be dreary (compared with their other options). If people are invited into a one-off deliberative space, for example, randomly selected to participate in a citizens' jury or deliberative poll, they can be gently encouraged to take up the option. Random selection increases the chance of this happening (Carson and Martin, 1999). Participants realize quickly how capable they are and almost never regret accepting the invitation. I believe that our participatory muscles have atrophied through lack of use and once pumped, for example, in a deeply deliberative space, they are strengthened and this muscle tone can be maintained.

In the HCB case study, the few participating residents made claims to inclusivity that were unfounded. They were also understandably intransigent given the significance of this environmental issue. An unacceptable level of responsibility was placed on their shoulders to reflect the views of *all* affected residents. Orica paid little attention to meaningful public participation and avoided drawing in a wider constituency, probably because it saw 'the community' as naïve, inexperienced or meddling in its corporate affairs.

Based on the documented evidence, it is clear that the IAP2 core values (Table 2) of exemplary public participation were left wanting: (1) the greater public did not have much say; (2) there was no promise of broad public influence; (3) the needs of some participants were poorly met; (4) those potentially affected were not adequately sought out; (5) participants did not set the participatory agenda; (6) information was not provided well; and (7) the application of the participation was contested. The public participation process was inadequately representative, deliberative and influential. Was there a better way? I will address this question in the next section.

6. Alternative approach

The community activist was right, in my opinion, to want to take the GML option to the wider community though the manner of doing so (her suggestion of a public meeting) was misguided. Had the CPRC been clear at the time of its establishment that its work would be divided: (a) to operate as a committee of review in order to consider all options (with funds to ensure that *all* options were explored) and (b) to act as a committee with oversight of a public participation process, with funds to support such a process, then there may have been an easier resolution of this controversial matter. In creating such a division between *content* and *process*, two working parties could have been formed. The process working party could have included independent process designers. My interest here is with the process working party.

Imagine if this process working party had decided to use a consultation strategy such as Renn et al.'s three-step model (Renn et al., 1993; also Carson and Gelber, 2001 for a modified version). This model which Renn has used to resolve entrenched environmental issues similar to the HCB one, begins, in step one, with a representative slice of a population (typically randomly selected). These participants are then engaged in a process that uncovers the community's values and visions: What is important to this community? What is acceptable/unacceptable? How would they

like it to be? In step two, the challenge of satisfying these values and dreams, given the problem at hand and the constraints that surround it, is given to a panel of experts who attempt to operationalise the participants' ideas (in the HCB case study the content working party could have oversight). In step three, the experts' action plans or options are brought back to a representative group (it could be the original group or a different randomly selected group) and asked if it accords with their values. If it does not, then step two is enacted again until satisfaction is achieved. Decision makers can be confident that a slice of the population was selected and deliberated and had genuine input that reflected community concerns and values. The wider community can be content that its own members met in an environment of equality and respect, in which the public interest, not self-interest prevailed. Approaches such as Renn et al.'s satisfy the principles of representativeness, deliberativeness and influence and IAP2's core values provide its backbone. Such a community engagement plan would not have been any more costly than the cost of a Commission of Inquiry and its Expert Panel, coupled with Orica's largely ineffective public relations methods.

Of course this is not the only public participation plan that could have been used. Without the advantage of knowing all of the details that dogged the CPRC and Orica it is difficult to know the extent to which other participatory possibilities were canvassed and rejected. However, had all parties explored the three participatory principles and IAP2's seven core values and discussed how they might extend their community engagement activities by pushing these principles and values to their limits, then more effective participatory practices would surely have emerged.

The difficulty, in relation to public participation, is not a problem of inadequate tools. A quick survey of websites²⁵ would reveal the wealth of tools that have multiplied over the past few decades that are available for small²⁶- and large-scale²⁷ consultation strategies. These tools have been tested throughout the world. Researchers and practitioners now know a lot about what works and what does not work for communities. What is known is that lay citizens can play a valuable role when contentious issues require resolution. One need only read the thoughtful, public-spirited recommendations that emerge from consensus conferences and citizens' juries to be reminded of the power of collective intelligence²⁸.

7. Conclusion

The HCB case could be judged a public participation failure given that the CPRC in combination with Orica was unable to agree on a mutually acceptable technological pathway because of its dependence upon the CPRC and CPRC's principal task of *review*. A diligent *participation* or *process* working party could have created a much more effective public participation plan which may have had a similar outcome to that which followed the Expert Panel's report to the Minister and his decision in 2004. The difference is that the decision would have been made *by* local communities *in collaboration* with Orica, instead of leaving these communities and Orica embattled, with a Minister breaking the deadlock and deciding for them.

IAP2's core values and the three principles I have advocated: *representativeness*, *deliberativeness* and *influence*, can only be exercised by a decision maker willing to listen to, and abide by, what is

²⁵ Starting with my own Active Democracy website which has links to many others www.activedemocracy.net.

²⁶ For example, Citizen Science Toolbox <http://www.coastal.crc.org.au/>.

²⁷ For example, in the US: America Speaks <http://www.americaspeaks.org/> and in Australia: Dialogue with the City <http://www.dpi.wa.gov.au/dialogue/plan.html>.

²⁸ Or "co-intelligence" as Tom Atlee (2003) labels it.

heard. This may sound like a naïve dream except that this type of public engagement is happening today in many countries (Fung and Wright, 2003). It should be noted that for the most part these are government-led, not corporate-led, participation strategies. In Australia, for example, Perth's Dialogue with the City, convened by the Minister for Planning and Infrastructure is an example of IAP's seven core values and those three participatory principles being embedded by a far-sighted decision maker (Carson and Hartz-Karp, 2005).

Timely, robust public participation leads to community ownership of tough decisions, while ever there is a strong correlation between communities' deliberations and the acceptance of these deliberations by decision makers. Transferring such deliberative democratic innovation from the government/community sectors to the corporate sector is an invitation to achieve deliberative and inclusive corporate citizenship. This paper has explored one corporation's attempt to meet that challenge, although in a confused and ineffective manner. This case study seems to indicate that the challenge is a long way from being met successfully. However, societies transform as institutions grapple with "unintended side effects" of their actions (Beck et al., 2003:2) so it may be that the next chapters of the toxic waste drama will tell a very different story with a happier ending.

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