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## Local Deliberation and the Favouring of Nature

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### ABSTRACT

The central contention of theories of deliberative democracy is that deliberative arrangements should encourage (but by no means guarantee) the support of interests that are general to all. Democratic theorists have also suggested that the natural environment will be a likely beneficiary following public deliberation, given the inherent rationality in supporting interests that will lead to the long-term survival of the planet. This paper addresses the question of general environmental interests through two case studies in Australian local government and argues there are at least three factors that affect the ability of notionally deliberative arrangements to deliver outcomes that appear favourable to the natural environment.

### KEYWORDS

Deliberation, environment, local government, self-interest, sustainability

## INTRODUCTION

The concept of a general interest may be seen as one of the central features of both the theory and practice of deliberative approaches to democracy. For deliberative democrats, the simple preference aggregation of representative democracy (through voting for elected representatives, for example) does not sufficiently question citizens' views, and leads to a democratic form that favours the particular or special interests of various parties, groups or representatives. In contrast to aggregative mechanisms of democracy, deliberative democracy encourages opportunities for reflective consideration of preferences in forums that are open and public. As a consequence, one of its goals is preference transformation, and it is expected that the arguments to gain most support will be those general to all, rather than supportive of specific or particular interests. Furthermore, it is suggested by some theorists that, as the most fundamental general interest, arguments favouring the natural environment will benefit from arrangements notionally free from power and oriented towards genuine deliberation.

The ability of deliberative arrangements to deliver ecologically sound outcomes in practice is uncertain. Hendriks (2002: 70) argues there is evidence to suggest that citizens involved in deliberative forums are more likely to support 'social and ecologically compatible policy recommendations'. Further supporting a link between deliberation and environment is the increasing use of deliberative or participatory approaches to deliver sustainable development, under labels such as Local Agenda 21.<sup>1</sup> Thus we find the emergence of search conferences, citizens' juries and deliberative polling, all aimed to create outcomes that favour shared rather than particular interests. Nevertheless, these innovations have not changed the sense that deliberative approaches cannot guarantee the desired outcomes, particularly 'if there are competing views of what the environment should be like and what it is valuable for' (Davies, 2001: 80).

What, then, are the factors that influence the outcomes achieved by public deliberation regarding environmental issues? In order to examine this question, the article begins with a brief explanation of the relationship between deliberative democracy and the natural environment. It then builds on earlier work that assesses deliberation in the Glenorchy City Council precinct system (Zwart, 2003), by comparing this process with a citizens' jury organised by the Waverley Municipal Council. Following this, the article provides a detailed consideration of three key differences between these cases, which offer an explanation for the varied outcomes of these processes. Thus the paper finds that the construction of the issues for deliberation, the sponsors aims and objectives in creating the deliberative 'space', and the characteristics of the citizens involved, were all essential in shaping the eventual decisions that were made. The paper concludes by discussing a number of issues that remain problematic for deliberative theory's 'green' credentials, including the commitment to individual rights.

## DELIBERATION AND THE GREEN GENERAL INTEREST

A number of attempts have been made to challenge ecoauthoritarian writers such as Ophuls (1977: 152) and the view that democracy and environmental values are not compatible.<sup>2</sup> With a far more optimistic view of human nature, deliberative democracy is one of the more recent, and has probably obtained the most support of all the green democratic literature (Barry, 1999: 214–215).<sup>3</sup>

Deliberative democracy begins with a challenge to representative democracy and its attendant emphasis on the formal procedures through which representatives, who translate citizens' voting preferences into policy, are elected. The tradition of representative democracy claims that the central institutions of governance provide equitable opportunities for citizens to shape the exercise of power, with that influence assisted by a plurality of competing parties (Mason, 1999: 21). A limitation of opportunities for citizen participation is generally favoured, and consequently a relatively passive role for citizens is advocated in the form of voting. This is partly due to the practical impossibility of direct democracy in a large population, and the ignorance and political apathy of the majority of citizens. Such a form of democracy can be characterised by the systems of government in many Western societies, rather than an ideal against which these systems can be measured and perhaps found wanting (Hindess, 2000: 38-9).

For deliberative democrats, the primary problem with representative democracy is that it does not sufficiently inform and challenge the views of citizens. Its focus is on ensuring that individual preferences can be openly expressed and aggregated, rather than providing opportunities for their potential transformation (Miller, 1993: 75). In this way, representative democracy essentially assumes that citizen preferences are fixed, and:

fails to do what democracy should – that is, to offer a system in which reasons are exchanged and evaluated. A well-functioning system of democracy rests not on preferences but on reasons (Sunstein, 1997: 94).

Representative democracy therefore becomes based on and reinforces what Dryzek (1987: 200) has described as an *instrumental* or strategic form of rationality whereby 'phenomena are understood and problems structured through disaggregation into their component parts'. As a consequence, not only do the resulting actions come to pursue arbitrary ends (1987: 191), but politics becomes goal oriented and ineffective when addressing complex social problems such as environmental ones (1990: 5-6).

One effect of the goal oriented nature of representative democracy is that politics is conceived as a struggle for power among competing interests, rather than a search for the common good (Bohman and Rehg, 1997: xi).<sup>4</sup> For deliberative democrats, the system therefore responds primarily to the self-interested motivations of political actors, with interests remaining confined to the individual

or group alone (Dryzek, 1987: 122). This may be, in part, because preferences are considered sacrosanct, given they reflect the individuality of each member of the political community (Miller, 1993: 75). The effect, however, is that interests common to all tend to suffer as they are 'diffuse and may be in the interests of large numbers of people, but they may be in nobody's special interest' (Dryzek, 1987: 122).

The deliberative critique of the self-interested and competitive nature of representative democracy has its foundations in participatory democracy, civic republicanism and notions of the common good (Bohman, 1998: 400; Uhr, 1998: 15).<sup>5</sup> The tradition tends to see democracy not simply as a formalised decision making procedure, but also a societal ideal, having value in itself (Klijn and Koppenjan, 2000: 377). The participatory or radical democracy tradition, which includes writers from Marx to Mill, is therefore united by a view that democratic participation is an important means of self-development and self-realisation (Warren, 1995: 167). Rather than explicitly rejecting representative democracy, participatory democrats tend to suggest that it is not sufficiently democratic.<sup>6</sup> They argue that liberal democrats who favour a limited role for citizens underestimate the capacities of individuals and the educative and transformative capabilities of public participation (Hindess, 2000: 39). Consequently, the 'realist' opposition to the participatory ideal may be seen as either reflecting hostility towards the properly understood conception of democracy or, at a minimum, a failure of the 'political and sociological imagination' (Hindess, 2000: 43).

While deliberative democrats share these traditional concerns with representative democracy, there is also consideration of the type of discussion that takes place in public forums, and much greater faith in people's willingness and ability to be swayed by rational argument (Miller, 1993: 76). In this regard, there is support for the notion that citizens can act in an impartial manner and with the ability and willingness to identify universal principles. Influenced by Kant, Habermas was among the first to articulate conditions under which a public or *communicative* reasoning could occur, rather than one which was purely self-interested or *instrumental* in orientation. Habermas' 'ideal speech situation' established an essentially 'powerless' environment which entails every participant having the same status in the group and the same rights to speak, make proposals or evaluate options (Renn et al., 1997: 224). Its primary utility is in its ability to provide 'rules for discourse' that are both a measure and justification of democratic institutions (Warren, 1995: 167).<sup>7</sup>

Although Habermas' ideal is raised counterfactually and we do not often meet it in practice (Blaug, 1999: 44), common to deliberative democrats is a view that the public airing of different opinions will create greater democratic legitimacy.<sup>8</sup> Moreover, public deliberation will, in practice as in theory, be much less likely to produce outcomes that are ill-informed and self-interested. Miller (1993: 83) illustrates this point:

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narrowly self-regarding [preferences] will tend to be eliminated by the process of public debate. To be seen to be engaged in political debate we must argue in terms that any other participant could potentially accept, and 'It's good for me' is not such an argument.

Therefore, during public deliberation among notionally equal participants, the arguments that should prevail are those that are general and more easily defended. The link between deliberative democracy and the natural environment is then easily made, given that in theory at least 'all rational, uncoerced and knowledgeable individuals...will come to the conclusion that the ecological systems on which human life depends should be protected' (Dobson, 1996: 137).

As noted in the introduction, public deliberation is increasingly being used to address real environmental issues for precisely this reason.<sup>9</sup> The paper will now move on to outline and compare two cases of local environmental deliberation in Australian local government, with a view to discovering the factors that can influence deliberative outcomes. While it is possible to conceive of both cases meeting various conditions of Habermas' ideal speech situation (to a greater or lesser degree),<sup>10</sup> for the purposes of this paper it is sufficient to suggest that they were designed to encourage free and open dialogue among equal participants. The first case involves the Waverley Municipal Council's attempt to address stormwater pollution through a citizens' jury.

## WAVERLEY MUNICIPAL COUNCIL AND STORMWATER POLLUTION

Stormwater pollution has been an issue of high priority for the New South Wales government since at least 1997 when it released a 'waterways package' and created the Stormwater Trust. The trust's objective is to improve the condition of urban waterways, through the support and encouragement of improved stormwater management practices. The Environmental Protection Authority (EPA) developed a number of programs to achieve its objectives, including a state-wide Urban Stormwater Education Program (USEP) and a stormwater grants scheme for local government (EPA, 2002c).

There are two primary ways to reduce stormwater pollution,<sup>11</sup> both of which are referred to as methods of source control. The first is structural source control, involving traditional environmental management or 'end of pipe' approaches, typified by devices such as oil and litter booms, gross pollutant traps (GPTs) and sediment traps (EPA, 1998: 3). While they have proven effective in reducing the amount of rubbish entering Sydney's waterways, they are unable to catch all silt and litter, and do not prevent chemicals entering waterways. They are also expensive and entail ongoing cleaning and maintenance, with their contents deposited in local landfills (EPA, 2001). Despite their shortcomings, these approaches have until recently been favoured by both councils and the

EPA, given the limited research available regarding the effectiveness of non-structural solutions (EPA, 2002b).<sup>12</sup>

The second option for reducing stormwater pollution is through non-structural source control, by changing human behaviour in ways that reduce the pollutants entering the system (EPA, 1998: 3).<sup>13</sup> This message was widely conveyed between 1998 and 2001 through the USEP which aimed to improve community knowledge, motivation, capacity and willingness to undertake behaviour that improves stormwater quality. Included in the education was a large mass media component, accompanied by outdoor advertising to highlight major pollutants and the impact that individuals' behaviour can have on stormwater quality (EPA, 2002a).<sup>14</sup>

The attempt to reduce source pollution continued beyond the education campaign, through specific initiatives at the local government level. The Waverley Municipal Council in eastern Sydney was successful in obtaining project funding in three stages. The first stage saw the council gain a large grant to fund the implementation of a stormwater infiltration system, while the second involved an extensive community education campaign in four catchments. One of these was the Bronte catchment, whose residents were subsequently invited to take part in the third stage, a citizens' jury to further address stormwater pollution. I was able to observe the jury process and conduct a series of interviews with the sponsors and organisers, although access to the jurors was not permitted as a condition of my research.

#### *The Bronte catchment citizens' jury*

The citizens' jury is a well established model for public deliberation and involves discussion by a body created by a commissioning authority. The authority has the power to define an issue and to act on the jury's recommendations. There are a number of additional elements:

- Participants meet for between two and four days, and are randomly selected
- Their profile can be structured to provide a representative sample of the whole group being consulted
- It involves a relatively small number of participants (usually 12 to 25)
- Participants are provided with written material before they meet
- It requires an independent and skilled facilitator
- Participants call in 'expert' witnesses (usually nominated by the organisers), which increases their knowledge and experience
- Recommendations are published in a formal report

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- Either the recommendations are implemented, or sufficient grounds must be provided publicly to explain why this will not be done (Carson and Gelber, 2001: 37).

Great care was taken in selecting the 15 Bronte jurors, given it was considered 'a key test for the process, upon which it was felt the Jury would rise or fall' (Ryan et al., 2001: 27). Citizens were invited to participate through posters displayed across the catchment (including local businesses, council offices, the library, community centres, community notice-boards and the surf club); articles and advertisements in three local newspapers; flyers distributed at community events; community education materials directly mailed to a significant majority of households across the catchment; and via a citizens' tele-poll (or referendum). As a result, 71 residents volunteered to participate. These volunteers were then contacted over a two week period by a member of the project team to outline the process in detail, including the voluntary and unpaid nature of participation, the pre-jury forum, and the length and nature of the jury process. Following this explanation, those who were interested and available to participate were asked a series of questions about their demographic characteristics, environmental values and attitudes, and involvement with local government and their community. The questions were used as a basis for the selection process to ensure the jury represented a cross-section of views, experiences and demographic characteristics for the Bronte area.<sup>15</sup>

The Bronte catchment citizens' jury was held from 14 to 16 September 2001, and was run by consultants on behalf of the council and the EPA. With two facilitators, 15 jurors and numerous consulting staff present, the formal process began with the mayor welcoming the jurors and describing the importance of changing people's behaviour to reduce stormwater pollution (Zwart, 2001a).

The facilitators<sup>16</sup> then presented a glossary of terms for the jury to consider, which included an explanation of deliberative democracy. One facilitator explained the difference between a specific and a general interest by suggesting that a general interest might be one that is good for 'the whole catchment, or the whole environment', rather than looking at simply one specific solution, such as bush regeneration. They also stated that 'the key movement we expect when you come together is that you move from coming with your specific knowledge and interests, and move to a position of general interest for the catchment' (Zwart, 2001a). Here it became clear that the facilitators were not only asking citizens to look beyond their own initial preferences for stormwater pollution prevention (if they had any), but were using the concept of a general interest to reinforce a key message of the education campaign: that holistic or integrated approaches were preferable to a focus on specific solutions (such as engineering ones) which had been so readily applied in the past but failed to reduce pollution at the source.

Before the questions were put to the jury for initial consideration, a preamble was included for them to consider:



Everyone has an impact on stormwater pollution in the Bronte catchment – residents, businesses, visitors, schools, sports clubs, council, state government, planners, developers and builders, just to name a few. If you live in, work in, or visit the Bronte catchment area, you can help reduce stormwater pollution (Zwart, 2001a).

If the goal of the jury was not clear enough from this statement, its members were also asked to 'seek sustainable (integrated and ongoing) solutions to environmental concerns in the Bronte catchment' and to address the following questions:

- Who has an impact on stormwater pollution in the Bronte catchment and how?

TABLE 1. Bronte citizens' jury expert presentations

Expert presenter	Issues discussed included	Questions from jury
Waverley general manager	The council's departmental structure and strategic direction; historical response to stormwater pollution	Causes of stormwater pollution
Social ecologist	Slowing water flow through permeable surfaces; soil structures; broader issues including how humans live	Priorities for reducing stormwater pollution; business education programs; types of fertilisers
Environmental scientist	Urban runoff project; natural processes and pollutants; need for environmental research and coordinated approach	Priorities for reducing stormwater pollution
Engineer	Stormwater prevention technologies such as GPTs, including their limitations and expense; need for non-engineering solutions to solve environmental problems	Technical aspects of particular engineering solutions
Environmental education	Included jury in initial discussion of education; variety of approaches to education; potential of education to mobilise and increase interest in environmental issues; deliberation and learning	Most effective strategies for learning; utility of signage for informing residents; business education
Urban planner	'Water sensitive design' approach, including its ability to reduce water loss and flow speed; water cycle; performance standards	Technical aspects of water sensitive urban design
Community development	Social approach to environmental management; methods for changing attitudes, including maximising people's involvement; concept of community	Concept of community; attitude change over time; community relationship with jury process

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- What can be done to prevent stormwater pollution?
- How can stakeholders work together to ensure practices that prevent stormwater pollution now and in the future? (Zwart, 2001a).

The discussion of the glossary and questions (which were not drastically altered by the jury members despite the opportunity to do so), provided a starting point for the presentation of information by seven experts from different institutional and technical perspectives. These presentations extended from the morning of the first day until lunchtime on the second, each being followed by a half-hour question time. Table 1 provides a summary of the issues and questions.<sup>17</sup>

*Jury deliberations*

The jury then had the opportunity to develop some formal recommendations through a series of facilitated processes.<sup>18</sup> Before these began, the two facilitators worked with the jurors to develop some agreed rules for deliberation. This included a brief discussion of the need for time to be monitored carefully, and the rules by which decisions would be reached. The facilitators pointed out that 'we must have some way to determine a level of identifiable agreement, and ensure that you are not being swayed by a stronger person in your group'. Thus they stressed that while the aim was to develop a consensus, 'it is important that you remember that minority views are expressed and reported.' One juror commented that she had 'learnt and been swayed by new information provided to us today already', while another suggested that 'my expectation is through conversation we will get to another level of thinking, as we can see already our different motivations and our passions' (Zwart, 2001a).

The deliberations involved a range of exercises, as summarised in Table 2. After undertaking these exercises and producing a series of recommendations, the jurors' last formal activity was to present their recommendations to the council. This took place in the council chambers, with interested parties (including councillors and council staff, EPA representatives, university researchers and other interested citizens) seated in the public gallery. The recommendations read out by the jurors covered the areas of community education and participation, urban planning and design, capital works and innovative projects, regulation and enforcement, and 'what happens next.' The jurors suggested these activities should all be underpinned by ongoing research and monitoring, which had previously been limited, and stressed that community education, participation and urban planning were the most important recommendations (Zwart, 2001a). These priorities were evidence that the jury had recognised the value of community-led solutions and placed little emphasis upon the technological solutions that had been favoured in the past. All recommendations were supported by the council, with the subsequent creation of an Integrated Stormwater Management Plan and the appointment of a full-time stormwater officer.

TABLE 2. Jury deliberations

Activity	Activity involved	Outcomes from exercise included
Establishing themes	Each juror wrote down three priorities, with group discussion about these	Initial themes were pollutants, values, education, urban planning, research and regulation
Developing priorities	Jurors were given five orange dots to determine priorities for themes	Priorities identified, with education as the most important
<i>Imagining a sustainable Bronte</i>	Jurors were asked to imagine that they were accepting 'an international environmental award for sustainable, integrated, stormwater pollution prevention in the Bronte catchment' They were asked to form three groups, and draw a diagram on butchers paper that described the vision and ideas that enabled them to get the award	Some innovative ideas, including an annual water festival, a solar powered inclinor, educational tours of the catchment, a community mulching station, and symbols that included clapping dolphins and healthy frogs These posters were placed on the wall to remind people of their visions and innovative ideas for the catchment
<i>Recommendations to stakeholders</i>	This involved whole-jury discussion of education and urban planning, followed by small group discussion of four key areas: research/monitoring, 'what happens next' (role of the jury in the future), regulation and enforcement, and infrastructure/projects/community works.	With the assistance of the consultants, recommendations that reflected the views of the jury were produced.
Team building	Jurors took a photo of the process and discussed what it meant to them. The responses included 20/20 vision, participation, hope, discussion, design, reflection, comradeship, learning, knowledge, concern, respect, sharing, consideration and wisdom	A sense of achievement!

The citizens' jury not only produced a clear and agreed understanding on the best way for the council to proceed, but led to recommendations that appeared to favour the maintenance of the natural environment. The same could not be said for the deliberations that occurred at Glenorchy regarding waste management, as there was little agreement about how to proceed. Moreover, the decision eventually made by participants was (according to the Council's waste management experts), harmful to the natural environment. In this case,

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the research was informed by observations of precinct meetings and interviews with council staff and members of the Waste Management Task Force.

### GLENORCHY CITY COUNCIL AND WASTE MANAGEMENT

The negative impact of backyard incinerators on air quality has been an issue for Tasmania's Glenorchy City Council for many years. Achieving a policy change had been a goal of the council since 1983 when it introduced a by-law that restricted the use of incinerators to three days a week, with a view to banning them completely when the required changes to the state fire service regulations were made (GCC, 2001a). The issue of air quality had also been of importance to other councils in the region, with the adjacent Hobart City Council banning open-air burning in the late 1990s (GCC, 2001b: 29).

Accompanying the desire to eliminate backyard burning was a proposal to introduce a green waste service, to partially alleviate the need for doing so. This had been an issue driven partially by the state and federal governments, as the removal of green organics from the waste stream, and their downstream processing and marketing, had been targeted nationally as a principal strategy in meeting state waste reduction targets (GCC, 2001b: 29). The issue had also been addressed through a regional board,<sup>19</sup> with Glenorchy agreeing to provide a monthly tied and bundled green organics service within a four year period.<sup>20</sup> To this end, a highly successful three-month trial collection was undertaken by the council in early 1999, involving 3,245 households (GCC, 2001a, 2001c).

The banning of backyard burning and the introduction of a green waste service to alleviate the need for the burning of garden material appeared to have considerable support, as indicated by the trial collection and a number of large representative surveys.<sup>21</sup> Input into the preparation of a Community Plan also illustrated to the council the importance of these issues and, as a consequence, a review of all waste management services was conducted in May 2000 (GCC, 2001c).

#### *The Waste Management Task Force*

The council decided to provide two primary means for community input into the decision about backyard burning and the possible introduction of a green waste service. One was the survey, which indicated considerable support for both proposals, and the other was the use of community precincts which operate as regular forums in 12 locations across the city. Among the key elements of this model of community participation are:

- Anyone over the age of 16 living in the area may attend and vote
- Meetings are supported by an elected committee (convenor, secretary and

treasurer) and facilitated by the convenor

- Meetings are organised monthly and generally run for around two hours, following an agenda devised by the community and the council
- Any council-related issues (except land-use planning) may be discussed
- Voting takes place if consensus cannot be reached following discussion
- Precincts are supported by a liaison officer from the council who provides information about its activities, plans and issues for consultation
- Other council staff may attend to provide information or ask for input into council plans or projects
- Each of the 12 elected councillors is entitled to participate in the meetings of the precinct to which they are allotted on a rotation basis, but cannot vote.

In order to make the discussions both well informed and manageable, each precinct was invited to elect a representative to a Waste Management Task Force (WMTF). This was chaired by one of the council's environmental management staff, and asked its members:

- To provide advice and feedback to council staff on waste management issues
- To represent the precincts and provide feedback to precincts on waste management issues
- To assist council staff to undertake a review of waste management services.

Following the formation of the task force, which attracted representatives from 9 of the 12 precincts,<sup>22</sup> all Glenorchy citizens were invited to attend a meeting on waste issues (GCC, 2001b: 27). This was to provide them with information regarding the council's responsibilities, outline the review process and set future directions for the task force. It was subsequently decided that the task force would hold monthly meetings to consider the six issues that had been identified for review, including backyard burning, green waste, rubbish disposal and recycling. After each issue was discussed, members reported back to their precincts. This was to pass on the detailed information gained in the meeting and to enable further discussions to occur within the precinct. After the dissemination of information<sup>23</sup> and discussion by precinct attendees, the views of the precincts were passed back to the task force as recommendations (GCC, 2001c).

Nine community members participated in the task force, as well as council officers involved with waste services.<sup>24</sup> The staff performed numerous roles, including establishing the group, helping to set the agenda for each meeting, providing background information and facilitating discussion. Nevertheless, their role was to inform the decision making process and allow the task force

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and the precincts to reach their own conclusions using the information presented (GCC, 2001a).<sup>25</sup>

After a series of deliberations demonstrating a range of competing viewpoints, the WMTF recommended not to introduce a monthly, tied and bundled green waste collection service, or to ban backyard burning. Each precinct had one vote to determine their overall recommendation, which was not unanimous. For both the proposed new green waste service and a ban on incinerators, three voted for the proposals and six against. There was unanimous support for all other proposals discussed by the precincts and the task force (GCC, 2001b: 27–28).

Interviews with the nine WMTF representatives revealed that those favouring a ban on backyard burning argued that the region's air quality and public health justified this action, particularly given plastics and other man made materials were often burnt with green waste in backyard incinerators. Those opposed to this change generally acknowledged that backyard incineration was a form of environmental pollution. Despite this, they argued that emissions were low when compared to other sources of pollution such as wood heaters and car emissions (GCC, 2001b). Moreover, the burning of diseased plants at home was necessary to prevent them spreading throughout the municipality.

For the council and some of those interviewed, the green waste service was considered to be a viable alternative. However, those against its introduction considered it was inequitable for non-users, as its viability required it be implemented as a charge to all ratepayers. It was also suggested that the service was unnecessary for residents with home composting, and difficult to use, given that waste had to be tied and bundled.<sup>26</sup> Another concern was that it could spread disease if the material was resold as garden mulch, although the council's waste management coordinator did inform participants that such fears were unfounded (given research demonstrated the heat in the proposed regional composting facility would destroy any disease and would meet national standards).

The waste management coordinator presented a report to the council in May 2001. Key to his recommendations was provision for a ban on backyard incineration and consideration of the introduction of a user-pays, monthly, tied and bundled green organics kerbside collection service in the forthcoming budget. His position was supported by the survey data gained from the broader community, while the council's membership of the Southern Waste Management Strategy Board was an important consideration in the recommendation to consider the introduction of a green waste service. A ban on incinerators was also considered 'the most environmentally responsible way of addressing this issue'. Debate on the report was reasonably short, with all but one councillor supporting all recommendations (GCC, 2001c). Interviews with nine of the twelve councillors showed that the survey results were a key factor for many in their decision, although some also stated they were committed to the banning of backyard burning and/ or the introduction of a green waste service, regardless of community views.

## THE GREEN COMMON GOOD – A COMPARISON OF THE CASES

It is clear from the case studies that discussion within each participatory forum had very different outcomes. The Bronte example supports the proposition that discussion will lead to the support of interests that were general to all, when there was agreement about a set of solutions to stormwater pollution. Moreover, the jury could be deemed to have collectively agreed upon solutions that supported the life-supporting capacities of natural systems, given they achieved the Bronte project's aim of producing 'quality, integrated and sustainable solutions to stormwater management issues' (Ryan et al., 2001: 21).<sup>27</sup> The Glenorchy example does not, however, bear out the view that deliberative arrangements will automatically lead to the favouring of one or more generalisable environmental interests. This was most starkly demonstrated when most precincts supported the continuation of backyard burning, despite the acknowledgement from most WMTF members that this was a form of environmental pollution. It is also backed by their decision to oppose the introduction of a green waste service, designed to remove green organics as a source of waste. Therefore, the majority of participants could be seen to have favoured alternatives that almost certainly would not have been beneficial to the life-supporting capabilities of natural systems (a view supported by Council's waste management experts). The issue that remains is: why did these different outcomes occur, given both structures could be deemed 'deliberative'?

Significant differences were apparent between the case studies that almost certainly influenced the outcomes. Among the factors appear to be the construction of the issues, the sponsors' objectives in enabling deliberation to occur, and the characteristics of the participants. The paper will now move on to discuss each of these in some detail.

*The construction of the issues*

An important difference between the cases was the manner in which the issues under discussion were constructed. In Bronte, the issue of stormwater pollution was first constructed at the state level. According to EPA surveys in 1994, 1997 and 2000, the environment has consistently held a 'mid-range' position in relation to other social issues such as law and order and public transport. Environmental issues are therefore considered quite important by the people of New South Wales, and water issues are the most significant of these (EPA, 2000). When the state government announced a waterways package and created the Stormwater Trust in 1997, it was simply reflecting a strong desire on behalf of its citizens to address the quality of its marine environment, that is, they recognised stormwater pollution as one which it was in the general interest to have resolved.

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The holding of the citizens' jury in the Bronte catchment could be seen as a further example of both state and local governments' commitment to address this issue. Given stormwater pollution had already been highlighted as an issue of public importance, the question for the people of Bronte became one of *how* to reduce it, rather than whether this should be a goal to strive towards. As a result, when the jury met to consider the predetermined problem, they were asked to consider who has an impact on stormwater pollution and what can be done to alleviate this problem.

According to the consultants, these questions had the support of all involved, given they 'were subject to intense consultation, discussion, analysis, and planning, involving community representatives, councillors, council staff, the project team, and a range of critical advisors and supporters'. Moreover, the citizens' jury process was underpinned by 'a belief in the quality and achievability of truly deliberative processes... without assuming or creating predetermined outcomes' (Ryan et al., 2001: 31). While the process did enable citizens to deliberate freely (by discouraging some individuals to dominate speech at the expense of others), it is debatable whether the outcomes were not significantly determined by the questions themselves. For instance, according to the consultants' final report:

The project view was that the actual questions were not the essential issue, so long as they offered a framework for people to respond openly, inclusively, collaboratively and practically. For that reason, the project sought to avoid questions that could only result in polarised yes/no answers, without suggesting sustainable outcomes (Ryan et al., 2001: 31).<sup>28</sup>

As this quote illustrates, one reason these questions were chosen was precisely to improve the chances of setting up a process that was both deliberative and able to deliver outcomes that resolved the problem. Indeed, as the consultants seemingly acknowledge, the nature of the questions virtually ensured that while some solutions may be deemed better than others, almost every possible answer must have contributed in a positive way to alleviating the problem of stormwater pollution. Furthermore, the non-controversial nature of the questions (and the fact citizens were being asked to prioritise solutions, rather than eliminate any all together) would appear sensible given the project aims, as this reduced the possibility that debates would become heated and deliberation would be replaced by conflict. Therefore, although the deliberations did ask jurors to find a range of solutions which could be deemed to be in their general interest, the issue was constructed in such a manner that the problem itself was defined in advance.

The construction of the waste management issues occurred in quite a different manner in Glenorchy, and created the possibility that a vastly different outcome would result. Like the organisers of the Bronte citizens' jury, the Glenorchy Council officers had a preferred environmental outcome in mind when they involved the WMTF in discussions regarding backyard incineration and green waste. Moreover, they were supported in their views by the majority



of Glenorchy residents surveyed and the neighbouring Hobart City Council.<sup>29</sup> Unlike the Bronte case where the questions (and the participants) were carefully chosen, however, the two issues under consideration at Glenorchy were constructed in a manner that did not require a simple ranking of preferences, all of which could be seen to produce a good outcome for the natural environment. The questions posed around these two interrelated issues were constructed differently to those of Bronte, by asking:

- Do you support a ban on backyard incineration?
- Do you support the introduction of a tied and bundled green waste service at a cost of 13 dollars per household per annum?

These questions did not establish that the aim of deliberations was to find solutions to a predetermined problem such as air quality (or stormwater pollution) but, rather, allowed citizens to choose one solution at the expense of the other. The questions thus allowed for different interpretations of general interests and demanded accordingly either a 'yes' or 'no' answer. Hence, they created the likelihood of deeply divided opinions, and are precisely the type of questions that were consciously avoided in Bronte.

#### *The sponsors' objectives*

The two case studies further diverge when we consider the aims of each sponsoring body, which created quite different possibilities for deliberation. In Waverley, the EPA and the consultants had at least two aims. The first involved the deliberative process itself, given the aim was to create a consensus around the best solutions to stormwater pollution. This was made clear to the citizens involved, although the facilitators did stress that minority views were encouraged and total agreement was not expected on all issues (Ryan et al., 2001, Appendix K). Nevertheless, the facilitators indicated they would endeavour to focus on those issues on which the group agreed, rather than on those where it could not (Zwart, 2001a). As a consequence, group activities were undertaken to help create and maintain a common purpose or sense of solidarity. This began with a pre-jury forum where jurors were introduced to each other and involved in exercises that were designed to be both 'relevant and fun' and also 'facilitate group forming' (Zwart, 2001a). According to the consultants, the benefits were clear: 'The insights gained through this forum were revisited by Jurors at key points throughout deliberations, and acted as reference points that both reinforced and enhanced collective experience' (Ryan et al., 2001: 28).

The aim to develop a consensus, and the dynamic that formed following this initial meeting, clearly impacted upon some jurors' impressions of the discussions they were involved in. For instance, following an initial establishment of themes, one said a reason for their success was because 'there are no egos', while another maintained 'there are just complete strangers working for a common

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cause' (Zwart, 2001a). The facilitators also showed a desire to further construct and maintain a positive group dynamic through some activities conducted during the jury deliberations. These activities, such as a discussion of photos, helped to draw out and address any negative feelings about the process, and thus improve the ability of citizens to work together towards their shared goal.<sup>30</sup> Similarly, the facilitators were flexible in their approach. For instance, in response to a juror's concern that 'we are not coming up with anything new', they conducted a visioning session to allow the creative ideas to be discussed and debated.

A second and related aim for the EPA involved a preferred and favourable environmental outcome in the form of a comprehensive set of recommendations to tackle stormwater pollution in the Bronte catchment. Most importantly, the sponsors of the project hoped that jurors would appreciate the need to prevent the problem at the source, and favour non-structural solutions rather than relying upon expensive structural solutions which had been a dominant yet questionable approach in the past. With these aims in mind, the facilitators and experts then presented information that encouraged, but certainly could not ensure, that the jurors produced recommendations with the desired outcomes. For instance, there was a consistent message from the expert presenters to avoid an emphasis on non-source solutions such as GPTs. As the council's general manager made clear:

I would like to see solutions resolving how the stuff gets into the catchment in the first place. Two big traps only gather solid waste and they can overflow anyhow. End of pipe traps aren't the only solution. They can even accelerate the environmental problems too, with the first flush. We need this community to take ownership of these problems and find solutions (Zwart, 2001a).

Even the engineer, who was the only presenter to specifically discuss structural solutions, was quick to point out that these were only some of many solutions available, and contained a variety of problems (Zwart, 2001a). Given such prompting, it is not surprising that a range of predominantly non-structural solutions were recommended by the jury, as the EPA and the consultants had wished.

It is clear, then, that the citizens' jury had specific goals regarding both the process and the outcomes concern for a truly deliberative process. Moreover, it provided information and used a range of techniques to encourage the achievement of a consensus view around sustainable solutions. It was therefore a process well suited to achieve the desired outcomes. This can be contrasted with the purely process-driven aims of the permanent and ongoing precinct system at Glenorchy, which was not created to encourage environmentally favourable outcomes around a specific issue. Rather, it was established to simply 'increase participation as a community in planning, decision making and the general activities of the council' (GCC n.d.: 3). As a consequence, when undertaking its review of waste management, the council did not endeavour to build consensus within and between these groups or go through a process designed to encourage

support for the 'greener' options available.<sup>31</sup> For this reason, there was always a strong possibility that people working towards different outcomes would express their views, and that a decision that appears harmful to the natural environment could be the result of deliberation.

#### *Citizen characteristics*

A third important disparity between the case studies related to the citizens who participated. Research undertaken prior to the citizens' jury indicated that the people of Bronte are well educated, environmentally aware and value local democratic processes.<sup>32</sup> This encouraged the EPA to set up the citizens' jury in the Bronte catchment rather than the other catchment areas surveyed, given the likelihood they would improve the chances of the project's success. As the EPA's community education manager explained:

The crucial reason Bronte was chosen in this process, was because it's better to run an experiment that you want to be a model...by bringing the ingredients together that might enable the model to work. The fact that you have the Bronte valley, one of the most attractive parts and valuable bits of real estate in Sydney, populated by people who are generally environmentally aware because they like the beach...and because it's an issue on which they are probably likely to agree...those were important factors (EPA, 2002b).

From this promising citizen base, it was to be expected that the actual participants were also extremely environmentally aware, given they were carefully chosen to form a representative sample of the population.<sup>33</sup> The same could not be said of the Glenorchy participants, who were not deliberately selected as part of an environmentally aware population and were much older, compared to both the general Glenorchy population and their Bronte counterparts.<sup>34</sup> While no comparative data on the environmental values and behaviour of each group is available, the Glenorchy waste management coordinator certainly felt that the group he was consulting were not environmentally aware. As he suggested when discussing the precinct participants, 'the culture we are coming from does not recognise environmental values, particularly if the people you are consulting with are from the tail end of that culture, and really have fairly entrenched views on what life should be like' (GCC, 2001c).

#### *Who was really deliberating?*

The three factors discussed above seem important in shaping whether the decisions made would benefit the long-term maintenance of natural systems. The cases also raise further doubts about whether deliberative democracy can claim to be a form that favours 'generalisable interests'.

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A vital distinction between the two cases related to the participants' ability and willingness to truly 'deliberate' about the issues. In Bronte, the 15 citizens were recruited on the basis of two primary criteria: they were not to be considered as 'experts' regarding stormwater pollution, and they were not to be associated with established community groups or 'sectional interests' (Ryan et al., 2001: 28). This was a deliberate strategy designed to extend the group beyond those who attended regular consultations through mechanisms such as the council's precinct system (similar to the Glenorchy precincts), given some participants had clearly defined interests and were aligned with political parties.<sup>35</sup> Another benefit of this strategy was that it increased the chances that the jurors would not hold strong opinions on issues such as stormwater pollution, given their previous reluctance to be involved in forums or community groups. This process was, for them, one of 'learning' – not only about stormwater pollution, but also about local democracy. The participants chosen therefore appear to have been ideal deliberators, given they were likely to have the process of deliberation (rather than their predetermined views about the issues) shape their preferences. This was evident from some of the comments made by jurors during the process, as outlined in the case study above.

This careful selection did not occur in the Glenorchy precinct system where the open forums have encouraged the formation of small groups of between 5 and 20 generally older citizens. These are inclined to be actively involved in their community, and could be described as the 'usual suspects' whom the Bronte citizens' jury deliberately sought to avoid. The waste management issues not only attracted those who were active in their community, but also some with strong (and unrepresentative) opinions about the issues being debated.<sup>36</sup> Only about 6 per cent of Glenorchy survey respondents admitted to backyard burning, yet at least 60 per cent of the WMTF representatives undertook the practice (GCC, 2001c). Some participants also attended the precinct meetings simply to push their predetermined view about this issue. As one admitted, 'Most people who go to the precinct meetings have their own little barrow...OK, you could say mine was incinerators and waste management' (GCC, 2001d).

With such a clear motivation for becoming involved, the question that remains is whether those involved in the WMTF and the precincts actually deliberated, in the sense of taking part in 'rational' or 'considered' discussion with an 'open' mind. One view would argue they did not deliberate, and point to the fact that none of the nine citizens interviewed from the WMTF changed their views following the incinerator debate, and only one was prepared to alter their views regarding the green waste service (GCC, 2001d). The interview responses – and a brief look in some backyards – showed that because these people had strong views, they were quick to ignore evidence to the contrary and simply asserted positions that supported their pre-deliberative perception of their self-interest.<sup>37</sup> It could be argued that they were effectively taking part in a strategic game whereby each aimed to convince others to agree to something

which was to his or her own advantage. This is precisely the type of behaviour which deliberative forums are thought to expose. An added complication is that appeals to generality were used to defend some positions, as deliberative democrats would assert. Thus one participant said, 'I argued that eliminating incinerators would actually help other people' (GCC, 2001d). Whether deliberation followed a logic driven by concern for individual or collective outcomes is therefore open to interpretation.

An alternative view which supports deliberative theory would be that those WMTF participants who failed to alter their preferences were simply unconvinced by alternative arguments. The interviews reveal that most had predetermined views which did not change, but most also claimed a willingness to listen to others and weigh up alternatives, and thus it seems difficult to determine whether they entered the discussions with or without an open mind. One important consideration, therefore, is whether people with prior knowledge and an interest in a particular issue should be admitted to take part in deliberations. If deliberative democracy is committed to allowing all those affected by an issue to take part, then it would appear that the Glenorchy arrangements created an ideal setting. However, if 'moral deliberation requires adopting a point of view that is decidedly not our own' (Becker, 1991: 699) and needs essentially disinterested people willing to discover or alter any initial preferences to guarantee this, then perhaps careful selection is justified. It was certainly considered justifiable by the sponsors of the Bronte jury, yet it can profoundly impact upon the outcomes.<sup>38</sup>

Another issue which is difficult for deliberative democracy (and those favouring environmental interests) to address is the commitment to both individual rights and the common good. Deliberative democracy claims that arguments which are general will tend to be supported above those that are blatantly self-interested. But this is clearly problematic when we consider that one WMTF participant maintained the right to backyard burning to be 'a civil liberties thing too'.<sup>39</sup> On the one hand, it could be argued that they were acting in a purely self-interested manner by defending their own right to backyard burning. Conversely, an argument concerning civil liberties can also be viewed as a common one and, by extension, one that is also 'generalisable'. Is a rights-based argument, therefore, an acceptable one to use when deliberating? If general interests are simply 'needs that can be communicatively shared' (Pusey, 1987: 119), then they must be acceptable. Once more, this possibility creates considerable difficulties for deliberative democracy's environmental credentials.

## CONCLUSION

The notion that public deliberation will lead to a greening of our decision making processes has received considerable support within both green democratic theory and practical attempts at achieving environmental sustainability. Among

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the reasons for this is the notion that active participation will enable citizens to learn from each other and to find interests such as environmental ones that are general to all. Despite this, it is acknowledged by deliberative theorists and clear from practical experience that environmental outcomes may not always be favoured in public. This paper has therefore set out to establish what the important factors may be in determining outcomes.

From the case studies presented, it seems deliberative theory is correct to suggest deliberative arrangements may promote the favouring of interests that will benefit the natural environment. This was shown to be true in the Bronte catchment citizens' jury which led to a series of outstanding recommendations regarding stormwater pollution. Pivotal to its success, however, were the careful framing of the issue, the use of consensus building techniques, and the associated use of citizens favourably disposed to both deliberating about and supporting good environmental outcomes. As the Glenorchy precinct system illustrates, however, apparently poor ecological outcomes may occur where these factors are not present, and true 'deliberation' is a questionable commodity. One conclusion to be drawn from this is that context is vital, and favourable environmental outcomes will always depend upon far more than an argument stating that a healthy environment is the most important common interest.

## NOTES

This paper was written while I was a Research Fellow with Swinburne University of Technology's Institute for Social Research. I would like to thank Swinburne's Denise Meredith for her comments on earlier drafts of the paper.

<sup>1</sup> The concept of Local Agenda 21 was created at the 1992 Rio Earth Summit. According to the International Council for Local Environmental Initiatives, Local Agenda 21 planning involves a number of stages. These include setting up a multi-sectoral body to guide the process, assessing economic, social and environmental conditions, and committing to a participatory process to identify local priorities for action in both the short term and long term (Adams and Hine, 1999: 189).

<sup>2</sup> In response to the ecological catastrophe predicted in the 1960s, for instance, Ophuls felt that 'democracy as we know it cannot conceivably survive' (1977: 152). For a comprehensive discussion of the relationship between ecoauthoritarian thinking and green democratic theory, see Barry 1999.

<sup>3</sup> Other attempts to link democracy and the environment include communitarian approaches from Mathews (1995) and Davidson (2000), rights-based arguments from Eckersley (1996, 1998) and associative democracy from Achterberg (1996).

<sup>4</sup> This is not to suggest, however, that the two forms of democracy are not compatible. As Bohman (1998: 415) argues, few deliberative democrats now consider deliberation independently from voting and bargaining, while there is now an acceptance that the

role of deliberation is to inform decision making by elected representatives, rather than replace it (Saward, 2000:16).

<sup>5</sup> More recently, concerns with the feasibility of its more participatory incarnations have seen some theorists take it back to the very institutions they initially rejected as impossible locations for public reasoning (Bohman, 1998: 400). Indeed, Habermas was chided by Dryzek (2000: 82) for assisting in the assimilation of deliberative democracy with liberal constitutionalism, with the publication of *Between Facts and Norms*.

<sup>6</sup> Criticisms of early interpretations of deliberative democracy have led to a much greater concern by deliberative theorists with the practices of actually functioning democracies, and the realities of creating a democratic system that can better incorporate deliberative principles. For instance, Bohman (1998: 415) argues that few deliberative democrats now consider deliberation independently from voting and bargaining, while there is now an acceptance that the role of deliberation is to inform decision making by elected representatives, rather than replace it (Saward, 2000:16).

<sup>7</sup> Blaug (1999: 49) points out, however, that because weights are not assigned to each of the various components of an ideal speech situation then it is difficult to make comparisons between practical examples.

<sup>8</sup> Manin is illustrative of this view, stating that legitimacy is not found in the predetermined will of individuals, but in the process of its formation (1987: 351–352).

<sup>9</sup> Other reasons used to support citizen deliberation around environmental issues include increased legitimacy, more informed policy making, and the ability to handle complexity (Dryzek, 1987).

<sup>10</sup> For an application of Habermas' ideal speech situation to the Glenorchy case study presented here, see Zwart (2003). A similar process could also be used to analyse the Bronte citizens' jury.

<sup>11</sup> According to the EPA (2002d), stormwater pollution has three causes: litter, such as cigarette butts, cans, paper and plastic bags; chemical pollution, such as detergents, oil and fertilisers; and 'natural' pollution, such as leaves, garden clippings and animal droppings. These are subsequently discharging into waterways as sediment, sludge or solids.

<sup>12</sup> Around 80 million dollars has been spent on such equipment over this period as a result of the EPA stormwater grants program (Elton Consulting, 2002).

<sup>13</sup> There has been debate about the utility of structural versus non-structural solutions to stormwater pollution within the New South Wales EPA in recent years (EPA, 2002b). Comparatively little is known about the outcomes from the latter approaches, however, which provided one justification for the Bronte Catchment Project (Elton Consulting, 2002).

<sup>14</sup> The advertising used the slogan 'The drain is just for rain', emphasising the ability of natural materials to pollute urban waterways and the wide range of pollutants that affect the stormwater system and subsequent water quality (EPA, 2001: 10).

<sup>15</sup> Knowledge of the community was obtained from a series of social surveys about community participation, and involvement with local government and environmental concerns, previously administered across the Waverley Local Government Area. (Ryan et al., 2001: 26–27).

<sup>16</sup> One of these was from the consultancy group and a part of the project team, while the other was the director of the consultancy group managing the process. He was not officially a part of the project team (Zwart, 2001a).

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<sup>17</sup> In some cases where the expert presenter could not adequately answer a question, either they or the consultants conducted further inquiries to address it by the following day (Zwart, 2001a).

<sup>18</sup> Both facilitators were employees of the consultancy firm. Also involved during deliberations were consulting company employees, two EPA staff who provided expertise when required and an ABC radio journalist. Other council staff were on call at various times to answer questions (Zwart, 2001a).

<sup>19</sup> A Waste Management Plan was developed by the regional body, known as the Southern Waste Strategy Board (GCC, 2001c).

<sup>20</sup> The strategy also recommends that member councils investigate the provision of a kerbside composting facility to process material from kerbside green organics collections (GCC, 2001b).

<sup>21</sup> The October 2000 survey questioned 403 randomly selected individuals who formed a cross-section of the population very close to that of the overall council area. 72 per cent supported a ban on backyard burning, which was close to the results of a 1999 survey in which 77 per cent were in favour of a ban (Myriad Consultancy, 2000: 3–5). Of those interviewed in the earlier survey, only 6 per cent actually use incinerators or backyard heaps to burn garden waste (GCC, 2001b: 29). 43 per cent of respondents indicated they would use a monthly green waste service at a cost of around 13 dollars per year, down on the earlier survey in which 61 per cent said they were likely to do so (Myriad Consultancy, 2000: 7).

<sup>22</sup> Consequently, while these precincts were informed of the progress of the task force, they could not make recommendations to it regarding their collective preferences (Zwart, 2001b).

<sup>23</sup> Generally, members gave a short verbal outline of the issues raised within the task force and offered further written material (such as survey results or a more detailed explanation of certain issues) to those who wanted to read it (Zwart, 2001b).

<sup>24</sup> The WMTF met over a nine month period, a few months longer than initially intended by Council staff.

<sup>25</sup> In theory, this role ensured that the council officers' power, by virtue of their position, to influence decisions was kept to a minimum. Thus the task force would appear to have operated in a similar manner to the precincts, particularly given the members from the precincts were not representing any specific interests other than their own and those of their precinct.

<sup>26</sup> Many respondents stated that tying and bundling green waste was difficult, particularly for forms such as garden leaves. Concerns were also raised about the likelihood of bundles being blown away on windy days when placed outside for collection. Glenorchy City Council, Precinct Attendees. Interviews. Glenorchy, May 2001.

<sup>27</sup> The project was a joint winner of the New South Wales local government stormwater management awards for 2001/2 (Lgov NSW, 2003).

<sup>28</sup> The project obviously followed the advice of citizen jury experts such as Crosby (1995: 162) who believes they are 'inappropriate' tools for answering these types of questions. While he does not provide a reason for this assertion, it could be speculated this is because of the likelihood such questions will produce polarised responses and difficulties in producing consensual outcomes and recommendations. This illustrates the point that no amount of 'deliberation' can create a political (rather than cognitive) consensus



around some issues. An example of this comes from a Food Standards Agency citizens' jury where 6 of 15 jurors did not believe the UK should allow GM food. The jury was, however, able to agree on a range of measures that were vital if GM food is introduced (Food Standards Agency, 2003).

<sup>29</sup> Both the council's waste management officer and environmental services manager indicated they were keen to end backyard incineration and introduce a green waste service. Nevertheless, as part of its review, the council wanted to hear citizens' opinions on these issues (GCC, 2001a, 2001c).

<sup>30</sup> For instance, on the morning of the third day, the jurors were asked to form a circle around photos of them deliberating together, and discuss how these photos made them feel. Importantly, while most had positive responses, one juror who felt negative about the previous day's progress was given an opportunity to discuss this further the following morning and have the issue addressed (Zwart, 2001a). In this way, discussion of the photos not only served as one way to bring the group together, but also to discover and then alleviate any negative feelings. This alleviation enabled a higher degree of group solidarity to be maintained.

<sup>31</sup> Further evidence of this is the emphasis on citizens' facilitation of meetings, and the general lack of involvement by council officers in the precinct meeting process. There was also no clear attempt to by Council staff to encourage people to think in the interests of others as suggested by the Bronte facilitators, although the degree to which this would have impacted on the outcome is uncertain.

<sup>32</sup> Evidence for this statement comes from the consultants who had conducted surveys around these issues in a number of catchments, with Bronte the most environmentally aware of these (Ryan et al., 2001, Appendix J).

<sup>33</sup> The eventual jury chosen comprised eight females and seven males, aged from 22 to 69 (Ryan et al., 2001, Appendix J).

<sup>34</sup> The average age of precinct participants who participated in a survey I conducted (which received 54 responses) was 57, well above the Glenorchy median age of 37 (Australian Bureau of Statistics, 2001).

<sup>35</sup> For instance, one of the precincts was considered by some councillors to be dominated by citizens sympathetic to the green councillors and their views. Another precinct was even reported to have a regular attendee who was a salesman of GPTs and clearly had a vested interest in the outcome of jury deliberations (Waverley Municipal Council, 2002).

<sup>36</sup> The older age of most participants was also problematic, given that 'the whole of the younger generations are totally opposed to backyard incineration', yet they were not represented at the precinct meetings (GCC, 2001c).

<sup>37</sup> For those advocating continuation of backyard burning, this was despite opposing arguments and an awareness of the survey results which indicated general community support for a ban. Some even questioned the validity of the survey results (GCC, 2001d).

<sup>38</sup> For more on the differences between types of deliberative arrangements, see Hendriks (2002).

<sup>39</sup> While this was the argument he presented when interviewed, it is not clear whether he used it in the precinct meetings (GCC, 2001d).

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