

Questions of Legitimacy and Consensus in Regional Planning: The Case of CQ A New Millennium

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Abstract

This paper seeks to explore democratic rationales inherent in a recent case of regional planning in Australia and to highlight a departure from the liberal representative democracy that has prevailed in Australian political culture. In Australia, as elsewhere, there are increased opportunities for more participatory governance. This occurs through collaborative networks involving a range of non-elected stakeholders and citizens rather than relying on vertical control by the state. Such broadened involvement raises questions about a range of issues including representation, accountability, legitimacy, deliberation and balancing competing validity claims. These issues are central to any project that seeks to employ community engagement practices to address the supposed 'democratic deficit' in complex societies. Competing arguments in these respects for community engagement practices versus a procedural, top-down role for the state are considered in relation to a regional planning exercise in Central Queensland, Australia. The case study suggests that there are advantages to specific forms of community engagement with respect to some, but not all of these dimensions in such governance roles.

Keywords

Democracy, legitimacy, governance, consensus, collaborative planning

Governance and Active Citizens

There is increasing reference to a shift from government to governance in western democracies to reflect the involvement of both state and non-state actors in organising human coexistence and regulating social relations, that is, in governing (Amin and Hausner 1997; Lovan et al. 2004; Rhodes 1996; Stoker 1998). Neo-liberal regimes have commonly involved organisations from the private and community sectors in 'purchaser-provider' relationships, partnerships, compacts or contracts as the non-state actors with a role in governance. Goodwin (1998, p. 8) argues that this institutional diversity raises questions of legitimacy:

"There are widespread concerns about the operation of unaccountable and unelected quangos ... The complexity and nature of the emergent system lacks the 'simple' legitimacy of elected democracy and accountability and it remains to be seen whether the new structures can be given an effective cloak of legitimacy that they currently lack."

As well as this increased participation by non-state organisations, liberalism's stress on autonomy and self-determination has resulted in considerable rhetoric about increased

participation by individual citizens as encapsulated in the notion of 'active citizenship' (Goodwin 1998; Marinetto 2003; Woodward 2000). These ideas of citizen participation resonate with reformist trends within democratic societies identified by Hillier (2002, p. 5): "Citizens are becoming increasingly active, not simply through consumerist power, or as relatively passive electors at periodical representative democratic elections, but as agents who challenge the activities of the institutions and organisations which shape their lives".

Such reforms critique the way democracy "has come to be narrowly identified with territorially based competitive elections of political leadership" (Fung and Wright 2003, p. 3) and the limited participation in the public sphere in modern large-scale mass democracies and bureaucratic states (Hirst 1994). Sawyer (2002) highlights the consequent remoteness of elected leaders saying: "decision-making bodies in Australia remain characterised by social distance from those about whose lives decisions are made" and also a "high level of disenchantment with politicians" (pp. 39, 41). Concerns about such aspects of representative government have prompted attempts to engage with communities using more participatory practices and bringing new voices into public debate. These imply that the classic conception of democracy as government 'of the people, for the people, by the people' means "that the value of political arrangements can be measured by the degree to which they enable all citizens to participate in decision-making processes" (Dean 1999, p. 67).

Concepts of governance and citizen participation therefore underpin the emergence and increasing popularity of new paradigms for citizenship in western democracies. Many of these combine process ideals of deliberative democracy and participatory democracy as means of determining the public interest and involving the populace. As Dryzek (2000) says:

"Around 1990 the theory of democracy took a definite deliberative turn. Prior to that turn, the democratic ideal was seen mainly in terms of aggregation of preferences or interests into collective decisions through devices such as voting and representation. Under deliberative democracy, the essence of democratic legitimacy should be sought instead in the ability of all individuals subject to a collective decision to engage in authentic deliberation about that decision" (p. v).

It has become evident that, firstly, these forms of governance involving broader participation in deliberative decision-making employ new notions of how public interest is defined and raise questions of representation and legitimacy. Secondly, they problematise ideals of an impartial arena where diverse interests are articulated through undistorted and open communication, consensus and trust (Hendriks 2002; Phelps and Tewdwr-Jones 2004). This paper uses a case study to focus on these questions, examining firstly the actors involved in an example of participatory governance and subsequently aspects of the decision-making process. In both respects, features of participatory governance are contrasted with conventions in representative government. However the use of these typologies is not intended to imply they are mutually

exclusive or comprehensively cover all possibilities. Rather in the case study, and other participatory approaches, elements of each 'type' co-exist. As well there are many strands to current practice (Table 1 provides a third typology). The next section briefly introduces the case study that provides the empirical data, before the analysis is undertaken.

Central Queensland A New Millennium (CQANM) — A case of democratic governance?

A recent Australian case of the processes described above is the development of a regional plan and growth management framework for Central Queensland, a region of eastern Australia encompassing fourteen Local Government areas. The regional planning process is an example of a mode of governance less reliant on the "distant mechanisms of representative democracy" (Woods 2003, p. 153) and instead providing for greater participation since it aimed to involve a broad cross-section of the region's population in identifying and addressing regional priorities. In this respect the Central Queensland regional planning process highlights a departure from the liberal representative democracy that has prevailed in Australian political culture and provides a case for empirically testing theoretical claims being made about new governance processes occurring through collaborative networks involving a range of non-elected stakeholders and citizens. Consequently it serves the twin aims of this paper in providing a 'thick' description of a multi-stakeholder process and analysing issues of legitimacy with respect to actors and processes raised by such cases. The paper draws on qualitative research including semi-structured interviews with fifty people involved in this four-year regional planning exercise. Pseudonyms are used in the paper to protect identities. The process was called Central Queensland A New Millennium (CQANM) and involved both state and non-state actors in key governance activities — planning for the future and determining a policy framework for the growth and development of the region. It took place in the context of the broad shifts in governance and democratic aspirations alluded to above. The Central Queensland Regional Planning Advisory Committee (2002) suggested these led to changes in planning too, in saying:

"There has been recent evidence of a shift from representative democracy to participatory democracy, where community stakeholders negotiate actions that are endorsed and pursued by community members ...[that] heralds the move to 'bottom up' instead of 'top down' planning" (p. 31).

The resultant collaborative planning exercise responded to the confluence of a transition from government to governance, frustration with aspects of representative democracy and trends among planning professionals. The next section considers issues of legitimacy raised by extending participation beyond elected representatives and the institutions of government in the CQANM case.

CQANM — who defined the public interest?

In a democracy, decisions are regarded as legitimate if they are in the public interest (for the people) and have the assent of all those affected by them (by the people). However, in all but

the smallest scale polities, it is not practical to directly involve everyone affected. So modern mass democracy has been characterised by a system with elected representatives, “giving government the powerful legitimisation of at least formally deriving their power from the will of the governed” (Hirst 1994, p. 28). However, as Hindess (1997) notes, “one of the merits of representation ... is precisely that it secures a form of popular government in which ‘the people, in their collective form’ are excluded from a part in government” (p. 264). In Central Queensland, partly because of this alienation and associated lack of transparency, local government councilors like Tom were dismissive of the legitimacy of decisions made by State Government:

“To me, a lot of those plans and policies come from the — I call them the faceless people. You get your minister, for whatever department, he doesn’t do all that homework, he announces it but there’s somebody ... and you cannot find those people! They’re in the system that makes policy that the minister announces. But where they get their information ... I don’t know. But they make the policy and the minister announces it, it becomes government policy. But who actually writes it out, who knows!”

However there was reciprocal scepticism from bureaucrats about decision-making by Local Government. Reg was a state public servant who regarded councilors as “Cagey little gits!” for claiming their election gave them a mandate on all issues. He continued, emphasising the value of a range of perspectives:

“No I honestly believe that every elected representative needs at least ten, possibly twenty people that they can ring, that they know have got varying opinions on issues, that are not the same as their opinion, but that they vary ... I believe there needs to be processes put in place to keep in touch.”

Selection: Elections versus stakeholders

Hence the CQANM regional planning process did not adopt the electorate as the sole source of legitimacy, but sought to include players beyond the state as a way of ‘keeping in touch’ with a range of opinions. It also addressed the feeling that decisions in the public interest should not be made by elected politicians alone — and particularly not from a single level of government — as argued by Sue who was from the private sector and “absolutely opposed to it becoming a reflection of the CQLGA [Central Queensland Local Government Association] for example”. Although broader participation was agreed to, the inclusion of private or community sector interests as a way to determine the ‘public interest’ did not go unchallenged by those supportive of the prevailing representative system like Josh (a council officer): “There were too many other smaller, minority bodies, involved in the input. It was a great concern to me”. As an elected mayor, Jim agreed:

“Greenpeace and whoever else, they aren’t democratically elected people and I don’t think we respect enough... we all love our democratic system of government and then when we start these processes we suddenly want to throw it out the window.”

Certainly, an “effective shortcut to knowing how interests line up” (Budge 2000, p. 207) was needed. The impracticality of including all 185,000 residents and hundreds of interest groups of the region was addressed by dual notions of equal opportunity for all to participate and ensuring an array of collective positions in a “body that focused away from themselves to every other organisation be it the landowners, the farmers, councils” (Josh). As a CQANM project officer said:

“We had to really be careful about getting strategic people on that core group who represented possibly a number of sectors or areas and that other people who weren’t there on a regular basis were happy with that, to be represented in that way” (Kay).

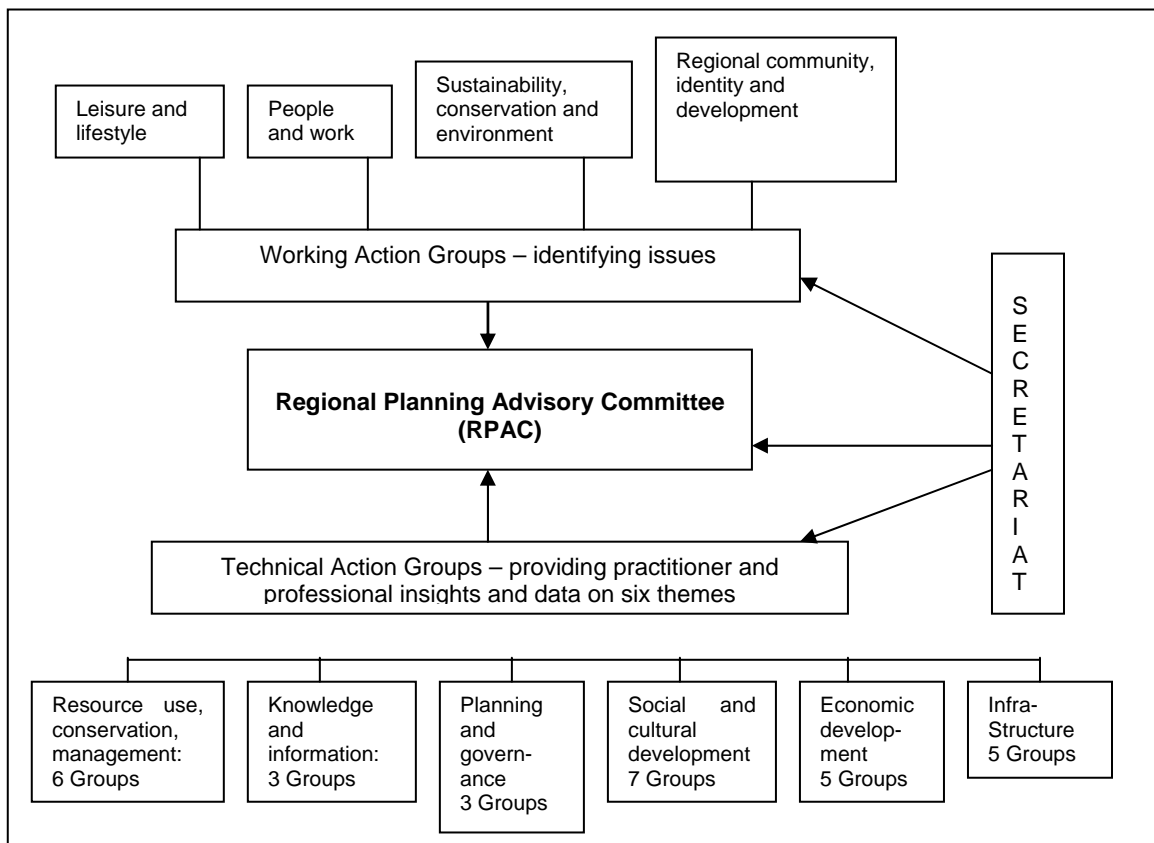


Figure 1. Groups of people involved in the CQ regional planning process (CQANM)

A variety of deliberative arenas were involved (see figure 1). The central one was the Regional Planning Advisory Committee (RPAC), the 21-person group steering the whole process. However at various stages of developing the plan, there were other groups, notably more than thirty Action Groups, many with close to twenty members. The final document describes these Action Groups as “the principal research drivers” for the project (Central Queensland Regional Planning Advisory Committee 2002, p. 15). Such groupings employed what Dryzek (2001) has identified as a common solution in mass democracies which is to “restrict the number of people involved in deliberation, making sure that the individuals who do participate be in some way representative of those who do not” (p. 653). He goes on to suggest one of the main ways of

securing representativeness is by popular election. Dave was a State Government officer, but one of those in Central Queensland who considered Local Government elections the most feasible way to represent grass-roots people as a whole:

“Actually I don’t know how it can ... how the citizenry as a whole are represented on there... But there’s Local Government reps and I tend to see Local Government as, you know the old cliché, being closest to the community and voted by the community and having an obligation to look after community interests besides roads, rates and rubbish.”

Not surprisingly this view was strongly held by those aligned with Local Government: “It should be Local Government that drives it. Not some quasi additional group” (Jim). However others involved in the process, particularly those from non-government sectors, disputed this:

“I think they genuinely thought, ‘Look, I am the elected representative and I am the voice of the people’. And I think that would be the case if they got in on fifty-one percent. There’d be forty-nine percent who weren’t happy, but they genuinely believed, as do probably all politicians actually, that, ‘I am the elected voice of the population’” (Nell).

This latter perspective accords with arguments in the literature including Sawyer’s (2002) claim:

“Parliaments, particularly the houses elected from single-member electorates, are not particularly representative ... Unless we make a radical shift from the majoritarian nature of our parliamentary institutions, many sections of the community will remain unrepresented” (p. 48).

Dryzek’s (2001) second suggestion of randomly selected participants, in contrast, achieves representativeness rather than representation, by involving a proportional fraction of politically unorganised lay people. Consequently this has an individual rather than group focus with interest groups supplying information rather than having a direct voice in the deliberations (Hendriks 2002, p. 64). Advocates of randomly selected citizen’s forums say they canvas the perspective of the ‘masses’ rather than an elite of ‘selected or elected activists’ (Carson 1999, 2001). However it is difficult to achieve a stratified random sample in the absence of comprehensive community profiles or where there is a “paucity of information on community groups” (Rawsthorne 2004, p. 16). Nor do multiple, individual, self-interested perspectives neatly provide a summary of “the diverse wills of society” (Hirst 1994, p. 103).

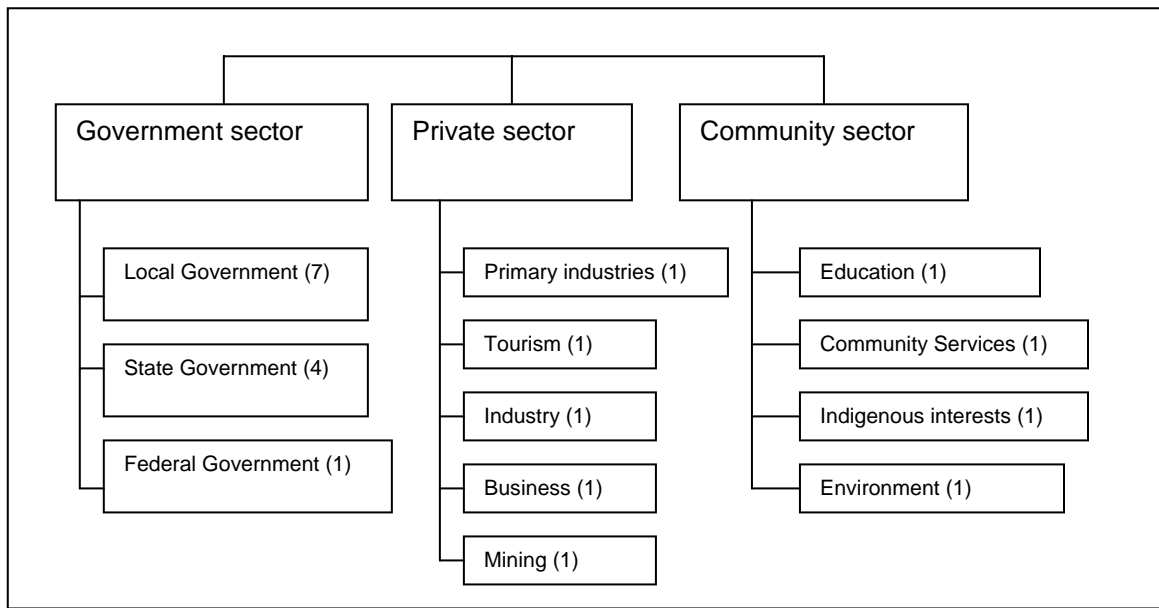


Figure 2: Stakeholder membership of the Regional Planning Advisory Committee

A third prevalent way of determining the general will (rather than self-interest) in all its diversity employs the stakeholder concept where interest groups regarded as having a stake in the issue are organised to give voice to collective positions. This is the predominant approach adopted for the CQANM process, as explained by Leo, who was a State government officer involved in the Regional Community, Identity and Development WAG: “We felt that the legitimacy for the decisions that CQANM was going to make was going to be from the stakeholder representatives on the board [RPAC] and committees.” This raises further questions such as: Which interests or stakeholders can be identified? By whom should each stakeholder be represented? For the RPAC the stakeholders were conceived as being sectors — firstly government, private and community sectors and then within each of those broad sectors, further divisions as indicated in Figure 2.

Consequently the process faced further challenges, both in identifying the relevant sectors and then the regional organisations for each and in confronting the differing capacity of different sectors, as the Project Director said: “I think it was always going to be difficult as to who was around the table and what sectors were and what sectors weren’t and was that a good model.” The process was explained by Dave, a regional manager of state government: “There’s a broad representation with sectoral representation. And the challenge with that ... whether we should have sector representation or whether we should have geographical or some other community.” He advocated using local government and peak bodies. Predictably, non-government sectors appreciated being involved. Lyn’s view was typical: “I feel we had that voice which we wouldn’t have had if we hadn’t have been involved. And I guess for major industry it’s a big concern to know that we’ve been dictated to but we haven’t had a say.” This perception that the

stakeholder approach picked up voices that would have been excluded by simply relying on government and elections was agreed with, though disapprovingly, by those who preferred to involve only those with an electoral majority:

“When it first started Local Government wasn’t even involved. They went out to all the minority groups not the big circle ones, minorities. And they were the ones that had input. And it suited those small groups, but it didn’t suit the large majority ... And that’s when we came in from the Local Government side saying, ‘Hey, we’re the elected people representing the masses of people not those little pipsqueaks’” (Josh, mayor).

This reveals that the majoritarian approach has constructed stakeholder groups as representing minority interests. Sawyer (2002) comments on this discursive shift whereby rather than being presented as more inclusive and democratic, extra-parliamentary forms of representation marginalise some groups as ‘non-mainstream’. Despite such concerns about the invalid inclusion of ‘minorities’, the choices involved in determining the sectors to be represented seem vindicated by the widely held view that a good range of stakeholders was included. As Andy (a State government officer) said, “It’s always hard to get it perfect and to shut up every whinger — but I thought it was reasonably right.” Another participant from a council reflected:

“It had the environmental lobby well-represented, very effective representation there. The industrial sector was well represented and the social or community service sector was definitely well represented as well. Local Government I think saw itself as not aligned to any one in particular, but having to accommodate all those” (Kev).

The process of determining representatives of each of the sectors presented further challenges:

“The people who were involved were those people who were seen as being leaders and strong representatives of their particular area and people who we assumed would have good networks and so could speak for, on behalf of, some people sort of behind the scenes ... I mean you can get accused of only listening to the squeaky wheels” (Ann).

It was regarded as ideal to have the choice of these ‘leaders and strong representatives’ made within the sectors themselves. This aspiration of relying on a diversity of sectors and their internal selection processes is evident in the chairman’s comment, which, interestingly, highlights that a contrast was drawn between ‘being representative’ as in a random sample and having a range of perspectives represented:

“Because there were only a couple of dozen people on the committee [RPAC], it was never going to be representative. What we were looking at was diversity of interest, diversity of intellectual capacity, and the ability, if you like, to provide commitment. So in that sense, the initial group was formed on the basis going to sectorial interest groups and saying ‘who would you like to represent you and your interests on this committee?’ So all of those groups nominated from their own networks and linkages. Yet, you know, there is always argument about who can represent who.”

Although the legitimacy of other stakeholder groups was unfavourably compared to that of political representatives (particularly by Local Government observers), some regarded these internal processes within sectors conferred as much legitimacy as council or State Government elections, as these two comments demonstrate:

“See [the primary industry representative] would be elected in a sense, by his organisation — appointed anyway by his organisation as a spokesperson. He’s appointed by a recognised organisation” (Doug, environment sector).

“It’s almost probably the legitimacy came from within the sectors. As to who sat around the table on their behalf. So we were also very conscious of saying the people sitting there weren’t speaking ‘on behalf of’ they were speaking ‘as part of’. They weren’t the words that we used, but they weren’t the spokespersons for, but were there because they were members of that sector and it would facilitate them getting feedback” (Pam, project team).

Potential exclusions or distortions

Pam’s last comment reiterates the earlier distinction between being ‘representative of’ a group or ‘representing’ that group and highlights that any process limiting the numbers of those involved faces challenges about ensuring the full spectrum of public opinion is presented. As another member of the project team, Ann, said, “It’s like representation of any sector. You’re always going to get criticised for ‘Why did you talk to that person? They don’t represent what I think’.” To participants, the formation of extra-parliamentary bodies was not by selection of elite expertise but led to, “the interesting debate with these sorts of processes: should it be people actually representing their sectoral interests or their elected body or in their capacity as an elected person for that body; and is it a representational role?” (Chris, state government). In recognition of the impossibility of achieving comprehensive coverage, the process did not expect sectors to provide a ‘delegate’. Rather those ‘representative of’, but not ‘representing’ sectors were recognised as having multiple affiliations and ideally would speak on a broad range of issues as Chris reflected:

“I certainly observed that the representational role was most effective when people had the commitment, the skills, the knowledge and the understanding of the issues to be able to contribute. And I suppose if I was to use indigenous representation as an example only: where I found the process really effective was when the indigenous representation was able to comment on some other issue, totally unrelated to indigenous issues which could be sustainable development or Local Government or accommodation. I found that’s when the process really worked; rather than somebody coming along wearing their sectoral hat and that’s all they want to comment on.”

However, Jim suggested that by involving essentially partisan interest groups broad representativeness is compromised: “And they all had their own little barrows to push, naturally.

Like any group would have ... Industry was just another interest group that focused on the issues that were important to them". Likewise, another local government participant, Kev, conceded "the potential was there for a narrow rather than a truly consultative or representative viewpoint being expressed." He suggested this was partly because each sector was complex, internally differentiated and some lacked existing regional frameworks. This perception of the different capacity of sectors was reiterated by Rose who had experience in the environment sector and regarded multi-stakeholder processes as:

"Difficult! Time-consuming! Resource-hungry! But, at the end of the day, if you do it well, very effective. And different sectors were more difficult than others. Some sectors have that capacity already because they've got the infrastructure, the social infrastructure already in place ... Something like the pastoral sector, there's a strong political framework there. Grain sector — strong political framework. Local Government, there wasn't an issue because there was an identifiable group. So some were much easier than others."

Project workers commented on the consequent difficulties in engaging with disparate, uncoordinated sectors, for example community sectors in comparison to government and industry sectors. Even the existence of established networks and overlapping membership did not provide the unified voice that could come from a single peak body. For example some environment organisations felt the nomination of a Capricorn Conservation Council member who was also involved with the Fitzroy Basin Association and Landcare did not represent the whole region and that non-government organisations lacked the resources for sectoral and regional liaison:

"It just seemed that the environmental section of the document was only looking at Rockhampton-centric type issues and it didn't seem to me that they were watching the other areas to get enough feedback on what was required ... there wasn't enough of the feeding out, like disseminating of information and gathering it in" (Lyn, industry sector).

Differing capacity, partisanship and restricted representation are not unique to stakeholder processes though. Distinctions between sectors have been seen as problematic and resulting in unequal influence in electoral systems too because, "The state elites and the elites of the major organised social interests — typically big business federations and organised labour — are cohesive and relatively closed. The corporate organisations are disciplined enough to transmit coordinated and agreed policies to their memberships" (Hirst 1994, p. 36). The CQANM process can be argued to reduce the hegemony of this narrow range of discourses in a number of ways. Firstly it embraced participation by multiple stakeholders as outlined above. Secondly it used deliberative strategies for considering competing discourses as will be discussed later. A third distinguishing feature was encouraging participation in a variety of forums rather than accepting that "the representative institutions and legal system of liberal democracies should be the exclusive or even just the primary home of political deliberation" (Dryzek 2000, p. 3) (Figure 1).

Mediating institutions and deliberative forums

The CQANM process is an example of a multi-stakeholder process with the emphasis put on sampling a range of discourses and relying on the varied constituencies and processes of each stakeholder sector to ensure greater citizen participation and input than a vote at three yearly intervals. An important feature of this approach was the use of multiple deliberative forums. Most of the insights above relate to the formation of the twenty-one-person RPAC. However there were two other key strategies for giving voice to the range of community perspectives. The first of these was the many sub-committees especially the Action Groups. Membership of these bodies was more open than for the RPAC though their connection to the RPAC ensured outcomes and perspectives were channelled through to decision-makers. In this way they facilitated “the construction of public opinion through the contestation of discourses and its transmission to the state via communicative means” (Dryzek 2000, p. 4). The desire to tap the full spectrum of community views via CQANM was evident in the way input and feedback were sought from many groups not included on the RPAC, and maybe not contributing through the Action Groups:

“It was about mapping all the community groups that we could find. Without ascribing values as to good, bad or indifferent, each of those groups was contacted and consulted with and asked to provide information. Some spent an enormous amount of energy and effort contributing, others provided a few comments and others still were, ... oh no, no, I don't think there were any groups that didn't want to contribute” (Ed).

Ed was a State government officer and his emphasis on not being judgemental highlights that the ‘all’ includes interests usually stigmatised (such as drug users, or the unemployed) or without ‘voice’ (such as the natural environment, children or future generations). The stakeholder processes that were quite limited for the RPAC and somewhat broader for the Action Groups, were also supplemented by a widely advertised freecall hotline for individual citizen input and information, public meetings for various sectors and two rounds of twenty-six ‘community conversations’ designed to reach out to whole communities and give an avenue for even unorganised interests to engage with the process. The Project Director explains: “That's why we broadened it and did so much of the community stuff ... Because these people weren't spokespersons.” A range of outreach strategies were used:

“You know we tried everything from public meetings and ads in the paper and working through the media to try and get people to come and getting, you know, word of mouth in small communities, personally inviting people” (Ann, project officer).

The community conversations were regarded as a “quite innovative attempt to at least groundtruth back with the real, grass-roots communities” (Flo, community sector). Participants distinguished this from a process of consultation to re-engage disaffected citizens with the institutions of liberal democracy by downplaying the significance of the community conversations in legitimising the process in the way consultation is used to “reinforce the

legitimacy of representative government” (Bishop 1999, p. 12). Instead, the chair of the Regional Community Identity and Development WAG noted their function as open-access public spheres:

“It was trying to encourage participation by being convenient and easy for people to participate. But it deliberately was not trying to be representative. We could not say, at the end of this process, ‘Oh, we’ve consulted all of these communities’ and so on. And that was very clear from the outset. We were not about getting a mandate for CQANM, it was not about that. It was deliberately done to simply get input.”

This examination of those involved in the Central Queensland regional planning process and how they were selected highlights that, even to participants, there was not always a clear distinction between stakeholder representatives with legitimacy in the eyes of their constituency (and the region generally), and state appointees from elite minority groups. Hence the CQANM RPAC was regarded by some as an ‘unelected quango’. Others though, saw the broad cross-section of competing discourses as an improvement on decision-making processes confined to elected politicians. Some potential distortions of the multi-stakeholder approach such as the partisanship of those involved are in fact equally a challenge for elected representatives who are no more objective, value-free and impartial. However the principle of relying on internal strategies within sectors (particularly those with significant capacity and established democratic processes) and the use of broader public forums to supplement the RPAC deliberations can be argued to provide a more participatory and more democratic process than confining the planning process to elected governments and bureaucracies. A key tension in any conception of democracy is balancing respect of difference and giving equal voice to diverse perspectives with the need for unity and determining an agreed community direction. As well as the questions of access and inclusion (who is involved), raised above, this therefore raises related questions of transparency (how decisions are reached). The next section considers the implications of greater dispersal of control and influence for achieving procedural fairness and processes deemed legitimate.

CQANM — How were decisions reached?

Some liberal democrats suggest that the unfettered pursuit of private interests by a multitude of competing actors can be expected to promote the public good (Hindess 1997), but most political systems have some other process for distilling the wider public interest from the array of competing private interests while avoiding perceptions of manipulation. Sawer (2002) draws attention to the current reliance on non-deliberative forms of determining public opinion — voting between polarised options and individual responses to market research and talkback radio rather than extra parliamentary forms of representation in civil society forums. With the extra-parliamentary processes of CQANM there was still concern in stakeholder groups about unequal influence within the range of perspectives, though the disproportionate influence was variously viewed as coming from the “noisy minority” of civil society players (Jim, local

government officer); “the twenty voices for social and economic with only one voice for the environment” (Doug, environment representative); “assertive men, reasonably large players in local industry, who had a voice, had standing” (Nell, community sector). Or, “It always finished up being run by government departments and people that I call professional meeting goers from different sectors. And to me those people there, none of them were ever elected by anybody” (Tom, local government).

Clearly the processes for balancing the competing discourses are as important as the selection of stakeholder representatives. In contrast to majority voting procedures, recent processes like CQANM imply that the key to legitimate decision-making is deliberation and that “discursive legitimacy is then secured to the degree that collective outcomes are responsive to the balance of competing discourses in the public sphere” (Dryzek 2001, p. 652). The RPAC and each of the Action Groups were conceived as a space for on-going dialogue and considerable “confrontation of viewpoints” (Rhinard 2002, p. 188) between actors from multiple levels of government and society. Certainly discussions in the various committees, and meetings of CQANM were not characterised by unanimity and a single perspective: “The problem as you sat around the table is you have opposing points of view and we had a few stoushes” (Pam, project team). Significant distinctions are made between the processes for handling the inevitable competition in such committees and in legislatures. The main contrasts are between voting and consensual agreement for final resolution and between rhetoric and argument as ways to sway opinion and influence decisions (Hillier 2002). These will be considered in turn in the following subsections.

Majority view versus mutually acceptable agreement

Within councils and State legislatures, a majority vote is used to resolve conflicts. A strong attachment to ideas of numerical advantage and ‘democracy as majority vote’ is evident among some participants in CQANM. Josh says, “I believe in public consultation to a degree. But you’re elected to make decisions and you make hard decisions — for the majority not for the whingeing minority.” Another mayor, John, agrees:

“When you have to make the hard and the tough decisions, it’s got to go to the vote. You can’t have it warm and fuzzy and say well, ‘Those in favour, those against, those uncertain, those who don’t care, those ...’ That’s not democracy at its best!”

Molly (of the environment sector) told of a regional body with a stakeholder council where the preference for voting on decisions was strong at first, though it modified over time:

“There was a lot of angst with rural industry about the balance on the stakeholder council ... about them being able to stack a meeting. It was very much about them being able to have the numbers to vote things down. And that’s changed hugely over time, but it’s happened with working with people and having facilitated discussions and building trust and having consensus decisions and having all parties decide.”

This makes it clear that within committees the style of deliberation is believed to influence the chances of reaching a collective, consensual decision — which means reaching general agreement rather than the interpretation some adopt of regarding it as a unanimous vote. The CQANM procedures for reaching a collective choice proved challenging to Kev, in local government, and those not used to dispersed authority, or content with strategies such as voting or strategic bargaining:

“Normally Local Government would have authority to determine the balance, having considered all those things and then making a decision, bang, it’s done! In this case we had to be a participant in the debate and accept the outcome of the RPAC as a group.”

One of the major criticisms of deliberative processes is that they overestimate the chances of reaching consensus given the inevitability of conflict and ignore the “impossibility of finding rational, impartial solutions to political issues” (Mouffe 2002, p. 95). However Lyn (from the private sector) recognises that unanimity is unrealistic: “Going along to meetings, some of the levels of discontent, certain factions. It was very obvious that ...you weren’t going to please everyone. And I think it would be a fallacy to assume that you ever could please everyone.” Other participants are also clear that the CQANM process did not ignore conflict:

“Part of the reason that it took so long was because of the balancing act of interests around the table, particularly around the Regional Planning Advisory Committee table. There were a lot of diverse interests. It was a fairly slow and painful process of getting things correctly worded so that everybody was happy with them (Ben, State government). We would get those people in the room together. And it was all about negotiation. It was about first of all understanding very clearly what the differing points of view were. Understanding why, where that came from and what the information was that they were basing those decisions upon. You know, getting all that data behind things. And then, if need be, we’ll get them together and we’ll try and work out a way in which both can walk away happy ... It wasn’t going to always happen, not at all “(Ann, project team).

Kev had a different perspective and did feel that appropriate procedures could produce a rational consensus (or general agreement) despite competing viewpoints: “The absolute conflicting ideals of an environmentalist compared to an industrialist are so diverse that for them to agree on something in a nice way is very difficult to achieve. But it did that.” In aiming for a single, unified position from diverse interest groups, deliberative and participatory democratic processes, like CQANM, “can be perceived as inherently anti-pluralist” (Hendriks 2002, p. 68). Within CQANM, Doug (from the environment sector) felt that there were, initially, attempts in the RPAC to exclude issues regarded as vital by some stakeholders: “But it was a bit of a whitewash early on ... early on they didn’t want to know about issues particularly like water or greenhouse. You know, they’re planning for the new millennium and yet they didn’t want to talk about greenhouse!” However, another community sector participants, Flo, claims the broader community conversations ensured the final plan reflected the diversity of grass-roots views:

"I don't think that anything huge, wonderful and startling came out that we'd missed. You'd be very unlikely to miss ... if you've got diversity, and you're operating at the local level, you'd be very unlikely to miss something. ... I think the real attempt to groundtruth it was a very important. ...It gave the whole process legitimacy, for me."

Adversarial rhetoric versus reasoned argument

Given that competing viewpoints are inevitable, the issue is the procedures used to express them — 'horse-trading', reasoned discussion or what Leo called 'table-thumping':

"This is one of the issues with regional planning. It's not so much resolving conflict, but it's managing the conflict and it could easily be that regional planning is a playing field for particular players to just push their barrow and knock everyone else out of the way and thump the table and express their power" (State government officer).

Another State government participant, Mike, argued that "a clear decision-making framework" would avoid being "reduced to a bargaining exercise of some description ... where the most powerful person or the best-articulated or the most popular person can gain support for their idea." Rather than such an adversarial forum, CQANM adopted a framework of mutual respect, reasoned argument and reflexivity. However some deliberative democrats suggest it is necessary to go further and "create a neutral deliberative space beyond the conflictual and competitive environments in which interest groups conventionally operate" (Hendriks 2002, p. 69) and beyond rhetoric and strategy since these idealists also believe that "the only kind of valid communication is rational argument" (Dryzek 2000, p. 4). However, Mike's concern about privileging the articulate is echoed in arguments that the dispassionate, logical, formal communication characteristic of such 'deliberation' means the inarticulate are unlikely to be heard (Dryzek 2000).

There was considerable evidence in the CQANM case of players retaining various strategies besides reasoned argument including rhetoric and bargaining within the deliberative arenas.

The ultimate bargaining strategy was the threat of undermining the project by withdrawal: "There was a risk, at various stages through the project that Local Government might change its mind ... walk away from the process, as could any of the other sectors" (Ben, State government). Civil society actors likewise proved adept at utilising a variety of strategies — the environment sector negotiating with the mining and industrial sectors to support the discussion of greenhouse issues that was opposed by government. Rhetoric was also employed:

"No surprises that greenhouse just missed out. So I said to the mob, 'Look, I'd like you to all stand over there because I want to take a photograph of you as the people who, you know, took greenhouse out '... So there were acts like that where I, you know, intellectually intimidated them to try and get something up" (Doug).

Clearly a broader interpretation of deliberation was adopted within the RPAC and Action Groups of CQANM with reasoned argument and ‘facts’, but also (potentially conflicting) interpretations of facts, subjective and values-based points of view, and rhetoric, all admissible communicative strategies in the deliberative arena. Such an approach can recognise that conflict is inevitable and that communication is always permeated by “the negative, distorting effects of power” (Flyvbjerg and Richardson 2002, p. 48), yet provide the opportunities associated with deliberation to develop understanding and broaden viewpoints. Indeed, many of these characteristics of deliberation are claimed for the CQANM process by seasoned community activists:

“If the processes are open and accountable and there’s good physical information and things. I mean disagreement is not wrong. ... It’s when you question or when you’re being questioned that you’re more likely to keep re-evaluating where you are; which I think gives you probably a greater surety of going down the correct track” (Flo).

In the regional planning process it was said there was the potential for such deliberation in ways not found when juridical adjudication or majority voting are relied on to weigh competing claims:

“A lot of basic issues people could agree. They were benign issues. But when it came to the really tough ones ...- all those inevitably controversial things where the usual suspects took up their usual positions — I don’t think CQANM created any new opportunities for them to resolve things necessarily, but it could have. I mean it had the potential to be a more or less independent vehicle for people to express these views yet again and rather than having a politician or a judge make a decision about things, it was an additional opportunity for people to deliberate these issues and make some progress. Whether it happened or not, I don’t know” (Leo, State government).

The most common claim was that involvement in CQANM increased understanding, facilitated genuine dialogue and, as the environment representative said, “We’d grown a strong respect for each other by the end”. Others from both the social and state sectors concur, saying:

“I think the only way that people will get an appreciation is to bring people together. Otherwise people just go along with their tunnel vision and they’re not seeing anything else So I would say that it is important to get the sectors together. And you know, in any stage of group development, there’s going to be conflict so it’s how that conflict is worked through ... Unless they’re together, and perhaps [have] some training in how to negotiate, how to resolve, ... get a system of mapping the conflict or something, to broaden people’s thinking” (Gwen).

“And in many cases, a lot of it was about a shared language, and a shared set of data. Once you had a common set of data to work from and everyone had access to the same data and was using the same language, then constructive dialogue flowed” (Ed).

However deliberation implies more than greater understanding with an ideal (alluded to above by Flo) of people being prepared to question the complexities and ambiguities of their own positions and those of others. There was less conviction that CQANM deliberations led to the modification of entrenched, opposing positions that would be expected from this process:

“I never saw it change anyone’s point of view. I think in talking to a few of the people on the committee I was on, there was, as there always has to be, a better level of understanding of the respective issues. But I’m not sure the process in itself, of itself was ever meant to change people’s views. Maybe to give them a more open mind and understand there is another point of view” (Fred, private sector).

The fact that this modification is not evident and that rhetorical tactics were employed with a degree of success is interpreted by some as de-legitimising the whole deliberative ideal and meaning the outcome is no more responsive than a top-down decision by government and bureaucrats. The hope of influencing outcomes was dismissed as utopian:

“But I just see a lot of those meetings like that, you’re channeled into ... you’re actually driven into where you’re actually going or where the government wants you to go. Lots of times. And you can get up and have your say, yes, that’s great, that’s community consultation. You can have your say, jump up and down and swear and walk around. No one cares! It doesn’t influence anything” (Tom, local government).

Other participants’ views were not quite as bleak about such power plays over the whole time:

“I think that in any area you may have consensus on eighty per cent of the decisions taken. But there will always be areas where there will be different views ... And sometimes we thought that this thing was being steamrollered and people were just getting what they wanted to get. But once all the areas were teased out and all the pros and cons were put on the table and one could get a better understanding or a more balanced view of what were trying to achieve, it became better” (Bill, private sector).

Bill suggests there was progress towards a balanced view that was not just ‘steamrollered’ by narrow elite interests. Russ interprets this as compromising principles to achieve effectively a ‘lowest common denominator’ in the interests of unanimity (associated with consensus?):

“These good issues got watered down to be a compromise so that everybody could agree with it. So what was necessary and what might have been best for the region wasn’t acceptable to everybody so it got changed. Frustrating! But that’s life ... of course, I mean it’s a whole lot better to be a unanimous decision” (Russ, State government).

Certainly participants like Leo recognised this danger in consensus-seeking:

“That’s the big risk in this. That because it’s so controversial the only agreement you can make is a very motherhood-y one that everyone can agree on ... That’s the risk in all regional planning, it just becomes benign stuff, fluff!” (Leo, State government).

A community sector observer, Greg, agreed, "It will be some motherhood statement presumably ... but I still think it's worth having the conversation". However, John, from local government, argued this didn't happen in the CQANM case: "I don't think it was ever watered down. No I don't think it was watered down."

This range of perceptions of the CQANM experience indicates that broad interaction, reasoned argument and informed debate among heterogeneous interest groups are a good supplement to conventional rhetoric and strategic bargaining in producing a collective result acceptable to all stakeholders and founded on mutual understanding.

Table 1. Contrasting legitimacy issues for two recent strands of governance with representative government

	Liberal Democracy	Representative	Corporatist Governance (New Public Management)	Participatory governance
1. Who makes decisions and determines the 'public interest'				
a. Those involved and how they're selected	Representatives (of territorial interests or political parties with proportional representation). Elected. Accountable at the ballot box.	Permanently outvoted minorities	Unelected quangos or corporations related to functional interests (esp'ly economic functions). Often state appointed. Accountable through contract, service level agreements and market operation (profits, market research, talkback radio)	Multiple 'Stakeholders' representing identity, cause or values based interest groups. Identified/ chosen randomly/ by election/ by sampling of competing discourses. Accountable within their constituencies. Often voluntary.
b. Who is excluded?			Those who are economically marginalised or un-commodified	The inarticulate and unorganised
c. Mediating institution's and forums	In the legislatures, legal institutions (and technocratic administration)		In closed, non-transparent institutional settings or elite 'consultative forums' complemented by local self-help	In open access decision-making institutions, in the public sphere with communicative connection to the legislature
2. How are decisions reached?				
a. Strategy for determining 'public interest'	Aggregation of preferences in a vote. Majority prevails.		Competition between pressure groups and individuals acting in private interest. Strongest prevails.	'Collective choice' / workable agreement (assumed to emerge from broad, informed debate)
b. Style of deliberation	Adversarial rhetoric and juridico-legal process		Strategic bargaining and market interactions supplemented by ad-hoc public consultation	Effective and interactive participation by large numbers of people in deliberation (reasoned argument plus other strategies).
c. Nature of decisions	Majoritarian and populist assuming homogeneity		Parochial, 'opinionated cliques'	Collective and consensual assuming heterogeneity
		Concentration of control and influence		Dispersed control and influence

Conclusion

New forms of governance focus on inclusion and presence more than majorities; on reasons and arguments rather than counting votes. Many of the complex and varied, “permutations of democratic innovation” (Saward 2000, p. 214) share a common goal of increased civic engagement. This paper has examined the challenges of legitimacy and consensus raised by theoretical and practical aspirations for broader participation ‘for the people, by the people’ in the specific case of CQANM, a regional planning process. This reveals flaws in the assumed ‘legitimising myths’ (Stoker 1998, p. 21) of majoritarian electoral representation and highlights significant differences between approaches, as summarised in Table 1. Flyvbjerg (1998) has expressed skepticism about many participatory processes, claiming:

Tradition shows us that forms of participation that are practical, committed, and ready for conflict provide a superior paradigm of democratic virtue than forms of participation that are discursive, detached, and consensus-dependent, that is, rational. We see that in order to enable democratic thinking and the public sphere to make a real contribution to democratic action, one has to tie them back to precisely what they cannot accept in much of modern democratic theory: power, conflict, and partisanship (p. 236).

The case of CQANM suggests that the incompatibility he assumes between deliberative processes of collective choice and expressions of conflict and partisanship need not be quite so absolute. The pitfalls identified by Flyvbjerg (1998) and others like Dryzek (2001) and Mouffe (2002) can be minimised by a two-pronged strategy for determining who makes decisions and determines the public interest. Firstly ensuring equal opportunity to participate in open access public deliberation (as in the community conversations, sectoral meetings and Action Groups). A second dimension is a multi-stakeholder process for voicing collective positions sampling a cross-section of competing discourses. This gains legitimacy from processes within each constituency although the strength of that is influenced by qualities such as varying sectoral capacity. Equally important is establishing procedures for decision-making. These should conform to characteristics of deliberative decision-making in utilising reasoned argument to reach a collective choice. However the aim should not be unrealistic impartiality and unanimity that ignores conflict and eschews many forms of communication including rhetoric as is too often associated with ideals of consensus. It is certainly evident from the case study that these processes are time-consuming, meet considerable resistance and require new communication and political skills. They will not suit all governance tasks, but are particularly apt for planning for a socially, economically and environmentally heterogeneous region where no representative legislature has sole responsibility for regional planning and where decisions were made for the long-term rather than a three-year election cycle.

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